

## Trial By Fire: The SHAC7, Globalization, and the Future of Democracy

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"The FBI has made the prevention and investigation of animal rights extremists and eco-terrorism ...a domestic terrorism investigative priority." -- John E. Lewis, Deputy Assistant FBI Director in Counterterrorism, speaking to the U.S. Senate Judiciary Committee, May 2004

"Ah, but in such an ugly time, the true protest is beauty." -- Phil Ochs, Songwriter

Since 1999, Stop Huntingdon Animal Cruelty (SHAC) activists have waged an aggressive direct action campaign against Huntingdon Life Sciences (HLS), an insidious UK animal testing company notorious for its extreme animal abuse (torturing and killing 500 animals a day, 180,000 a year), sloppy research methods, and manipulated data.<sup>1</sup> By combining a shrewd knowledge of the law, no nonsense direct action tactics, savvy use of new media like the Internet to coordinate campaigns, and a singular focus on eliminating HLS as a chief representative of the evils of the vivisection industry, SHAC has proven itself to be not only a leading animal rights organization, but also a contemporary model of anti-corporate resistance on a global level. As such, SHAC's strategy and methodological approach must be understood as highly relevant for all manners of contemporary political struggle, be they for human rights, animal rights, or the environment.

From email and phone blockades to raucous home demonstrations and sabotage strikes, so-called "SHACtivists" have demonstrated vigorously against HLS and likewise pressured over 100 other companies to abandon their financial ties to the vivisection firm. In this way, by 2001, the SHAC movement drove down HLS stock values from \$15/share to less than \$1/share, threatened it with

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imminent bankruptcy, and sent the company looking for capital overseas in the United States. There HLS re-founded itself as the “untarnished” parent company, Life Sciences Research, Inc., and began making business alliances with other corporations like the investment banking firm Stephens Inc., that backed a 5-year deal designed to keep HLS financially solvent. Meanwhile, SHAC too migrated to the United States (as well as to Japan, throughout Europe, and elsewhere), set up websites like stephenskills.com, and started new grassroots movements against HLS and its affiliates. SHAC’s indefatigable pressure tactics caused Stephens to dissolve their relationship to HLS within a year’s time, and other companies related to HLS still fall like dominoes. Today, HLS continues to operate only due to special considerations granted by the UK and US governments. Yet, the loans that have thus been procured for the company are set to come due in 2006 and as SHAC’s campaign continues to result in rising expenditures for security, insurance, and property damage, many believe that the future of HLS is generally bleak.

While SHAC’s campaigns in the UK and US, along with the Animal Liberation Front (ALF) and UK groups SPEAK (formerly named Stop Primate Experimentation at Cambridge) and SNGP (Save the Newchurch Guinea Pigs), arguably represent the leading edge of the direct action anti-vivisection struggle, the politics of the movement are increasingly global in nature. This is unavoidable as the corporations the anti-vivisection direct action movement attacks are fluid transnational entities. SHAC’s primary goal is to undermine the economic base of pharmaceutical, biomedical, and vivisection corporations like HLS, Chiron, GlaxoSmithKline, and Novartis.<sup>2</sup> Additionally, through its use of global media like the Internet, SHAC demonstrates how a type of alternative globalization can be constructed around a radical pedagogy concerned with a normative vision of peace and justice for the oppressed, to whatever species they belong.<sup>3</sup>

Unlike other global activists who attempt to affect policy and practice through the occasional spectacle of mass protest, or through the lobbying power of state legislatures, international institutions such as the UN, or Non-governmental Organizations (NGOs), anti-vivisection groups like SHAC favor high-pressure tactics that take the fight directly to corporate-state power. This has resulted in SHACtivists and “SHAC USA” -- the incorporated, aboveground legal organization that provides leadership for the underground “SHAC movement” that often resorts to illegal sabotage actions (see below on this distinction) -- being subjected to modes of state repression ranging from racketeering and conspiracy lawsuits under the federal Racketeer Influenced and Corrupt Organizations (RICO)

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Act to charges of political and economic terrorism.<sup>4</sup> Recently, however, the US state considerably upped the ante. On May 26, 2004, a police dragnet rounded up seven prominent animal rights activists associated with SHAC in New Jersey, New York, Washington, and California. With guns drawn and helicopters hovering above, agents from the FBI, Secret Service, and other law-enforcement agencies stormed into the activists' homes at the crack of dawn.

Known as the "SHAC7," those arrested were Kevin Jonas, Lauren Gazzola, Jacob Conroy, Darius Fullmer, John McGee, Andrew Stepanian, and Joshua Harper. The US government issued a five count federal indictment that charged each activist (and SHAC USA as the parent organization) with assault, vandalism, death and physical injury threats, and impeding HLS business operations through demonstrations and jamming their communication systems. Additionally, SHAC USA, Jonas, Gazzola, and Conroy were charged with conspiracy to stalk HLS-related employees across state lines, along with three counts of interstate stalking with the intent to induce fear of death or serious injury in their "victims." All of the charges bring a maximum \$250,000 fine each. The main accusation of animal enterprise terrorism (see below) carries a maximum of three years in prison, while each count of stalking or conspiracy to stalk brings a five-year maximum sentence. In Fall 2004, the government tacked on an additional federal charge to four members of the SHAC7, alleging that each violated the Federal Communications Decency Act for teaching other activists how to send black faxes designed to clog the machines receiving them.

Clearly, the state is now playing hard ball with animal rights activists. Following the arrests, Christopher Christie, United States attorney for New Jersey, described the government's intention behind the round-up in ironic and perverse terms: "Our goal is to remove uncivilized people from civilized society."<sup>5</sup> The federal indictment against the SHAC7 is a potential watershed in the history of the animal rights movement, for it represents the boldest governmental attack on activists to date, and it likely augurs a new wave of political repression in response to the growing effectiveness of militant animal liberation politics. Increasingly, the corporate-state complex responds to legal forms of animal liberation politics with surveillance, harassment, intimidation, arrests, and grand jury summons. But the arrest and forthcoming June 2005 trial of the SHAC7 should not be understood as merely an "animal rights" or "animal liberation" issue, as the legal implications that arise from the attempt to criminalize SHAC by branding it as a "terrorist" organization threaten all manner of grassroots activism. Therefore, the US government's attempt to kneecap SHAC's ability to directly challenge oppressive forces in society demands a serious response

from the entire spectrum of progressive activists -- those struggling for human rights, animal rights, and the environment. "USA v. SHAC" should be a serious wake-up call to everyone: this is post-Constitutional America, an era of creeping fascism.

### **All the Lies Fit to Print**

"In our time political speech and writing are largely defense of the indefensible."

-- George Orwell

"I abhor vivisection with my whole soul. All the scientific discoveries stained with innocent blood I count as of no consequence." -- Mahatma Gandhi

Unable to stand without huge amounts of corporate aid and state support, HLS is appropriately grateful to the United States for arresting the SHAC7. In their media statement, HLS intoned: "The Company is heartened...to see justice done. So many people have been victimized by this lawless [SHAC] campaign. These indictments are in keeping with this nation's long tradition of standing up to bullies and demonstrate the United States' continued determination to insure the safety of its people."<sup>6</sup> Similarly, US Attorney Christopher Christie remarked for the state: "This is not activism. This is a group of lawless thugs attacking innocent men, women and children...Their business, quite frankly, is thuggery and intimidation."<sup>7</sup>

The statements made by HLS and Christie are self-serving distortions of SHAC, the US political system, and the vivisection industry as a whole.<sup>8</sup> HLS is more appropriately cast as victimizer than victim. The fact that the company perpetuates its well-documented ethical crimes against the most unfortunate and defenseless victims of all -- the animals enslaved in its research cages -- hardly gives it the moral authority to claim the status of a bullied innocent. Thus, when the US government protects and underwrites animal exploiters like HLS and demonizes animal activists like SHAC as a mob bent upon a reign of terror, one should question who is served and protected by the rule of law. As documented in the 2003 film, *The Corporation*, it has become increasingly clear to many that the true criminals are powerful corporations that exploit and devastate humans, animals, and the earth in a virtually unchecked manner, and are to the social world what a malignant cancer is to a fragile body.

Far from insuring "the safety of its people," the state's fundamental mission is to protect the property and profits of the corporations that control the vast majority of economic wealth, no

matter the political, social, or ecological costs, the toll to the institutions of “democracy” (such as they are), or the impact on dissidents exercising their rights. US wars in Afghanistan and Iraq, abuse of prisoners at Abu Ghraib prison and Guantanamo Bay, and religious extremists like Bush and Ashcroft who want to plunge their own nation into the same authoritarian abyss as their avowed enemy Al Qaeda are ample evidence of the bankruptcy of the “civilized society” myopically upheld by US Attorney Christie and other ruling elites.

In order to portray anti-vivisectionists as violent and barbarous fanatics, corporations, politicians, journalists, and media pundits routinely denounce them as anti-scientific, as hostile to medical progress, and as all-around misanthropic enemies of the people. As SHAC has demonstrated, however, these accusations are far more applicable to those hurling the charges once their real motivations are exposed. Contrary to the claims made against them by mainstream powers, SHAC and other anti-vivisection groups strongly favor medical research *so long as it has a sound ethical and scientific basis*. From the ethical standpoint, anti-vivisectionists argue that even if relevant knowledge were derived from animal experimentation, the use of animals is nevertheless unjustified. From the sound premise that animals have rights and therefore are ends-in-themselves, it follows that vivisection violates their rights (such as the right to bodily integrity and freedom of choice) and reduces them to a mere means to someone else’s end, which constitutes exploitation. Whatever useful knowledge might be gleaned from experimenting on animals, therefore, is an “ill-gotten” gain no more morally defensible than experiments on humans at Auschwitz or Tuskegee.<sup>9</sup>

As important as the “external” ethical critique of vivisection is, the stronger argument stems from the “internal” critique that challenges the vivisectionist’s own premises, specifically the claim that vivisection is sound science and vital to medical progress. Following a line that is common to animal rights and anti-vivisection advocates, but is rarely heard in the mainstream, SHAC points out that vivisectionists attribute key breakthroughs in medical progress to the use of animal experimentation, whereas credit really belongs to improved sanitation, epidemiology (human-based studies), and other factors that have nothing to do with confining, blinding, burning, maiming, poisoning, and killing animals.<sup>10</sup>

Yet, far from accelerating medical progress, there are overwhelming grounds to believe that biomedical (animal-based) research impedes it as, for example, drugs tested “safely” on animals frequently are harmful or fatal to human beings and the predictive value of vivisection is comparable to flipping a coin.<sup>11</sup> Thus, ironically, groups like SHAC, and not the vivisection establishment,

are the catalysts for genuine scientific advancement in their ability to criticize the false premises and failed outcomes of biomedical research and their championing of viable alternatives the vivisection industry will not embrace given their slavery to outmoded animal models and addiction to the copious research money this travesty continues to draw.

A Frontline documentary that aired on November 17, 2003 highlighted the well-known fact that scores of drugs tested “safely” on animals cause serious injury and death to patients. The show exposed the politics behind pharmaceutical “science,” revealing how the FDA dances to the tune of the drug industry -- the country’s top grossing business sector.<sup>12</sup> As Frontline discovered, the FDA’s process to approve drugs as “safe” for humans most questionably relies on the research of the drug companies themselves. Worse still, FDA drug reviewing whistleblowers report that the agency often ignores, or covers up, revealed contraindications and deadly side effects of poorly-tested and rushed-to-approval drugs in order to give favorable reviews to products with large profit potential.<sup>13</sup> Infamously, this is just what happened with Aspartame (aka NutraSweet), when Donald Rumsfeld used his status as former CEO of Searle (now Monsanto) and Washington-insider connections to ram FDA approval through for this huge money-maker, despite the fact that numerous animal tests consistently ended in brain tumors.<sup>14</sup>

In 2004, considerable media attention was given to the failure of high-profile drugs such as the painkillers Vioxx and Celebrex. Vioxx, produced by Merck, was pulled from the market after mounting evidence it doubled the risk of heart attack and stroke and was implicated in tens of thousands of such cases. The FDA’s corrupt nature got a rare but well-deserved spotlight after evidence surfaced that for years it ignored data showing the deadly dangers of Vioxx and allowed it to stay on the market due to corporate pressure to suppress the damning reports on the drug. Immediately after the Vioxx scandal, similar findings showed another leading painkiller, Celebrex, manufactured by Pfizer, increased cardiovascular risks. The pro-corporate agenda of the FDA is again clearly revealed in its role as an aggressive force preventing older Americans from getting affordable drugs from Canada instead of the astronomically-priced US equivalents. The rationale that US drugs are safe whereas those produced in Canada are potentially hazardous is as chauvinistic as it is false, and the FDA’s attempt to position itself as protector of the poor, sick, and aged rather than the obscenely rich and powerful US corporations is as laughable as it is insulting to the American public.

The capitalist flip-side of fast-tracking poorly tested and unsafe drugs to consumers demanding blockbuster name-brand drugs as a result of intense advertising stimulation is that the FDA

aggressively works to undermine consumers' access to safe and effective herbal and dietary supplements such as colloidal silver and hemp seed and oil. The perverse irony of a federal agency that tends to protect corporations over consumers and approve unsafe drugs while it assails health-promoting supplements can only be explained via the economic logic that pervades the corporate-state complex that instituted the functionary role that the FDA plays as the enforcement arm of the drug industries. Pharmaceutical industries have a strong interest in discrediting alternative medicine, holistic therapies, and nutritional supplements that in many cases are better for the treatment of disease and medical problems, and work to prevent disease rather than to treat it after the fact.

As groups like SHAC peer into research cages, then, what consistently leaps out are not just terrified animals, but the suppressed truths of widespread governmental corruption, the politicization of research and medicine, the fraudulent nature of animal research and the deadly drugs it often produces, and the merciless production of animal suffering and death as the foundation for medical profits. In a situation where, according to genetic researcher, and GlaxoSmithKline vice-president, Dr. Allen Roses, "The vast majority of drugs only work in 30 or 50% of the people," and prescription drugs are one of the leading causes of death, the larger agenda and significance of SHAC becomes clear.<sup>15</sup> A 1998 study found that more than 100,000 hospitalized patients die annually in the US because of adverse drug reactions, making prescription drugs the fourth leading cause of death in America, behind cancer, heart attacks, and stroke.<sup>16</sup> Another source claims that the number of prescription drug-induced deaths is 227,000 deaths per year.<sup>17</sup>

Therefore, while those who have the most to suffer financially from the liberation of animals caricature uncompromising activists as lawless agents of chaos, history will be better served when SHAC, and other outspoken critics of the vivisection and animal cruelty industries, are portrayed as leading the fight for animal *and* human rights, for moral *and* medical progress.

### **Globalization and the Political Economy of Animal Rights**

"I have been following the animal rights movement for 25 years and I've never seen anything like [SHAC]." -- Frankie Trull, head of the National Association for Biomedical Research

"We can be the world leader in stem cell research and biotechnology, but if we are to achieve this vision, we must

redouble our efforts to tackle animal rights extremists.”  
 -- Tony Blair

“We view the United Kingdom as the Afghanistan for the growth of animal rights extremism throughout the world. The animal rights movement that we are dealing with in the United States is a direct import from the United Kingdom.” -  
 - Patti Strand, the National Animal Alliance, an animal exploitation lobby group

In the vast literature on capitalist globalization, it is clear that there is not one but two co-evolving dynamics: globalization-from-above, comprised by mainstream and hegemonic forces, and globalization-from-below, comprised by alternative and counter-hegemonic forces.<sup>18</sup> The current political dynamics that play out on a planetary scale, in other words, involve not just capitalist mega-corporations imposing their will on governments and peoples of all nations but also the popular resistance movements that arise as a response to their machinations. Since various world trade treaties and organizations such as the North American Free Trade Agreement (NAFTA), the General Agreement on Tariffs and Trade (GATT), the World Trade Organization (WTO), and the Free Trade of the Americas (FTAA) have emerged in the last decade or so, all designed to facilitate the goal of political and economic dominance by transnational corporations, one also finds the growth of the (arguably misnamed) “anti-globalization” struggle that seeks to combat rapacious capitalism, imperialism, and war with protest and alternative visions of emancipated life.<sup>19</sup> Everywhere global trade organizations meet, the people and political organizations associated with anti-(capitalist) globalization also assemble to challenge the multinational corporate megamachines. Further, as was evident in the 1999 Battle of Seattle protest, diverse groups such as labor and environmental interests are now forming new coalitions that seek to transcend single issues and even national boundaries.

Although direct action anti-vivisectionists have not constructed formal alliances with human rights organizations, the consequences of their struggle transcend the single-issue animal rights cause in at least four significant ways. First, and most narrowly, their struggles affect human health interests and can potentially change how future medical testing and research is done in a way that reduces or eliminates animal exploitation while generating safer, more effective, and less expensive drugs to treat or cure human disease. Second, SHAC and other direct action animal rights groups have pioneered new and highly effective activist strategies and tactics that could be used by groups fighting for human rights and social and

ecological justice. Third, and more generally, the direct action anti-vivisection movement has immediate implications for democracy as it challenges the corruption of governments that protect the interests of corporate profit. In this, the anti-vivisection movement should be thought alongside the ongoing project to democratize science and to make scientific knowledge accountable to people and relevant to their medical, cultural, and political needs. Finally, SHAC and related groups have become so effective that they now profoundly threaten national and international economic structures and have become a serious *anti-capitalist* force on a *global* scale.<sup>20</sup>

Unlike SPEAK and SNGP, whose members work in England alone, SHAC has planted roots in a half-dozen countries. As its financial papers reveal, HLS is a fluid global force and SHAC must follow its trail of blood and money across vast distances in order to take down the corporation and drive away those who assist its pogrom against animals. Hence, SHAC UK grew into SHAC USA and has broadened its reach from there to include operational bases in Germany, Italy, Portugal, Switzerland, and Japan. Both SHAC and SPEAK are global in a second sense whereby their direct or indirect opponents are transnational corporations such as HLS, GlaxoSmithKline, and Novartis. Although SNGP besieges the Hall family guinea pig farm in rural England, and SPEAK haunts the blood-speckled ivory towers of Cambridge and Oxford (where they have so far succeeded in stopping all work to build new animal research centers), they are monkeywrenching the planetary vivisection machine fuelled by lab animal breeding farms. The consequences of the actions of SNGP and SPEAK transcend their local and national boundaries and reverberate throughout the global web of capitalist exploitative relations. Though direct action anti-vivisection groups are not “terrorists” -- a charge we certainly dismiss as ludicrous and Orwellian -- they appear to rival, if not surpass, Al Qaeda and other Muslim extremists as potent threats to the British, European, and even world economy.

In a competitive global marketplace where the vivisection, pharmaceutical, and biotechnology corporations are major sources of capital development, the UK is trying to position itself as a cutting-edge center for biomedical research and wants to draw scientists and industries from all over the world. The highest levels of British government -- including Prime Minister Tony Blair, recently resigned Home Office Secretary David Blunkett, and Science minister Lord Sainsbury -- are strong supporters of animal research and the pharmaceutical and biomedical industries. The state is fully committed to protecting breeders, HLS, and beleaguered laboratories such as at Cambridge and Oxford, and has pledged to do whatever it takes to protect the operations and assets of the vivisection industry.

Consequently, the UK government and Home Office are vehemently opposed to animal rights “extremists” and “terrorists,” see them as the serious threat to their empire that they are, and are taking increasingly Draconian measures against them (see below).

The partisanship of government and the vivisection industry is no surprise, as drug testing, drug development, and animal research pump critical blood into the British economy. According to the Association of the British Pharmaceutical Industry (ABPI), about 65,000 people work in the pharmaceutical industry and a quarter million more jobs depend on it. “Drug-makers added £2bn to Britain's economy last year. They generated exports of £7bn and a trade surplus of £2.3bn, the third highest after power generation and oil products.”<sup>21</sup> Moreover, about one third of pharmaceutical jobs involve sophisticated research posts, and the industry claims to play a major role in backing universities and medical training. According to one report, up to £16 billion in the pharmaceutical and biotechnology research and development industries is at stake.<sup>22</sup>

Yet, beleaguered by animal rights activists, the entire vivisection complex is in dire trouble. In July 2004, John-Paul Garnier, chief executive of GlaxoSmithKline, the largest drug-maker in the UK with global sales of £21 billion, warned of huge losses of investment money as investors were steering clear of Britain for fear of protests, costly property damage, and high security expenditures.<sup>23</sup> ABPI says that its member companies spend a combined £28-66 million a year for security. Between April and June 2004, 24 companies severed ties with UK-based commercial or college research facilities.<sup>24</sup> According to one estimate, anti-vivisectionists cost the British economy £1 billion a year in damages and lost revenues.

Given that the development of new drugs involves a ten-year commitment, companies are highly reluctant to plant roots or to remain in a hostile, unstable, and costly climate. Consequently, 5,000 directors of medical researchers and their customers have asked the UK for protection. Global giants such as Novartis have sent a loud warning to the British government that the political climate is potentially too unstable for investment and that they intend to explore other nations in the global marketplace that are considerably more attractive given the cheap labor and lack of a well-organized and militant animal rights presence. “The UK is the worst,” said Novartis chairman Daniel Vasella, “it is scaring our people.”<sup>25</sup> Pharmaceutical giants such as GlaxoSmithKline, AstraZeneca, and Merck already are exporting research and development work to South America, India, China, Singapore, Poland, and other “low-cost countries.”

According to a December 2004 report released by the London-based Aegis Defense Services, the towering “twin threats” to Britain’s economy are al-Qaeda and animal rights “extremists.” Aegis paints the latter force, however, to be a far more sinister threat. As reasoned by Dominic Armstrong, director of research and intelligence, “I suppose a[n al Qaeda] terrorist attack in London might cause damage worth £16 billion, but with animal rights extremism we’re talking about potentially losing £16 billion of investment every year.”<sup>26</sup> Interestingly, Armstrong fails to note any difference between those who fly loaded passenger jets into high-rise buildings and those who protest against cruelty to animals while militating for sound science and safe medicine.

Time will tell how effective the anti-vivisection struggle in England can become, but the direct action tactics pioneered during the 1990s in the battle to close Consort Kennels and Hillgrove Farm and the siege against HLS have spread to other countries and likely will provoke similar crises in the US and elsewhere. Indeed, if SHAC is to be effective and attain its ultimate goal of shutting down HLS, it will have to continue to develop a presence in every country in which HLS attempts to flee or grow. It is significant, therefore, that there already are SHAC groups in countries like Japan (where Japanese customers produce 20% of the animals killed in HLS labs) and that SHAC lists targets in Australia, Austria, Belgium, the Czech Republic, Finland, France, Germany, Holland, Ireland, Italy, New Zealand, Portugal, Sweden, and Switzerland -- wherever HLS and/or its suppliers try to re-establish or root themselves.

Given the centrality of pharmaceutical, biomedical, and vivisection corporations to contemporary economies, the effects of the direct action anti-vivisection resistance movement must be understood not merely as relevant to a “single-issue” animal rights cause (such as it is typically framed), but rather as a forceful attack on capitalism itself, a system rooted in exploitation and slavery. The growing sociological literature on “anti-globalization” movements must now take into account the transnational battle being waged by animal liberationists in the form of direct action against the planetary vivisection complex.

Animal liberationists are waging war against the oldest and last form of slavery to be formally abolished -- the exploitation of nonhuman animals. Just as the modern economy of Europe, the British colonies in America, and the United States after the Revolutionary War were once entirely dependent on the trafficking in human slaves, so now the current global economy would crash if all animal slaves were freed from every lab, cage and other mode of exploitation. Animal liberation is in fact the anti-slavery movement of the present age and its moral and economic ramifications are as

world-shaking, possible more so, than the abolition of the human slavery movement (which of course itself still exists in some sectors of the world in the form of sweatshops, child sex slavery, forced female prostitution and the like). Thus, the growing effectiveness of direct action anti-vivisection struggles will inevitably bring a reactionary and retaliatory response by the corporate-state complex to crack down on democratic political freedoms to protest, as well as new Draconian laws that represent a concerted effort by power brokers to crush the movement for animal liberation -- a dynamic we will now trace.

### **The Corporate-State V. Animal Rights**

"Prison is a weapon used by the State to crush individuals who step out of line"

-- Michael Collins, former Mayday 2000 prisoner

In the United States, animal rights advocates have had to rely upon the enforcement of three main animal protection statutes: the Animal Welfare Act (AWA), the Agricultural Research Act (ARA), and the Endangered Species Act (ESA). Historically, while these laws have provided some measure of relief for animals, their inability to grant activists the right to file suits on their behalf, to mandate enforcement of the statutes they proclaim, to defend animals from egregious forms of cruelty and exploitation, or to deliver significant jail terms and fines for convicted violators has left many animal rightists cynical about the importance of such legislative protections.<sup>27</sup> In the words of legal scholar Gary Francione, "Although there are laws that supposedly protect animals, just as there were laws that supposedly protected slaves, these laws require that we balance the interests of right holders, and, in particular, holders of property rights, against the interest of their property."<sup>28</sup> As Francione describes in great detail, whenever there is a "conflict" between human and animal interests, the former always trump the latter, however trivial the justification, such as exploiting animals for "entertainment" in rodeos and circuses.

Notoriously, the Bush administration has further undermined all three pieces of animal welfare legislation during its stolen tenures. While the AWA was created to protect the very research animals for whom groups like SHAC now militate, the law spuriously fails approximately 95% of them by excluding rats, mice, and birds from its nominal protections.<sup>29</sup> In 2002, Sen. Jesse Helms (R-NC) snuck an amendment into the Farm Bill that made these exclusions permanent to the AWA upon the Farm Bill's passage into law.<sup>30</sup> Meanwhile, lawful amendments were also being made to increase federal grant funding for animal research through the ARA, and Bush has allowed

laissez-faire commercialization of endangered species and their habitats through an amendment that he claims will benefit “conservation” amidst his Orwellian plan for a “New Environmentalism.”<sup>31</sup> In response to such developments, animal activists are rising with an increasing sense of urgency to meet these neoliberal cutthroat challenges and the ghastly specter of omnicide.

On the other hand, in the name of corporate and state security, there are a number of major federal and state-level laws on the books designed to criminalize animal rights activism, a legal assault in the making for over a decade. In 1992, the federal government enacted Title 18, the Animal Enterprise Protection Act (AEPA), under which the SHAC7 and SHAC USA now stand charged. This legislation was the first to connect animal rights protest activity with the rhetoric of “terrorism,” as it contains subsection 43 on “Animal enterprise terrorism.” Specifically, the law targets anyone who “intentionally damages or causes the loss of any property (including animals or records) used by the animal enterprise, or conspires to do so.” In exquisite bureaucratic language, it also seeks to make an offender of whoever “travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility in interstate or foreign commerce for the purpose of causing physical disruption to the functioning of an animal enterprise.”<sup>32</sup>

In late October 2001, six weeks after 9-11, the Bush administration pushed a lengthy tome through Congress, the USA PATRIOT Act, allegedly to grant the state emergency powers to fight foreign terrorists. Passed with no debate, indeed almost no one in Congress even read it, the (obscenely named) Patriot Act eviscerates constitutional rights for foreigners and citizens alike. Creating the new category of “domestic terrorism,” the Patriot Act specifically stigmatizes activists who attack or criticize exploitative corporations as potential terrorists and escalates legal penalties and fines for sabotage. According to the amorphous wording of the law, the emergent crime of “domestic terrorism” occurs when a person’s action “(1) involves a violent act or an act dangerous to human life, property, or infrastructure; and (2) appears to be intended to intimidate or coerce a civilian population [or] to influence the policy of government by intimidation or coercion.”<sup>33</sup>

As the government has sought to stifle radical protest and activism with new federal laws, a corporate lobby group, the American Legislative Exchange Council (ALEC), in alliance with the US Sportsmen’s Alliance, has been pushing their own version of anti-“terror” legislation in state legislatures throughout the country. Their “Animal and Ecological Terrorism Act” (AETA) proposal singles out animal and environmental industries for special legal protection and seeks to criminalize not only acts against these industries, but even

financing, “assisting,” or “encouraging” such acts. Similar to the Animal Enterprise Protection Act and the Patriot Act, AETA defines an “animal rights or ecological terrorist organization” as “two or more persons organized for the purpose of supporting any politically motivated activity intended to obstruct or deter any person from participating in any activity involving animals or an activity involving natural resources.”<sup>34</sup>

Following measures that have been attempted in states such as Texas, Illinois, Missouri, and New York, the AETA bill classifies the photographing or videotaping of animal abuse in a facility such as a puppy mill, factory farm, or slaughterhouse as a felony “terrorist” action. Further, it becomes a Class D felony to unlawfully enter any animal facility for the purpose of taking photographs or using a video recorder “with the intent to defame the facility or facility’s owner.”<sup>35</sup> A Missouri version of the bill declares it a felony offense “if a person photographs, videotapes or otherwise obtains images without the express written consent of the animal facility, from a location not legally accessible to the public.”<sup>36</sup> AETA bills could take effect in any state at any time. The Missouri bill attempting to outlaw photographing animal facilities died in committee in May 2003, but a similar bill passed the Ohio senate during the same month and won approval in the Oregon senate a month later. On January 1, 2004, a new California state law went into effect that banned activists from trespassing on animal farms. The law significantly raised the trespassing penalties from a citation and a \$10 fine to a misdemeanor punishable by six months in jail and/or a \$1,000 fine.

Once groups like SHAC, the ALF, or even PETA are identified as terrorists in this prefab discourse, the FBI has unprecedented powers to monitor and repress them, as well as anyone suspected of being members, supporters, or collaborators of these groups. Before the political act of repression there must be a semantic act of definition. Current “anti-terror” laws and proposals clearly demonstrate the truth of the Marxist thesis that the state, for all intents and purposes, is the political and legal arm of corporations and the ruling elite. In both federal and state legislation, we find purposely vague and elastic definitions of terrorism that the corporate-state complex can exploit to criminalize any protest tactic used against it -- not only sabotage actions, certainly, but also attempts to document animal abuse, pressure governmental officials into political action, or even organize a boycott.<sup>37</sup>

As defined by corporations and the US state, “terrorism” has two separate components, political and economic, such that if one category doesn’t suffice to stifle and punish constitutionally protected rights another will. On the political definition, anyone who “coerces” or “intimidates” a “civilian population” or government is a terrorist;

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on the economic definition, a terrorist is anyone who interferes with the operations and profit of an “animal enterprise” or business reliant on “natural resources.” Taken together, the corporate-state complex shields itself from potentially damaging protest activities as it Tasers and demonizes any individual who tries to encroach on their territories, for morally and politically sound reasons or not.

Clearly, animal rights and environmental activists are becoming a serious threat, and corporate exploiters will go to any length—from shredding the Constitution to creating a fascist police state—to protect their profits and plunder. Michael Ratner, a human rights lawyer and vice president of the Center for Constitutional Rights, claims that the AETA bill is unprecedented in its assault on freedom. “This is unique. Even under the definition of domestic terrorism in the Patriot Act, you have to at least do something that arguably threatens people’s lives. The definitional sections of this legislation are so broad that they sweep within them basically every environmental and animal rights organization in the country.”<sup>38</sup>

Indeed, the Bush administration’s track record has been characterized by repeated attempts to pass more stringent laws against activism and dissent. For instance, the covert Patriot Act II, uncovered by the Center for Public Integrity, seeks to post activists’ pictures and information on the Internet and, shades of Emma Goldman, to go so far as to expatriate those it designates as State enemies.<sup>39</sup> The public expose of Patriot Act II was a momentary setback for the Bush administration and champions of the new Security State, but hardly a fatal blow, as they have been able to sneak key elements of the Act into other legislation. In this manner, for instance, and while the nation was focused on the capture of Saddam Hussein, Bush surreptitiously signed into law the Intelligence Authorization Act for Fiscal Year 2004 on December 13, 2003.<sup>40</sup> Similarly, on June 12 of 2002, Bush approved new “bioterrorism legislation” containing provisions that increased penalties against attacks on animal facilities.<sup>41</sup> In December 2004, the American Civil Liberties Union warned that in ten states the FBI, local police departments, and the Joint Terrorism Task Force are uniting to surveil legal protest organizations such as Greenpeace, the Campaign for Labor Rights, the American Friends Service Committee (a Quaker group), and PETA.<sup>42</sup> The new Intelligence Reform Bill Bush signed into law in December 2004, ostensibly to improve national security against potential terrorist attacks, included provisions that had less to do with reforming the abysmal US intelligence network than with expanding FBI powers for surveillance and search warrants of citizens unconnected to foreign governments and alleged terrorist groups.<sup>43</sup>

Thus, constitutional freedoms are under massive attack, and the corporate-state complex is using the animal rights movement, in particular, as an experimental laboratory to unleash deadly viruses against democracy and disseminate toxic gases of social fear and intimidation.

### **The Kangaroo Courts of Capitalism**

“The political motivation of these indictments should be clear...rich and powerful people are now using their connected and influential friends...in order to retaliate against us, and worse, to send a message to anyone else who would dare stand in the way of speciesism.” -- Josh Harper, SHAC7 defendant

"This trial is a travesty. It's a travesty of a mockery of a sham of a mockery of a travesty of two mockeries of a sham." -- Woody Allen, *Bananas*

“[The government indictment of the SHAC7] is as broad and unspecific as any indictment I’ve seen in years.” -- Mark Vermeulen, lawyer for Kevin Jonas

While the Western legal system cloaks itself in the trappings of rationality and enlightened justice, the simple truth is that law, of its own will and dynamic, does not generally evolve in order to better accord with ethics. Rather, the legislative system constantly changes *within a contested terrain*, where a wide range of interested parties struggle for power and position. For instance, in response to Paul Watson’s direct action efforts to rescue thousands of baby Harp seals from the bloody clubs of sadistic hunters masquerading as “harvesters,” the Canadian legislature passed the “Seal Protection Act.” Perversely named, this “animal welfare” measure was created for the benefit of sealers, not seals, by making it illegal for anyone not involved with the massacre of hundreds of thousands of seals to approach, videotape, or witness the carnage.

The co-evolutionary battle over policy and law is hardly evenly matched or wholly fair, for as dictated by the Golden Rule of capitalism, those with the gold make the rules. Increasingly, the powerful factions who drive the direction of legislation are the secretive, well-protected, massive corporate entities that Noam Chomsky characterizes as “private tyrannies.”<sup>44</sup> The efforts of the corporate-state complex over the last decade to criminalize animal rights activism and dissent in general are coming to fruition in the kangaroo courts of contemporary capitalism. However, the ongoing successes of activist organizations such as SHAC demonstrate that,

even in a battle with Goliath, David can still hope to win if armed with enough smarts and determination.

The SHAC movement has been enormously effective in large part due to its strategy of demonstrating against secondary targets, those companies and people that support HLS and which help it to operate (such as investors, insurers, and suppliers), but which are not technically themselves “animal enterprises.” As present law only allows for the prosecution of activists when they physically disrupt the process of directly exploiting animals, the corporate-state complex felt compelled to respond by proposing amendment of old legislation and enacting new laws. It is no coincidence, then, that little more than a week before the May 26, 2004 raid on the SHAC7, a phalanx of high-level vivisectors, security officials, and animal industry representatives marched into the Senate Committee on the Judiciary in order to carp about the inadequacy of existing regulations to crush SHAC and other militant animal rights groups.

On May 18, 2004, Chair of the Judiciary Committee, Sen. Orrin Hatch (R-UT) took opinions from US Attorney McGregor Scott; the FBI Deputy Assistant Director for Counterterrorism, John E. Lewis; the Senior Vice Presidents of Chiron Corporation (a noxious puppy killer associated with HLS) and Yum! Brands Inc. (the super-sized parent company behind many major fast food chains), William Green and Jonathan Blum; and the Director of the Yerkes Primate Center, Dr. Stuart Zola. One after another, these animal exploitation apologists shamelessly tried to cast themselves, their colleagues, and their family members as innocent victims of animal rights hooligans, as they appealed for assistance in stopping what they claimed amounts to “terrorism.” Indeed, to listen to their combined testimony, the United States of America is a sort of uncontrolled Baghdad or Kabul war zone, besieged by marauding animal militias, rather than a highly centralized network of power bent on repressing dissent and regulating everyday life for the profit mongers.

William Green of Chiron Corporation typified the whining before the Judiciary Committee when he asked Congress to open the door to greater surveillance of animal rights and environmental activists by federal, state, and local officials. Even though Chiron’s revenue grew to \$1.8 billion in 2003, apparently the \$2.5 million in lost earnings caused by SHAC, along with the tarnishing of the corporation’s reputation, makes the SHAC movement enough of a threat that biotechnology companies and vivisectors want Congress to gut the Constitution to protect assumed corporate “rights” to profit from animal cruelty and scientific fraud. Thus, Green asked Congress to impose harsh 10-year sentences on the anti-vivisection “terrorists” and to define “animal enterprise” in broader terms that include, not only all manner of organizations that use animals, but the

secondary non-animal enterprises that contract with these outfits as well.<sup>45</sup>

Again, the reason for this conspiratorial blowback is plain -- to date, SHAC has outwitted the corporate-biased legal system by carefully utilizing the First Amendment and Internet technology to coordinate economic strikes against its targets. By maintaining a vital distinction between SHAC USA, as an incorporated group that legally serves as a news/information clearing house, and the "SHAC campaign," that represents all manner of endeavors (be they legal or not) aimed at contributing to SHAC's efforts, SHAC has pushed the political envelope as a movement while technically remaining within its rights as an organization. Yet corporate cries about being terrorized by animal rights marauders, combined with a security-obsessed legislative and judicial climate, threaten to erode SHAC's carefully orchestrated legal distinctions, as the government moves to nullify the gains being made by the animal rights community.

Importantly, though, not everyone in government is moved by such hysterics. The Judiciary Committee's own minority leader, Sen. Patrick Leahy (D-VT), refused even to be present for the May 18<sup>th</sup> corporate conspiracy masked as a Senate hearing. Instead, Leahy wrote a statement for the public record that vilified the proceedings, wherein he remarked that "most Americans would not consider the harassment of animal testing facilities to be "terrorism," any more than they would consider anti-globalization protestors or anti-war protestors or women's health activists to be terrorists." As he wondered aloud why not a single animal rights advocate was brought before the Committee in a hearing supposedly designed to investigate "Animal Rights: Activism vs. Criminality," Leahy also repeated his request for an oversight hearing with Attorney General John Ashcroft, who had dodged questioning from the Committee for over a year.<sup>46</sup>

Leahy's frustration at not being able to oversee the nation's top prosecutor is perhaps aimed directly at Committee Chairman Hatch, a sort of Dr. Evil to John Ashcroft's Mini-Me. Hatch, like Ashcroft, was a primary drafter and supporter of the Patriot Act, and both have a penchant for writing nationalistic Christian music that eerily conflates healing our land with obeying an ambiguous power that is both Christ and Bush.<sup>47</sup> But Hatch alone, the soft-spoken Mormon from the Great Salt Lake, has distinguished himself recently as the pharmaceutical industry's leading spokesman in the closed chambers of legislation. Besides operating his own "nutritional" corporation, Pharmics, Inc., Hatch has been given a great deal of money (in 2000, nearly twice as much as the next congressperson) from an industry laden with animal research and deeply threatened by committed animal advocates.<sup>48</sup> As Chair of the Senate's Judiciary

Committee, he has been well positioned to lobby for and draft statutes specifically designed to neutralize the political gains made by groups like SHAC.<sup>49</sup>

### **First Amendment Controversies**

“Bush's War on Terrorism is no longer limited to Al Qaeda or Osama Bin Laden... The rounding up of [SHAC] activists should set off alarms heard by every social movement in the United States: This "war" is about protecting corporate and political interests under the guise of fighting terrorism.”

-- Will Potter

“Let Freedom Ring the Doorbell!” -- SHAC  
campaign ad

The key issue for American citizens in the indictment of the SHAC7 concerns the defendants' First Amendment rights to freedom of speech and association. Critics of direct action protest, such as those who testified before the Senate Judiciary Committee, invariably claim that they respect the right to dissent, distinguishing “legitimate” (and easily contained) expressions of criticism from those involving alleged criminal action. In this respect, according to US Attorney Christie, the SHAC7 defendants were "exhorting and encouraging" actions not protected by the constitution.<sup>50</sup>

The strategy of the corporate-state is to define SHAC-styled direct action as beyond the scope of constitutional protection. They seek to narrow the meaning of the First Amendment, and therefore to subject SHAC and other activists to an increasingly broad scope of criminal prosecution. Key questions, then, emerge from the US government's attempt to prosecute SHAC: Do corporations and the state, as they claim, really respect the First Amendment and the democratic political sensibilities behind it? Are SHAC actions legal or illegal expressions of dissent? If they are illegal, do they constitute a special form of terrorism deserving of federal injunction, or are the myriad of extant laws capable of penalizing specific acts of civil disobedience sufficient?

The latitude of the First Amendment is broad but, as widely understood, rights are not absolute. The First Amendment does not grant individuals unqualified freedom to say or do anything they desire as a matter of civic right. According to classical liberal doctrine, such as formulated by J.S. Mill, liberties extend to the point where one's freedom impinges upon the good or freedom of another. Thus, no one has the right to injure, assault, or take the life of another endowed with rights. That, of course, is the theory; in

American political practice, restrictions on liberty are frequently applied to consumers and citizens alike, but rarely to corporations who -- capitalizing on the predatory logic of property rights -- systematically exploit humans, animals, and the environment to their own advantage.

Some major contested First Amendment cases have involved hate speech, slanderous and libelous remarks, religious references in secular institutions such as public schools, and the production or sale of pornography and other material declared “obscene” by the government. According to the Constitution, there are clear cases where free speech is protected (public criticism of the government), where it is not protected (inciting others to violence), and then there are also a large body of cases that fall within a contested grey zone that require legal interpretation and judicial decisions.

While there have been some strong defenses of the First Amendment by the US Supreme Court, such as the protection of the Ku Klux Klan’s use of hate speech, there have also been severe lapses of judgment. Indeed, the entire last century is scarred by egregious Constitutional violations, ranging from the Red Scare of the 1920s, the loyalty oaths of the 1930s, and Sen. McCarthy’s witch hunts in the 1950s, to the FBI COINTELPRO operations of the 1960s and 1970s, and the passage of the Patriot Act in 2001.<sup>51</sup> US history is riddled with precedents that demonstrate systematic and sweeping violations of First Amendment rights, such that freedom of speech might be considered the exception to the rule of life in the United States. The recent indictment of the SHAC7 is just one of many clear indicators that we have entered into yet another chilling period of social repression and the quelling of dissent. While the media have largely focused public attention on Bush’s imperial *Pax Americana*, domestic police and federal agents have violently repressed demonstrations, wrongly arrested individuals and seized their property, surveilled legal organizations, collected and disseminated information on activists, and summoned individuals to grand juries in the attempt to intimidate and coerce information. Within this conservative social climate, as people are besieged by monopolistic capitalism, quasi-fascistic patriotism, religious ranting, homophobia, sexual repression, and cultural paranoia, the corporate-state complex is using SHAC to launch its latest attack upon the Bill of Rights.

Despite the complaints of vivisection-friendly corporations, SHAC has the right to post communiqués and provide information about illegal actions taken by others, be they unknown SHACtivists, members of the ALF, or even more extreme cadres from militant groups like the Revolutionary Cells or the Animal Rights Militia. In this capacity, SHAC spokesperson Andrea Lindsey says that the SHAC website “functions as a newsletter not an advocacy board.”

Critics, however, argue that SHAC's website goes beyond providing information in order to incite others to violence, thereby blurring the line between information and agitation. The key controversy centers around two issues. First, critics are challenging SHAC's legal right to post "inflammatory" material such as the alleged "top twenty terror tactics" used against vivisectors and the home addresses and phone numbers of individuals associated with HLS.<sup>52</sup> Second, SHAC's opponents in the vivisection industry and the government are contesting SHAC's right to conduct home demonstrations against targeted individuals on the grounds that the tactic constitutes stalking and harassment. Some landmark cases decided by the Supreme Court are directly relevant to the SHAC7 indictment in this regard. We will briefly cite four such cases: *Brandenburg v. Ohio* (1969), *NAACP v. Claiborne Hardware Co.* (1982), *Frisby v. Schultz* (1988), and *NOW v. Scheidler* (1994).

1) In *Brandenburg v. Ohio*, the court held that Ku Klux Klan hate speech and pro-violence remarks are protected under the First Amendment up to the point of inciting others to violence and criminal action. The court upheld an important distinction between advocacy and incitement, finding that "Freedom of speech and press do not permit a State to forbid advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."<sup>53</sup>

Thus, even if SHAC goes beyond reporting incidents against HLS to openly advocate illegal actions against it, they are still within their legal right so long as they do not "incite" others to criminal actions -- clearly a vague term in need of careful interpretation.<sup>54</sup> Well aware of the legal boundaries between constitutionally protected and unprotected speech, the SHAC website makes the following disclaimer:

"The SHAC USA web site and e-newsletter, its hosts, designers, contributors, and sponsors, are not responsible for actions on the part of any individual which prove defamatory, injurious or prejudicial to the individuals or entities named herein, their families, or acquaintances. This publication is provided for informational purposes only, and is not intended to incite any criminal action on the part of its readers, visitors, or recipients. Links are placed for educational purposes only. SHAC USA Inc. is not responsible for the content posted on outside sites."<sup>55</sup>

Consider, however, a case where SHAC goes beyond providing information and purposely is provocative. The back cover of a SHAC USA newsletter (Volume 4, Issue 1, Spring 2004) features an image of a brick and enthusiastically describes how bricks are an excellent tool to smash windows in the war for animal liberation. While reprehensible from the standpoint of their critics, one cannot plausibly read this satire as likely to incite or produce illegal actions, as much as SHAC might applaud them.

And what of SHAC's now infamous "top 20 terror tactics" page that stokes the ire of vivisectors and prosecutors alike?<sup>56</sup> According to the federal indictment, SHAC "listed" direct actions tactics such as home demonstrations while using a loudspeaker, vandalism against cars and homes, chaining and blocking gates, bomb hoaxes, threatening letters and phone calls, phone blockades and black faxes, and arranging for an undertaker to call to collect a body.<sup>57</sup> However, critics have failed to note that SHAC had merely re-posted an attributed page from the website provided by the anti-SHAC British Research Defense Society (RDS), and that SHAC had removed the page over two years ago. Additionally, far from promoting terror, at the bottom of the page SHAC impishly wrote, "Editors' Note: Now don't get any funny ideas, folks." Therefore, the operative term in the federal indictment is not "incited" but rather "listed," for all SHAC in fact did was to list tactics *already provided on the RDS's own website*.

Moreover, even if SHAC had published a call to use "terror tactics" against vivisectors associated with HLS, SHAC would still have been within its First Amendment right unless its action was done in a manner that incited illegal actions. Again, it is a stretch to interpret SHAC's re-posting of an RDS webpage as an example of inciting others to violence. This same principle applies to posting the names and addresses of HLS employees, shareholders, and service providers. SHAC's opponents claim that they allegedly encourage followers, as in the words of the indictment, to "operate outside the confines of the legal system."<sup>58</sup> Yet, as SHAC notes, such information is often easily available from phone books and internet sites, or is otherwise potentially public record.

SHAC intentionally makes such posts with no accompanying call to arms so as not to transgress the law. SHAC's information, then, is just that and the view that witnessing such information results in violence is typical only of the arch-conservative ideology that believes censorship is necessary to preserve social order. While the construction of a critical consciousness is no doubt important in leading citizens to become more politically active, this does not imply that knowledge incites action. Plato had great wisdom, but to know the good does not require doing the good; neither does knowledge of

the HLS's many evils thusly produce illegal actions to stop them. Animal rightists can only wish that such were the case. Doubtless, there is a relationship between information and political action but it is hardly a direct causal mechanism and should instead be thought of as complex and mediated by numerous unpredictable factors.

2) SHAC USA is not itself directly responsible for actions taken by the SHAC movement, or any particular SHAC follower.<sup>59</sup> In the case of NAACP vs. Claiborne, the Supreme Court ruled that an organization cannot be held accountable for the actions of its members or followers.<sup>60</sup> Critics never trouble themselves with the crucial distinction between SHAC USA Inc., an aboveground, legal, and non-violent organization, and the larger SHAC movement as a whole, comprised of a wide-range of activists united against HLS that sometimes use illegal tactics and may have an underground presence. SHAC USA posts information about strikes on HLS, and openly supports illegal actions against the company as an exercise of free speech, but the organization does not itself violate the law or incite others to do so. In its economically and politically motivated confusion, the corporate-state complex has targeted SHAC USA rather than the shadowy SHAC movement. Yet, despite the high visibility provided by SHAC USA as a parent organization, the illegal acts (such as sabotage) taken against HLS are done by the decentralized and relatively amorphous grassroots base of activists who act in SHAC's name but not as a direct result of its goals or posted information.

3) Finally, two recent cases have direct relevance to the constitutionality of SHAC's use of home demonstration tactics. Since SHAC USA and the SHAC movement alike conduct protests not only at places of business, but also at the homes of target individuals, critics have argued that this form of protest is not protected free speech but rather illegal actions that constitute a form of conspired harassment. Home demos push the boundaries of free speech and have so far received mixed reviews from the courts. In Frisby v. Schultz, the Supreme Court found that a Brookfield, Wisconsin citywide ban against anti-abortionists' demonstrations at the residence of an abortion provider were in fact constitutional. The court also ruled that demonstrations within a residential neighborhood were permissible, but argued that the State's interest in protecting the privacy of the home is "of the highest order in a free and civilized society."<sup>61</sup>

Similarly, in NOW v. Scheidler, the Supreme Court ruled in favor of the National Organization for Women's attempt to use the RICO Act against anti-abortionists. RICO was applicable, the Court

decided, because acts of extortion and harassment (behavior commonly prosecuted under RICO) could be conducted for the sort of non-economic reasons that would have been held by pro-life demonstrators who are interested, not in gaining Planned Parenthood monies, but in shutting down abortion clinics. However, in a major second counter-hearing of the case that took place in 2003, Schiedler v. NOW, the Supreme Court importantly found that since the anti-abortionists were not seeking to obtain any property from the women who desired abortions, the doctors who desired to grant them, or the clinics who desired to provide them, that a claim of extortion could not be substantiated and so the RICO law was not in fact violated by harassing protests. Further, the Court ruled that extortion often overlaps with the act of coercion, but that it is for the legislature to more strictly define this relationship and not the courts. While many activists perceived this Supreme Court ruling as a pro-life ruling from a conservative body of judges, and therefore as a setback for the progressive purposes of rights group such as NOW, groups like PETA and the Southern Christian Leadership Conference supported Schiedler in his appeal because his victory overturned the ability of the state to quell rowdy public protest through the liberal application of anti-racketeering law. Thus, this recent ruling has also worked to the benefit of SHAC, whom the government had sought to prosecute under RICO. This, then, explains the strategy and decision by the federal government to prosecute the SHAC7 through the little-used, and less appropriate, AEPA instead.

Another recent ruling may be pertinent to the upcoming SHAC7 trial. In October 2002, Boston police arrested and charged a dozen SHAC activists with stalking, criminal harassment, and attempted extortion for home demonstrations against an executive of Marsh Insurance, a corporation that no longer provides services to HLS because of SHAC pressure. In Feb 2004, however, a Boston superior court judge dismissed all 39 charges against the activists, arguing that their actions were constitutionally protected free speech, and that, while illegal actions had occurred in SHAC's name, these could not then be prosecuted upon organization members without direct proof of wrongdoing on their part. Due to the eerily similar nature of the charges in this case to the federal charges against the SHAC7, this recent ruling provides some reason to believe that activists can still find absolution if forced to plead their cases in court. Still, as SHACtivists explore the boundaries of legality and free speech, the ongoing and conflicted nature of court rulings concerning the legality of home demonstrations means such tactics will continue to be struggled over and contested for some time to come. Although UK SHACtivists abandoned home demonstrations two years ago,

and US SHACtivists use them less frequently, those influenced by SHAC continue to use home demos as an effective tactic.

The more such strategies become a potent political and economic force, the more courts have begun to enforce ever-greater restrictions against political groups like SHAC. US and UK courts, under suit from companies like Chiron and HLS, have imposed numerous injunctions, restraining orders, and “protest-free” or “no harassment” exclusion zones against activists that now prevent them from coming within 100 yards of plaintiffs’ homes or businesses under penalty of arrest and prison sentences.<sup>62</sup> In many cases, new rulings allow only a maximum of 25 people at a time to protest, within a set time limit such as four hours, and in a marginalized area. In October 2004, Oxford University won an unprecedented injunction against SPEAK activists that prevents them from coming within 50 yards of university buildings and 100 yards of university employees. England also seeks to make it a criminal offense to return to a banned protest area for a period up to three months. At the same time, HLS has obtained a UK court order serving SHAC a £200,000 legal bill for the costs it incurred while applying for High Court injunctions against its protestors.

In addition, HLS and the British government began action to force SHAC’s leadership out of their home and threatened the owner who donated it to them with heavy tax penalties, as the UK state is beginning to scrutinize and challenge the numerous sources that fund SHAC campaigns. The British government has progressed from demanding animal rights groups remove personal phone numbers and addresses of targeted individuals from their websites to pressuring them to remove information related to the ALF and direct action. Similar to the AEPA law in the US, Tony Blair seeks to introduce a new “economic sabotage” law in the UK that criminalizes actions that interfere with industry profits, as government officials say new powers would be granted to police under the rubric of the Serious Organized Crime and Policing Bill. The UK formed a new police department, the National Extremism Tactical Coordination Unit, in order to deal with the animal rights threat. To further placate their science base, the British government promised that it would use the military if necessary to protect the research compounds draped in barbed wire, an appropriate symbol for concentration camps.

Measures such as those that control the number of people who can protest at one time, restrict areas in which they can protest, and censor website content clearly violate free speech rights. As aboveground activists fight it out in the courts, and underground activists continue to strike regardless of moot legal meanderings, states do what they always do in the face of opposition -- repress

rights and restrict liberties. In a tense co-evolutionary dance, the law and the “outlaws” continue to change and adapt to one another.

The fact that current laws do not exist to prosecute US SHACtivists in a manner in which the authorities desire -- due to SHAC’s unique strategy of attacking secondary targets and waging new forms of cyberwar -- raises the question as to whether the SHAC7 arrest spectacle of May 26, 2004 is simply the latest in a repressive legacy of irrational state responses to grassroots political action,<sup>63</sup> an attempt to limit SHAC’s effectiveness by binding it to Byzantine judicial processes, or a strategic measure designed to intimidate other activists who may not be as committed to their cause as those involved with SHAC have proven to be. One final possibility is that the US Attorney’s office has pressed forward with the expectation that it will lose this case, but that the government will profit thereby as it can then use the ruling to facilitate a congressional response that outlines how SHAC-style activism constitutes felonious behavior and AETA-style judicial penalties need to be made law and enforced.

### **Steal This System!**

“Our strategy was to give Judge Hoffman a heart attack. We gave the court system a heart attack, which is even better.” -- Jerry Rubin, Member of the Chicago7

“Whatever they throw at us, we just flow like a river.”  
-- Heather Avery, SHAC UK activist

“HLS is the domino.” -- Kevin Jonas

“Our fight for the animals will require nothing short of this shedding of blood, sweat, and tears in the war for animal liberation. Just as the Paul Reveres', the Minute Men, and the Sons of Liberty took both to the streets and the night to agitate for their rights, we as animal activists must also let the nobility of our cause guide us and defend us from libelous and fear-charged accusations of our adversaries.” -- SHAC USA

Just as the Chicago7 represented the battle for human rights in the 1960s, so the SHAC7 dramatizes animal rights as a key struggle of our day and as the logical extension of modern democratic traditions. Stigmatized as “terrorists,” the only crime these activists have committed is to defend innocent animals from barbaric exploitation

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and to uncompromisingly demand an end to corporate evil and scientific fraud. Like the Chicago7 before them, the corporate-state complex casts the SHAC7 as ugly hoodlums and a threat to “civilized” values, even though in their unflinching commitment to actualize a better and more peaceable world for humans and animals alike, these activists represent what is best about the US political system. For all those who will not rise from the couch, or even vote, due to a long developing political apathy or cynicism, may SHAC and the SHAC7 re-ignite their hope for progressive change. Armed with little more than a website, a bullhorn, and the will to make a difference with their lives, SHACtivists have rocked an industry juggernaut, rattled a global economic structure, and sent a loud message to every animal exploitation industry that eventually they will reap what they sow.

These are difficult times for free speech. Bush’s phony Terror War and its many cheerleaders instituted a fascist mandate against dissent and political action across the country, along with an apology for the status-quo that only the most blatant failures in the war against Iraq were able to dent. Meanwhile, conservative outrage at media incidents such as Janet Jackson’s “wardrobe malfunction” and Howard Stern’s sexual and political antics resulted in the Federal Communications Commission bringing staggering fines for “obscenity,” a move designed to send a message to everyone but Clear Channel that staying within the straightjacket of “free speech” is enlightened self-interest. Undaunted by state repression, SHAC continues to hammer away at HLS while defending constitutional rights. Unafraid to use its grassroots power like a weapon of mass destruction, SHAC may appear intimidating or criminal to some for no other reason than it does the apparently unthinkable: it refuses to surrender its rights to those so deeply mired in what is wrong.

The point of the present federal indictment has less to do with a viable case against SHAC than with sending a chilling message to anyone who dares to assert their First Amendment rights in meaningful protest against Machiavellian powers. While SHAC has never been the sort of outfit, like the Humane Society of the United States, to “go to Washington” and plead its case amidst suits, ties, and stars-and-stripes lapel pins, the SHAC7 now relish the opportunity to further expose HLS in the hypocritical halls of law.

During the greatest political trial of the 1960s, Chicago7 members like Abbie Hoffmann freely showed their contempt for the court through subversive comic theater, such as when Hoffman arrived dressed in judge’s robes, which he then stomped upon. Black Panther member Bobby Seale was bound, gagged, and then tried separately after refusing the court’s right to treat him as anything but an uncooperative prisoner of war. Meanwhile, defense attorney

William Kunstler dragged the proceedings out for months by bringing a virtual “who’s who” of the counterculture into the trial to testify as witnesses against the state.

The SHAC7 have promised no less a challenge for what might well become one of the great domestic political trials of this era. They intend to convert crisis into opportunity by turning the tables against their accusers and exposing the real criminals and terrorists. In a far more visible public setting than typically accorded to them, SHAC welcomes the indictment in order to expose the heinous crimes of HLS, the fraud of vivisection, and the corruption of the state and legal system, as they will champion constitutional rights and the just cause of animal liberation. In their words:

We welcome these indictments with open arms as we are going to show this politically corrupt US Attorney office the real meaning of the first amendment. Our legal defense will be an exercise in genuine patriotism as we stand up for and uphold free speech and association rights in this constitutionally troubled republic. The courtroom will become yet another venue to expose the crimes inside of Huntingdon Life Sciences, and to inspire a stand of resistance against such violence. If the FBI and the US Attorney’s office have learned anything from their three years of surveillance and office raids it really should be that this campaign has never once been deterred by crooked legal assaults, and this current abuse will fare no differently. We encourage every SHAC USA supporter to lawfully fight back against such an encroachment on our civil liberties -- by exercising yours! Proudly speak out against HLS and all forms of animal cruelty. To be silenced now does a disservice to these most important of freedoms, and the advocacy animals suffering everywhere so depend.<sup>64</sup>

Just as McDonald’s foolishly took on British activists Heather Steel and Dave Morris for the crime of exposing the company’s lies in pamphlets, so too may the intimidation tactics of HLS and the state backfire dramatically. In the ongoing war against HLS, successive waves of arrests in Pennsylvania, California, New York, and elsewhere demonstrate that the SHAC movement has redoubled its efforts as a blowback to the corporate-state repression directed against it, and that HLS and the vivisection industry may be in for a sustained PR bruising.

In our view, the assault on the SHAC7 -- in this era of the Patriot Act and “domestic terrorism” -- is a monumental event in the

history of the animal rights movement, both for the movement proper but also for how it now represents the frontline of the battle for the liberation of all beings from the domination by global powers. Let there be no mistake: the federal prosecution of the SHAC7 is an attack on everyone who militates for the ideals of democracy, rights, freedom, and justice. As such, all those fighting for progressive causes of any kind should come now to SHAC's defense.

Already, there are signs of solidarity and evidence of a wider recognition of the significance of the SHAC7's indictment by a range of animal advocates. Animal rights activists -- both critics and supporters of SHAC -- are organizing speaking tours and fundraisers to help pay for legal expenses. Lisa Lange, communications director for PETA, told the New Jersey Star-Ledger that the SHAC7 were "long-time activists and well-respected" as she defended the need for militant action where legal systems are unresponsive to calls for justice. Representatives from the Center on Animal Liberation Affairs and Syracuse Animal Rights Organization embarked on a North American speaking tour that in addition to the topic of the ALF addressed the issues at stake in the SHAC7 trial. Lauren Ornelas of Viva!USA organized a drive to raise funds to cover legal expenses. An even more important sign, because it emerged from the social justice community, was a recent Z-Magazine article that grasped the relevance of the SHAC7 indictment for all protest movements. As stated by author, Will Potter: "Their only chance is for activists of all social movements -- regardless of their political views -- to support them, and oppose the assault on basic civil liberties. Otherwise, in Bush's America, we could all be terrorists."<sup>65</sup>

Colonialism, imperialism, and slavery have been the burning moral issues of modernity since its inception five centuries ago, and their scourge on the planet and human civilization include environmental ruination, destruction of biological and cultural diversity, genocide, and world wars. In the US, millions of blacks were enslaved, and countless numbers of people were tortured and murdered through burning at the stake and lynching, whether from plantation owners, law authorities, or the Ku Klux Klan. After the Emancipation Proclamation and end of the civil war, blacks were formally free, but in reality remained trapped in violent systems of hatred, exploitation, poverty, and segregation that to this day scar the nation and its collective psyche.

As black Americans continue to struggle for justice and equality, and anti-racist movements advance throughout the planet, the moral and political spotlight is now thrown on another ancient and violent form of slavery, that involving the domination of the human species over other animal species. As with human slaves, the enslavement and exploitation of animals historically has been central

to the development of advanced economies. As starkly revealed by the anti-vivisection direct action struggles in England, animal exploitation is as vital to the 21<sup>st</sup> century global economy as human exploitation was to modern economies in Europe and the US. As economic utility is not a moral justification for exploitation, the animal liberation movement builds on the arguments and dynamics of prior human liberation movements and so too demands the abolition of animal slavery and human supremacy.

Given the powerful economic interests involved in enslaving animals, however, the animal liberation movement is rightly skeptical that their freedom can be won through persuasion or legal means alone. As Fredrick Douglass noted, “Power concedes nothing without a demand. It never did and it never will.” The only question is: what forms must this new counter-power against the global machines of animal exploitation take?

SHAC has matured into a powerful animal liberation movement on a global scale, but it cannot hope to topple a major capitalist (vivisection) complex without significant support and solidarity. It remains to be seen if activists involved in other causes will truly understand the indictment of the SHAC7 in its broadest social and historical context, thereby showing solidarity with the myriad of SHACtivists and other direct action militants on the front lines of protest, making sure that their voices are anything but a whisper. Meanwhile, the animal liberation cause continues to grow throughout the world, establishing itself as both an heir of the great human liberation movements and a transcendent force that carries the fight for rights, justice, and equality toward its logical fulfillment.

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<sup>1</sup> For critical exposes on HLS and video documentation of the extreme cruelty they have inflicted on animals, see <http://www.insidehls.com/index.htm>.

<sup>2</sup> Throughout this article, we refer to the “vivisection industry” or “vivisection complex.” By these terms, we mean the whole range of operations involved in exploiting animals for drug/chemical testing and for medical “research” (a word that quite deservedly is put in quotation marks given its typically cruel, senseless, and unscientific nature). These operations include the breeding farms that supply and distribute animals for testing and research; the pharmaceutical, chemical, and biotechnology companies that test drugs and products such as household cleaners on animals; the corporate and university laboratories that carry out their testing mandate and do their own work on animals; and the government

officials that defend and legislate for all the companies and institutions involved in the vivisection process that brings lucrative gains for national and transnational economies. Similarly, the term “corporate-state complex” is meant to underscore the implosion between government and corporations such that they share the same ideology and interests -- in this case, “free”-market neoliberal capitalism --and traffic back and forth through a revolving door of plutocracy and nepotism.

<sup>3</sup> On the alternative globalization of new media forces, see Richard Kahn and Douglas Kellner (2004), “New Media and Internet Activism: From the ‘Battle of Seattle’ to Blogging” in New Media & Society, Vol. 6, No. 1, 87-95, available online at: <http://nms.sagepub.com/cgi/reprint/6/1/87>.

<sup>4</sup> The RICO Act and subsequent charges of “animal enterprise terrorism” will be covered in more detail later in this paper.

<sup>5</sup> Robert Hanley, Janon Fisher and Stacy Albin, “Seven Animal Rights Advocates Arrested,” New York Times (May 27, 2004), available online at:

<http://www.nytimes.com/2004/05/27/nyregion/27animal.html>.

<sup>6</sup> “LSR Announces Indictments of Animal Rights Extremists,” Business Wire (May 26, 2004), available online at:

[http://www.findarticles.com/p/articles/mi\\_m0EIN/is\\_2004\\_May\\_26/ai\\_n6044502](http://www.findarticles.com/p/articles/mi_m0EIN/is_2004_May_26/ai_n6044502). (LSR stands for Life Sciences Research, Inc., the newly incorporated United States company that controls what was previously Huntingdon Life Sciences.)

<sup>7</sup> Hanley, Fisher and Albin, New York Times (May 27, 2004).

<sup>8</sup> On the way the vivisection industry and its supporters co-opt and manipulate language so that it will coalesce with their ideological underpinnings, see the book by the former-vivisectionist-cum-animal-rightist Joan Dunayer (2001), Animal Equality: Language and Liberation, 103-123. Supplementing Dunayer’s analysis is another former vivisectionist, Michael Allen Fox, who points out that the vivisection industry’s ideology relies on “rationalizations” and not rationality. See Fox, “The Case Against Animal Experimentation,” Organization & Environment, Vol. 13, No. 4 (December 2000): 463-467.

<sup>9</sup> See Mark R. Bernstein (2004), Without a Tear: Our Tragic Relationship with Animals, Urbana, IL: University of Illinois Press and Mark Rowlands (2002), Animals Like Us, London: Verso Press, 124-51.

<sup>10</sup> Mark R. Bernstein (2004), p. 129-149.

<sup>11</sup> For a strong critique of the scientific flaws and failures of vivisection, see Ray and Jean Swingle Greek (2002), Sacred Cows and Golden Geese, London and New York: Continuum, and Specious Science (2003), London and New York: Continuum.

<sup>12</sup> On the economics of the pharmaceutical industry, see Marcia Angell, M.D. (2004), The Truth About Drug Companies, New York: Random House.

<sup>13</sup> Gregory M. Lamb (2004), “A new corporate villain -- drugmakers?” Christian Science Monitor, available online at: <http://www.csmonitor.com/2004/0920/p11s02-ussc.html>.

<sup>14</sup> James S. Turner, “The Aspartame/NutraSweet Fiasco,” available online at: <http://www.stevia.net/aspartame.htm>.

<sup>15</sup> For Roses’ comment, see Steve Connor, “Glaxo chief: Our Drugs do not Work on Most Patients,” The Independent (Dec 8, 2003), available online at: [http://www.drugintel.com/pharma/many\\_are\\_treated.htm](http://www.drugintel.com/pharma/many_are_treated.htm). On adverse drug reactions, adverse drug events, and medication errors as a leading cause of preventable death in USA, see the statistics available online at:

[http://www.drugintel.com/pharma/cause\\_of\\_death.htm](http://www.drugintel.com/pharma/cause_of_death.htm).

<sup>16</sup> Terence Monmany, “Medications Kill 100,000 Annually, Study Says,” Los Angeles Times (Apr 14, 1998), available online at: <http://www.mapinc.org/drugnews/v98/n273/a04.html>.

<sup>17</sup> See “Health Sciences Institute Alert” online at: <http://www.naturalsolutionsradio.com/articles/article.html?id=5239>.

<sup>18</sup> See, for instance, Jeremy Brecher, Tim Costello, and Brendan Smith (2000), Globalization from Below: The Power of Solidarity. Boston, Mass.: South End Press.

<sup>19</sup> Some recent sociological literature has begun to note that the progressive forces grouped together under the banner of “anti-globalization” are not in fact committed on the whole to an anti-global philosophy or politics, see Douglas Kellner (2002), “Theorizing Globalization,” Sociological Theory 20(3): 285–305. That is to say that even the anti-globalization motto, “Think global, act local,” demonstrates that the project involves a global vision that is largely about challenging a particular form of economic and political globalization -- neoliberal capitalism -- by replacing it with alternative global visions based upon planetary ethics.

<sup>20</sup> John P. Martin, “Crucial Animal Rights Showdown Impacts Industry Worldwide,” Newhouse News Service (Dec 2, 2004),

available online at:

<http://www.newhousenews.com/archive/martin120204.html>.

<sup>21</sup> Mary Hennock, "Pharma firms take on the extremists," BBC News (July 30, 2004), available online at:

<http://news.bbc.co.uk/1/hi/business/3933939.stm>. For purposes of conversion, the US dollar is worth approximately .52 of the British pound.

<sup>22</sup> Michael Evans, "Extremist animal rights activists pose main threat to economy," The Times UK (Dec 10, 2004), available online at: <http://www.timesonline.co.uk/article/0,,2-1396891,00.html>.

<sup>23</sup> Mary Hennock, "Pharma firms take on the extremists," (July 30, 2004).

<sup>24</sup> Hennock (July 30, 2004).

<sup>25</sup> Jonathan Watts, "Animal rights activists force drug firm to rethink UK role," Guardian UK (Nov 15, 2004), available online at:

<http://www.guardian.co.uk/animalrights/story/0,11917,1351445,00.html>.

<sup>26</sup> Michael Evans, "Extremist animal rights activists pose main threat to economy."

<sup>27</sup> Helena Silverstein (1996), Unleashing Rights: Law, Meaning, and the Animal Rights Movement, Ann Arbor, MI: University of Michigan Press.

<sup>28</sup> Gary Francione (2000), Introduction to Animal Rights: Your Child or the Dog?, Philadelphia, PA: Temple University Press: 98.

<sup>29</sup> Francione (2000): 58.

<sup>30</sup> D. Smith (2002), "Rats, mice and birds excluded from Animal Welfare Act", Monitor on Psychology, Volume 33, No. 7, American Psychological Association: 14.

<sup>31</sup> Juliet Eilperin, "Endangered Species Act's Protections are Trimmed", Washington Post (July 4, 2004), available online at:

<http://www.washingtonpost.com/wp-dyn/articles/A26242-2004Jul3.html>.

<sup>32</sup> For the text of the law, see 18 USC § 43, available online at:

[http://www4.law.cornell.edu/cgi-bin/htm\\_hl?DB=uscode18&STEMMER=en&URL=/uscode/18/43.html](http://www4.law.cornell.edu/cgi-bin/htm_hl?DB=uscode18&STEMMER=en&URL=/uscode/18/43.html);

also see the analysis of Title 18 by Jason and Jennifer Black and Best in Steven Best and Anthony J. Nocella, II (editors) (2004), Terrorists or Freedom Fighters? Reflections on the Liberation of Animals, New York: Lantern Books.

<sup>33</sup> See Executive Order 13224, available online at:  
<http://www.state.gov/s/ct/rls/fs/2002/16181.htm>.

<sup>34</sup> For info about the AETA see online at:  
<http://environment.about.com/library/pressrelease/blALECa.htm>.  
The text of the bill is available online at:  
<http://www.alec.org/meSWFiles/pdf/AnimalandEcologicalTerrorisminAmerica.pdf>.

<sup>35</sup> See note 33.

<sup>36</sup> See online at:  
<http://www.senate.mo.gov/04info/summs/intro/SB882.htm>.

<sup>37</sup> Strategic Lawsuits Against Public Participation (SLAPP) suits are still viable corporate weapons of intimidation created to sue citizens for exercising their free speech rights of criticizing a corporation or business. The most famous incident of such repression was the lawsuit leveled against Oprah Winfrey and Howard Lyman in 1996 by the Texas Cattlemen's Association for remarks made during one of Winfrey's shows. When Lyman warned the American public of possible mad cow disease in the US, and Winfrey exclaimed she would never again eat another hamburger, the cattlemen sued them under the Texas False Disparagement of Perishable Food Products Act, a "food disparagement law" that exists in thirteen states including Texas. The cattlemen lost the suit, but won the propaganda war by sending out an effective message of intimidation to others considering public criticism of the meat industry. See "Oprah Winfrey and mad cows," online at:  
[http://www.disinfopedia.org/wiki.phtml?title=Oprah\\_Winfrey\\_and\\_mad\\_cows](http://www.disinfopedia.org/wiki.phtml?title=Oprah_Winfrey_and_mad_cows).

<sup>38</sup> Karen Charman, "Environmentalists = Terrorists,"  
[Tompaine.com](http://www.tompaine.com) (May 8, 2003), available online at:  
<http://www.tompaine.com/feature.cfm/ID/7748>.

<sup>39</sup> See The Center for Public Integrity, online at:  
[http://www.publicintegrity.org/docs/PatriotAct/story\\_01\\_020703\\_doc\\_1.pdf](http://www.publicintegrity.org/docs/PatriotAct/story_01_020703_doc_1.pdf).

<sup>40</sup> Kim Zetter, "Bush Grabs New Power for FBI," [Wired News](http://www.wired.com) (Jan 6, 2004), available online at:  
[http://www.wired.com/news/privacy/0,1848,61792,00.html?tw=wn\\_story\\_related](http://www.wired.com/news/privacy/0,1848,61792,00.html?tw=wn_story_related).

<sup>41</sup> For the text of the law, see Public Law 107-188 at: 42 USC 201, available online at: <http://www.fda.gov/oc/bioterrorism/PL107-188.html>.

<sup>42</sup> See “ACLU Launches Nationwide Effort to Expose Illegal FBI Spying on Political and Religious Groups” (Dec 2, 2004), available online at:

<http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=17117&c=206>. For the full ACLU client list, available online at: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=17126&c=207>.

<sup>43</sup> See “Bad 9/11 Bill,” online at:

[http://www.tompaine.com/articles/bad\\_911\\_bill.php](http://www.tompaine.com/articles/bad_911_bill.php).

<sup>44</sup> Anna Couey and Joshua Karliner (1998), “A Corporate Watch Interview with Noam Chomsky”, available online at:

<http://www.zmag.org/ZMag/articles/chomskyjune98.htm>.

<sup>45</sup> The issue of penalties is important to those who experiment upon animals because, at present, the AEPA only allows for a maximum of 3 years imprisonment for those who cause economic damage to an animal enterprise exceeding \$10,000. Those causing less than \$10,000 cannot be imprisoned for longer than 6 months. Green’s testimony at the proceedings is available online at:

[http://judiciary.senate.gov/testimony.cfm?id=1196&wit\\_id=3462](http://judiciary.senate.gov/testimony.cfm?id=1196&wit_id=3462).

All transcripts are available online at:

<http://judiciary.senate.gov/hearing.cfm?id=1196>.

<sup>46</sup> Leahy’s statement can be found available online at:

[http://judiciary.senate.gov/member\\_statement.cfm?id=1196&wit\\_id=2629](http://judiciary.senate.gov/member_statement.cfm?id=1196&wit_id=2629).

<sup>47</sup> Listen to some of Hatch’s music available online at:

<http://www.hatchmusic.com/songs.html>.

<sup>48</sup> In the Senate, Orrin Hatch has raised more money (\$307,524) from pharmaceutical manufacturers than any of his colleagues since 1999, according to Capital Eye

(<http://www.capitaleye.org/inside.asp?ID=113>). OpenSecrets.org

lists Hatch’s pharmaceutical contributions as having dwindled to \$11,500 in 2004, but, importantly, President un-elect Bush received some \$961,210 and Senator Kerry himself pocketed \$501,772 as part of their election runs. Further, expected incoming Senate Judiciary Committee leader, Arlen Specter (R-PA) was second only to Kerry amongst Senators in receiving pharmaceutical donations at \$194,462. For a listing of 2004 pharma contributions, see:

<http://www.opensecrets.org/industries/recips.asp?Ind=H04&cycle=2004&recipdetail=A&sortorder=U>.

<sup>49</sup> Note that Hatch’s donations appear to have been targeted at incoming Judiciary leader Specter instead, as per Note 48.

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<sup>50</sup> Michael Taylor and Jim Herron Zamora, “Stalking charges against animal rights activists,” San Francisco Chronicle (May 27, 2004), available online at: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2004/05/27/SHAC.TMP>.

<sup>51</sup> See David Cole (2002), Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security, New Press.

<sup>52</sup> See the May 26, 2004 news release by the US Department of Justice, available online at: [http://www.usdoj.gov/usao/nj/publicaffairs/NJ\\_Press/files/shac0526\\_r.htm](http://www.usdoj.gov/usao/nj/publicaffairs/NJ_Press/files/shac0526_r.htm).

<sup>53</sup> See the opinion, as archived on SHAC USA’s website, available online at: [http://www.shacamerica.net/supreme\\_brandenburg.htm](http://www.shacamerica.net/supreme_brandenburg.htm).

<sup>54</sup> Courts have generally interpreted the legal idea of “incitement” to be connected to some measure of causal immediacy in this regard. For example, the recent Feb 2004 court opinion on Commonwealth of Massachusetts vs. Lauren Gazzola, et al., which found that Gazzola and other SHACtivists were not in violation of the First Amendment because their actions -- though inflammatory -- only implied future violence and were not directly producing violent acts during the time of the protest itself. Text of the opinion is available online at:

<http://www.socialaw.com/superior/supFeb04c.html>.

<sup>55</sup> See SHAC USA’s website at: <http://www.shacamerica.net/>.

<sup>56</sup> Per a news release of the indictment against SHAC, the US Department of Justice accused that SHAC-USA “recommended and publicized on its websites: invading offices, vandalizing property and stealing documents; physical assault, including spraying cleaning fluid into someone’s eyes; smashing windows of a target’s home or flooding the home while the individual was away; vandalizing or firebombing cars and bomb hoaxes; and threatening telephone calls or letters, including threats to kill or injure someone’s partner or children.” The news release is available online at:

[http://www.usdoj.gov/usao/nj/publicaffairs/NJ\\_Press/files/shac0526\\_r.htm](http://www.usdoj.gov/usao/nj/publicaffairs/NJ_Press/files/shac0526_r.htm).

<sup>57</sup> A list of the tactics can be found on SHAC’s site at: <http://web.archive.org/web/20010830091646/www.shacusa.net/news/3-6-01.html>. It can be found elsewhere on line, such as at: <http://www.tatblatt.net/181/181HLS2.htm>.

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<sup>58</sup> The indictment is available online at:  
[http://www.usdoj.gov/usao/nj/publicaffairs/NJ\\_Press/files/pdf/files/shac2.ind.pdf](http://www.usdoj.gov/usao/nj/publicaffairs/NJ_Press/files/pdf/files/shac2.ind.pdf).

<sup>59</sup> As noted, SHAC itself often speaks of the movement as the “SHAC campaign.”

<sup>60</sup> See a summary and text of the opinion available online at:  
<http://www.casp.net/naacp-1.html>.

<sup>61</sup> Text of the Court’s opinion can be found available online at:  
<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/frisby.html>.

<sup>62</sup> Recently, the UK High Court imposed the 100-yard protest exclusion, though it did deny the plaintiffs request for an exclusion zone in the rural town of Staffordshire that would have covered some 11.5 square miles. Such requests demonstrate the lengths that those involved in vivisection, or animal exploitation are willing to go to towards curtailing democratic rights to protest unethical activities, and it also demonstrates how courts can in fact curtail liberties further under the political guise of appearing to represent forces of compromise and moderation. See “Village Exclusion Zone Bid Fails,” *BBC News* (Dec 2, 2004), available online at:  
<http://news.bbc.co.uk/1/hi/england/staffordshire/4061961.stm>.

<sup>63</sup> David Cunningham (2004), *There’s Something Happening Here: The New Left, The Klan and FBI Counterintelligence*, University of California Press.

<sup>64</sup> Taken from SHAC USA’s website at:  
<http://www.shacamerica.net/indictments/index.htm>.

<sup>65</sup> Will Potter, “Protest Torture of Animals, Get Arrested as a ‘Terrorist’,” originally for *ZMag*, archived online at:  
[http://www.animalliberationfront.com/ALFront/AgainstALF/Terrorists\\_one\\_and\\_all.htm](http://www.animalliberationfront.com/ALFront/AgainstALF/Terrorists_one_and_all.htm).