



Animal & Ecological Terrorism in America

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

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The American Legislative Exchange Council's Homeland Security Working Group has taken the lead in developing model legislation in the areas of non-commercial state drivers licensing requirements and eco-terrorism. Other issues of interest to the working group are: critical infrastructure protection, nuclear safety, management of nuclear, biological, and chemical attacks, first responders, border security, energy security, terrorism insurance, domestic military preparedness, citizen education and preparation, and budgetary impacts of homeland security.

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Animal & Ecological Terrorism in America

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Foreword

Thomas Jefferson, in a letter to Wilson Nicholas, said, “our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction.”¹ The guarantees provided by the Constitution of state autonomy must not be subjugated by the relevant concerns for security, but instead these times must act as the testing grounds for those sacred ideals of dual federalism.

It is with these principles of liberty espoused by Thomas Jefferson that the Homeland Security Working Group of the American Legislative Exchange Council considers issues of critical importance to the safety and well being of the citizens of the United States.

One such issue is that of the rising threat of domestic terrorism, specifically animal and ecological terrorism in America. Often, one thinks of right wing militias or lone actors seeking attention to an isolated personal problem, but over the past decade extreme animal rights and environmental militants have used violence as a tool to force communities, businesses, local municipalities, and individuals to comport to their views. Often these incidents are prosecuted as acts of vandalism, arson, or other similar crimes, but recent investigations have shown that these radical organizations operate in a similar fashion to other terrorist groups like al-Qaeda.

The Federal Bureau of Investigation defines terrorism as the unlawful use, or threatened use, of violence by a group, committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

In a February 2002 statement before the Forests and Forest Health Subcommittee of the U.S. House Resources Committee, James Jarboe, Domestic Terrorism Chief of the FBI expressed his concern about the new wave of special interest terrorism. “Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other movements. Some special interest extremists — most notably within the animal rights and environmental movements — have turned increasingly toward vandalism and terrorist activity in attempts to further their causes.”

“The only thing
necessary for the
triumph of evil is for
good men to do
nothing.”
- Edmund Burke

It is this wave of domestic terrorism that the American Legislative Exchange Council seeks to address through the state legislatures. Acts of terrorism occur locally, hence it is important that state governments ensure a legal structure is in place to prevent, contain, or investigate the terrorists who attempt to destroy our freedom and quality of life through violence rather than use the tools of democracy provided under the Constitution to promote a political cause.

“The sword of the law should never fall
but on those whose guilt is so apparent
as to be pronounced by their friends as
well as foes.”

—Thomas Jefferson to Mrs. Sarah Mease,
1801. FE 8:35

II. From Books to Bombs: Development of Animal/Environmental Extremism

The political movement for environmental and animal rights has been undergoing a phenomenal expansion and quest for legitimacy in the past decade. It has migrated from the personal quarters and inquisitive considerations of collegiate academia into the hearts and minds of a dedicated few. They are hell-bent on revolutionizing a system of perceived abuse into one that abides by deeply rooted philosophies of fundamental animal equity and environmental preservation. Change has been slow to take root, both politically and within the psyche of the American public. Yet the movement has brought the nation from an understanding of the ethics of animal/ecological welfare to a presumption of fundamentally protected rights. Outlined below is a timeline of this historic and sustained struggle for animal rights organizations:

- ❖ 1859 – Philosophical roots bud as a result of Darwin’s publication of *The Descent of Man* where he claims, “There is no fundamental difference between man and the higher mammals in their mental faculties.”
- ❖ 1873 – Enactment of the “28-hour law” requiring all animals be well rested, watered, and fed in interstate transportation.
- ❖ 1958 – Enactment of the Humane Slaughter Act requiring the use of anesthetics on animals designated to be slaughtered.
- ❖ 1963 – Hunt Saboteurs Association (HSA) is created to distract fox hunters and is credited by some as initiating the trend toward “direct action.”
- ❖ 1966 – Enactment of the Laboratory Animal Welfare Act, although it was widely criticized by many blooming environmental activists as being “too little, too late.”
- ❖ 1969 – Enactment of the Endangered Species Act
- ❖ 1970 – Enactment of the Animal Welfare Act
- ❖ 1970s – General academic and scholarly debates for animal-man equality in a public and intellectual forum (often comparing the treatment of animals in labs to the holocaust), particularly in response to biomedical research requiring vivisection.
- ❖ 1972 – Bifurcation in HSA resulting in the creation of the Band of Mercy, a group dedicated to taking more violent action on HSA principles against hunters.
- ❖ 1975 – Animal Liberation Front (ALF) connected to firebombing animal research center in England (first documented attack by ALF).
- ❖ 1977 – ALF’s first documented action in the United States. Two dolphins from the University of Hawaii were released.
- ❖ 1982 – People for the Ethical Treatment of Animals (PETA) established. Today it has over 350,000 members.
- ❖ Early 1980s – ALF expands activity in the U.S. as support begins to accumulate.
- ❖ 1991 – Publication of “Screaming Wolf,” a pseudonym for “A Declaration of War: Killing People to Save Animals and the Environment,” which effectively acted as a “call to arms.”
- ❖ 1992 – Earth Liberation Front (ELF) is founded in Brighton, England, by Earth First! extremists looking to further their goals through unlawful means.
- ❖ 1994 – ELF spreads to the United States, although no specific link can be found to show a direct connection between the English and U.S. branches.
- ❖ 1996 to present – ALF and ELF have become increasingly more aggressive with about 600 attributed attacks at a cost of over \$50 million.

- ❖ 1999 – 80 threatening letters were sent to animal researchers; the envelopes concealed razor blades coated in rat poison, designed to harm the person who opened the mail.
- ❖ Circa 2000 – The Ruckus Society is created to train environmental protestors in “enviro-boot camps.”
- ❖ 2001 – ELF claimed responsibility for arsons at the University of Washington Center for Urban Horticulture in Seattle and Jefferson Poplar Farms in Clatskanie, Oregon, for an estimated total of \$3.5 - \$5.6 million in damages.
- ❖ 2002 – ELF claimed responsibility for arsons committed by Jacob Sherman and Michael Scarpitti in Portland, Oregon.
- ❖ 2003 – ARISSA is started by Craig Rosebraugh and Leslie James Pickering, two former ELF spokesmen, with the intent to revolutionize the eco-terror movement (and feared to soon be more violent than all preceding groups).
- ❖ March 2003 – ELF reported arsons in Chico, California, and Washington, Michigan.
- ❖ Summer 2003 – ELF claimed responsibility for SUV dealerships vandalized and torched in Virginia and California.
- ❖ August 2003 – ELF claims responsibility for arson at a 206-condominium project under construction in San Diego, California. Approximate damage cost is \$20 million.
- ❖ August 2003 – ALF claims responsibility for release of 10,000 minks in Sultan, Washington. Damage estimated at \$500,000.

III. The Nature of the Threat

Threats of domestic terrorism in the name of animal and/or environmental rights are largely attributed to two domestic terror organizations: the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF). Considered by the FBI to be the most dangerous of domestic terror threats¹, these organizations facilitate ideologically driven vandalism, property damage, theft, and general terrorism against individuals, groups, and governmental agencies that do not fit their vision of environmental equity. The following is a generalized assessment of the threat posed by these organizations for the layman.

Animal Liberation Front (ALF)

(See website at www.animalliberationfront.com)

History

Established in the mid-1970s in England by a fervent animal rights activist named Ronnie Lee, the Animal Liberation Front became a significant animal rights offshoot of more well-recognized British organizations like the Royal Society for the Prevention of Cruelty of Animals, the British Union for the Abolition of Vivisection, and the National Anti-Vivisection Society. These groups sprang up in the wake of significant biomedical advancements.

The first attack attributable to the organization was the 1975 firebombing of an animal research center in England. Lee was convicted and sentenced to three years in prison for the act.² Around the time of Lee's release, an ALF branch began to operate domestically in the United States. The unlawful release of two dolphins by trespassers at the University of Hawaii were later attributed to ALF's American founders. Although suspected, it is unclear if a direct connection exists between the British and American branches.

Like other terrorist operations, recruitment is largely from a younger, college-age population (under the age of 25).³ ALF has achieved some success in advancing its radical philosophy that certain animal rights are fundamental in nature, and in encouraging others to join the movement through "direct action."⁴ Nonetheless, the organization remains a scattered association of approximately 100 "hard-core members," who are willing to take unlawful action in furtherance of ALF principles.⁵

While the organization is growing in force and in size, its effectiveness in changing public policy is

Notable Attacks:

- ❖ 1987– Firebombing of a University of California- Davis veterinary diagnostic lab under construction (FBI: terrorism)
- ❖ 1989– Arson at University of Arizona in Tucson (FBI: terrorism)
- ❖ 1989– Theft of animals and destruction of equipment at Texas Tech University in Lubbock (FBI: terrorism)
- ❖ 1992– Break-in and arson at the USDA predator ecology project at Utah State University (FBI: major vandalism) est. damage over \$100,000
- ❖ 1992– Firebombing of five Swanson Meat trucks in Minneapolis, Minnesota, (FBI: major vandalism) est. damage over \$100,000
- ❖ 1992– Firebombing of a Michigan State University research laboratory resulting in the damage of 32 years of research aimed at benefiting animals (FBI: terrorism)
- ❖ 1999– Firebombing of two Big Apple Circus vehicles in Franklin Township, New Jersey (FBI: terrorism)
- ❖ 2003– Release of 10,000 minks from a farm in Washington state, resulting in \$500,000 in damages. (Associated Press: Aug. 27)

lacking. Therefore, to propagate their principles in a more conducive forum, the organization has attached itself to other “aboveground,” legitimate groups. For instance, People for the Ethical Treatment of Animals (PETA) has not publicly stated support for ALF’s illegal tactics, but it often supports the principles associated with the attacks.⁶ To that end, PETA often releases video, photographs, or other propaganda provided to them by ALF immediately after an attack.⁷ In a 2002 interview, PETA president and co-founder Ingrid Newkirk said,

“Our nonviolent tactics are not as effective. We ask nicely for years and get nothing. Someone makes a threat, and it works.”⁸

There is evidence that PETA has supported ALF members financially.⁹ For example, PETA contributed \$42,000 to the defense of Rodney Coronado, an ALF member who firebombed a Michigan State University lab in 1992. Coronado was convicted and received a 57-month prison sentence.¹⁰ More recently, a page from PETA's 1999 annual tax return shows a \$2,000 payment to former ALF spokesman David Wilson. The donation is designated, “To support their program activities.”¹¹ The Center for Defense of Free Enterprise has asked the IRS to remove PETA’s tax-exempt status.¹² Finally, PETA has access to ALF Support Groups, claiming to have over 10,000 members, which aid in legal defense of ALF activists charged with crimes.

ALF also has significant ties with another similarly principled terrorist organization, the Earth Liberation Front (ELF). They are believed to share resources and contacts with that organization and others of similar nature.¹³

Altogether, the total estimated cost of property damage, perpetrated by ALF and its allies, is over \$50 million.¹⁴ Of course this total does not account for years of lost research, indirect damage to the market, and the emotional toll on victims.

Credo

ALF’s Mission Statement is the core of its doctrine:

- ❖ To liberate animals from places of abuse and place them in good homes where they can live out their natural lives free from suffering;
- ❖ To inflict economic damage upon those who profit from the misery and exploitation of animals; and
- ❖ To reveal the horrors and atrocities committed against animals behind locked doors.¹⁵

Notably, it has been a matter of ALF doctrine that no person may be killed or seriously injured in the pursuit of fulfilling a mission.¹⁶ However, this principle seems to be largely ignored by the highly extreme wings of the organization. As former ALF spokesman Kevin Jonas said, “When push comes to shove, we’re ready to push, kick, shove, bite, do whatever to win.”¹⁷

Jonas is currently a member of an ALF splinter group called Stop Huntingdon Animal Cruelty (SHAC). SHAC is dedicated to waging war on Huntingdon Life Sciences, a pharmaceutical company that tests drugs on animals. Recently, five Japanese companies, customers of Huntingdon Life Sciences, won extensive protection against animal rights activists in Britain. This was the first time an anti-harassment law, normally used against stalkers, was extended to protect individuals in a corporate context. The orders named specific animal rights activists as well as SHAC, ALF, and the Animal Rights Militia.¹⁸

ALF Signature

- ❖ Significant surveillance
- ❖ Close contact with target
- ❖ Very precise attacks
- ❖ Inexpensive tools/weapons, particularly incendiary devices

Modus Operandi

ALF has an intriguing form of operation, much like that of al-Qaeda, the IRA, and many African terrorist regimes, comprised of autonomous cells that attack without the apparent approval of any centralized authority.¹⁹ There can, however, be little doubt that a criminal association, or organization, does in fact exist, given the clear communicative abilities with activists,²⁰ websites, publications, and backdoor distribution of contributed funds (particularly money from mainstream, aboveground organizations).

No requirements exist for membership other than the willingness to take direct action in accordance with ALF guidelines. Activists are encouraged to contact ALF and report their activities. ALF's website is full of helpful tips for anonymous activists to avoid leaving fingerprints, fibers, and electronic trails when contacting the organization. The lack of membership rules would make the cells seemingly easy to penetrate by undercover law enforcement agencies. However, it's non-hierarchical structure and lack of membership rosters rather effectively thwart gathering usable evidence.

When preparing to attack, ALF members tend to spend a significant amount of time on surveillance of potential targets. Often a member will seek a job at the targeted business for two principle purposes. First, the terrorist gains the ability to study the security arrangements, allowing for the development of alternate plans to bypass it and to make easier getaways.²¹ Second, as an employee, the terrorist is able to document the alleged abuse of animals. This documenta-

tion may be forwarded to aboveground organizations, which then act in propagating the intended message.²²

Terrorism is defined as a premeditated, politically motivated act usually intended to deliver a particular message to a segment of the public, the government, or a business to coerce policy changes that reflect ALF's principles.²³ Thus, the act of documentation and dissemination is key to fulfilling the mission, in the eye of a potential terrorist.

What has since become known as the "ALF Signature" is the common process of surveillance, close contact with the target, and the tendency to strike with very inexpensive and precise tools/weapons. One weapon of choice for ALF, much like ELF, is the homemade incendiary device, or firebomb.

"We cannot end hunting, but we can put an end to some hunters."

- ALF 'Screaming Wolf'
publication

"He has got off lightly. I have no sympathy for him."

Ronnie Lee, on the news that a marketing director for Huntingdon Life Sciences was attacked at his doorstep with a spray that left him temporarily blinded, writhing on the ground in front of his wife and young daughter.

-Southern Poverty Law Center Report

The Future of ALF

Both within the judicial community and the corporate animal enterprise community, there exists a great fear that the ALF movement will become increasingly more damaging and perhaps more violent in the near future. Particularly of concern is the threat of highly extreme members forming splinter groups and unleashing violence against individuals. In 1991 an underground publication entitled "Screaming Wolf," a pseudonym for "A Declaration of War: Killing People to Save Animals and the Environment" was published. It was intended as a "call to arms" to potential splinter-group extremists within the already extreme ALF and ELF. Many today worry that this message has taken a great deal of time to mature and find its way into the underlying philosophies of these organizations, but that in fact a violent underground, animal rights revolution is beginning to ripen.

Earth Liberation Front (ELF)

(See website at www.earthliberationfront.com)

History

ELF was founded around 1992 in Brighton, England, as an intense derivative of Earth First!, another environmental extremist organization, desiring to pursue criminal acts in furtherance of its cause. Much like ALF, ELF is the evolving product from pockets of environmental extremists across the world. From Darwin's initial theories on the nature of animals and other scholarly works concerning environmental sustainability, these groups have progressed to the modern day firebombing of those institutions that have caused a breach in their vision of good society.

The FBI has frequently listed and named ELF as the most dangerous domestic terrorist organization, given their frequent assaults both on individuals and businesses and on the market overall.²⁴ These increased attacks have caused a conservatively estimated \$50 million in property damages²⁵, yet the intensity seems to be on a rapid increase.

“We have no choice but to fight. Literally, fight, in the physical sense of the word. There is too much at stake for us to be tame in our struggles.”

- *On Sabotage*, Jeffrey Luers

Credo

Not so dissimilar to ALF, ELF's general guidelines for operation revolve around three primary points:

- ❖ To inflict economic damage on those profiting from the destruction and exploitation of the natural environment;
- ❖ To reveal and educate the public on the atrocities committed against the earth and all species that populate it; and
- ❖ To take all necessary precautions against harming any animal, human and non-human.”²⁶

Such a message has been echoed in the philosophical writings of Ted Kaczynski's (the “Unabomber”) *Manifesto*²⁷ and many convicted criminals who write from their jail cells.

The furthering of ELF's message takes place, at least in large part, within several centralized press offices, that take the information sent to them and disseminate it to the public and other media outlets. While there can be little doubt that these press offices do aid in the effectiveness of the terrorists, their independence from operatives and first amendment guarantees have left them virtually untouchable to the law.

Modus Operandi

Because the structure of ELF, like that of ALF and other terrorist associations, is one of highly autonomous cells, it has made attempts to stay commonly united behind fundamental principles and methods by placing various how-to manuals on their website. For instance, ELF's website contains a 37-page manual on how to make incendiary devices with a timer, promising “retribution” to those who

print the manual who aren't intending to further the organizational principles.²⁸ Other instructions on the website include how to deal with law enforcement authorities²⁹, avoid detection, and funnel money to operatives.

The Future of ELF

The threat posed by ELF is, without doubt, on a rapid increase. But the genuine trepidation is caused by some highly dedicated members of ELF who, it is feared, might splinter off and start escalating the violence of their attacks. If their voice isn't heard by burning buildings, perhaps it may be heard by cutting throats.³¹ This fear has caused many in the law enforcement and corporate communities to endorse new legislation that could effectively rout out these dubious structures of terror. Such a movement seems to have begun with an emerging splinter group calling itself ARISSA³², developed by two former ELF spokesmen who have concluded "that more direct, strategic and severe action need[s] to be taken against the political structure itself in the United States," and that "until such time as a revolution occurs, the U.S. political structure will continue to inflict widespread atrocities on a domestic and international level."³³

IV. Response in the State Jurisdiction

Failure of the Initial Steps to Address Eco-terrorism

To combat this emerging threat, most states have relied upon basic vandalism and destruction of property charges, instead classifying the environmental extremists who commit these forms of violence as terrorists. The difficulty in using basic vandalism, trespassing, and destruction of property laws lies in the states' inability to enter forfeiture proceedings and prosecute those who fund attacks; to combat the apparent continuing criminal venture; and to distinguish between disgruntled youths and eco-terrorists.

A continuing criminal venture, as in any continuing enterprise, requires funding to both carry out the acts and to further the impact through propagation techniques. A state's lack of competence to take away the funding from these entities, whether through forfeiture proceedings or stemming the flow of pecuniary backing, allows them to expand in capital and eventually in power fueled by violence and fear.

Moreover, states have attempted to adjudicate on a case-by-case basis, in the eyes of the law treating each act as altogether mutually exclusive. The difficulty in attacking an entity, such as ALF or ELF, in a somewhat ad hoc fashion, rather than targeting them as criminal entities, allows for increased liquidity in the organizational dynamics itself; if a state squeezes here, the entity will bulge there.

Further, by making no legal distinction between the common thug who vandalizes a public park and an organized eco-terrorist, the state is left void of investigative and adjudicatory tools, as well as minimal sentencing for these type of crimes. This, in summary, allows for a significant circular turnover rate, where criminals return to their organizations to commit further crimes in other locations or jurisdictions.

Introducing the Animal and Ecological Terrorism Act (AETA)

Protecting citizens from any form of terrorism has been one of the top priorities of local, state and federal law enforcement agencies. According to the FBI, animal and ecological terrorism is among the largest domestic terrorist threat.³⁴ In the past few months, ELF and ALF have claimed responsibility for destroying several homes in Washington state, California, and Michigan, releasing 10,000 minks from a farm in Washington state, and attacking three California car dealerships. This is their form of political activism. The groups boast of carrying out similar actions since 1997 resulting in nearly \$50 million in damage.³⁵ With a renewed focus on fighting terror both at home and abroad, ALEC's Criminal Justice Task Force voted overwhelmingly in favor of passage of the Animal and Ecological Terrorism Act (AETA). The model bill enables law enforcement to penalize those who aid or assist terrorists or terrorist organizations. It recognizes animal rights and eco-terrorism as forms of domestic terrorism, increasing penalties for persons participating in acts of eco-terrorism and creating specific penalties for those who assist or finance these acts. (*See Appendix A*)

A Comparison of State Introductions of AETA

MO SB 657

Status: 2/27/03 Introduced; 4/24/03 In Cmt. on Agriculture: vote passed.

Title: Animal Research and Production Facilities

Sponsor: Klindt (ALEC member)

Same: (Based on ALEC principles)

- ❖ Covers animal agriculture and wildlife.
- ❖ Illegal activities include damage, or entering facilities with intent to damage, and taking pictures.

Different:

- ❖ Does not cover mining, timber, or use of other natural resources.
- ❖ Illegal activities include releasing a disease at an animal facility.
- ❖ Applies only to individuals.
- ❖ Penalty schedule different: Under \$300 misdemeanor; \$300-\$10,000 class D felony; \$10,000 - \$100,000 Class C felony; \$100,000+ Class B Felony.
- ❖ Provides for equal restitution for the victim.
- ❖ No terrorist registry.

NY SB 2996

Status: On 3rd reading calendar 5/19/03.

Title: To amend the agriculture and markets law, in relation to unlawful tampering with animal activities

Sponsor: Kuhl (ALEC member), Alesi, Larkin, Maziarz, McGee, Mendez, Rath, Volker, Wright

Same: (Based on ALEC model)

- ❖ Covers animal agriculture, wildlife, research.
- ❖ Applies to groups and individuals. Uses same definition of an "animal or ecological terrorist organization."
- ❖ Illegal activities include impeding use of an animal or natural resource, damage, entering a facility with the intent to cause damage, taking pictures. Also includes funding or supporting said groups.
- ❖ Penalty schedule is the same.
- ❖ Provides for an ecological terrorism registry.

Different:

- ❖ Nothing substantial

NY AB 4884 *(Same as NY SB 2996)*

Status: In committee 2/20/03

Sponsor: Smith (Non-member)

OH SB 67

Status: 4/8/03 Introduced; 5/21/03 Passed Senate; 5/29/03 In House Cmt. on Agriculture.

Title: Prohibit damaging or destroying crops, timber, livestock or equipment.

Sponsor: Mumper (ALEC member), Wachtmann, R. Gardner, DiDonato, Coughlin, Stivers, Austria, Goodman, Carnes, Carey, Schuring, Armbruster

Same: (Based on ALEC principles)

- ❖ Covers animal and crop agriculture, timber, and wildlife.
- ❖ Illegal activity only includes actual damages.
- ❖ Applies to individuals.

Different:

- ❖ The victim shall be compensated twice the economic damage amount.
- ❖ Penalty schedule is different: Under \$5,000 misdemeanor; \$5,000-100,000 is a 4th degree felony; \$100,000+ felony in 3rd Degree

OK SB 584

Status: Enacted April 10, 2003 (No amendments were made)

Title: Oklahoma Farm Animal, Crop, and Research Facilities Protection Act

Sponsor: Price (Former ALEC member), Gumm, Covey

Same: (Very similar to ALEC bill)

- ❖ Covers animal agriculture and wildlife.
- ❖ Illegal activities include damage or entering a facility with intent to do damage.
- ❖ Penalty schedule is the same, except no provision for compensation of victims.

Different:

- ❖ Coverage extended to crops and crop facilities.
- ❖ Does not cover mining, timber, or use of other natural resources.
- ❖ Applies only to individuals.
- ❖ No provision for terrorist registry.

OR S.B. 385

Status: 2/11/03 Introduced; 6/2/03 Passed Senate;
House Cmt. on Judiciary.

Title: An act relating to eco-sabotage.

Sponsor: Ferrioli (ALEC member), Messerle,
Krieger

Same: (Based on ALEC principles)

- ❖ Eco-sabotage is defined to include unlawful interference with the animal and crop agriculture, fur-bearing animals, timber, food fish, mining, natural resource management activities, research or educational work.
- ❖ Applies to individuals and organizations.

Different:

- ❖ If a criminal offense constitutes eco-sabotage, the statute of limitations is extended for 5 years.
- ❖ Eco-sabotage is a felony.
- ❖ Expands bases for civil actions under Oregon Racketeer Influenced and Corrupt Organizations Act to include racketeering activities that constitute eco-sabotage. Convicted persons may forfeit property, have future activities curtailed, and their organization dissolved. The state may be awarded costs of investigation and litigation for state and local agencies.
- No provisions for terrorist registry.

OR SB 57 *(Same as OR SB 385)*

Sponsor: Courtney (Non-member)

Status: 1/16/03 In Senate Cmt.

Notes: (Based on ALEC principles). This bill is the same as SB 385, except that the word “eco-terrorism” was replaced with “eco-sabotage” in the SB 385.

TX HB 433

Status: Legislature adjourned while bill was in committee.

Title: Animal Rights And Ecological Terrorism

Sponsor: Allen (ALEC member)

Same: (Based on ALEC model)

- ❖ Covers any activity involving the use of animals, any activity involving natural resources (mining, timber, etc.).
- ❖ Applies to groups and individuals. Includes political motivation language.
- ❖ Illegal activities include damages, unlawful entry with intent to commit damage, taking pictures.
- ❖ Same penalty schedule and provisions for restitution to victims.
- ❖ Creates an eco-terrorism registry.

Different:

- ❖ Nothing substantial

V. Response in the Federal Jurisdiction

Initial Steps Taken by the Federal Government

In response to the increasing threat posed by domestic eco-terrorism, the federal government enacted the Animal Enterprise Protection Act of 1992 (AEPA). As the first attempt to finally prosecute more harshly those who sabotage animal enterprises, the act failed to effectively combat the organizational structure of ecoterrorist associations.³⁶ Instead, the act allowed for increased penalties on an overly narrow range of acts, those dealing with specific obstructions of animal enterprises. The government has had few opportunities to use AEPA given its specific nature, which has merely inflamed animal rights activists for “its protection of those who are harming animals.” What is needed is more effective legislation that targets the wide range of crimes committed by these groups.

Additionally, the federal government has the ability to use the USA PATRIOT Act (USAPA) in combating domestic terrorist organizations, particularly with the powerful evidence gathering tools allowed under the federal act. However, within the realm of eco-terrorism, the act can rarely be used, because the federal definition of terrorism requires the death of or harm to people, an element not characteristic of eco-terrorists.³⁷

Why AETA Would Work

AETA faces many of the problems posed by AEPA to combat eco-terrorism on a broad scale, including trespassing with intent to terrorize. By allowing the state government to define the terms of eco-terror, the government has the ability to attach significant penalties to those who have joined the extremist movements and enhance their ability to act out with violence.

Additionally, AETA allows for the definition of eco-terror as domestic terror, without reference to the USA PATRIOT Act. In other words, the penalties and identification of those who commit eco-terror crimes are clarified without the overbearing tools provided under the USA PATRIOT Act.

“September 11 only strengthened my belief that if we don’t act to stop our home-grown terrorists they will follow in the footsteps of their more deadly counterparts from abroad, escalating their activities and moving beyond crimes that destroy property to crimes that destroy human lives.”

-Nick Nichols, CEO Nichols-Dezenhall Communications
Management Group, Ltd

VI. Endnotes

¹ Statement of James F. Jarboe, Domestic Terrorism Section Chief of the Counterterrorism Division at the FBI, Feb. 12, 2002, before the House Subcommittee on Forests and Forest Health; Federal Bureau of Investigation, Terrorism in the United States Report, 1999.

² Scott Hendley, Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises, prepared by the U.S. Dept. of Justice.

³ Ibid.

⁴ See glossary for a definition of the term. It is believed to be derived from the European leftist group called Direct Action “that was linked to the murderous Bader Meinhof organization of the 1960’s. They recruited and manipulated the you and naïve back then.” Edward Badolato (Executive Director, Counterterrorism and Security Education and Research Foundation) Conference sponsored by the “Frontiers of Freedom Institute” in the Hart Senate Office Building, June 13, 2001.

⁵ Ibid.

⁶ Jaime I. Roth, 2002 University of Miami Law Review (56 U. Miami L. Rev. 467) “Reptiles in the Weeds: Civil RICO vs. the First Amendment in the Animal Rights Debate.” The following sources also contribute to the general understanding of this statement:

“I think it would be great if all of the fast-food outlets, these laboratories and the banks that fund them exploded tomorrow.” (Kerri Houston, Frontiers of Freedom Opinion and Editorials section, June 19, 2003, “Stopping Activist Gangsters.” Quoting Bruce Friedrich, Spokesperson for PETA, at the Animal Rights 2001 Conference)

David Martosko, Nov. 24, 2002, Washington Times, “Financing Domestic Terrorism”

With the following editions: “It turns out ‘the people who are willing to do it’ are directly tied to PETA. Just weeks after Mr. Friedrich’s speech, ELF and ALF burned down a McDonald’s restaurant in Tucson, Arizona. They publicly took credit for the attack- on September 11 [2001]... The PETA money trial shows us just what PETA really stands for. And PETA’s own words reveal just what they ‘are willing to do.’”

William W. Casen, 1995 Houston Law Review (32 HOUS. L. Rev. 745) “Spiking the Spikers: The Use of Civil RICO Against Environmental Terrorists”

“Monkeywrenching has been used as a means of achieving ends not achievable through legitimate political means by groups such as Greenpeace, Earth First!, the Sea Shepard Society, the Animal Liberation Front (ALF), and the People for the Ethical Treatment of Animals (PETA).”

And also,

Footnote #66

“There is some suggestion that PETA is linked to ALF. See Rep. George W. Gekas, Medical Researchers Must Be Protected From Targeted Violence by Animal Rights Extremists, 11 No. 2 Healthspan 6 (1994) at 6 (describing PETA statement justifying an arson committed by ALF); Lorenz O. Lutherer & Margaret S. Simon, Targeted: The Anatomy of an Animal-Rights Attack 24,69 (1992) (reproducing PETA literature praising an ALF lab attack that ‘liberated’ cats from a ‘gruesome’ experiment)”

And also,

Footnote # 68

“PETA’s Deception, Bangor Daily News, Sept. 9, 1994”

Dean Schabner, ABC News Feb. 26, 2003, “New Front on Ecoterror?”

“‘I would say there is real course for concern,’ said Joshua Penry, the staff director of the [House Resources] subcommittee [on Forests and Forest Health]. ‘A lot of evidence is circumstantial, but in some cases it’s deeply troubling.’”

Stefan C. Friedman, March 7, 2002, New York Post, “The PETA-ELF Connection” Supra above

“The Center for the Defense of Free Enterprise, a Bellevue, Washington-based group that tracks criminal attacks against businesses, sent a complaint to the IRS, asking that PETA’s tax-exempt status be stripped because there is ‘information [that] strongly suggests that PETA induces or encourages the commission of unlawful acts.’”

Center for Consumer Freedom, Supra above:

“The Center for Consumer Freedom is contributing \$15,000 toward construction of a new animal shelter in Yadkin County, North Carolina, after commissioners rejected a similar offer from People for the Ethical Treatment of Animals (PETA) at a county commission meeting last month. The \$15,000 offer from PETA was rebuffed by County Commissioner Brent Hunter, who led dissenters in rejecting the offer in light of recent revelations that PETA has links to active domestic terror groups. ‘While construction of the county animal shelter is a priority, I cannot, in good faith, accept an offer from a group like PETA when they support and finance groups that engage in arson, harassment, and vandalism in the name of their political agenda,’ Hunter said... PETA has a long history of financially and philosophically supporting the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), organization that the FBI has labeled ‘the largest and most active U.S.-based terror group.’”

“‘PETA collects millions of dollars in contributions every year from people who intend to support the humane treatment of animals,’ [Richard Berman, Executive Director for the Center for Consumer Freedom] said. ‘However, many of these well-intentioned individuals are likely unaware that since 1988 PETA has spent four times as much money defending criminals and domestic terror groups as it has in support of animal shelters. We will continue to educate and urge those who support just causes to ensure that they know whether their money is going to the right place- a dollar given for animals should be spent on animals, not on terrorism.’”

Stewart Truelsen (Director of Broadcast Services for the American Farm Bureau Federation), April 5, 2002, Texas Agriculture, “It’s Time to Expose PETA”

“PETA concentrates on the silly stunts, recruiting celebrities and raising money for the animal rights movement. It leaves the dirty work to these other groups... With all the resources it has, PETA does very little to actually help animals. Most of its success is in stirring public opinion and applying pressure to the farm and food industry, the medical community, biotech firms, federal land management agencies, zoos and circuses- anyone using animals in ways that don’t meet its approval. If that pressure doesn’t work, eco-terrorist groups can take it to the next level. Their targets and their rhetoric are remarkably similar.” (This article was reproduced in: 1) May/June, 2002 edition of Exotic Wildlife. 2) Ohio Farm Bureau Federation, entitled “PETA Exposed on Eco-terrorism” located at <http://www.ofbf.org>. 3) Focus, The Voice of Agriculture, entitled “PETA Exposed on Eco-terrorism” located at <http://www.fb.com>.)

The West Volusia Humane Society, Donations section of website (<http://www.siberiancats.com>)

“We have the People for the Ethical Treatment of Animals, PETA, the scourge of the earth. PETA supports terrorism by donating YOUR money to groups known as the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF). Both of these groups are responsible for terrorist acts against fellow Americans for various reasons that, simply put, do NOT agree with the agendas of the ALF and ELF. They raid farms releasing all of the animals and they bomb research laboratories. PETA made a sizable donation last year to the North American Earth Liberation Front, which claimed credit for the 1998 firebombing of a Vail Ski Resort and literally hundreds of other crimes.”

⁷ Laura G. Kniaz, 1995 Buffalo Law Review (43 Buffalo L. Rev. 765) “Animal Liberation and the Law: Animals Board the Underground Railroad”

⁸ Michael Satchell. “Terrorize people, save animals.” U.S. & World Report, 8 April 2002, p 24.

⁹ Richard Berman Supra 8; Stefan C. Friedman Supra 6; Simon Ward, March 20, 2002, Fur Commission USA press release, “Closing the Net on PETA;” David Martosko, Supra 6; Stewart Truelsen Supra 6; Center for Consumer Freedom Supra 6;” United States v. Rodney Adam Coronado Supra 1.

¹⁰ Denise R. Case, 2002 Rutgers Law Journal (34 Rutgers L. J. 187), “The USA PATRIOT Act: Adding Bite to the Fight Against Animal Rights Terrorism?”

“Lobbying is not the only way PETA seeks to effectuate change. PETA has actively funded criminal defendants working for animal rights, such as Rodney Coronado.ⁿ¹⁰² In fact, ‘PETA contributed \$42,500 to Coronado’s legal defense in 1995.’ⁿ¹⁰³” (n102- 5F.3d 397. 9th Cir. 1993) (n103-“Selfless Warriors” Domestic Terrorists Must be stopped, Daily Oklahoman, Nov. 5, 2001.)

¹¹ People for the Ethical Treatment of Animals, 1999 Tax Return, Form 990. 52-1218336, Schedule of Grants and Allocations

- Statement 18. Donation date: Aug. 17, 1999. Document accessed online at http://www.animalscam.com/references/peta_davidwilson1.cfm. Last accessed 8/28/03.

¹² Ron Arnold, Center for the Defense of Free Enterprise, letter to Commissioner Rossotti, March 4, 2002.

¹³ Illustrated well by: Earth Liberation Front guide, "Arson-Around With Auntie ALF," available online at: <http://www.earthliberationfront.com/library/arson.pdf>

¹⁴ Peggy Walsh-Sarnecki and Maryanne George, June 7, 2003, Detroit Free Press, "Shadowy Group says it's behind arsons, sabotage."

¹⁵ Animal Liberation Front, accessed online at: <http://www.animalliberationfront.com/ALFront/WhatisALF.htm>

¹⁶ Ibid.

¹⁷ Southern Poverty Law Center, "From Push to Shove: Radical environmental and animal-rights groups have always drawn the line at targeting humans. Not anymore." Last accessed August 28, 2003 via the web at: <http://www.splcenter.org>.

¹⁸ Financial Times, London Edition, August 28, 2003

¹⁹ United States v. Rodney Adam Coronado Supra 8.

²⁰ This can be best illustrated, more than any secondary source, by the website capabilities, blogs, etc. located, in part, at <http://www.animalliberationfront.com>

²¹ Scott Hendley Supra 2.

²² United States v. Rodney Adam Coronado Supra 8.

²³ Title 22 of the United States Code, Section 2656f(d). The US Government has employed this definition of terrorism for statistical and analytical purposes since 1983.

²⁴ United States v. Rodney Adam Coronado Supra 8; James Jarboe supra I; FBI Report Supra I.

²⁵ Walsh-Sarnecki, George Supra 10

²⁶ Earth Liberation Front Guidelines, accessed online at: <http://www.earthliberationfront.com/about/>

²⁷ Report by the Southern Poverty Law Center, "From Push to Shove: Radical environmental and animal-rights groups have always drawn the line at targeting humans. Not anymore." Accessed via the web at: <http://www.splcenter.org> (particularly notice the interesting link between Earth First!/ELF members a Ted Kaczynski); Ted Kaczynski's Manifesto, "Industrial Society And Its Future," available via web at: <http://www.panix.com/~clays/Una/>

²⁸ Earth Liberation Front guide, "Setting Fires With Electrical Timers: An Earth Liberation Front Guide," available online at: http://www.earthliberationfront.com/library/elf_manual300.pdf

²⁹ Earth Liberation Front guide, "If An Agent Comes Knocking," available online at: <http://www.earthliberationfront.com/library/IfanAgentKnocks.pdf>

³⁰ Earth Liberation Front guide, "Security Culture: a handbook for activists," available online at: <http://www.earthliberationfront.com/library/sec-handbook.pdf>

³¹ Further exemplified by Jean Rosenfeld's, a senior research at the Center for the Study of Religion at UCLA, comments, "If a group is underground, as ELF is, considers itself an elite corps, and believes a higher law mandates violent acts in order to bring about what it considers to be salvation- for example, of the earth and all life- then it may have difficulty recruiting enough members and it may become more fanatical and violent over time." Brad Knickerbocker, Sept. 26, 2002, Christian Science Monitor, "In US, a rise of violent environmental tactics: Arson and death threats have followed ecoterrorists call for more use of force."

³² ARISSA, located online at: <http://www.arissa.org>

³³ Oregonian Live, AP, May 12, 2003, "Former ELF Spokesmen Form New Revolutionary Group."

³⁴ United States v. Rodney Adam Coronado, Supra 8; James Jarboe supra I; FBI Report Supra 1.

³⁵ Earth Liberation Front, <http://www.earthliberationfront.com/about/>

³⁶ Scott Hendley Supra 2

³⁷ Boaz Ganor Supra 17; Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), enacted Oct. 15, 2001, with reference to the various existing federal statutes in Title 18, and other titles, concerning terrorism generally.

VII. Glossary of Terms

ALF Signature - The very common M.O. of precise destruction wrought by ALF in a characteristically inexpensive, highly visible, and well documented way.

Animal Enterprise Protection Act (AEPA) - Enacted by the U.S. Congress in 1992, this act was targeted at charging eco-terrorists, their organizations, and their supporters, yet proved to be toothless and inefficient. Its failure is marked by the fact that only one person has been convicted of eco-terrorism using it, three years after its establishment.

Animal Liberation Action Foundation (ALAF) - A subsidiary, ad-hoc division of ALF, that constitutes only a small group of clusters, or cells, of ALF members, who made the decision to change names in order to avoid detection.

Animal Liberation Front (ALF) - Established in the mid 1970's in England by Ronnie Lee (with its first attributable attack in 1975 on an animal research center) and branched to the U.S. around 1978. Currently seen as one of the most virulent of underground animal rights entities, having been labeled a domestic terrorist organization by the FBI (up until 1999 when the FBI suspended its labeling of terrorist organizations).

Animal Rights Militia (ARM) - A subsidiary, ad-hoc division of ALF, that constitutes only a small group of clusters, or cells, of ALF members, who made the decision to change names in order to avoid detection.

ARISSA - A new emerging splinter-group from ELF and Earth First!, started by two former ELF spokesmen, that is feared to be more violent and revolutionary than any preceding eco-terrorist association.

Band of Mercy - Originating around 1972 by a few extremists of the Hunting Sabotage Association who desired to further the anti-hunting movement by enhancing overt direct action upon the hunters and their property.

Circle-A - While often used in graffiti and other vandalism, the symbol of an A with a circle around it is often an icon advocating anarchical society; it has also been attributed to ALF in and around animal research facilities and animal enterprises.

Craig Rosebraugh - A former ELF spokesman, he is often known as a key watermark spokesman for the general trends in the eco-terror climate. Often known for pleading the fifth about 55 times when before the House Subcommittee on Forests and Forest Health concerning eco-terrorism, he's characterized as a passionate revolutionary in the eco-terror world.

Direct Action - Form of terrorist attack that causes economic loss or destruction of the victim's company operations.

Earth First! - An environmental association that originally started in England but has subsequently spread internationally; predecessor to the now virulent ELF. It has been suspected for committing acts of eco-sabotage, yet could be considered less hostile than ELF.

Eco-sabotage - An aggressive, sometimes violent, act that is targeted at effecting decisions and/or well-being (fiscal or otherwise) of an enterprise or enterprises involved in lawful or unlawful environmental exploitation.

Eco-saboteur - One who commits an act of eco-sabotage.

Eco-Terror - The use or threatened use of violence of a criminal nature against innocent victims or property by an environmentally-oriented, sub-national group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature. (According to James Jarboe, FBI Domestic Terrorism Section Chief)

Humane Slaughter Act - Federally enacted in 1958, this act stands as a significant watermark for the evolution of animal rights, requiring that all animals be placed under anesthetics prior to being slaughtered.

Hunt Sabotage Association (HSA) - Created in 1962 is a strong animal rights group revolved around the effort to distract hunters and scare away game in the midst of a hunt. Extremists from this group eventually bifurcated the entity and started the Band of Mercy group that was oriented toward a more abrasive method of distraction.

Jeffrey Leurs - Was an active eco-terrorist in Oregon with ties to ELF and ALF, but is currently serving about 22 years in prison.

Justice Department - Started in England, but having spread recently to the United States, this eco-terror organization has been known to put razor blades in envelopes, among other more typical eco-terrorist activities. It seems to have a close relationship with ELF, particularly online.

Laboratory Animal Welfare Act - Enacted in 1966 by the U.S. Congress, this act served as one of the initial pieces of legislation that furthered the animal rights cause, yet was not well received by the animal rights community as being too little, too late.

Monkeywrenching - Acts of sabotage and property destruction such as tree spiking, arson, or sabotage of logging or construction equipment.

Ronnie Lee - Founder of the Animal Liberation Front (ALF) in England, an entity which has since spread across the world in small and autonomous, yet nonetheless vituperative, “cells” of young, active, members.

Ruckus Society - Co-founder of Earth First!, member of the boards at Greenpeace and the Rainforest Action Network, Mike Roselle formed this organization for the purpose of training protestors and believed eco-terrorists. While maintaining its tax-exempt status, it has trained protestors who turned violent (some of whom were at the WTO protest in Seattle).

Screaming Wolf - A pseudonym for an underground publication that has been attributed to members of ALF (A Declaration of War: Killing People to Save Animals and the Environment).

Stop Huntingdon Animal Cruelty (SHAC) - Located initially in the U.K., now with many large divisions globally, this eco-terror organization maintains the primary function of attacking Huntingdon Life Sciences and other corporations that do similar functions.

Tree Spiking - Insertion of metal or ceramic spikes in trees in an effort to damage saws.

28-Hour Law - Enacted by the U.S. Congress in 1873, this was one of the first animal rights acts in the Nation. It required that all animals be well-rested, fed, and watered while in interstate transport.

Vivisection - The act or practice of cutting into or otherwise injuring living animals, especially for the purpose of scientific research.

VIII. Appendix A

Animal and Ecological Terrorism Act (AETA)

Summary

This act creates penalties for persons encouraging, financing, assisting or engaged in {optional language insert “politically motivated”} acts of animal and ecological terrorism.

Model Legislation

Section 1. {Short Title} This act shall be known as The Animal Ecological Terrorism Act.

Section 2. {Definitions}

- A. “Animal” means any warm-blooded or cold-blooded animal lawfully confined for food, fur, or fiber production, agriculture and its related activities, research, testing, education or wildlife.
- B. “Animal activities” means any activity involving the use of animals or animal parts to include hunting, fishing, trapping, traveling, camping, production, preparation or processing of food or food products, clothing or garment manufacturing, medical or other research, entertainment, recreation, agriculture, biotechnology, or any other services involving the use of animals.
- C. “Animal facility” includes a vehicle, building, structure, research facility, nature preserve or other premises where an animal is lawfully kept, handled, housed, exhibited, bred, or offered for sale, to include a zoo, rodeo, circus, amusement park, hunting preserve and horse and dog event.
- D. “Animal or ecological terrorist organization” means any association, organization, entity, coalition, or combination of two or more persons with the primary or incidental purpose of supporting any {optional language insert “politically motivated”} activity through intimidation, coercion, force, or fear that is intended to obstruct, impede or deter any person from participating in a lawful animal activity, animal facility, research facility, or the lawful activity of mining, foresting, harvesting, gathering or processing natural resources.
- E. “Consent” means agreement in fact, whether express or apparent. Absence of either verbal or nonverbal communication shall not be construed fall under this definition.
- F. “Ecological” means the relationship between organisms and their environment.
- G. “Effective consent” means consent by the owner or by a person legally authorized to act for the owner. Absence of either verbal or nonverbal communication shall not be construed to fall under this definition. Consent is not effective if it is:
 - (1) induced by force or threat;

- (2) given by a person that the offender knows or reasonably should have known is not an agent for the owner; or
 - (3) given by a person who by reason of youth, mental disease or defect, or being under the influence of drugs or alcohol, is known by the offender to be unable to make reasonable decisions.
- H. “Natural resource” means a material source of wealth, such as timber, fresh water, or a mineral deposit, that occurs in a natural state and has economic value.
- I. “Notice” means:
- (1) oral or written communication by the owner or someone with apparent authority to act for the owner;
 - (2) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or
 - (3) a sign or signs posted on the property or at the entrance to a building that are reasonably likely to come to the attention of intruders and that indicate that entry is forbidden.
- J. “Owner” means a person who has:
- (1) title to the property; or
 - (2) lawful possession of the property.
- K. “Person” means an individual, governmental unit, corporation, association, nonprofit corporation, joint-stock company, firm, trust, partnership, limited liability company, two or more persons having a joint or common interest, or some other legal entity.
- L. “Possession” means actual care, custody, control, or management.
- M. “Research facility” means a place, laboratory, institution, medical care facility, government facility, elementary school, high school, college, university, or nature preserve at which a scientific test, experiment, or investigation involving the use of animals or other ecological organisms is lawfully carried out, conducted, or attempted.
- N. {Optional language insert “Politically motivated” means any activity where the principal purpose is to influence a unit of government to take a specific action or to persuade the public to take specific action, or to protest the actions of a unit of government, corporation, organization or the public at-large.}

Section 3. {Prohibited Acts}

- A. An animal or ecological terrorist organization or any person acting on its behalf or at its request or for its benefit or any individual whose intent to commit the activity was {optional language insert “politically motivated”} is prohibited from:
- 1. Depriving the owner of an animal or natural resource from participating in an animal or natural resource activity by:
 - (a) obstructing the lawful use of an animal, natural resource or other property from the owner permanently or for such a period of time that a significant portion of the value or enjoyment of the animal, natural resource or property is lost to the owner by way of coercion, fear, intimidation, or property damage.

- (b) taking or detaining the animal, natural resource or other property and agreeing to restore it only upon reward or other compensation; or
- (c) disposing of an animal, natural resource or other property or to so alter its condition or usefulness that the value of the animal, natural resource or other property is substantially reduced.

2. Obstructing or impeding the use of an animal facility or the use of a natural resource without the effective consent of the owner by:
 - (a) damaging or destroying an animal or research facility, or other property in or on the premises;
 - (b) entering an animal or research facility that is at the time closed to the public;
 - (c) remaining concealed in an animal or research facility with the intent to commit an act prohibited by this chapter;
 - (d) entering an animal or research facility and committing or attempting to commit an act prohibited by this chapter;
 - (e) 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;
 - (f) entering or remaining on the premises of an animal or research facility if the person or organization:
 - (i) had notice that the entry was forbidden; or,
 - (ii) received notice to depart but failed to do so.
3. Participating in or supporting animal or ecological terrorism to include raising, soliciting, collecting or providing any person with material, financial support or other resources such as lodging, training, safe houses, false documentation or identification, communications, equipment or transportation that will be used in whole or in part, to encourage, plan, prepare, carry out, publicize, promote or aid an act of animal or ecological terrorism, the concealment of, or an escape from, an act of animal or ecological terrorism.

B. The provisions of this chapter do not apply to activities of a:

1. Government agency or its employees who are carrying out their responsibilities under law or to lawful activities of a financial institution or other secured party; and
2. Humane animal treatment shelter or its employees whose primary purpose is the bona fide control or humane care of animals when acting within the scope of their employment.

Section 4. {Damages and Penalties}

- A. A person that violates the Animal and Ecological Terrorism Act and that results in \$500 or less in physical damage or destruction of property shall be guilty of a {enter appropriate high degree misdemeanor} and fined not more than {insert appropriate dollar amount} or be imprisoned in the county jail for a term not to exceed {insert appropriate time period}, or both.
- B. A person that violates the Animal and Ecological Terrorism Act and that results in more than \$500 in physical damage or destruction of property shall be guilty of a {enter appropriate low degree felony} and fined not more than {insert appropriate dollar amount} or be imprisoned in the state prison for a term not to exceed {insert appropriate time period}, or both.
- C. Any person convicted of or that pleads guilty to violating the Animal and Ecological Terrorism Act and such activity intentionally or negligently results in bodily harm to any individual, the penalty classification shall be elevated one (1) degree.

- D. A person who has been damaged by a violation of the Animal and Ecological Terrorism Act may bring against the person who caused the damage an action in {enter name of appropriate court} court to recover:
1. an amount equal to three times all economic damages to include the cost of lost or damaged property, records, the cost of repeating an interrupted or invalidated experiment, loss of profits or other consequential damages; and
 2. court costs and reasonable attorney fees.

Section 5. {Terrorist Registry}

There is hereby created the registry of animal and ecological terrorists. A person who is convicted of or pleads guilty to an act that violates any section of the Animal and Ecological Terrorism Act shall be registered with the Attorney General on a form prescribed by the Attorney General. The registry shall contain the name, a current residence address, a recent photograph and signature of the offender. The offender is required to provide written notice to the Attorney General regarding any change in name or residence address within thirty (30) days of making the change. The Attorney General shall create a website containing the information set forth in this paragraph for each person who is convicted or pleads guilty to a violation of this Act. Information regarding an offender shall remain on the website for no less than three (3) years at which time the registrant may apply to the Attorney General for removal after a hearing on the application for removal.

Approved by ALEC Board of Directors: September 1, 2003

