

**GREEN**  
**IS THE**  
**NEW**  
**RED**

An Insider's Account  
of a Social Movement Under Siege

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in cool times. The flowers sink roots into what they must think is Oregon soil, only at some point to meet a rubber water barrier, and underneath that, steel or aluminum or wood, and underneath that, a convenience store gone green.

In similar areas—not quite suburban, not quite rural—gas stations often sell hunks of deer jerky, fresh cured and sitting in a tray on the counter. Coolers along the wall contain Lone Star, the national beer of Texas, and Bud or Miller Lite. Shelves hold toilet paper, more jerky, and motor oil. Behind the counter, nudie magazines and, if you ask the clerk, probably some shotgun shells. This gas station outside of Eugene sells vegan donuts and brownies, sitting in a wicker basket on the counter. Coolers along the wall contain fresh, local, organic greens and cheeses. Shelves hold 100 percent recycled toilet paper, more vegan brownies and peppermint toothpaste not tested on animals. Behind the counter, a full-service espresso bar, and the beans are all organic, fair trade, shade-grown.

“Soy latte?”

“Please,” Synan says.

The barista eyes the group, including the two filmmakers who walk in to shoot McGowan perusing organic tortilla chips and salsa. Synan sees an opportunity and tells the woman about her husband's case. The barista says she thinks she heard about that somewhere, and didn't it involve torching some Hummers? Well, Synan says, some things like that have certainly happened, but not in McGowan's case. Oh, the barista says, she really hates those jerks in their Hummers. Synan doesn't miss a beat, urging her to visit SupportDaniel.org and to attend the hearing tomorrow. McGowan will need all the support he can get.

*Five years earlier* It's nine in the morning. My girlfriend, Kamber, sleeps on the futon, exhausted from a night shift as a sous-chef at the Chicago Diner, a local vegetarian restaurant. Her hands perch on her chest. They always ache from hours of chopping carrots, potatoes

and hunks of faux meat. I put on my shoes and say goodbye to the dogs, Mindy and Peter. Mindy is part chihuahua, part dachshund, with one ear pointed and one ear floppy. She's short and sturdy, maybe a bit chubby. Peter looks like a compressed greyhound. He has a runner's legs, sinewy and taut, which I envy. He has a way with the ladies, which I also envy. He always cries when I leave. Just as I place my hand on the doorknob, someone knocks three times.

I turn the knob without looking through the peephole. It must be the landlord. Again. He's gotten into the habit of arriving unannounced with prospective tenants. He says he likes showing our apartment, one of the freshly renovated studios in the seventy-something-year-old building in Lincoln Park, because it's so “clean” and “uncluttered” (meaning we can't afford more than the futon). I think he also likes the way Mindy rolls on her back for him. Even though I'm still groggy, I'm prepared to tear into him, in hushed breaths so not to wake Kamber, and say that if he wants to interrupt us at all hours we need a rent reduction, and not fifty dollars or some nonsense like that. Before I open the door, though, I know it's not Steve the Landlord. The dogs are barking. Mindy and Peter are snarling, and they never snarl, they never growl. I open the door anyway.

God and Darwin work together sometimes, scheming a kind of divine natural selection, predetermining certain people for certain occupations. This is not to say that a seven-foot-two man cannot rise beyond a basketball stereotype or that boys named Devendra must become hippie poet laureates wearing beaded vests and braided beards. It just seems natural. And these guys, with their manicured goatees, navy blue suits, broad shoulders, hard jawlines, wholesome haircuts and eyes looking for a fight—these guys are just naturally FBI agents. I don't even need to see the badges.

I say I'm in a hurry and have to get ready for work, and then I start to close the door, as if they're kids selling third-tier magazines for an alleged school basketball team. The good cop—or I'll call him the good cop, only because he looks less eager to kick my ass—puts

his left palm on the gray steel door. I can either come downstairs, he says, or they can visit me at work, the *Chicago Tribune*.

The dogs bark. Panic. I'm not afraid of them, but I am afraid of a spectacle in the newsroom. I say okay. I gently close the door, hoping that Kamber, a few feet away, might sleep through all of this, hoping that, if I'm quiet enough, I can tiptoe my way out of my apartment and out of my skin. I roll up my right pant leg so it won't catch in my bike chain and I pick up my road bike. What's going on, Kamber says. It's the FBI, I say matter-of-factly, just as if it had been Steve the Landlord.

We cram into the freight elevator, Good Cop, Bad Cop, my bicycle and me. I don't know what to do with my eyes. I look at Good Cop and he looks at my bike, peering over his slightly bulging midriff and down at the hubs, bending to see the crank arms and the rear derailleur. He seems like the kind of guy I cross paths with downtown who climbs out of his SUV, with pleated khakis and blue polo, and says something like, "How far do you ride?" And no matter what I reply, three miles or thirty miles, he says, "Oh, that's not bad at all." The elevator grinds to a halt, the latticework steel door creaks open, and we walk through the dark hallway to the alley. It is a gloriously sunny Chicago summer day, but the sunlight cannot overcome the condominium towers of steel and glass, cannot swim through the cracks in the walls, and so I step into an alley shrouded in gray.

In college, I had learned about government programs like COINTELPRO and the tactics the FBI had used to harass and intimidate political activists. False names, phone taps, bugs, infiltration. I had learned from books, from professors and from Law & Order episodes that if approached by the FBI, for any reason, you should never talk. Nothing good can come of it. They are not trying to be your friends, they are not trying to help you. You should simply say, "I don't have anything to say to you. You may contact my lawyer."

Both Good Cop and Bad Cop had heard that line before.

"Look, we just want to talk to you," Good Cop says. "We want you to help us out. We can make all this go away?"

I laugh. He becomes angry. I open my mouth, even though I know I shouldn't.

Working long hours on the metro desk at the *Chicago Tribune*, covering shooting after shooting, interposed only by obituaries and more death, turned me into the reporter I had never wanted to become. For months I had felt detached, apathetic and cynical. About a month before the visit from the FBI, I wrote in my journal:

"I'm tired of writing meaningless stories, I'm tired of going to sleep at night feeling like I left the world the same way I saw it in the morning." I was haunted by one afternoon at another newspaper, the *Arlington Morning News*, when I was eighteen. At a sleepover, after his pals had tired of roughhousing, playing games and watching television, a twelve-year-old boy decided to show his buddies his father's gun. It was fired. A best friend was killed.

My editor had told me not to come back without the story. It was a poor, North Texas suburban neighborhood, predominantly Mexican immigrants, the kind of place where most folks use pay phones as their home phones. I knocked on doors, found a translator, and interviewed the boy's sobbing mother and glass-eyed friends. One of his friends, who had not even the first soft sprouts of facial hair, stopped me as I walked to my car. He said that that morning, when he stood near the police tape and watched the spectacle, a butterfly landed on his shoulder, slowly raising and lowering and raising its wings, refusing to fly away from the flashing blue-and-whites and punctuating wails. He said his friend had become that butterfly. Didn't I think so? Of course, I said. Couldn't I please put that in my story?

When I returned to the newsroom, I told my editor I had enough for an article. She told me to have fifteen column inches in an hour. After I turned and walked to my desk, I heard her yell to

the night editor: "Scratch that. Potter got something. Bump back that other piece and make room for this one. You can slug it 'deadkid.'" Dead kid. Two words that could quickly identify the story in editorial meetings while distancing reporters and editors from any emotional attachment to the boy, any sense of responsibility to his family, and any memory beyond a solid clip on page one.

I had told myself I would never become that kind of reporter. I would not put up that wall, even if, like one copy editor I will never forget, it meant keeping a fifth of Jack Daniels in the file cabinet, even if, like another reporter I knew, it meant snorting cocaine in the bathroom stall. Even if the grief slowly burned away at my stomach lining and my heart.

After only a few months into my stint at the *Tribune*, I had already built a spectacular wall of emotional detachment. It felt as if it were made of broken bottles and concrete chunks, sharp and gray. I would never survive this beat, I thought, unless I found some way to keep a toehold on my humanity. I did not have the gumption for Jack Daniels or cocaine. Instead, a friend, whom I had met at a journalism conference, offered me the email addresses of a few local animal advocacy groups.

I had gone vegetarian in 1998 and vegan six months later. At the University of Texas, I had worked with a few activist groups to campaign against the economic sanctions on Iraq, serve free vegetarian food on campus, and organize a film and lecture series on journalism issues. I did not think it would be appropriate to take a leadership role in any organization while working at the *Tribune*. Newspapers sometimes frown upon their reporters moonlighting with advocacy groups, unless it's something no one would publicly oppose, like promoting the Rev. Dr. Martin Luther King Jr.'s birthday or feeding Sally Struthers's children. But one month prior to the FBI agents knocking on my door, I'd decided to spend an afternoon leafletting.

Kamber and I met six local activists at the A-Zone, or

Autonomous Zone, which was part independent bookstore and part rabble-rouser gathering place. It offered titles on topics including the Zapatistas, herbal medicine and bicycle repair. From there we caravanned to Lake Forest, a suburb north of Chicago and the home of a corporate executive with Marsh Inc., an insurance company for an animal testing lab called Huntingdon Life Sciences. I had learned about Huntingdon while working on a story at the *Texas Observer*. My story mentioned a group called Stop Huntingdon Animal Cruelty, or SHAC, that pressured corporations to sever ties with the lab after multiple undercover investigations exposed animal welfare violations.

The goal of that Sunday afternoon was simply to pass out leaflets in the neighborhood of the Marsh insurance executive. We split up in pairs and hung fliers on brass and brushed-steel doorknobs. The front of the fliers featured one of two photographs, either a monkey or a beagle puppy in a cage. On the back was a short history of the lab and its abuses, and a request that readers urge their neighbor to cease doing business with Huntingdon. The fliers made no suggestion of violence or property destruction, and they made no threats. They spelled out what went on in the lab, how Marsh was connected, and why readers should ask their neighbor to take action.

After about twenty minutes, we had not made much progress. The heavy wooden front doors sat confidently at the end of long, immaculate walkways that looked as if they'd never been trod. This was the type of neighborhood where people pulled their Mercedes or BMW straight into the garage. When we finally reached the executive's cul-de-sac, a security guard stood outside videotaping. Not to be outdone, one of the leafletters—the youngest in the group, at about sixteen—pulled out a camera of his own and began filming the security guard filming him. Later, the guard, Al Cancel, wrote a voluntary statement for the police saying that activists "were now beginning [sic] to surround [sic] me causing [sic] me to back away so they could not get behind me. Then the one I attempted to speak



with directed the other seven in military [sic] fashion to film me. . . .” The young activist’s video footage showed the security guard on the phone telling police, “They’re not doing anything. They’re passing out leaflets. You should get over here though.”

Squad cars arrived. Police questioned us. More squad cars arrived. The police sat us on the grass, like parents who were about to discipline bickering children but must first decide who did what to whom. They confiscated the leaflets. One cop with aviator sunglasses looked at a leaflet, tilted his head down and peered at us over the gold rim of his sunglasses. The Mercedes, BMW and Lexus SUVs driving by slowed down to a crawl and rubbernecked at the young group surrounded by police. One woman with big hair, a silver sedan and a low-cut tank top lowered her window and leaned out. “Officer! Officer!” She flapped a leaflet at him. “I thought you might need this,” she said. “As evidence.”

“Thanks, ma’am. We have the situation under control.”

A few of the detainees peppered the cops with questions. Why were we being detained? What did we do wrong? If we were putting up fliers for a landscaping service, would we have been stopped? One cop said that this executive’s house had been vandalized months before. He said we might have been the ones who did it.

Everyone laughed. I sat cross-legged, picking at the ground between my legs, and I could not help but laugh, too. Why would anyone vandalize someone’s home and then return to pass out leaflets?

The cops walked over to Al the Security Guard and talked for a few minutes. When they came back, they said we were being arrested. They would not say what the charge was, and they wouldn’t tell us what we had done wrong. We were handcuffed, divided into squad cars, and taken to the police station. Most of the group was in good spirits, because we all assumed the bogus charges would just get thrown out in court. At the station, the officers took mug shots and asked if we had tattoos.

Kim Berardi, wearing a sleeveless shirt exposing a tattoo of a

sunflower, with curls of wind twisting around the stem and around her biceps, looked at the officer and, straight-faced, said no. “I draw these on every day,” Kim said. “They’re washable.” The cops and the kids all laughed. Kim looked at me. “Oh man,” she said, “Will looks totally pissed. What, are you going to lose your big shot job for leafletting?”

After the FBI agents follow me out of the apartment building and into the alley, Bad Cop starts needing. You were leafletting on a campaign where people have been breaking windows and harassing people, he says. “Just look at the people you were arrested with.” He reads names. “Kim Berardi, she has a criminal record taller than she is.”

Maybe, I think. She’s the shortest woman I know.

“We just want your help,” he says. “We need your help finding out more about these people. You could help us.”

I should just walk away, I think. There is no reason to be standing here. Nothing good can come of it. He says I have two days to decide. He gives me a scrap of paper with his phone number written on it underneath his name, Chris.

“If we don’t hear from you by the first trial date in Lake Forest,” he says, “I’ll put you on the domestic terrorist list.”

Walk away, walk away, walk . . . wait, what? My face feels expressionless, but my eyes must show fear.

“Now I have your attention, huh?”

I can’t bite my tongue. Put me on a terrorist list for leafletting? Later, in my journal, I will write as much as I can remember from what he says. “Look,” Chris says, “After 9/11 we have a lot more authority now to get things done and get down to business. We can make your life very difficult for you. You work at newspapers? I can make it so you never work at a newspaper again. And Kamber, her scholarships? Say goodbye to them. I can place one call and have all those taken away. Those scholarship committees don’t want terrorists as recipients.”

I have a Fulbright application pending, and Kamber is preparing for a PhD program in psychology.

Good Cop speaks up. "I can tell you're a good guy," he says. "You have a lot going for you." He says he can tell by the way I dress, where I live. He says he knows my dad cosigned on the apartment, and the FBI knows where he works. "I know you wouldn't have gotten the job at the *Tribune* if you didn't have a lot of promise. You don't want this to mess up your life, kid. We need your help."

I want to walk away, but I am so goddamn angry now I can't. People who write letters, who leaflet, aren't the same people who break the law. "I thought you guys would have figured that out." I crumple his phone number in front of him and toss it in a nearby dumpster. I straddle my bike.

As I pedal off, just before I leave the shadows and reach the sunlight, Chris says: "Have a good day at work at the Metro desk. Say hello to your editor, Susan Keaton. And tell Kamber we'll come see her later."

After I arrive at Tribune Tower, after I report to my editor and settle at my desk with a story assignment—more murder on the South Side—I come undone. My left hand shakes. Strangling the phone so my fingers stop twitching, hunching to look as if I'm interviewing, whispering so colleagues can't hear, I call Kamber. I tell her to deadbolt the door while staying on the phone, to walk past any FBI agents on the way to work, and to think about telling her coworkers in case cops show up asking questions. Don't worry, she says, the guys in the kitchen all hate *la policía*. I scan the newsroom. Do they already know? They know. Right? That Fed, the one who probably manures his pornstar goatee every morning while listening to Rush Limbaugh, might already be flashing his badge downstairs: his pal, the one who looks like he bought some kind of shrink-wrapped FBI starter kit, with too-short slacks, bad tie, worse haircut, might show up any minute.

He doesn't. But as days go by, I keep thinking that he will. I become the undead. I should be calling sources, I should be writing. I have deadlines looming, but all I can think about is how I am on a domestic terrorist list. I'm convinced my professional life is over. Even worse, I'm convinced these FBI agents will somehow pass the word on to my parents, who will be so disappointed in me, and to my little sister, who'll stop looking up to me. These thoughts burrow somewhere deep in my brain and, no matter how irrational they sound, I begin to see them as truth.

Will the FBI agents make sure I don't receive my Fulbright grant? I want to follow up on a series I wrote for the *Arlington Morning News* about a peace program that brings teens from Northern Ireland to live with host families in the United States. I won a national award from the Society of Professional Journalists for the series, and a slew of professors, editors and teens wrote letters supporting a follow-up project. If I am denied the grant, will it be because of intense competition, or because I'm now on a blacklist? If Kamber is denied full funding for her PhD program, will it be because of budget cuts, or because of an anonymous phone call? If I am denied newspaper jobs I've applied for in Washington, D.C., will it be because of my qualifications, or because I'm now a "terrorist"? Day after day, I go to work, crank out an assignment, come home and sit quietly with the dogs. I don't talk to Kamber, and when I do I snap or scream at her.

During the car ride home from the first, preliminary court date in Lake Forest, Kamber mentions the FBI visit. One of the defendants, Mike Everson, turns to me while driving, and for a few painful moments he does not even speak. He isn't surprised that this has happened, he says, but he doesn't understand why I wouldn't have mentioned such news to the rest of the defendants. I want to explain how I've been consumed by my own fears, but I am barely able to mumble, "Sorry, I know I should have said something." He looks at me with what feels like distrust and contempt.

I am a coward. The history nerd in me cannot help but think

about all the times when the government has targeted political activists. I think about the deportation of Emma Goldman, the murder of the Haymarket martyrs, the bombing of the MOVE home, the attacks on the American Indian Movement and the relentless spying and harassment of Dr. King. I have always hoped, as we all do after reading stories like this, that if I were ever put in a similar position I would not flinch. Instead I feel ashamed, not of something I have said or something I have done—I never consider, even for a moment, becoming an informant—but ashamed that any of this has affected me. Here I sit, a twenty-two-year-old white heterosexual American male, the most privileged of the privileged, turned inside out because of a class C misdemeanor and a knock on the door. Here I sit. Afraid.

I do not know it right now, but this experience will mark the beginning of both a personal and a political journey. After the initial fear subsides, I will become obsessed with finding out *why* I would be targeted as a terrorist for doing nothing more than leafletting. It will lead me to a New Jersey courthouse where activists stand accused of animal enterprise terrorism, to Congress where I'll testify against eco-terrorism legislation, and to a green gas station outside Eugene with Daniel McGowan. I will realize that, although I cannot undo this arrest and I cannot negotiate with those FBI agents, I can choose my role in the script before me.

But today I do not know any of this. Today I only know fear.

With thoughts of Shiner Bock and skinny-dipping in Barton Springs, we decide to move back to Austin. The leafletting case is, as the other defendants suspected it would be, dismissed. Kamber and I pack up our few belongings and prepare for the journey home. I have dreaded moving day, not because of any attachment to Chicago—I've grown to loathe this town—but because I don't want to walk downstairs, through the marble lobby with its Corinthian columns

and Victorian couches, and enter Steve the Landlord's office to turn in our keys. He knows. He must know.

The building is old but secure. The FBI agents did not have to kick down any doors when they visited. They flashed badges and were escorted inside. They probably told Steve that Kamber and I were suspected terrorists, and that this was a national security matter that needed urgent attention. Perhaps they showed him my photo, film noir style. Would he even buzz me into his office? Would he ask me to slide the keys under the door, to keep me at a safe distance? Would he refuse to return my security deposit, because there was a "no terrorist" clause in the fine print of the lease?

I open his door and walk up to his desk as he speaks with a couple of prospective tenants. I try to silently slip the keys across the desk, but they jangle like jailer's keys and the sound of metal on wood echoes up into the vaulted ceiling. I turn, exhale and walk away. He calls after me when I'm almost to the doorway. Here it comes, I think.

"Hey Will," he says. I turn to face him. "Give 'em hell."

## War at Home

**May 26, 2004** Attorney General John Ashcroft and FBI Director Robert Mueller are holding a press conference at the J. Edgar Hoover building in Washington, D.C. Mueller stands at Ashcroft's right side, hands behind his back. "Credible intelligence from multiple sources indicates that Al Qaeda plans to attempt an attack on the United States in the next few months," Ashcroft says slowly, laboriously. "This disturbing intelligence indicates Al Qaeda's specific intention to hit the United States hard."

The announcement is shocking because it confirms unspoken fears. Two months ago, as thousands of people commuted into Madrid just three days before the general elections, ten bombs full of nails and scraps of metal exploded on Spain's train system and killed one hundred and ninety-one people. Nearly eighteen hundred were injured. The Spanish Judiciary said the terrorist cell that coordinated the attack was inspired by Al Qaeda, but distinct from it. It was the worst attack in Spain since Basque separatists bombed a supermarket in 1987, and the worst attack in Europe since Libyan terrorists bombed Pan American Flight 103 near Lockerbie, Scotland in 1988.

After the Madrid bombings, Spanish cops gave the FBI digital images of fingerprints found on plastic bags containing detonator caps. The FBI announced that the prints belonged to Brandon

Mayfield, an attorney from Oregon. Agents held him for two weeks without charge. In the press and in the courts, he was smeared as a terrorist. Two days ago, the government quietly admitted they got the wrong guy. Ashcroft and Mueller don't mention this, for there is already a new enemy of the hour.

Ashcroft steps away from the podium to gesture to mug shots on easels. The photos and text look like WANTED posters from a post office. These seven are in their late twenties or early thirties, six men and one woman. They are armed and dangerous. "The face of Al Qaeda may be changing," Ashcroft says.

His sound bite probably seems benign to the reporters in the room who have no idea what else the government has planned for the War on Terrorism today.

Stop Huntingdon Animal Cruelty was born in a riot. On April 24th, 1997, World Day for Laboratory Animals, protest organizers arrived at Consort Beagle Breeders near Hereford in England. They had campaigned for a year to close the breeder, which housed about eight hundred dogs—beagles sought for invasive experiments because of their small size, docile temperament and loving nature. The dogs would be sold to laboratories like Huntingdon. The organizers expected a few dozen activists, maybe a hundred. More than five hundred showed up.

The activists used this moment of surprise to swarm the facility. Police in riot gear kept most at bay, but somehow a few activists slipped inside the dog sheds. Muscles tensed. Did they make it? Were they arrested? Should everyone go back to chanting and holding signs? Moments later, two activists in masks appeared on the roof, cradling a beagle. They yelled to the crowd for help.

Riot cops were overwhelmed as people climbed over, and tore down, the razor-wire fence. More police arrived and swarmed the fields like locusts: reserves had been waiting inside the building, and others had been waiting in vans lining the streets. Dr. King

once said, "A riot is at bottom the language of the unheard." One could argue that for too long the activists in this crowd—from students to "raging grannies"—had not been heard. Their leafleting, letter-writing, marching and protesting had earned some victories, yes, but not enough. Perhaps they felt they needed a new voice, a new language.

Police clubbed the protesters. They sprayed CS gas, a "crowd control" substance that burns tear ducts and mucus membranes and was famously used by Saddam Hussein against the Kurds. The clubs and gas knocked some protesters to their knees, but the sight of the masked activists with the dog had galvanized the crowd. They kept pushing. After an hour of the beating and pepper-spraying, the masked activists climbed onto an adjacent building and managed to lower the dog to a group of about forty people. Then they immediately ran back to the kennels for another. When word spread through the crowd, the fences came crashing down.

People rolled clothes into bundles under their arms as decoys. Hundreds of police surrounded the crowd, and a helicopter circled the grounds as activists scattered like buckshot across the field toward their cars. Martin Balluch, an animal rights activist from Austria, found himself with a group of about ten protesters all running through the field with the dog, not a fake-bundle-of-jackets dog but the real thing. Police stopped the group and the activists could not escape.

Balluch was in good shape from "sabbing," or hunt sabotage—chasing hunters, and often being chased, through fields and woods with bullhorns and other distractions to scare the animals away. Someone distracted a police officer, and Balluch grabbed the dog and ran. "But a police car spotted me and set a police dog loose on me, who came and bit me and was clinging on to me till police caught up," Balluch said in an interview with *The Abolitionist*. "Some activists came, and we all held on to the dog and built a huge heap of bodies, by then surrounded by ever more coppers. When they were

many more than us, they started to attack and arrest one by one, till I was left alone with the dog.”

Balluch refused to hand over the dog, so police loaded him, beagle and all, into a squad car and hauled them to the police station. Eventually, police took the beagle away by force. They sent the dog back to the breeder, and most likely it ended up in a laboratory. “But it was also a powerful experience,” Balluch said. “To realize that we are strong enough to break through police cordons with hundreds of riot cops, if need be, to liberate one beagle dog.”

Three months later—after this riot and after daily protests, all-night vigils, national marches and three covert raids freeing twenty-six beagles—the kennels closed. About two hundred beagles were placed in new homes instead of in laboratory cages.

Activists wasted no time. They picked a new target, Hill Grove farm near Witney, Oxfordshire, and created Save the Hill Grove Cats. Hill Grove sold kittens as young as ten days old to laboratories around the world. About ten thousand cats lived in windowless sheds on the farm. After just eighteen months of campaigning and a groundswell of public opposition, the farm owners acquiesced. About eight hundred cats were placed in new homes, and the only breeder of cats for animal testing in the United Kingdom was closed. Next came Shamrock Farm, Europe’s largest supplier of primates to laboratories like Huntingdon. Shamrock was more fortress than farm, with sixteen-foot razor-wire fences, CCTV cameras and trip wires to keep animal rights activists away. Save the Shamrock Monkeys lasted fifteen months, until the lab closed in 2000.

This is how it would work, the activists reasoned: one at a time, brick by brick, wall by wall, until the entire animal testing industry collapsed. They would build off the momentum of Consort, Hill Grove and Shamrock, applying a similar model of relentless protesting and unwavering support for both legal and illegal tactics, both bullhorns and black masks. For their next move,

activists decided on a bigger, bolder target, and they formed Stop Huntingdon Animal Cruelty.

Huntingdon Life Sciences had become notorious in the animal rights movement. Five undercover investigations by animal rights groups, journalists and whistleblowers since 1981 had exposed repeated animal welfare violations. Employees had been videotaped punching beagle puppies and dissecting live monkeys. During her six-month investigation of Huntingdon’s New Jersey lab in 1996, Michelle Rokke of PETA recorded abuses on video and in her diary. In one entry she wrote, “I saw him pick a dog up off the floor by his front leg and toss him in a cage. . . . When he tried to close the cage door one of the dogs tried to get out. He repeatedly slammed the cage door on the dog’s head (a total of four slams) before finally getting the door closed.” Huntingdon kills between 71,000 and 180,000 animals annually to test household cleaners, cosmetics, pharmaceuticals, pesticides and food ingredients for companies like Procter & Gamble and Colgate Palmolive.

Huntingdon was significantly larger than previous targets. Its razor-wire fences would be taller, its media campaigns and lawsuits more fierce. The campaign might take eighteen months, it might take years. That’s fine, organizers thought. Huntingdon would buckle just the same.

As Ashcroft and Mueller warn that all law enforcement must be kept “operating around the clock” to keep Americans safe, FBI agents are working on another terrorism case. While the government warns the country about seven armed and dangerous twentysomething Al Qaeda terrorists, FBI agents storm the homes of seven unarmed twentysomething animal rights activists.

It’s about six in the morning when two dozen FBI agents surround a suburban home in Pinole, California. Pinole is a commuter town, four square miles of cute homes and big box stores.



More politely, it's a "bedroom community" about thirty minutes up I-80 from San Francisco. Less politely, it's dull. It's the kind of town that makes good fodder for frustrated teenagers forming punk rock bands; Billie Joe Armstrong and Michael Dirnt of the band Green Day went to Pinole Valley High School. As the first wave of commuters sip their travel mugs of coffee, turn on NPR and head into traffic, a helicopter circles the house. Then FBI agents, many wearing bulletproof vests, with guns drawn, pound on the front door and threaten to break it down.

Could it be a mistake? The three activists who live here—Jake Conroy, Kevin Kijonaas and Lauren Gazzola—could pass as college students. They seem nice. They always keep to themselves: no parties, no loud music. Every day they walk the dogs, a beagle named Willy and a golden-retriever-looking mix named Buddy, and that is about all the neighbors have noticed. As a helicopter circles the block, as cops in riot gear surround the house, the dogs bark.

Inside the house, Lauren Gazzola, twenty-six, is in her pajamas. Not necessarily because of the early hour, but because she's always in her pajamas. The campaign to close Huntingdon Life Sciences has consumed her life, and the lives of Kijonaas, Conroy and many others. Their house has been ground zero for Stop Huntingdon Animal Cruelty USA, or SHAC. Here they research investors, design fliers, organize protests, print newsletters and publish the website that will be used against them in court.

There's not much point in getting dressed every day, Gazzola often says, when you're just going to sit in front of your computer for eighteen hours, go to bed for a few, then do it all over again. When she's not working day and night on the campaign, she studies for her law school entrance exam. Besides, working on a grassroots animal rights campaign for the last five years has drained her bank account and the accounts of Kijonaas and Conroy too. There is no money for clothes. There is no money for food. The home has been donated, which is good because there is no money for rent.

The incessant, successful campaigning has earned the group quite a few enemies.

Just one week ago, the Senate Judiciary Committee held a hearing called "Animal Rights: Activism vs. Criminality?" John E. Lewis, deputy assistant director of counterterrorism for the FBI, testified about the growing threat of underground groups like the Animal Liberation Front (ALF) and Earth Liberation Front (ELF), which have committed more than 1,100 crimes and caused \$110 million in damage. Most of the hearing was not about the ALF or ELF, though, it was about SHAC. Witnesses testified about the group's successes and law enforcement's failures. In an ominous statement of what would come in the next few years, Lewis and others argued that terrorism laws must be radically expanded to include the aboveground campaigns of groups like SHAC.

"The FBI's investigation of animal rights extremists and eco-terrorism matters," Lewis said, "is our highest domestic terrorism investigation priority."

Being named the government's top domestic terrorism priority was unsettling, but Gazzola and the others kept organizing. The hearing was just more political posturing, they thought. They were determined not to let it scare them. Gazzola had dealt with the FBI before. They all had. Their homes had been raided, their books, papers and computers taken. They had fought back criminal charges for years, sometimes representing themselves in court, and through it all they had continued undeterred.

But this time—with the helicopters, the guns, the multiple federal agencies—this time feels different.

Ashcroft offers the podium to Mueller, the head of the FBI. Mueller gestures to the mug shots and explains why each individual is a potential terrorist threat.

Adam Gadahn attended training camps in Afghanistan and is a translator for Al Qaeda leaders.



the effects of terrorism legislation on activists. As part of that discussion, it identified key developments in the radical environmental movement. Among them: stickers. “Towards the end of 2000, a new form of eco-terrorism emerged in the US against Sports Utility Vehicles (SUVs),” the report says. “Activists, some reportedly part of the ELF, decided to demonstrate against the environmentally-unfriendly vehicles by placing homemade stickers on them . . . with messages such as ‘I’m Changing the Climate. Ask Me How.’” For corporate executives who know nothing of the animal rights and environmental movements, reports that label protests a threat and relate bumper stickers to terrorism reinforce a fear of activists.

Law enforcement’s institutionalization of “eco-terrorism” followed a nearly identical trajectory, slowly building and then spiking. In the wake of September 11th, government agencies were eager to be part of terrorism investigations, just as reporters were eager to break a new terrorism story. Law enforcement shifted focus from traditional criminals to suspected terrorists, and in 2004 the number of secret surveillance warrants in terrorism cases eclipsed the number of criminal wiretaps for the first time. This institutional pressure was so intense that it led to recurring turf wars between the FBI and the Bureau of Alcohol, Tobacco and Firearms (ATF). Government reorganization after 9/11 had brought the two under the same roof, and the ATF sought an expanded role in domestic terrorism cases. As a result, both agencies often showed up at the same crimes, at the same time, and fought each other for authority.

As former FBI agent, whistleblower and *Time* “Person of the Year” Colleen Rowley told me, in the eighties it was the war on drugs. In the nineties, gangs. Since September 11, the path to career advancement in law enforcement is paved with terrorism investigations. The only question is “Who to investigate?” When government terrorism documents ignore right-wing groups, it makes clear what is not a government priority. When the FBI and Department

of Homeland Security domestic terrorism documents list animal rights and environmental activists, it makes clear what is.

At some point over the years, the eco-terror language went viral, replicating by spreading from host to host. The FBI now warns corporations, Lions Clubs, chambers of commerce and student groups about eco-terrorism. John Lewis has traveled to warn the Farm Animal Council of Saskatchewan, Canada, about eco-terrorism spreading north. The U.S. Department of Agriculture has distributed a security survey to laboratories and asked recipients if they have been the victim of attacks by “domestic special interest terrorists” such as PETA.

Unrelated groups like the Anti-Defamation League have cashed in on the new terrorism threat by offering their services to the FBI and local police for “domestic extremism” trainings; the New York City Police Department made one of the ADL’s eco-terrorism courses mandatory for all sergeants and lieutenants. At this point, it is impossible to decipher who is creating the threat and who is responding to it. Fear feeds fear, and the specter continues to grow.

Ultimately, the rise of this Green Scare was no conspiracy. It does not seem to be the result of any secret planning document drafted jointly by industry and the FBI. The shift was gradual, slowly merging the rhetoric of industry groups with that of politicians and law enforcement. Eventually, what was once a fringe argument became official government policy.

In 2003, Ron Arnold who claims to have pioneered the use of “eco-terrorism,” was hired as an expert consultant by the University of Arkansas Terrorism Research Center. The project was funded by a grant from the National Institute of Justice, the research arm of the Justice Department. Arnold—who has told the *New York Times*, “We want to destroy environmentalists by taking away their money and their members”—was paid by the government to advise law enforcement on the terrorist threat he helped fabricate.

Consumer Freedom have long claimed that PETA, in particular, has ties to the ALF and ELF. The FBI developed confidential informants within these organizations, such as interns and employees, and even infiltrated the groups in order to monitor protest activity. The spying went nowhere, and no charges were ever filed.

In Colorado, local police, at the FBI's request, gathered the names and license plate numbers of activists protesting a 2002 lumber industry meeting.

In Florida, the Joint Terrorism Task Force monitored the delivery of elephants to the Lowry Park Zoo, on the lookout for "PETA/ecoterrorist types."

In California, the FBI spied on an environmentalist commune after attacks on a nearby Hummer dealership. FBI Director Robert Mueller personally briefed President Bush about the case.

In Massachusetts, FBI agents tailed one animal rights activist too closely between protests and rear-ended his car. He received a check for \$1,600 to cover his expenses.

In Pennsylvania, FBI agents monitored the Thomas Merton Center for Peace and Justice, a community space for more than twenty-five organizations. FBI documents describe the Pittsburgh center as "a left-wing organization advocating, among many political causes, pacifism."

Minnesota, Iowa, Maine. Antirwar groups, civil rights groups, veterans' groups. Homeland Security, FBI, Department of Defense. Mix and match the details and the story is always the same.

The nation's first local department of homeland security was established just weeks after 9/11 outside of Atlanta, using \$12 million in federal funds. In December 2003, Caitlin Childs and Christopher Freeman were distributing leaflets about vegetarianism outside of a HoneyBaked Hann store in DeKalb County when they noticed men in street clothes photographing them. They wrote down the make, model and license plate number of their car. After the protest, the two men followed the activists, eventually pulled up behind them

and, without identifying themselves, ordered Childs and Freeman to exit their vehicle. When they refused to hand over their notes, they were arrested; the unidentified men were homeland security detectives. The ACLU filed a lawsuit arguing that the search and arrest violated the activists' Fourth Amendment rights. Six years later, the vegans prevailed. The piece of paper was never returned, though, because homeland security argued it could identify the car—which was being used in other investigations.

I have spoken with dozens of activists who recount similar scenes, albeit with less positive resolutions. The men in dark SUVs are not always homeland security. Sometimes they are FBI or, increasingly, corporate security firms. This cottage industry employs current and former military and police officers to surveil political activists for high-profile corporate clients. Stephens Inc. hired a firm called Global Options to spy on activists protesting the company's ties to Huntingdon Life Sciences; the firm monitored activists at home, at work, and even at a vegan picnic. Burger King has hired Diplomatic Tactical Services to spy on the Student/Farmworker Alliance, a group of college students working to improve the wages and lives of immigrant workers in Florida.

James Ridgeway of *Mother Jones* has chronicled the exploits of a private company called Beckett Brown International. BBI regularly dumpster-dived at the offices of Greenpeace and other environmental groups, then recycled information to public relations firms such as Ketchum and Nichols-Dezenhall, who represented corporations targeted by environmental activists. In 1998, BBI retained Mary Lou Sapone to help infiltrate a Louisiana environmental group. Sapone could draw upon her previous experience with Perceptions International, when she had been hired to infiltrate animal rights groups and coerce activist Fran Trutt into an attempted bombing.

Spying at the ham store and sleuthing in Greenpeace dumpsters may sound like Keystone Kops, but this is no skit. It is a

reflection of institutional changes in the operations of local police and their surrogates. Since September 11th, there has been political and financial pressure for local law enforcement to 1) identify new threats and 2) produce new intelligence on those threats. As historian Ellen Schrecker has written of the Red Squads, "Members had an ideological and occupational stake in countersubversion and the suppression of dissent." These stakes are starkly on display in the proliferation of state programs dubbed "fusion centers." Fusion centers collect data from multiple agencies and jurisdictions; by 2009, there were seventy-two of them receiving about \$254 million in federal homeland security funds. The constant pressure to identify threats has resulted in "intelligence" of questionable value.

A terrorism threat assessment by the Virginia fusion center includes detailed descriptions of animal rights and environmental activism. "Animal rights extremist presence has been reported in Henrico, Norfolk, Richmond, and Smithfield," the report says. "The majority of animal rights groups' activities have consisted of nonviolent protest demonstrations and public speaking events." The threat of animal rights terrorism in the state is low, but local Earth First groups have engaged in civil disobedience, protests and university outreach, thus "eco-terrorists remain a considerable threat to Virginia."

Another fusion center is the California Anti-Terrorism Information Center. In 2003, the agency was exposed for building dossiers on "extremists" and distributing Terrorism Advisories on groups including Earth First, the Ruckus Society, SHAC, Sea Shepherd and PETA. One terrorism advisory warned of an "eco-terrorist" lecture and public symposium at Fresno State University. In 2008, a similar program was exposed in Maryland. State police classified at least fifty-three nonviolent political activists, along with protest groups, as "terrorists" in state and federal intelligence databases. The information was gathered by an undercover state trooper who infiltrated dozens of meetings and lawful protests.

The files maintained on activists followed a similar structure, listing a "primary crime" as terrorism and a "secondary crime" as a slew of social issues. For instance, Josh Tullkin, deputy director of Chesapeake Climate Action Network, had his crime listed as "terrorism—environmental extremists."

State police superintendent Thomas E. Hutchins authorized the program. He will tell Maryland legislators: "I don't believe the First Amendment is any guarantee to those who wish to disrupt the government." He will characterize the activists targeted as "fringe people." These fringe people include animal rights activists, environmentalists, antiwar activists, a former Democratic congressional candidate, an individual who is "involved in puppet making and allows anarchists to utilize her property for meetings," and Dominican nuns.

Maryland's files were shared with a half-dozen federal agencies. Among them, the agency that is at the center of the motion to reveal warrantless surveillance against the Operation Backfire defendants—the NSA.

On August 22nd, after months of government stalling, Judge Ann Aiken holds a hearing on the NSA motion. Prosecutors argue that they have turned over all of the discovery materials in the case, including seventy-two CDs and 28,000 pages of documents. They say no information "in the possession" of the prosecution was obtained illegally. If they ever received materials obtained through warrantless surveillance, they say they had no way of knowing and no security clearance to find out. Attorney Stephen Peifer tells Aiken, "I've been working on this case for ten years, and the term FISA has never come up."

"To you," Aiken replies. In another case, assistant U.S. attorneys were unaware of NSA spying until the government accidentally disclosed it to defense attorneys for the Al-Haramain Islamic Foundation. Information obtained through warrantless surveillance

animal rights and environmental activism, some connections have been made. An investigation by sociologist Elizabeth Cherry, for instance, showed that “punk vegans” had stronger, better-defined and longer-lasting commitments to animal activism than “non-punk vegans.” This is not because of the bands or the fashion, Cherry argues. It is because of the community.

This is not to say there is a direct, causal, Tipper Gore-style link between the music and the movement. Punk records do not turn teens into saboteurs. It might be that the same types of people who are drawn to angry, outcast music are also drawn to angry, outcast activism.

It could also be that the punk scene has a lasting influence on those involved and shapes how they interact with the world. Perhaps the only canon of punk, true across musical styles and subcultures, is that if you want to do something, you should just go out and do it yourself. Don't wait for permission or approval. Start a band, book a show, design a flier, publish a zine, plan a tour. If there is something that needs to be done, do it.

Five of the six SHAC defendants have ties to the punk and hardcore scenes (Kevin Kjonas is more of a Justin Timberlake fan) and they all embrace this DIY ethic. However, instead of recording a 7" record, they decided to shut down a multinational corporation.

Self-taught, SHAC activists developed a Wall Street-level knowledge of business that made the anti-apartheid movement appear amateurish. They targeted Marsh Inc., Huntingdon's insurance provider, because without insurance the lab couldn't function. They targeted Bank of New York because it held many American depository receipts, which allow U.S. investors to trade on the London stock exchange. They pressured members of the board of directors to resign, and were so successful that Huntingdon appointed someone thought to be unreachable—the seventy-three-year-old owner of a

cement and paper business in Pakistan. SHAC told activists to buy international phone cards. He quit in a week.

As Huntingdon's stock plummeted, it was placed on the OTC Bulletin Board, a trading platform for riskier businesses that cannot meet the financial standards of the world's major stock exchanges. SHAC didn't stop there. They researched arcane financial regulations and learned that trading on the bulletin board requires market makers—go-between companies that match buyers with sellers. Without market makers a company's stock remains dormant. Huntingdon typically used six or eight of them. In one nine-week period, SHAC picked off one market maker a week. Huntingdon's chief financial officer, Richard Michaelson, testified that the company lost fifty market makers because of animal activists. When its final market maker cut ties, Huntingdon fell from the OTC Bulletin Board to be traded with the riskiest investments on the pink sheets, the currency of the moribund.

With each victory and each new tactic, the industry grew increasingly worried. After Huntingdon, would they move on to another lab? Or would they apply the same tactics to another industry? The closure of Huntingdon was no longer a matter of if but of when. In 1999, SHAC UK had set out to close the lab in three years. It could take a bit longer, but the global campaign was on track. Unless these activists were stopped, they would move on to the next lab, and the next, until they destroyed the animal testing industry.

Corporations fought back with court orders to restrict SHAC's protest times and locations. Across the country, they filed restraining orders and injunctions. They even tried to use the Racketeer Influenced and Corrupt Organizations Act, the mob law. Nothing worked. The campaign continued.

Through all these attempts, there was one thing that corporations and the government had not tried. In 1992, Congress passed an obscure law called the Animal Enterprise Protection Act. It

received little attention except from the meat, dairy, fur and animal experimentation industries that lobbied for it. The law created a new crime of “animal enterprise terrorism” in response to the growing frequency and severity of crimes by groups like the ALF.

Prosecutors applied it only once, in the case of Justin Samuel and Peter Young, two animal rights activists who released mink from fur farms. Other than that, it remained unused. The law was intended for the prosecution of underground activists, but the government cannot prosecute those it cannot catch. With SHAC, the government decided to try something new. Prosecutors reinterpreted the law’s requirement of “physical disruption to the functioning of an animal enterprise” to mean causing the loss of profits; if the anonymous, underground activists could not be caught, they would go after those who vocally supported them.

Meanwhile, there was a bigger strategy unfolding. At the same time multiple government agencies were preparing to use this law against SHAC, top FBI and Justice Department officials were testifying before Congress that the law needed to be expanded precisely because it *could not* be applied to SHAC. The FBI’s John Lewis told Congress, “This statute does not cover many of the activities SHAC routinely engages in on its mission to shut down HLS.” Either top law enforcement officials did not know about the largest domestic terrorism investigation in the country, or they were intentionally misleading Congress in order to secure new powers.

The corporations targeted by SHAC were some of the biggest and most powerful in the world, and their executives had connections to other powerful people. Two weeks after the SHAC protest in Little Rock against Stephens Inc., Republican Senator Tim Hutchinson of Arkansas introduced a bill to expand penalties in the Animal Enterprise Protection Act. “[Stephens] was not only on the back of my mind, it was on the forefront,” Hutchinson said. Arkansas Representative Marion Berry also joined the call for expanded terrorism legislation. Both Hutchinson and Berry had

received thousands of dollars in contributions from the Stephens political action committee and individual executives. The bill was ultimately passed by Congress as part of another bioterrorism bill.

As the government presented its case in the SHAC trial, it was revealed that Huntingdon’s general counsel, Mark Bibi, had built a relationship with FBI Special Agent Jeffrey Farrar and Assistant U.S. Attorney Charles McKenna. In about seventy-five emails spanning three years, he offered website postings, news clips, and commentary on how he thought the government should pursue the case. He advised McKenna that Harper and Kionaas would be lecturing at Long Island University, because he thought the government should monitor their speeches, and he sent an article by Steve Best, a professor of philosophy, with a warning that defense attorneys may argue that the campaign is protected by the First Amendment.

In another email, he attached a news article about the campaign. “Kevin Kionaas is quoted in this article as saying, ‘the FBI can’t arrest us on anything, they can’t indict us on anything.’” Bibi wrote to McKenna on October 1, 2003. “Charlie, I’m counting on you to prove him wrong.”

After September 11th, President George W. Bush said the terrorists who attacked the Twin Towers did so because they hate our freedom. That, of course, is an incredibly reductionist view of the attacks and of U.S. foreign policy, but a study of First Amendment law adds some authenticity to the president’s assertion. I am not sure about Al Qaeda, but if the average American knew what types of activity the First Amendment has protected, there is a good chance they would hate our freedom, too.

The history of the First Amendment is one of protecting the vulgar, the crass, the wayward and unhinged. It has protected Clarence Brandenburg, a Ku Klux Klan leader, when he called for “revengeance” against the courts, Congress and the president, while Klansmen at the rally shouted, “Bury the niggers.” At a very different



Cruelty.” The committee invited Vlasak to testify. The defendants and SHAC supporters argued that nothing positive could come from it. The hearing was a transparent effort to smear the defendants as terrorists as they awaited trial. Vlasak went forward with the testimony, speaking about SHAC and the campaign to close Huntingdon and then, in the next breath, saying that murder would be “morally justifiable.” “The animal rights movement,” he said, “has been notoriously nonviolent up to this point.”

It is Ferdin’s right as SHAC president to take the stand. She feels the trial has been unfair since jury selection, when the judge dismissed a juror for being vegetarian but allowed jurors with ties to companies SHAC targeted. Ferdin says she wants to counter the misleading statements of witnesses and prosecutors.

The other defendants have pleaded against this. With Ferdin comes too much baggage. Throughout the trial the defense has attempted to make clear that, despite all the support of property destruction, SHAC always stopped short of supporting physical violence. Prosecutors tried to align the group with David Blenkinsop, a man who beat Huntingdon’s Brian Cass in England, but witnesses made clear that SHAC condemned the crime. Ferdin’s comments in support of violence will undoubtedly be brought into the trial, the defendants believe, and they will only help the government’s case. They feel it is not a decision that Ferdin, who faces no prison time, has the right to make.

Ferdin testifies anyway, and, as expected, prosecutors question her about media interviews where she said it was only a matter of time before animal rights activists resort to physical violence. She was quoted by *Salon* as saying that she loves legal battles like the SHAC trial because they are a public education opportunity. If the SHAC defendants are convicted, “People, I think, are going to get hurt,” she said. “There’s going to be a lot of violence.”

The defendants face a double-edged sword as attorneys present their closing arguments and the jurors begin deliberations. If they

lose, they will go to prison and be labeled “terrorists” for the rest of their lives. If they win, it could become the foundation of an even harsher political crackdown, as corporations continue lobbying for expanded terrorism legislation to stop the campaign.

On March 2, 2006, after three days of deliberation, the jury returns a verdict, for all defendants and on all counts: guilty.

Days later, industry groups signal what is to come. David Martosko of the Center for Consumer Freedom, a mouthpiece for the restaurant industry, says the government should build on the victory against SHAC and take aggressive action against mainstream organizations like PETA and the Humane Society of the United States. He calls these national organizations “farm teams for the eco-terror problem.”

“This,” he says, “is just the starting gun.”

their promises from years ago and tell members of Congress that I was on a domestic terrorist list? Would the representative from Wisconsin turn to me and ask, "Mr. Potter, are you now, or have you ever been, a vegetarian?"

It had been three years since the FBI threatened me in Chicago, and fear had followed me. It didn't paralyze me as it had before, but its mere existence, even fleetingly, was a reminder that I had been dishonest with myself. After Chicago I had moved to Washington to cover Congress and politics for another newspaper, and I had continued living a compartmentalized life. There was Activist Will Potter and Journalist Will Potter. Sometimes the lines blurred, such as when I wrote an essay on the SHAC 7 for a progressive website. But for the most part I maintained the borders of my life as if it were a Victorian garden, my professional voice and personal voice each cultivated in clearly defined and separate plots. I had made some small efforts to reconcile the two, such as leaving the "unbiased" newsroom to use my writing for very biased purposes at the ACLU, ghostwriting op-eds and speeches on issues like the Patriot Act. I enjoyed the challenge of writing in another's voice, but it was no substitute for using my own.

The historian Howard Zinn always advised his students, "You can't be neutral on a moving train." The Republicans and Democrats on the committee all supported this dangerous legislation. Corporations had been awaiting this moment for years and wanted nothing more than for their bill to proceed unchallenged. This train is moving. I thought, whether we like it or not. It's no use feigning neutrality as smoke rises from the engine. The only question is if we'll safely stay in our seats as the cliff approaches, or if we'll take action, no matter how small or seemingly futile, to change course. It was time for me to reconcile my personal and professional lives.

Terrorism legislation targeting animal rights activists had been proposed for more than twenty years prior to this Congressional

hearing. The chrysalis had been formed on April 16, 1987, when the ALF set fire to a veterinary diagnostic laboratory under construction at the University of California at Davis. Animal rights activists had used arson in England for at least a decade, but this was believed to be the first time the ALF had burned in the United States. At the time, this was the most destructive underground animal rights crime in U.S. history. Davis demonstrated an increasingly sophisticated, bold and effective underground movement that demanded a comparable response.

This was a watershed moment, and it triggered two responses. First, law enforcement changed how it classified and investigated crimes by animal rights and environmental activists. The FBI, for the first time, labeled an animal rights crime "domestic terrorism." Davis marked the beginning of the ALF's official classification as a domestic terrorist organization.

Second, corporations and industry groups, which had made that semantic shift long ago, used Davis as the impetus for legislation that carved out special protections for animal enterprises. They began their fight at the state level. Beginning in 1988, two states passed laws specifically crafted to target animal rights activists. Then two more states followed in 1989. Then eight more in 1990. Then eleven more in 1991.

Proponents argued that animal rights activists could not be prosecuted without this new legislation. In the history of the radical animal rights movement in the United States, only nine people had been convicted of animal rights-related crimes, according to government statistics. Only one person, Fran Trutt, had been convicted on federal charges—and she had been set up by the corporation she targeted. There had only been one ALF conviction. On October 25, 1986, Roger Troen drove a car full of lab animals from the University of Oregon psychology department to safe homes. He was convicted in 1988, at age fifty-six, on theft and burglary charges. The judge said that Troen's role in the transportation of 125 rabbits,



hamsters and rats was nothing less than "an act of terrorism," yet sentenced him to only five years probation.

Through it all, ALF attacks continued. The FBI officially labeled two other incidents in this period as domestic terrorism. On April 3, 1989, the ALF set fire to two University of Arizona buildings in Tucson after removing more than a thousand animals. The arson caused at least \$150,000 in damage. On July 4, 1989, the ALF broke into the Texas Tech lab and office of John Orem. Orem had been studying sleep apnea and sudden infant death syndrome by experimenting on cats, bolting electrodes into their skulls and bolting their heads into restraining devices. He had also forced them to balance on a wooden plank over a drum of water to see how they responded to sleep deprivation. ALF activists destroyed about \$70,000 worth of Orem's equipment, rescued five cats, and in three-foot-high letters on the walls spray-painted, "Don't Mess With Texas Animals."

There had been talk of federal legislation since the mid-1980s, even before Davis, but it had mostly been only talk. As state-level lobbying gained momentum and ALF crimes continued, federal legislation began to seem feasible. To pave the way for a new national law, proponents used the media and Congressional hearings to label animal rights activists as terrorists; in a study of all *New York Times* coverage of animal rights issues through 2007, and a similar content analysis of Congressional hearings, Jen Girgen of Florida State University found that the most common claim by adversaries was that "animal rights activists are violent, criminals, and/or terrorists."

Politicians seized the national attention generated by high-profile crimes to push their legislation. Four days after the Arizona raid, a Democratic senator, Howell Heflin of Alabama, introduced a bill amending the Animal Welfare Act to target people who rescue animals from labs. Soon after the Texas raid, a Democratic representative from Texas, Charles Stenholm, introduced a similar bill.

In 1990, Congress held a hearing in which law enforcement

and industry groups called for a new federal law to target animal rights attacks. The bill should have slipped through, gressed by the spate of arsons and the sympathetic White House of George H.W. Bush. Instead, the proposal was challenged by an unlikely source: Bush's own Justice Department. It may be difficult, post-9/11, to fathom the government declining new terrorism powers. For the U.S. deputy assistant attorney general at the time, though, it was a traditional, conservative defense of limited government. "Despite our sympathy to the aims of some of these bills," Paul I. Maloney said, "the [Justice] Department cannot endorse the creation of new federal criminal legislation, which, in our view, would add nothing to the prosecution of these types of offenses."

In a highly unusual move, the White House issued a letter rebuking the Justice Department. The Bush administration had not made animal rights crimes a priority, but within the White House was someone who cared deeply. James B. Wyrngarden, a coauthor of the letter, was an associate director in the Office of Science and Technology Policy. He had advocated federal legislation targeting animal rights "terrorists" since 1985, when he was head of the National Institutes of Health. His proposal had gone nowhere, but this new position in the Bush administration offered a better opportunity for his voice to be heard. However, even with pressure coming from the White House, there was still not enough congressional support for the bill, and it stagnated in committee.

Supporters needed lobbying leverage, something to refocus national attention on animal rights terrorists. They needed another Davis.

On February 28, 1992, the ALF raided mink research facilities at Michigan State University, pouring sulfuric acid on research equipment, setting fire to a professor's office, and destroying more than thirty years of fur farm research. The crimes caused approximately \$125,000 in damage. What set the action apart was that it capped a systematic, multi-state attack on fur farms and research that cost

the industry millions. The ALF had also set fire to the Northwestern Food Cooperative in Washington, which supplies feed to fur farmers: an experimental mink farm at Oregon State University; and a mink farm in Yamhill, Oregon. Dubbed "Operation Bite Back," the crimes were led by Rod Coronado, who had been a legend of the environmental movement since 1986 when, as a crew member for the Sea Shepherd Conservation Society, he sank two unmanned Icelandic whaling ships.

Operation Bite Back was national news. Groups like the National Animal Interest Alliance and National Association for Biomedical Research pointed to the crimes as a reminder of the growing threat of animal rights extremists and the need for new laws. That summer of 1992, against the wishes of the Justice Department, Congress passed its first version of animal rights terrorism legislation.

The 1992 Animal Enterprise Protection Act created the crime of animal enterprise terrorism for anyone who "intentionally causes physical disruption to the functioning of an animal enterprise by intentionally stealing, damaging, or causing the loss of, any property; and causes economic damage exceeding \$10,000. The focus was ostensibly on illegal, underground actions by groups like the ALF. The law was meant to deter crimes and lead to more convictions. It failed on both fronts.

A year after its passage, the Departments of Justice and Agriculture released the first in-depth look at crimes by animal rights activists. The report surveyed attacks from 1977 to June of 1993 and found that more than half—160 of 313 documented incidents—were petty vandalism. The second most common activity—77 incidents—was stealing or releasing animals. No incidents involved weapons, none resulted in death or injury.

Most important, the report revealed that leading up to the passage of the Animal Enterprise Protection Act, crimes by animal rights activists had been declining. The number of crimes had

steadily increased for most of the 1980s, spiking in 1987 and 1988 and then dropping off a cliff. By 1992, incidents had reached their lowest level since 1986. The underground had been slowing down. Contrary to the message of corporations and industry groups, there was no urgent problem, no need for new legislation.

After the law passed, crimes spiked. There were more crimes in the first six months of 1993 than in all of 1992. The new law was meant to deter underground actions, but instead of diminishing they were on track to double. Instead of retreating from the terrorism rhetoric in fear, underground groups didn't seem to be paying any attention.

Those who had called the new law essential immediately began calling it inadequate. Before prosecutors had even attempted to use the law, groups like the National Animal Interest Alliance, American Psychological Society and Americans for Medical Progress demanded more. More penalties, more federal regulations, and more terrorism laws.

A bill introduced in 1993 would have amended chapter 13 of title 18 of the United States Code, which deals with civil rights abuses, to include "blocking access to animal enterprises." That proposal was derailed by the murder of an abortion provider; the very same section of the U.S. code was instead amended by the Freedom of Access to Clinic Entrances Act to include blocking access to abortion clinics.

Efforts to expand the Animal Enterprise Protection Act turned into a long-running campaign. Bills had names like the "Environmental Terrorism Reduction Act," "Researchers and Farmers Freedom From Terrorism Act," and "Stop Terrorism of Property Act." One proposal created a national "eco-terrorist" criminal database. Another, the "Hands Off Our Kids Act," called on the attorney general to identify animal rights and environmental groups who recruit young people. Many added the death penalty for animal

eco-terrorists." In other words, ALEC says that the lack of violence by these allegedly violent groups is what necessitates new laws.

ALEC's solution is a model bill, the "Animal and Ecological Terrorism Act," heavily influenced by a similar bill from the U.S. Sportsmen's Alliance, a pro-hunting group. It includes an ambitious, and likely unconstitutional, list of restrictions and punishments. Among them are three main proposals.

The first is to expand the definition of terrorism to include not only property destruction, but any action intended to "deter" animal enterprises. That includes nonviolent civil disobedience, and witnessing and documenting corporate misconduct. The model bill prohibits "entering an animal or research facility to take pictures by photograph, video camera, or other means with the intent to commit criminal activities or defame the facility or its owner." Anyone—including journalists—could be labeled a terrorist for exposing activities that industry would rather keep secret.

The second key element of the model bill is to widen the net. A major weakness of existing federal legislation, ALEC says, is that it does not target the financial and ideological structure of eco-terrorist organizations. The model bill outlaws any action that may "publicize, promote or aid an act of animal or ecological terrorism," language so nebulous that the Sierra Club has said "holding a bake sale to support tree sitters could be a terrorist offense."

The final element of the plan is to create a "terrorist registry." Under ALEC's proposal, anyone who has violated the bill must register with the state attorney general, who shall maintain a public website with name, current address, photograph and signature of each eco-terrorist. The terrorist registry would operate much like a sex offender registry, except that instead of alerting communities to the presence of known pedophiles, it would be a tool for stigmatizing people because of their political beliefs—a blacklist.

Variations of ALEC's model bill have been introduced across the country by lawmakers who know little of the issue outside of

ALEC talking points. Frank Niceley, a member of both the Tennessee House of Representatives and ALEC, introduced the "Tennessee Ecoterrorism Act." The bill would have created a list within the Tennessee bureau of investigation for "wackos," as Niceley described them. It also spelled out prohibitions against eco-terrorist weapons—which do not exist—including "guns attached to trip wires or other triggering mechanisms."

"Eco-terrorists are, I guess, left-wing eco-greens," Niceley told the General Assembly. "They don't have a leader. They're a leaderless terrorism group. They just kind of spring up sporadically. They do things like turn research animals out on the interstate, turn farm animals loose from pens in the middle of town. They drive spikes in logs going into the saw mill so that it will knock the teeth out of the saw mills. They put sugar in firefighting equipment in the national forest, and just, it's a different type of terrorism. They don't have Osama bin Laden leading them."

It is difficult to precisely determine the impact of ALEC's model eco-terrorism legislation. Whenever similar bills are introduced, ALEC's fingerprints have been wiped clean. Sometimes the bills tweak the model, or leave out entire sections. Sometimes they are handed off to non-ALEC members for introduction. When Niceley was questioned by other lawmakers about his bill, he replied that he received his information about eco-terrorism from Rush Limbaugh. That might be the case, but he received his bill from ALEC.

A conservative assessment—relying on ALEC documents, news articles citing ALEC officials, and an investigation of state criminal codes—shows that bills substantially similar to ALEC's have been introduced in at least sixteen states: Arizona, Arkansas, California, Hawaii, Missouri, Maine, Montana, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, and Texas. There has been mixed success. In Arizona the bill was vetoed by the governor. In some states the bills failed at the committee level or on the floor only to be reintroduced again and again.

In Arkansas, California, Missouri, Montana, Ohio, Oklahoma, and Pennsylvania, some variation of the proposal became law.

A focus exclusively on AIEC and its model bill, however, does not reflect the true scope of state eco-terrorism laws. AIEC is a well-funded, corporate-supported organization protecting vested financial interests, but it is one among many. Another key player has been the National Association for Biomedical Research. NABR monitors any and every attempt to restrict the animal experimentation industry. Its “members only” database tracks, for instance, states that have restricted the use of shelter dogs in experiments. The group also tracks all eco-terrorism bills and lobbies for them. The collective effort has had a significant impact on the legal system. By 2010, thirty-nine states had passed laws carving out special protections for animal and environmental enterprises and special penalties for activists.

There have been plenty of failed attempts along the way as well. An Oregon bill, which nearly passed, would have made it a felony for environmentalists to conduct any kind of protest within a quarter mile of a logging site. In Maine, the animal enterprise terrorism law was repealed. In Washington, there was a proposal to revise the state’s criminal sabotage laws (first drafted in 1903 to combat a growing anarchist movement) to specifically include eco-terrorism. No laws stretch quite as far as AIEC’s model, but that’s not the point. Legislative changes are made incrementally, first setting a foundation and then slowly, relentlessly expanding that framework until it changes the nation’s legal infrastructure. Each subsequent law has validated a manufactured threat, making increasingly draconian proposals, such as the Animal Enterprise Terrorism Act, appear quite ordinary and palatable.

Members of Congress and their staff begin to file into the room. Howard Coble takes his seat at the center and top of the tiered rows. He is a Republican from North Carolina and chairman of the

committee. His cream-colored seersucker suit contrasts so sharply with the dark wood of the chambers that it appears white.

He speaks with a thick Carolina drawl that shakes his thick jaw, and when he pauses his heavy breath reverberates in the microphone. The Animal Enterprise Terrorism Act was introduced in response to a growing threat of eco-terrorism, he says. He quotes a professor from North Carolina Wesleyan College who says, “Environmentalists work within the system for preservation, and eco-terrorists seem to want to destroy civilization as we know it.”

To stave off these end days, his bill would make a few changes to the existing law. It expands the Animal Enterprise Protection Act to include any business connected to an animal enterprise, which the government calls secondary and tertiary targeting. It also edits the language from “physically disrupting” the operations of an animal enterprise to “damaging or interfering with,” a change that explicitly widens the law’s scope beyond sabotage. Finally, it includes a new clause prohibiting actions that instill a “reasonable fear” in people connected to animal industries.

The first witness is Brent McIntosh of the Justice Department. He immediately delves into the issue I expected him to gingerly avoid—the fact that the existing law has already been used successfully. SHAC adopted secondary targeting techniques, and two months ago the SHAC 7 were convicted of animal enterprise terrorism charges. Meanwhile, more than a dozen activists, including Daniel McGowan, have been indicted for ALF and ELF crimes without any specialized legislation. McIntosh acknowledges this, but simultaneously argues that the government needs more power to go after activists. The U.S. Attorney in New Jersey prosecuted SHAC under a combination of the existing statute and interstate stalking laws; with this new legislation, McIntosh says, SHAC could have been hit harder.

William Trundley of GlaxoSmithKline says executives have been terrorized because of the company’s ties to Huntingdon. In



One warm, foggy night in early September, as the SHAC 7 awaited sentencing, underground activists drove through the rolling hills of rural Massachusetts. They pulled up to a strip of land that looked as though it had been shaved out of the surrounding forest of white pine, sugar maple and eastern hemlock. The activists hopped the fence and headed straight to the rabbit sheds. They did not dodge security guards, pick locks or break windows. They walked right in through the mist and began opening cages.

New Zealand white rabbits are one of the most popular house rabbits. People love them for pets because they're chubby and cuddly. They're also affectionate to a fault, making them one of the most popular rabbits for experimentation, because they're easy to stick, prod and cut. Selective breeding for albinism has given them bright white coats, a clean canvas to experiment with dyes and cosmetics. As a consequence of being bred for a genetic defect, a lack of melanin, their eyes burn red.

Capralogics is a company that uses these rabbits to create antibodies that are sold to animal experimenters and other testing labs. The process: inject proteins into the rabbits, allow them to build antibodies in their blood, drain the blood, extract the antibodies, then sell 100 microliters, about half a cup, for between \$250 and \$295. Capralogics prides itself on taking the time for multiple test bleeds. "Be patient," the company advises prospective clients on its website. "This is where antibody production has much in common with wine making."

The anonymous activists moved row by row, shed by shed, until every cage door had been opened. In their black hoods and black masks, with both arms wrapped around fat, white bunny bellies, they stepped back into the mist. The few rabbits they could not steal were let loose in the nearby field.

Some had warned that this could happen. The private intelligence firm STRATFOR advised that the SHAC 7 conviction

"could serve to inspire more illegal activity, rather than less, and the trend could spread to involve larger numbers of groups and industries." Andrea Lindsay made a similar comment to the press after sentencing. The government scoffed. "That's the kind of twisted logic we've been dealing with from these militant animal rights followers who can rationalize their behavior, inspire others to do likewise, and refuse to take responsibility for their actions," said Michael Drewniak, the government spokesman. "It's just unbelievable that they can view harsh prison sentences this way."

One week after the SHAC 7 sentencing, an anonymous communiqué is released. It includes photographs, which activists say were taken by Capralogics employees, of a rabbit with its head in a restraining device, a rabbit with chunks of fur shaved off and raw skin exposed, and lab technicians bleeding a rabbit's ears. Twenty-three rabbits were removed from Capralogics and placed in new homes that night, the communiqué says. Six have been named (Jake, Lauren, Kevin, Andy, Josh and Darius, after the defendants).

"The government and the industries it represents hate us so much because no matter who they surveil, raid, defame or imprison, they cannot kill the idea and so they cannot stop us," the communiqué says. "And while the SHAC 7 will soon go to jail for simply speaking out on behalf of animals, those of us who have done all the nasty stuff talked about in the courts and in the media will still be free.

"So to those who still work with HHS and to all who abuse animals: we're coming for you, motherfuckers."

gathered at the U.S. Consulate office with a banner reading “Durban Against the Green Scare.”

Student activists in Massachusetts protested the Animal Enterprise Terrorism Act outside the office of their U.S. Representative, James McGovern. They demanded answers, and they got some: the headline in the local paper summed it up: “Animal protesters get results.” After meeting with McGovern’s staff in his office that afternoon, protesters were given a statement from the congressman stating that he does not support the law, he would have voted against it if he had known about a vote, and he would advocate for repeal. Outside McGovern’s office, a young woman held a cardboard sign that read, “You can’t scare the green out of me.”

When? Prosecutors used the previous version of the legislation only twice, and they attribute their inactivity to what they called loopholes in the law. The Animal Enterprise Terrorism Act, the tool prosecutors said they needed and the expansion industry hoped would usher in a political crackdown, has finally arrived. When will prosecutors test their new power? When will the government make the first arrest? When will it all begin?

Industry groups maintain pressure. They use the passage of the law to continue marketing fear to their constituents, as if the new legislation validates the eco-terrorist threat. At the 2007 BIO International Convention, chemical warfare specialists patrol the exhibit hall with equipment to detect poison gas and biological weapons. Outside, armored police vehicles sit ready. The National Association for Biomedical Research distributes fliers with a blood-red background and a black-masked face. They warn attendees to be prepared for attacks by animal rights terrorists.

Frankie Trull is the president of the organization that made those fliers. She tells *Wired* that Constitutional concerns about the law are misguided. New terrorism laws are not intended to make people afraid to use their rights, she says: “All this legislation is not

to quell cherished First Amendment activities; people can write, demo, picket, boycott all they want.”

This is the public message from supporters about how the legislation will, and will not, be used. Privately, some animal enterprises perceive the law much differently. Among the first indications of what is to come surfaces in Portland, Oregon. For about a year, Portland animal rights activists had been protesting Schumacher Furs and Outerwear. The protests usually involved a dozen people on Saturday afternoons, and there had been about a dozen arrests, none for violence. Sometimes the protests got ugly, with screaming, name calling and threats on both sides. Activists said the owners and employees spat on them, threatened them, and even followed them home. Greg Schumacher put signs in his window threatening violence. One read: “ALL PROTESTERS SHOULD BE \* BEATEN \* STRANGLED \* SKINNED ALIVE \* ANALLY ELECTROCUTED,” the fate suffered by the animals that became his coats.

The mayor and police intervened and offered to mediate. Schumacher refused. “I don’t think it is reasonable to ask me to mediate with a terrorist organization,” he said. When City Commissioner Randy Leonard tried to help the owners, he couldn’t. “The Schumachers carry at minimum—at minimum—equal responsibility for what happened outside their store,” Leonard said. “I think the case could be made they did what they could to fan the flames at every opportunity.”

In February 2007, after 112 years of business, one of the oldest family furriers announced its closure. Greg Schumacher says he has been terrorized by protesters and urges federal prosecutors to use the Animal Enterprise Terrorism Act. The National Animal Interest Alliance supports him and questions whether the protests should have been protected as free speech.

Despite Schumacher’s pleas and despite the fur industry warning that animal rights terrorists will make the economy scream, prosecutors wait. Are they waiting for a better case? Do they want

On February 19 and 20, 2009, the FBI's Joint Terrorism Task Force arrested four California animal rights activists, the first arrests under the Animal Enterprise Terrorism Act. There had been a wide range of both legal and illegal tactics against animal experimentation at University of California campuses, including the destruction of university vans. In August, an incendiary device was left at the home of a university researcher; no animal rights group ever claimed responsibility for this crime, but the university, the FBI and others attributed it to activists.

Nathan Pope, Adriana Stumpo, Joseph Buddenberg and Maryam Khajavi were not arrested in relation to these crimes, however. Much like the SHAC defendants, they were not accused of any property destruction or violence. According to the indictment, the defendants allegedly chanted loudly at home demonstrations (including "murderer leave town, terrorist leave town"), and used the Internet to research public information about animal experimenters. They also allegedly wore bandannas at protests, which is an increasingly common response to FBI harassment and photography, and wrote slogans on the public sidewalk using children's sidewalk chalk.

Individually, these acts all clearly fall outside the scope of criminal behavior. Combined, however, prosecutors argued, chanting, researching, wearing masks and chalking slogans amounted to a campaign that instilled fear in those protested. In the lead-up to trial, the government revealed some information about the extent of government surveillance, including the use of DNA testing. At a time when states say they do not have money for the expensive testing in death penalty cases—testing that has exonerated innocent people on death row—the government has acknowledged using DNA testing on protesters' bandannas.

In July 2010, a U.S. District Court threw out the indictment because the government did not clearly explain what, exactly, the

protesters had done. The Center for Constitutional Rights and attorney Matthew Strugar had argued that the charges should be dropped because they seemed to involve First Amendment-protected activity, and that in order to make that argument the defendants' speech must be clearly identified. Judge Ronald M. Whyte agreed, saying that the government had not answered basic questions about the defendants' alleged conduct and the activists had the right to know specifically what they did that could be considered a crime. "This is particularly important," he said, "where the species of behavior in question spans a wide spectrum from criminal conduct to constitutionally protected political protest."

The judge made clear that prosecutors have the opportunity to re-indict if they can be more specific about the charges and explain how speech is terrorism. At the time of this writing, the defendants are attempting to move on with their lives. Newlyweds Adriana and Nathan Stumpo—who exchanged vows while awaiting trial—are adjusting to married life, and life without felony charges.

There have been other animal enterprise terrorism arrests. In Utah, William Viehl, twenty-two, and Alex Hall, twenty, were convicted in connection with the August 2008 release of three hundred mink from a South Jordan fur farm. It caused about \$10,000 in damage. In another case, a University of Minnesota graduate student named Scott DeMuth is awaiting trial on conspiracy charges. As in the California case, the government has fought disclosure of what, exactly, DeMuth allegedly did.

Meanwhile, just as they did after passage of the Animal Enterprise Protection Act, supporters of the Animal Enterprise Terrorism Act are already lobbying for new legislation. In California, lawmakers passed a bill similar to the federal law. In Utah, a state lawmaker promised to introduce new eco-terrorism legislation targeting not the ALF or ELF, but a University of Utah student named Tim DeChristopher. DeChristopher became an instant environmental celebrity when he disrupted an oil and gas auction by bidding



on parcels of land. Republican state representative Mike Noel said interfering with the auction is no different from “burning down a man’s cattle operation.” The college student “took millions of dollars away from us, and he’s laughing at us,” Noel said. “It’s not right. It’s not fair.”

In Washington, state senator Val Stevens introduced the American Legislative Exchange Council’s model eco-terrorism legislation. It included the most dangerous provisions of that model bill, sections prohibiting any communications that “encourage,” “publicize” or “promote” animal or ecological terrorism. In addition to explicitly targeting First Amendment conduct, the bill had provisions pertaining to those who remain on the premises of an agricultural facility after they have been told to leave—in other words, people engaging in nonviolent civil disobedience. The bill, which failed, was introduced just shy of the fiftieth anniversary of a catalyzing moment in the civil rights movement, when four black students sat at a Woolworth’s whites-only lunch counter and refused to move.

The attention and resources focused on eco-terrorism have clearly not been confined to one administration. These policies were initiated long before the Bush administration, and the Obama administration has continued that trend. Eco-terrorism has become institutionalized as an official priority of law enforcement. With this has come potentially dangerous consequences.

The addition of eco-terrorism to national security conversations has worked its way into ground-level issues of terrorism preparedness. The Homeland Infrastructure Threat and Risk Analysis Center is tasked with identifying dangers facing the country. In a 2007 presentation, sandwiched between slides on “Al-Qaïda’s Expanding Global Outreach” and biological weapons was a warning about animal rights and environmental extremists.

The Department of Homeland Security manages the Homeland

Security Exercise and Evaluation Program, which offers national guidance to local law enforcement in order to prevent terrorist attacks. A document from 2005 included sixty-four pages of detailed instructions on how to plan terrorism drills designed to keep us safer. One of the key steps in that planning process is choosing a universal adversary, which the document describes as a class of terrorist threat designed to provide trainees with “a realistic, capabilities-based opponent.” Among the government’s list of threats are antiglobalization activists and “Environmental/Animal rights groups.”

In September 2009, Cherry Point Air Station in North Carolina held a terrorism training where environmentalists stormed the military base, took hostages, demanded money, and killed two Marines. The drill was used to practice the response of emergency workers. Environmentalists have never, in real life, taken hostages, stormed military bases or killed anyone. No matter how far-fetched, this was not an isolated drill. At Fort Lee in Virginia, a three-day anti-terrorism drill pitted soldiers against protesters who chanted and held signs. At the University of California at Berkeley, the nation’s largest homeland security drill involved animal rights activists holding hostages at gunpoint.

There is no doubt that these sites must prepare for potential terrorist attacks. Cherry Point is considered one of the best jet bases in the world; it trains Marines and also launches strike missions headed for Afghanistan. And tragedies like the Virginia Tech shooting have shown that universities must be prepared for grim scenarios in order to keep students safe. Mike Barton, deputy director of public affairs at Cherry Point, has said: “Essentially, our mission in life when we are not doing real-world operations is to train for real-world operations.”

But these are not real-world operations. Training for a terrorist attack is not like shooting cans off a fence. Different groups have fundamentally different ideologies and cannot be approached the same way. Al Qaeda does not pose the same threat as environmentalists,

who do not think the same way or use the same tactics, and preparing for one does not help prepare for the other. Preparing for terrorist attacks requires an understanding of the ideology and methodology of the terrorists, and these drills involving animal rights and environmental activists reflect an understanding of neither.

There are limited government resources, and an increase in attention in one area necessitates a reduction in another. In Minneapolis, Joint Terrorism Task Force agents approached a local activist in the lead-up to the Republican National Convention in 2008. They offered to pay him to become an informant and infiltrate vegan potlucks, with the hopes of learning about illegal activity planned for RNC demonstrations. While FBI agents are investigating vegan potlucks, they are not investigating more credible threats.

These concerns have been raised by government agencies, and gone unheeded. In 2003, the Justice Department's Office of the Inspector General audited the FBI and provided recommendations for improving its terrorism investigations. The audit raised multiple concerns with the bureau's treatment of animal rights and environmental activists as terrorists. Foremost among them were communications problems within the FBI, and the quality of terrorism intelligence sent by the bureau to state and local law enforcement. The audit revealed that the FBI's weekly Intelligence Bulletins and Quarterly Terrorist Threat Assessments often focused on political activists. The inspector general recommended that the FBI's intelligence updates focus on "domestic terrorist activities aimed at creating mass casualties or destroying critical infrastructure, rather than information on social protests and domestic radicals' criminal activities."

More important, the audit warned that the FBI's focus on animal rights and environmental activists placed public safety at risk. In one of its six recommendations, the inspector general's office advised the FBI to stop investigating animal rights and environmental activists as terrorists and to shift these cases to the FBI's criminal

division. The FBI's definition of domestic terrorism has become too broad, the report said. "A more focused definition may allow the FBI to more effectively target its counterterrorism resources."

The FBI refused. Steven C. McGraw of the FBI's inspection division responded in a letter to the inspector general that these groups have "caused considerable damage to the U.S. economy" and that the Joint Terrorism Task Forces are the best way to investigate them. Although the inspector general's office does not have the power to override such refusals, the office wrote back and reiterated its concerns: "We believe that the FBI's priority mission to prevent high-consequence terrorist acts would be enhanced if the Counterterrorism Division did not have to spend time and resources on lower-threat activities by social protestors."

There have been some indications that federal law enforcement's focus on political activists has had consequences. An investigation by the *Seattle Post-Intelligencer*, relying on former FBI officials, revealed that the bureau knew of pervasive fraud in the mortgage industry and its potential for national and international economic crises. However, the bureau did not have the resources to investigate. After September 11th, about 2,400 FBI agents were reassigned and highly skilled white collar crime investigators were shifted to domestic terrorism investigations.

"We knew we had a broader problem, but you've got a Justice Department and the administration saying you need to concentrate on domestic intelligence and counterterrorism," a retired high-ranking FBI official told the paper. "It wasn't very popular to ask for resources for anything. It was dead on arrival."

Homeland security operations have been similarly criticized within Washington. In 2005, U.S. Representative Bennie G. Thompson, who is the ranking member on the House Committee on Homeland Security, issued a report with six other committee members criticizing the department for focusing on "eco-terrorism" while not addressing the threat of right-wing terrorists. "If DHS' long-term

planning documents do not consider these and other risks posed by right-wing domestic terrorists," the report said, "then lower-level agents working to fight these groups may not be receiving enough budgetary, policy, or administrative support from their superiors. This means possible threats to our homeland could go undetected."

Thompson's warning proved astute. There has been a resurgence in right-wing violence. Joseph Stack flew a plane into an IRS building, killing himself and an IRS manager. Members of the self-proclaimed Christian militia Hutaree were arrested for allegedly plotting to assassinate federal, state and local police officers in hopes of sparking an antigovernment revolution. An anti-abortion activist murdered Dr. George Tiller. A white supremacist opened fire at the Holocaust museum, killing one person before killing himself. In government statements, legal proceedings and press reports, the word terrorism has been conspicuously absent from any discussion of these crimes.

When the Missouri Information Analysis Center (a homeland security fusion center) released a report on the "modern militia movement," it caused a national media frenzy. The credible intelligence in the report was overshadowed by the outrageous, such as a warning for police to look out for New World Order bumper stickers. The report was a national security anomaly, and the government treated it as such; government officials quickly issued an apology and vowed to reassess its homeland security operations.

A final impact of eco-terrorism rhetoric is that other criminals have caught on to the misplaced priorities. Animal rights and environmental activists have been used as scapegoats to steer law enforcement in the direction of leads they are all too eager to follow. In Boston, someone set fire to an exotic pet store, killing many of the animals inside, and scrawled "No more exploitation of animals" on the storefront. Investigators immediately attributed the crime to animal rights activists. The owner, who had attempted to frame activists, was sentenced to less than three years in prison.

In Maryland, a dozen luxury homes were burned. The fire caused at least \$10 million in damage. The next day, an FBI official said environmentalists were suspected because of the homes' proximity to a nature preserve. The six men eventually convicted had a variety of motives, but defending the environment was not one of them. Investigators said two of the men made racist comments during their interrogations, and that the crimes were in part motivated by African American families moving into the predominantly white area. Patrick Walsh, the lead arsonist, seems to have learned a lesson from the FBI's willingness to blame activists; a search of his jail cell uncovered handwritten notes about financial schemes, including a letter soliciting money for a nonexistent environmental organization.

In Pennsylvania, someone released 2,800 mink from a fur farm and in the process killed the family's two dogs. The Fur Commission pushed the issue in the press, arguing that the crime had "all the earmarks" of the ALF (except for the murdering of animals). A week later, the *Pittsburgh Tribune* editorialized and conceded that the attack was atypical of animal rights terrorism, but maintained that activists should still be held responsible because, over time, vandalism has raised insurance premiums for fur farms. The rhetoric of terrorism has been institutionalized within law enforcement and large segments of the public to the point that even if activists clearly are not responsible, they are still considered guilty.

When I started down this path of investigating why animal rights and environmental activists have become the number one domestic terrorism threat, it seemed as though the impetus for that was the same one operative in so many aspects of American politics: money. The primary targets of this crackdown have been the ALF and ELF, which inflict economic damage through sabotage, and SHAC, which was formed solely to shut down a multinational corporation. When corporate interests have felt threatened, they have used their financial clout to lobby for eco-terrorism laws that target

not only the ALF, ELF and SHAC, but anyone who causes a loss of corporate profits.

Government agencies have been quite open about this desire to protect financial interests. In a leaked Power Point presentation given to businesses with operations in Western Europe, the State Department outlined methods that corporations should use to deter animal rights protests. "Although incidents related to terrorism are most likely to make the front-page news, animal rights extremism is what's most likely to affect your day-to-day business operations," it said. The presentation also included a section on the national animal rights conference, a mainstream event with hundreds of attendees and appearances by celebrities. "Although many legitimate activists attend these events," the presentation notes, "the conference holds workshops on successful tactics used against your companies."

In their own words and their own documents, government agencies have made clear that eco-terrorists do not threaten people, they threaten profits. In a 2006 bulletin to federal, state and local law enforcement agencies, the Department of Homeland Security warned about eco-terrorism like "flyer [sic] distribution" and "tying up company phone lines." In addition to extremist tactics like "organizing protests" and "inundating computers with e-mails," the DHS notes, in passing, illegal actions like verbal harassment and vandalism. Nowhere is the word "violence" used, and the bulletin says there is no evidence of a pending attack on any corporation. Instead, explaining the need for vigilance, the DHS warned: "Attacks against corporations by animal rights extremists and eco-terrorists are costly to the targeted company and, over time, can undermine confidence in the economy."

Viewing this as a campaign to protect corporate profits also helps explain, to an extent, the surveillance and harassment of huge swaths of nonviolent activists. The mainstreaming of these movements, and the accompanying shift in public opinion, has potentially

grave implications for industries that profit from the abuse of animals and the destruction of the environment. The animal rights and environmental movements, more than any other social movements, directly threaten corporate interests. They do so every time activists encourage people to go vegan, stop driving, consume fewer resources and live simply. They do not advocate boycotts so much as life-changes, and the changed lives they envision do not include some of the most powerful industries on the planet.

Yet this is only part of the explanation. It fits nicely into conventional political critiques, but it does not account for the true breadth and depth of these attacks and the fervor of their proponents. As I became immersed in the internal analyses of industry groups, think tanks and politicians, I realized that the perceived threat of these movements is much bigger than a threat to corporate pocketbooks. More than money is at stake.

During the Red Scare, communism was perceived as posing two distinct types of threats. The first were direct. Communist spies could infiltrate the ranks of the U.S. government, stealing state secrets and sabotaging military operations. Communist nation states could thereby position themselves to challenge U.S. global economic and military dominance. Much is still debated about the true nature of this threat, particularly in regard to individual agents of foreign powers operating within the U.S. government. Regardless of our judgments in hindsight, at that time communist spies and communist nation states were viewed as posing a direct, credible threat to national security, and this specter dominated U.S. policy.

The second threat was less concrete and more insidious. It was not a double agent stealing a briefcase of top-secret documents, it was a belief system that threatened core American values. Mitchell Palmer, attorney general under President Woodrow Wilson, along with his assistant, future FBI director J. Edgar Hoover, was an early and vocal leader against this menace. Palmer used the term "Reds"



to encapsulate communists, anarchists and other subversives, and warned that they were working their values into the homes of everyday Americans. In his essay "The Case Against the Reds," Palmer justified raids and deportations, writing that the "tongues of revolutionary heat were licking the altars of the churches, leaping into the belfry of the school bell, crawling into the sacred corners of American homes, seeking to replace marriage vows with libertine laws, burning up the foundations of society." The government should not make distinctions between actual crimes and beliefs, Palmer argued—they are the same.

This cultural threat was perceived by many as an unholy war for the very heart of America, and often framed in biblical terms. "Our religious faith gives us the answer to the false beliefs of Communism," President Harry Truman said. "I have the feeling that God has created us and brought us to our present position of power and strength for some great purpose." For decades, the cultural threat of communism was perceived to be so perilous that it had to be confronted anywhere it surfaced.

In a 1947 FBI memo, the government warned that this might include the classic Christmas movie "It's a Wonderful Life." The film's archetypal villain was old man Potter, a banker. Its director, Frank Capra, was reported by the FBI to have "associated with left-wing groups and, on one other occasion to have made a picture which was decidedly socialist in nature—"Mr. Smith Goes to Washington." Government investigations of stars and films were endemic in Hollywood, rationalized by the belief that if communists could inject their message into popular media, they could poison the minds of millions of Americans.

Such priorities seem silly or hyperbolic now, because we, as a nation, have supposedly learned our lessons from the past. American history textbooks often divide the Red Scare into two distinct eras, each with a defined inception and conclusion. A dark period in the history of this country was only that—a period in which mistakes

were made, but these were anomalies, promulgated through the zealotry and hubris of a few individuals.

The defining characteristics of the Red Scare, though, were not confined to one era; the mistakes of the past have evolved and adapted. Through those seeking to destroy new political and cultural threats, they endure.

In *The Clash of Civilizations*, Harvard political scientist Samuel P. Huntington argued that with the end of the Cold War, global conflict should not be viewed through the lens of nation states or economic systems. The primary clash, he warned in the early 1990s, would be along "cultural fault lines," particularly between the Christian West and Islam. Huntington's analysis is simplistic in that it parses out what he calls "major" civilizations and then treats them as unified masses, but his thesis generated enormous controversy because it bluntly hit upon what was, and is, at the heart of U.S. domestic and foreign policy; from the Red Scare to the War on Terrorism: culture war.

This is the context in which the current period of American history should be understood. In the minds of the industry groups, think tanks and politicians promoting war on the animal rights and environmental movements, they are engaged in a clash of civilizations. Like the Red Scare, with its hysteria against "godless communists" threatening the American capitalist way of life, this Green Scare is a culture war, a war of values. The animal rights and environmental movements are seen not as a competing civilization, but as threats to civilization itself.

At its most simplistic, this worldview is revealed in countless media interviews, websites and pamphlets in which activists are described as a threat to individual freedom and cultural traditions. It is the contemporary embodiment of what historian Richard Hofstadter famously called "the paranoid style in American politics": the eternal war of people in power to protect their power, and the eternal fear—dating to the inception of the republic—that the

American way of life is under attack. If animal rights and environmental activists have their way, the message goes, nobody will be able to eat meat, wear fur, take life-saving medications, enjoy circuses, cut trees, build homes, use electricity or drive cars.

This rhetoric has been a coordinated campaign, beginning at least in the 1980s when the American Medical Association released its "Animal Research Action Plan." It focused on ideology, claiming that animal rights activists must be shown to be "anti-science" and "a threat to the public's freedom of choice." The association said the public must be aware of the threats activists pose to human advancement, and advocated labeling them militants and terrorists.

Nearly twenty years later, Jonathan Blum, a senior vice president at Yum Brands, the parent company of KFC, testified before Congress that PETA members are "corporate terrorists." "Let's be clear," he said. "What PETA ultimately wants is a vegetarian or vegan world." A world that would put companies like KFC out of business. Bob Stallman, president of the American Farm Bureau, says that campaigns for improved animal welfare standards are "animal warfare" and threaten the agriculture industry to its core. Such fears are exaggerated, but there is truth to the claims.

The animal rights and environmental movements have multiple philosophical tributaries, as environmental scholar Bron Taylor calls them. The main currents flow from two sources, Australian philosopher Peter Singer and Norwegian philosopher Arne Naess. Singer's seminal work, *Animal Liberation*, outlined a moral framework defined not by species but by sentience. He popularized the idea of "speciesism" and is widely credited with inspiring the modern animal rights movement. In radical environmental circles, a comparable influence came from what Naess termed deep ecology; a philosophy that argues, sometimes in spiritual terms, that the natural world has value independent of human interest. There are count-

less streams of thought—Tom Regan's advocacy of legal rights for animals, Vandana Shiva's eco-feminism and many more.

Their confluence is the redefinition of what it means to be a human being. These movements are not content with creating another recycling campaign and they do not want animals to have bigger shackles and longer chains. At their core, they challenge fundamental beliefs that have guided humanity for thousands of years, and that have for the most part remained unquestioned by prior social justice movements: that human beings are the center of the universe and our interests are intrinsically superior to those of other species and the natural world.

"All of these beliefs stand in direct contrast to the notion of individualism as promoted by Western culture," according to a 2008 DHS report titled "Eco-terrorism: Environmental and Animal Rights Militants in the United States." Animal rights and environmental movements directly challenge civilization, modernity and capitalism, the report said. Their success "not only would fundamentally alter the nature of social norms regarding the planet's habitat and its living organisms, but ultimately would lead to a new system of governance and social relationships that is anarchist and antisystemic in nature."

In his influential position paper on the Animal Enterprise Protection Act, animal experimenter Edward J. Walsh advocated the law's expansion to respond not solely to threats of violence, but to threats to a way of life. He argued that even simple acts such as choosing to not wear fur, eat meat or attend rodeos "quietly, but effectively, promote the dissolution of our culture."

All civilized people believe in animal welfare and compassion, Walsh said, but animal rights activists go much further. "Be clear that here we are talking about redefining what it means to be an animal when we talk about animal rights," he said, "and when I suggest that animal rights terrorists should be treated harshly in our culture,

understand that I am talking about those who have committed barbarous acts in their advocacy of an extreme philosophy that seeks ethical equality among all animals and harbors disdain for human beings as its organizing principle.”

To some, the activists are a threat to the deeply held religious belief that humans were created by God to hold dominion over all other species and use them for whatever purposes we choose. To argue that animals and the environment deserve equal moral consideration as that given to humans is to argue that they are all equal before God, or that there is no god. Wesley J. Smith says those who embrace environmentalism have lost touch with Judeo-Christian values. Smith is a senior fellow at the Discovery Institute, which is best known for urging schools to teach creationism, and says the movements are a rebellion against “‘human exceptionalism’—the view that ultimate moral value comes with being a member of the human species.” The animal rights and environmental movements are not merely “pro-animal” or “pro-environment,” they are “anti-human.”

A good example of the breadth and depth of this culture war in practice occurred in California in the summer of 2008. In August, two incendiary devices exploded at the homes of two UC Santa Cruz scientists who experiment on animals. The FBI and the university rushed to attribute the crimes to animal rights activists, yet no animal rights group issued a communiqué or claim of responsibility.

The crimes came as the Humane Society of the United States was campaigning for Proposition 2, a historic animal welfare ballot initiative in California. Prop 2 regulates basic treatment of farm animals and mandates that pregnant pigs, veal calves and egg-laying hens have enough room to stand up, lie down and turn around. *Feedstuffs*, an agribusiness publication, said the measure represented the threat of a “vegetarian nation.” It said that if this measure passed, others would follow, and it could signal a cultural shift against factory farming on a national and global scale. Fight them

with everything you have, the industry warned, for the “dam must not be breached.”

Humane Society leaders feared that the bombings would be used to tarnish their image. To preempt any allegations of supporting terrorism, the Humane Society offered a \$2,500 reward for information leading to the conviction of the bombers. Industry groups were undeterred. The Center for Consumer Freedom responded, “Nobody should be fooled by HSUS’s paltry gesture. While pretending to be part of the solution, the group continues to be a significant part of the *problem*—an over-zealous social movement bent on extending legal rights to animals.” The group later published a full-page ad in the *New York Times* accusing HSUS of supporting terrorism because one of the group’s executives spoke at a holiday party also attended by activists who once worked with another group called Hugs for Puppies, which had members who once worked with SHAG, which in turn had members who were convicted of animal enterprise terrorism.

Some leaders of the animal rights and environmental movements have argued that if it were not for the actions of radical activists, none of this would be happening. Underground groups give mainstream activists a bad name, they say, and their actions are “a gift to their critics.” It is undeniable that opposition groups have exploited every opportunity to label activists as terrorists; when Dr. Jerry Vlasak testified before Congress and advocated physical violence, for example, savvy politicians issued a press release trumpeting the need for a new eco-terrorism bill. However, this says more about the opposition’s tactics than the underlying cause.

Although there have been times when activists themselves have made this Green Scare easier, they have not created it: it exists not because of the nature of their words or their actions, but because these movements have grown increasingly effective and accepted. The only way to explain the conflation of mainstream and radical groups as terrorists is to assume that all of it—from ballot initiatives to sabotage—poses a threat.



As I became immersed in this issue, writing and speaking about it, I began to wonder if I might be doing more harm than good. The most dangerous consequence of this terrorism rhetoric is fear, so does raising public awareness just make more people afraid? The true threat of the Animal Enterprise Terrorism Act is the chilling effect on free speech, so would activists be better off not knowing? As a journalist, I have felt a responsibility to raise awareness about legal and legislative issues that have largely gone unnoticed. As someone who cares deeply about these issues, I've wondered if I'm just doing the job of the government and corporations for them by spreading fear.

It is clear, though, that ignoring these problems will not make them go away. The best way to cut through the fog of fear is to shine a light directly on the source. In Plato's allegory, the first step out of the cave was to turn around and recognize the fire. When we look closely at the court cases, legislation and public relations efforts, we see these campaigns in their true form. We can begin to understand that what is unfolding before us is not truth, it is shadow.

Drawing comparisons between this political climate and the Red Scare does not mean there is a direct correlation. The analogy is not meant to imply that the experiences of activists today are on par with those of the countless people whose lives were ruined by McCarthyism. Nor is it to imply that what animal rights and environmental activists are experiencing is more important than what others have endured for years; after September 11th, Arab, Muslim and South Asian people were rounded up and detained in the United States, and they continue to be racially profiled, none of which has happened to these overwhelmingly white movements. There is much to be gained by putting this in a historical context and recognizing patterns of government repression, yet there is a danger in trying to fit contemporary experiences into a historical mold—the analogy must end when change begins.

There is nothing inevitable about history repeating itself.

Fyodor Dostoyevsky wrote in *Notes from the Underground*, “The whole work of man really seems to consist in nothing but proving to himself every minute that he is a man and not a piano-key.” The strategies, tactics and goals of many eras of government repression are similar, but when touched by them we do not need to play the same note. Naming names and pledging loyalty oaths did not protect anyone then, and it will not protect anyone now. Fear is not our only possible response. We are capable of more. We are not piano keys.

It will not be easy. There will be more media campaigns, economic terror legislation and arrests. Through it all, one thing must be remembered about the activists labeled terrorists: they are in good company. Many of the radicals we revere today were feared and vilified in their time. Civil rights, American Indian and antiwar activists were constantly harassed and surveilled. Anarchists organizing for an eight-hour workday were set up in kangaroo courts for murder, then executed. Socialists have been sentenced for sedition and imprisoned for making speeches. This is not to say that all activists should pat each other on the back and compare themselves to Dr. King, but today's social justice movements must be placed in historical perspective.

We, as a culture, have created a mythology of repression and resistance. In history books, injustice is always so easily recognizable, social struggles are buffed to a Hollywood sheen so that the characters are either pure good or pure evil and the necessary response is equally straightforward. But at the time? At the time it's not always that easy to see.

The most disgraceful periods in history were arrived at slowly, methodically, with an infinite number of decisions being made, every day, by real people. There is no going to sleep one night in a democracy and waking up the next morning to police roundups. There is no “tipping point,” there are many points, and at each of them we have a choice—do we continue down this path, because