

Who Is a “Terrorist?” Language and the Case of Domestic “Terrorism”ⁱ

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Abstract

Language is used to marginalize, dismiss, and control some groups in this country. Language is now being used to justify surveillance and harsh criminal charges for minor offenses against members of some targeted groups. While the official justification for these actions is a threat of “terrorism” from these groups, this explanation is implausible. The true justification appears to be that these groups are comprised of United States citizens who have political views opposing the current administration, and, in some cases, the profit interests of major corporations. These groups include movements such as peace activists, animal rights activists, environmentalists, Quakers, and Puerto Rican independence activists. The current administration, as well as members of the U.S. national security and law enforcement offices, has now begun to routinely use the language of “domestic terrorists” to describe members of these groups. FBI representatives have made statements to the media on several occasions that animal rights activists, in particular, represent “the nation’s greatest domestic terrorist threat.” While members of these groups may take part in demonstrations, letter-writing campaigns, and even, in a small percentage of cases, engage in direct action activities, they do not seek to hurt or kill people. This invites the question: What makes them “terrorists”?

The social and economic implications behind the current use of language to control those with opposing views are examined. We use as our springboard recent legislation that was signed into law in late 2006, the “Animal Enterprise Terrorism Act”, which actually defines “terrorism” in such a way that includes many traditional forms of civil disobedience, including those practiced by peaceful activists such as Martin Luther King, Jr. Some attorneys have argued that under this act, even speech that might potentially be perceived as harming corporate interests could be considered “terrorism.” We will examine how this current use of language to describe peaceful, nonviolent activities of animal advocates as “terrorism” is a calculated, divisive attempt to socially engineer the reality of the general public. We will explore how language is currently being used by corporate lobbyists and government and law enforcement officials to create the perception of violence and the threat of violence in order to protect the profit-margins of corporations.

1. An Overview of the Problem: The Use of Language to Silence Alternative Beliefs.

Language is currently being used by U.S. corporations and the political and law enforcement officials who represent them to silence and marginalize people who have dissenting beliefs. In

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particular, words such as “terrorists”, “domestic terrorism”, “violence”, “violent assaults”, and “extremists” are being used to describe individuals who present no threat to life, have no history of harm to living beings, and whose primary goal is to adversely affect the economic position of corporations who do.

Language is being manipulated by U. S. governmental officials in the executive and legislative branches as well as by law enforcement (FBI) whose job it is to stop “terrorist” activities. The target of these manipulations is a variety of groups whose beliefs threaten corporate profit and/or political power. This paper will focus on animal groups as one especially timely and egregious case of how language, and, in particular, the use of “terrorism” and related concepts, have been manipulated to enact legislation, fund and target law enforcement activities on political dissenters, and mold public opinion.

In many ways, animal rights groups are not a very powerful political force. This invites the question, “Why would politicians feel a need to target animals rights groups and present them as ‘domestic terrorists?’” We will explore several answers to this question.

One of the primary reasons animal rights groups are now being singled out by some government officials is because major corporate industries have experienced financial losses from the efforts of animal rights advocates. Corporations whose primary profits are derived from using animals (biomedical research industry, fur farming, circuses, zoos, etc.) are concerned that the campaigns and efforts of animal rights advocates to reach the public with their message may threaten a multibillion dollar industry. In response corporations have pressured politicians to create legislation that seeks to silence any person whose beliefs about animal rights runs in contrast to those of the corporation.

The ultimate goal of these linguistic manipulations and legislative/law enforcement efforts is compliance. Government politicians and law enforcement, acting on behalf of powerful corporations, have set out to socially engineer public opinion about a group with dissenting beliefs in order to marginalize the group, discredit its beliefs and statements, and ultimately, to garner compliance by silencing and controlling this group's ideologies, beliefs, and activities. One avenue legislators and law enforcement (acting on behalf of animal enterprise corporations and their lobbyists) have used to accomplish their goal to silence animal rights advocacy groups and socially engineer fear in the general public about these groups is enacting federal legislation denouncing animal rights advocates as "domestic terrorists" and enacting severe punishments that, some legal experts argue, could be meted out for something as benign as email letter writing campaigns and boycotts of corporations that have created cruel conditions for animals.

Legislation passed by the House in November 2006 has done just that. The Animal Enterprise Terrorism Act (AETA) will be the primary focus of analysis here. We will examine how the government, fueled by enticements from high-priced corporate lobbyists acting on behalf of corporate interests, along with the opportunity presented by government sponsored post-9-11 funding (both at the federal and state levels), has begun to reshape the public's perception of animal rights. This reshaping of perceptions has been accomplished through marginalizing those advocating on behalf of animals, and presenting them as "the nation's number one domestic threat," replacing the public's sympathy and open mind with fear about animal rights groups.

Legislators and law enforcement make extensive use of the news media to reach the public and inform it of the "threat" to its safety. Using press releases and press conferences, public officials feed the media the elements of the story they want the public to hear. The

mainstream news media then reports the story using officials' language of fear: "terrorism", "domestic terrorists", "violence", "threat", and other similar terms are directly linked with the words "animal rights." There is no mention of the corporate lobbyists or corporate profit interests, and any thoughts of how legislation has impeded on the public's first and fourteenth amendment rights have been either ignored or omitted by the journalists creating the news pieceⁱⁱ.

2. A Closer Look at Language as a Tool to Suppress.

Language is a quite powerful tool for manipulating public opinion. The power of language is well-known among social scientists. In terms of animal rights and welfare issues, which are a primary focus of the discussion here, there have been some analyses in the scholarly literature. Joan Dunayer (2001) discusses many ways in which language is used to maintain the exploited position of animals in society, while Carol Adams (1990) discusses how meat has been associated with positive attributes such as strength and masculinity, while vegetables have negative associations such as dullness. Pamela Carlisle-Frank & Joshua Frank (2006) examined the use of the terms of "guardian" and "owner" empirically among people with companion animals, and found strong differences in behavior associated with the language used with respect to these two terms.

The term "terrorism" conjures up images in the minds of the public of foreign religious extremists, generally with fundamentalist Islamic religious beliefs, intent on killing civilians. The terrorists of our collective imagination hate everything the United States stands for, are beyond logical discussion or compromise, wish nothing but death and suffering upon us, and do cheer in the streets when harm comes to innocent Western civilians. While this may be an unfair characterization that has been over-generalized to create stereotypes of all Islamic foreigners,

these “terrorists” are not the focus of this analysis. Instead, the focus here is on those dubiously labeled as domestic “terrorists.” While government officials and the media cultivate a public image of “terrorists” as foreign Islamic extremists, other domestic political groups have recently been quietly swept into the same category with a goal of dismissing and marginalizing these groups, as well as justifying surveillance and harsh criminal charges for minor offenses.

Even if the public’s image of terrorism focuses on the archetype of a foreign Islamic extremist, cultivating public fear of terrorism in general helps in suppressing domestic political causes labeled as “terrorist” by generating anti-terrorist momentum. This momentum is used to help garner support for anti-“terrorist” legislation that targets domestic causes as well as foreign threats. Momentum is also utilized to increase funding for law enforcement to fight “terrorism” that includes domestic groups. Public momentum from fear of terrorism has also been used for other causes, such as to promote surveillance programs that are heavily invasive of privacy under innocuous sounding names such as “total information awareness” or “secure flight” (Harper, 2006).

The use of the term “terrorism” by the media and government officials has shown a clear bias. In fact, the President and his representatives have often used the word terrorism to describe events that fail to fit their own definition (Dunn, Moore, & Nosek, 2005). Subtle wording changes in reports that suggest an action is taken by an ally or enemy also can make a significant difference in whether an event is perceived as terrorism (Dunn, Moore, & Nosek, 2005).

The proper definition of terrorism has been discussed extensively. Cooper (2001) defines terrorism as the “intentional generation of massive fear by human beings for the purpose of securing or maintaining control over other human beings”. Cooper, like many other authors on the subject, notes the selective use that officials have made of the term, failing to universally

apply this (or any other definition) to all parties, regardless of the perceived legitimacy of their cause. The term “massive fear” is noteworthy here, since while setting minks free from a farm or burning SUV’s may cause some level of fear in interested parties, but it is unlikely this would qualify as “massive fear”. The term massive fear in this definition is left somewhat unclear by Cooper, since it is not indicated what kind of fear we are discussing. There are many legal actions systematically taken to cause some level of fear for loss of one’s interests. For example, an employer who threatens to fire any workers who unionize may cause “massive fear” of job loss, but it seems that this is not what Cooper has in mind. It appears likely that Cooper intends fear of harm to self or others, not fear of economic loss or other less weighty interests.

Charles Ruby (2002) uses the United States State Department’s definition as a starting point for considering the definition of terrorism. Ruby uses three key criteria that distinguishes terrorism from other forms of violence. The first is that they are politically motivated, the second is that terrorist violence is directed against non-combatants, and the third is that subnational groups or clandestine groups are involved. This last part, unlike some other definitions eliminates the possibility of state-sponsored terrorism by definition. However, for purposes of this discussion, the most important part of the definition is that it there must be violence involved. Once again, no explicit definition is given for what is meant by “violence”, but the tone, examples, and discussion in the article all seem to implicitly indicate that violence involves harm or the threat of bodily harm, not damage done strictly to property.

Bruce Hoffman (1998) states that all acts of terrorism involve violence or the threat of violence. Hoffman also mentions the intent of terrorism being to instill fear in a wider audience. Benjamin Grob-Fitzgibbon (2005) separate terrorism-from-below (as opposed to state terrorism) into four categories: national terrorism, revolutionary terrorism, reactionary terrorism, and

religious terrorism. It is worth noting that animal rights-related terrorist acts do not easily fit into any of these categories, though if forced into any category it would most likely be revolutionary terrorism. Sonia Torres (2006) notes that North American and South American definitions of terrorism indicate a consensus in some respects, including the threat or use of violence. However, there is a difference in emphasis between terrorism-from-above versus terrorism-from-below (or using the terms utilized by Torres “wholesale” vs. “retail” terrorism).

While opting not to outright define terrorism, Samuel Scheffler (2006) states that the standard cases of terrorism undertake to kill or injure more or less at random. He suggests that creating a general state of fear of violent death is one of the primary reasons that terrorism is particularly morally reprehensible. Furthermore, according to Scheffler, the definition of terrorism must be linked to the creation of a state of terror (as opposed to, for example, political assassinations that do not provoke widespread fear of life), otherwise it loses its more importance. While the State Department’s definition of terrorism includes the requirement of “violence”, this term is clearly used very broadly since about half of their count of international terrorist incidents since the late 1990’s consist of bombs directed at oil pipelines rather than at injuring persons (Tilly, 2004).

Generally speaking, while precise definitions may differ, there are some consistent threads in the definition of terrorism that are relevant here. First, terrorism under most definitions involves violence or at least the threat of violence. Second terrorism involves the use of “terror” (or “massive fear”) in its target to affect political change. Third, the use of “noncombatants” or similar wording is often used when discussing the target of this activity. While noncombatant implies that the targets are not military or police personnel, it also implies that the user is assuming the targets are human beings. Aside from government attempts to

redefine terrorism based on political interests, there is general consistency in discussion of these definitions that “violence” implies harm to living beings, that “terror” implies fear of serious injury (not fear of loss of property), and that terms for the targets (such as noncombatants) generally implies human targets. In fact, the reason that the analyses of these definitions fail to state these assumptions outright appears to be that they are obvious enough to be taken for granted.

Precise definitions of terrorism may differ (particularly on issues such as how government-originated activity should be counted), but as discussed, there is general consistency on a number of issues. Nevertheless, public anti-terrorism sentiment has been used to target activities that would not fall under most experts’ definitions of terrorism. Many groups that are comprised of United States citizens who have opposing political views and sometimes use direct action as a tactic for social change have been targeted using this anti-terrorism momentum. These groups include diverse movements such as peace activists, animal rights activists, environmentalists, Quakers, and Puerto Rican independence activists. Generally, the groups are outside the mainstream just far enough to elicit little outrage from the general public when they are labeled and treated as terrorists. Yet, at the same time, these groups pose a real threat to some interests, either because they represent the leading edge of a larger political movement, or because they threaten corporate profitability. Another trait shared by all of these groups is that they have not ever killed a person in the United States. Nor are they usually violent. Activists in these groups generally do not consider violence directed toward other living beings an acceptable approach to use.

If these groups do not seek to hurt or kill people, what makes them “terrorists”? FBI representatives have stated on several occasions that environmental and animal rights activists

represent the nation's greatest domestic "terrorist threat" (Frieden, 2005; Associated Press, 2006; Potter, 2006a). Noticeably absent from stated government concerns regarding domestic terrorism are the two domestic groups that have killed people recently in the United States: abortion activists, and domestic militia groups. This also suggests the possibility of a political motivation for which domestic groups are labeled "terrorists."

Animal activists generally hold their "extremist" views due to a reverence for all life, making them unlikely candidates for inflicting intentional harm to people. The quite small portion of animal activists who conduct illegal activities generally engage in acts of vandalism, theft, trespassing, and other minor property crimes. It would be a large stretch to consider these crimes "violent" and it is also highly unlikely that these crimes create a state of terror or massive fear in any audience. While the total cost of these crimes has run into millions of dollars over the course of the past 15 years (Frieden, 2005), the cost is minor relative to the profits of the industries involved. It is true that animal industries might incur "defensive costs" to prevent future property crimes, but from an economic standpoint, this spending should be similar in magnitude to the cost of damage. But more importantly, regardless of the extent of property damage, to equate such acts with "terrorism" is a stretch, to say the least.

The primary targets of animal activists are corporations, and the primary impact is financial. Corporations and profits margins cannot experience "terror." The term terrorism in relation to property crimes is a distortion. In addition, the use of the word "violence" with regard to the illegal activity of some animal activists (Smith, 2002) is also misleading. While there are a few occasions where animal activists have used explosives, these incidents have been carefully planned to avoid any injury to humans (or any animal for that matter) (ALF Press Releases, 2001-2005). Therefore, the term "violence" with respect to crimes that involve damage to

property is again misleading. Federal agents have argued that it is only a matter of time until somebody is accidentally killed due to being in the wrong place when one of these explosives go off. This argument is questionable since this is an uncommon tactic at best, and since care is taken to avoid causing harm. However, even if Federal Agents are right, and someone someday may accidentally die at the hands of animal activists, the possible accidental death of one person in the future hardly justifies the level of prominence given to all animal activists as a major “terrorist” threat. Furthermore, the possibility of a future accidental death does not make the activity “violent” any more than golf becomes a “violent” sport if somebody is struck in the head one rare day and killed with a ball.

It should be noted that there are some questionable tactics used by animal activists. For example, some activists have campaigned against corporate leadership at a personal level in a way that could be argued as bordering on “harassment.” Publishing animal research laboratory employees’ social security numbers, home addresses, and names, ages, and schools of their children are good examples. If such activities make people frightened for their safety or that of their family, their emotional state could technically be considered one of “terror” and the acts could, at some level, be labeled “terrorism.” But these groups also have a history of consistently not perpetrating violence. While such acts may not be morally justifiable, to be considered terrorism, any fear instilled by the actions should be justifiable based on the reasonable threat presented. Otherwise, anybody could legally claim to be terrorized by political opponents based on any perceived threat, reasonable or not.

Also ignored in the discussion of “terrorism” are the actions by corporations and the government that threaten those who speak out. Whistleblowers are frequently harassed, threatened, and live in terror both before and after they speak out. History is full of incidents of

labor organizers, civil rights activists, people who speak out about being sexually harassed or otherwise mistreated in the work place. People who speak out in general to change the status quo have been harassed, threatened, or at times even harmed or killed. While some of the most blatant of these activities have stopped, those who speak out against major corporate or political interests are still subject to intimidation or harm. If organized efforts to thwart corporate activities are considered “terrorism,” then activities by corporations and their representatives which target individuals can equally be considered “terrorism.” They certainly could fit most definitions in that they are political actions intended to create fear of violence and target an audience beyond the immediate victim. Yet somehow, militia groups, Nazi and Klan activities, abortion activists, and pro-corporate intimidation do not receive labeling or significant attention as “terrorist” activities, while anti-corporate activities by environmental and animal advocacy groups receive a great deal of law enforcement attention. Any activities by corporations that create a climate of fear and that overtly threaten or cause violence should certainly fall under the definition of terrorism. At the very least, more consistency needs to be used by law enforcement and other government agencies in defining terrorism.

Animal and environmental groups are not the only causes that have received attention and have been under surveillance for alleged security purposes. For many of these groups, the case that they represent a security risk is even weaker than it is for animal activists. For example, what possible threats to our national security do the societies of Quakers and peace activists present? Furthermore what state of terror do these groups create in any audience?

These domestic groups have been targeted using homeland-security-funded surveillance. The same expansion in surveillance methods utilized because of post-9-11 law and policy changes has also been used to target domestic groups. Now, however, federal legislation has

been created to attack domestic political groups in ways that go beyond general anti-terrorism laws and funding. The “Animal Enterprise Terrorism Act” was passed and signed into law on 27 November 2006. There can be no question that legislators sought to connect this legislation with the concept of “terrorism” since terrorism is in the very name of the act. Yet this legislation has little, if anything, to do with terrorism. It is highlighted here because it is perhaps the most blatant manipulation of the public’s fear of terrorism to date. To make matters worse, the legislation’s focus is almost exclusively to protect corporate interests, and further, it supports activities that infringe on civil liberties (Boghosian, 2006a).

3. Overview of the Animal Enterprise Terrorism Act (AETA).

The Animal Enterprise Terrorism Act (AETA) is an expansion of the 1992 and 2002 Animal Enterprise Protection Acts. The purpose of all three acts is purportedly to address illegal activity by animal activists. While those laws are also of questionable merit, the focus here is on AETA because of its manipulation of the concept of “terrorism.” The AETA broadens the scope of the previous acts, as well as increasing the penalties for violations. However, the AETA goes much further by defining “terrorism” in such a way that includes many traditional forms of civil disobedience such as those practiced by Martin Luther King, Jr. In addition, penalties for causing economic damage alone can be as high as life in prison.

After AETA passed the Senate without dissent or discussion, animal and social justice advocates across the country started a national campaign to contact House legislators with their concerns; the hope was that AETA would receive more serious scrutiny and debate in the House than it received in the Senate. However, the House of Representatives leadership pushed this legislation onto the “suspension calendar,” a procedure normally reserved for uncontroversial bills, as a strategy to “sneak” the bill through the House (Potter, 2006a). The bill passed the

House with just six legislators voting, during a lame-duck session following the 2006 election when the leadership of both houses of Congress changed hands. Supporters in the Senate were both Republican and Democrat, and no Democrats dissented; in the House the bill was passed through a voice vote in a nearly empty room, with a lone dissenter: Representative Dennis Kucinich, D-Ohio (Anon, 2006a).

i. Opposition to AETA.

A variety of legal scholars and social justice organizations have argued that AETA is flawed in several ways. Opponents argue that AETA brands nonviolent animal protection and civil disobedience activities as “terrorism” (Boghosian, 2006a; Equal Justice Alliance, 2006). Anything that interferes with business could be labeled “terrorism” (Potter, 2006b). The legislation states that “property damage” includes “loss of profits”, therefore boycotts, undercover investigations, whistleblowing, and other acts that cause no physical damage, but hurt corporate profits, could be defined as terrorism. Acts such as urging shoppers to stay away from a store, expressing an opinion on the Internet about the health risks of salmonella in chicken, condemning a university for conducting animal experiments, or asking alumni to withhold donations until changes are made, all might lead to jail time for the individuals involved (Hanchette, 2006). While most supporters have denied the bill would make civil disobedience a crime, one supporter in the House of Representatives did acknowledge during discussion that civil disobedience would be covered by the bill if it causes disruption or loss of profits (Potter, 2006c). Virtually all effective disobedience that targets a business should have some indirect negative effect on profits. So in effect, civil disobedience by animal activists has been turned into a serious crime, and “terrorism” by this legislation.

Opponents also voice concern that the AETA invokes excessively harsh penalties (Equal Justice Alliance, 2006, Potter, 2006b). Penalties for economic damage can be up to 20 years in prison, while jail terms of up to 18 months are possible for activities that involve no threatened or actual economic damage and no bodily harm (NOAETA.org, 2006).

Opponents also argue that the AETA may authorize unwarranted wiretapping of animal advocacy organizations (Equal Justice Alliance, 2006). Another complaint is that the AETA is overly broad so that activists do not know if they are acting within the law (Hanchette, 2006; NOAETA.org, 2006;). This vagueness, legal scholars argue, will act to deter activity and speech which is lawful under the first amendment (Boghosian, 2006a). Arguably the intention of AETA is precisely to deter lawful activity. It does little to deter the “terrorist” acts it allegedly targets, since these acts are already illegal (Mitchell, 2006). The true target appears to be the actions of “above-ground” animal activists (Potter, 2006b). While the AETA discusses creating “reasonable fear” of harm as a criminal act, it has been argued that corporations are intentionally creating a “climate of fear” regarding domestic terrorism, thereby making the “unreasonable seem reasonable” (Potter, 2006b).

ii. Media Coverage of AETA.

In addition to passing through Congress relatively quietly, with no dissent or discussion in the Senate and little discussion in the House, AETA has received surprisingly little media coverage. Other than those within the networks of animal and social justice organizations, the people had little opinion on AETA because they generally did not know about the law. Politicians, law enforcement agents, and industry representatives were quite successful at creating the perception that some political groups are “terrorists” who pose a threat to the public safety. The goal of those backing AETA was to create an impression that stopping these terrorist acts was a top

priority and therefore non-controversial. The news media had little reason to cover the story. Perhaps more importantly, the legislation focused exclusively on one marginalized group that had already been successfully characterized for the public and media as “nuts” or “extremists”, therefore making it an issue unworthy of general coverage.

4. Why Animal Activists? AETA Targets A Single Group.

Focusing exclusively on one type of political dissent appears to have been a wise strategy for supporters of the AETA. It follows a “divide and conquer” strategy that can be very effective for silencing causes that currently represent a minority of the population. If the majority of the population sees an aggressive punitive law as irrelevant to them since it focuses on one small group, the law is likely to pass with little dissent. Even if this law may conflict with basic constitutional rights and threaten to corrupt the democratic process, the marginalized status of the group affected makes large-scale dissent unlikely. Furthermore, misinformation regarding the threat level and the actions of the groups affected can easily be propagated due to the marginalized nature of these groups. Therefore, focusing on one specific type of political dissent can be quite effective.

But the fact that the legislation focuses on a single political viewpoint makes its premise even more questionable. Legislation making an activity a crime is typically based on the nature of the activity instead of the motivation for it. If the activities discussed in the AETA legislation are so egregious that they warrant harsh penalties, then why should they not warrant equally harsh penalties if an act of vandalism or trespass occurs during a protest of abortion, war, gay marriage, or any other political motivation? Or, for that matter, why should penalties not be equally harsh for vandalism or trespass in general? Even if an argument could be made that organized political illegal activities deserve special treatment and that the primary violators are

currently animal activists, this still does not justify such a specific legal act. After all, in the future, the activists damaging property could do so in support of a completely different cause. This is, after all, why criminal laws are written to generally cover all causes of an act. If there is a rash of thefts of sports cars, we do not make a law about stealing sports cars, we make a law about stealing cars. If we are concerned about suicide bombers and currently the groups conducting such bombings are Islamic in religious beliefs, we do not pass a law to deter Islamic suicide bombings, we pass a law to deter all suicide bombings. There is no legitimate public policy or ethical justification for passing a law specifically addressing animal “terrorism.”

If there is no legitimate justification for passing a law targeting a specific group, the alternative explanation is that the law was worded that way for practical reasons. As already discussed, one reason—perhaps the main reason—for creating a law focusing on only one political cause is that such a law is much easier to pass. Most of society either does not care about this one relatively small political cause, or is at least uninformed enough about it to easily accept the premise that they represent a legitimate terrorist threat. A law that targets one cause also insures that the legislation will never be turned and used against its makers. If for, example, a cause that is dear to the law’s drafters becomes illegal or disfavored, their allies seeking to fight that cause can conduct acts of civil disobedience or other illegal activities without fearing the harsh penalties that are reserved for animal-friendly “terrorists.”

The law’s asymmetrical nature and limited scope is evidence of the its inconsistency, inherent unfairness, and questionable morality. If anti-hunting animal activists are threatened by armed hunters in a way that makes them and other activists fearful for their lives, would the hunters be legally prosecuted as terrorists? What about a slaughterhouse that instills fear of violence in low-pay (or possibly illegal immigrant) workers that consider reporting violations?

The fact that these activities probably would not fall under the scope of the law and almost undoubtedly would not be prosecuted indicates the inherently unfair nature of the law.

Aside from the issue of why the law's supporters chose to take on only one specific group, there is the question of why animal activists in particular were targeted. It has been argued here that animal activists present no real terrorist threat. Therefore, AETA supporters must have other motivations. Yet animal activists represent a small political force with little potential to topple the existing power structure. Why then, might they present such a threat?

Perhaps the most obvious reason why animal activists are perceived as a threat is that acts causing property damage to the animal industry directly cost corporations millions of dollars. These losses are very small relative to the size of the animal agriculture, biomedical, and fur industries. However, the direct losses from property damage alone might be large enough to justify lobbying for passage of such an act.

The direct property damage losses from animal activists are compounded by the indirect costs from animal activists. These include the costs from acts of civil disobedience that result in disruption, organizing boycotts, pushing for animal welfare legislation, and providing information to the public. It is likely that these indirect costs greatly exceed the direct property damage done by activists. Even if property damage done by animal activists is considered to be "terrorist" activity (which is, in itself, quite a stretch), the indirect costs from boycotts, providing information to the public, etc. can in no way be considered terrorism. Arguably, it is the indirect costs from legitimate activist tactics that are the target of AETA.

One of these activities, provision of information, warrants further discussion. Business production methods remain largely hidden from view and consumers lack a great deal of information about the ethical nature of corporate behavior that is highly relevant to their decision

making. A strong case can be made that markets cannot function optimally until consumers are provided with this information (Frank, 2005). One of the more important roles of animal activists has been to provide the public with information through whistleblowers, undercover investigations, and dissemination of information. Regulators that are charged with enforcing animal welfare laws are too closely tied to the industry to adequately enforce these laws, and violations rarely result in any action. Often, the only way animal abuse comes to light is through the actions of animal activists. Sometimes trespassing, illegally filming facilities, or other minor violations of the law have been needed in the current institutional framework to bring violations of animal welfare laws to light (Frank, 2004). It is likely that one of the more important reasons for AETA's creation was to prevent information from becoming public that would be harmful to the animal industry in the future. When such information has been exposed in the past, it has resulted in public outrage that has caused boycotts, permanent shifts in consumer behavior, and enactment of animal welfare legislation. While the merits of minor legal infractions to obtain information of great interest to the public can be debated, obtaining information does not qualify as "terrorism". Obtaining information is not creating violence or the fear of violence, nor does it instill fear or terror. Aside from its definition as terrorism, providing information has many public benefits and should not justify harsh penalties that will ultimately reduce the amount of information available to the public.

Another advantage for the animal industry persuading legislators to pass AETA is that it allows industries, lobbyists, and politicians to further marginalize animal activists by strategic use of the "terrorist" label, a technique that has been used in the past. Television debates featuring representatives of animal organizations such as the People for the Ethical Treatment of Animals (PETA), paired against pro-animal industry lobbyists, have often degenerated when the

industry representative focused the debate on discrediting the animal advocate as a “terrorist” or “supporter of terrorism.” (Such accusations were based on reports that PETA has given money for the legal defense of activists accused of crimes.) Passage of AETA gives animal industry supporters a very powerful tool to discredit their opponents. By definition of the law, anybody convicted or even charged with any of the multitude of minor infractions that fall under AETA can be labeled a “terrorist” or as “federally charged with terrorism.”. For many members of the general public who are unfamiliar with the context and details of AETA, having an advocate labeled a terrorist automatically discredits the advocate.

There is also one more reason animal advocates may be targeted even if they do not pose a major political threat. They could be just the first group targeted by a series of laws designed to silence a wide range of political opponents one by one. Once such a law has been achieved, it tends to set a precedent making it more difficult to oppose such a law in the future, especially if the harm to civil liberties caused by the prior law remains unseen due to the silencing of the opposition.

5. How Language Is Used to Socially Engineer Public Perceptions Against Those Who Pose an Economic or Political Threat.

How do politicians manage to garner public support for the potential infringement of civil liberties of laws like AETA? Part of the equation for the social engineering of the American public is the public themselves. In order for this to happen, the general public must either (1) have complete trust in government officials, law enforcement and the media, (2) be apathetic, making it indifferent to the potential loss of its own civil liberties, (3) have a lack of understanding about how laws like AETA can impact its own personal freedom, or (4) be already so consumed with fear about terrorism and terrorists that the fear alone overrides logic and critical thinking.

i. Primed for Social Engineering.

The American public is, by and large, a receptive audience for public officials who want to manipulate public opinion in order to justify creating and passing extremely prejudicial laws. After all, the general public has been primed for social engineering because we are a fear-driven culture, being fed a steady diet of fear-driven rhetoric from corporate marketers and advertisers. Thanks to a barrage of advertisements and messages in print, radio, and television news media, and supported by our entertainment-based media, Americans are fearful of growing old, getting wrinkles, being sad, getting sick, having less sex, fewer erections, getting fat, having bad credit, not enough money, dying, a glut of social stigmas, and now, terrorism.

Using fear to manipulate and motivate is the American way. Fear is one of the two major tools used by American marketers and advertisers (“desire” is the other) to increase sales revenues and profits for their clients (Spence & Moinpour, 1972; LaTour & Zahra, 1989). We fear so many things that there appears to be little questioning or critical thinking about the ever-present messages of things to fear that permeates our culture. Given the lack of questioning by the public at large, and how responsive the public is to fear-driven messages, it should not be surprising that public officials would adopt this approach when trying to convince and persuade the public that legislation is needed to fight “terrorism” when that legislation might otherwise be called into question.

6. Politicians and Law Enforcement Use Fear to Obtain Compliance and Deflect the Public’s Attention Away From Constitutionally Questionable Laws

The language being put forth to the public by law enforcement and political officials about groups who believe in animal rights has been extreme and fear provoking (FBI, 2002). In a 2005 CNN report entitled “FBI, ATF address domestic terrorism. Officials: Extremists pose serious

threat,” top federal law enforcement officials told the media, “Violent animal rights extremists and eco-terrorists now pose one of the most serious terrorism threats to the nation” (Frieden, 2005).

Senior officials from the FBI and the Bureau of Alcohol, Tobacco, and Firearms (ATF) testified at a Senate panel in May 2005 about their growing concern over animal rights and environmental groups they have labeled as “violent extremists.” Both FBI and the top Officials of the ATF used strong language capable of striking fear in the American public. The FBI’s deputy assistant director for counter-terrorism John Lewis stated that “animal and environmental rights extremists have claimed credit for more than 1,200 criminal incidents” over the course of the previous 15 years. Chief crimes the animal rights group was blamed for were vandalism, arson, and bombings (all done after-hours) of animal research labs used by pharmaceutical and cosmetic industries. While Lewis concedes there have been no deaths resulting from the activists’ attacks, he neglects to make clear that 100 percent of the “1,200 criminal incidents” he uses as his basis for calling animal rights activists the “number one threat of domestic terrorism” are property crimes.

James Inhofe, Chairman of the Senate Environment Committee, cited his estimates for the cost of damages from “militant” environmental and animal rights supporters to be more than \$110 million over the past decade. Again, we see that profit losses stemming from vandalism to property is the motivating force for the concern over animal rights and environmental activists.

Continuing on with the pattern of extreme language designed to substantiate danger and create fear in the public’s mind he says, “Just like al Qaeda or any other terrorist movement, ELFⁱⁱⁱ and ALF^{iv} cannot accomplish their goals without money, membership and the media.” This statement is revealing in linking animal rights and environmental activists—people who

believe strongly in stopping abuses and suffering of sentient beings, and of saving the trees, water, air, and eco-system—to al Qaeda, a known terrorist group who has claimed responsibility for deadly attacks on innocent humans. But the statement is also revealing from another angle, as it warns those who may be sympathetic and/or offer support that the groups they are supporting are now officially “terrorists” and “extremists.” Most revealing, however, is the implied warning to the media that it should not be giving the activists a voice. The media should not tell the animal and environmental activists’ side, present a balanced view, or even imply that there is another side with a valid viewpoint, as doing so would be aiding and abetting terrorism.

The inclusion of the media in the legislator’s statement appears unnecessary as a thorough search of media reports on the topic indicate that the majority of scant media reports on the topic have used the same strong, prejudicial language as the politicians and law enforcement do to describe animal and environmental activists. In the majority of news media reports, animal activists are lumped into a single, monolithic group. This group is referred to as “terrorists” and “extremists” who commit “violent” acts (Smith, 2002; Frieden, 2005; Associated Press, 2006; Mitchell, 2006).

Animal rights advocates are no more a monolithic group than are those who advocate for stopping harm to the environment or stopping wars. The overwhelming majority of those advocating for animals do so lawfully and peacefully. Most advocates, numbering in the hundreds of thousands worldwide, are affiliated with registered nonprofit charitable organizations (World Animal Net Directory, 2004), focusing their efforts on legitimate animal rescue, public and humane education efforts. These efforts include conducting and publishing scholarly research in the animal welfare sciences, distributing literature during public venues, organizing letter writing campaigns, peaceful demonstrations and leafleting, and, to a lesser

extent, organizing boycotts of corporations reported to engage in activities causing animal suffering. Unfortunately, according to some legal scholars, the AETA will most directly impact those advocates who engage in peaceful, lawful campaigns by labeling and potentially prosecuting them as “terrorists” (Boghosian, 2006a) and will likely not affect the handful of people who act independently under the name of ALF liberating animals from research labs, setting animals free from fur farms, uncovering information from undercover videos and document retrieval, and committing acts of vandalism and property destruction against corporations (Potter, 2006).

i. Pay No Attention to the Man Behind the Curtain.

It would appear that legislators supporting AETA must be justified in their concern for protecting the public from terrorism, until we look closer to see who is behind the creation of such legislation. We can begin this process by examining the AETA legislation itself. As discussed earlier, AETA uses broad, vague language to link “economic damage” with “terrorism.” Suffering economic damage and profit loss are defined broadly enough such that advocates can be charged with terrorism if corporations make a claim that they have suffered financial decline. Such financial damage might result from peaceful protests, boycotts, media campaigns, or leafleting (Boghosian, 2006a).

It is the corporations who engage in the use of animals to make profits who have the most to lose from the actions of animal advocates (Trull, 2006). It is no surprise, then, that AETA was created by the lobbyists group American Legislative Exchange Council (ALEC), an alliance of corporations and political interest groups in conjunction with the U.S. Sportsmen’s Alliance (Boghosian, 2006a). ALEC is an alliance that is supported by more than 300 large corporations including pharmaceutical companies, and the tobacco and petroleum industries. ALEC works

with right-wing entities which work to influence legislation that benefits Big Business. Between 1999 and 2000, legislators working on behalf of ALEC introduced over 3,000 pieces of legislation to benefit corporations. Four hundred and fifty of those have since been enacted as law (Boghosian, 2006a).

The supporters of AETA include organizations who have been repeatedly cited for animal welfare violations (NOAETA.org, 2006). AETA, according to some, was motivated in large part not by acts of violent terrorism but by the use of undercover footage showing blatant violations of animal welfare laws such as laboratory beagles being punched for laughs and dissections of live baboons (Hanchette, 2006).

ii. The Justification of Enacting Prejudicial Legislation.

The passing of AETA has not happened quietly. Legal scholars and professionals, together with numerous mainstream animal advocacy organizations, and even some politicians, have come out in opposition to the legislation. The primary arguments against the legislation are three-fold:

- 1) The legislation violates the First and Fourteenth Amendments. The vague, broad language of the legislation can define a “terrorist act” from peaceful, lawful activities such as leafleting or letter writing campaigns—anything that a corporation can claim as “economic damage” or a “loss of profits.”
- 2) The penalties are excessive: up to a year imprisonment for economic damage less than 10 thousand dollars, up to five years in prison if a threat caused someone “reasonable fear” of bodily harm, and prison sentences of up to 10 years if someone is injured.
- 3) There are already existing laws (the Animal Enterprise Protection Acts of 1992 and 2002) that punish perpetrators who cause harm to corporations engaged in Animal Enterprise.

In a letter defending AETA written by Legislative Director Michael Dobbs, on behalf of U.S. Representative Rick Larsen, the legislator argues that he feels “confident that the bill provides ample protection of First Amendment rights” (Potter, 2006). First Amendment activity may be excluded until the time that a corporation argues that a boycott, letter writing campaign, peaceful demonstration, or distribution of literature outside their facility has caused “a loss of profits.” While AETA does state that lawful boycotts and other related activities are excluded, a company could conceivably make a case that such boycotts or campaigns caused it to suffer economic damage vis-à-vis the need to increase security procedures and personnel.

Legislators go on to argue that AETA is necessary because there have been over 1,000 “acts of terrorism” causing “more than \$120 million in damages” between 1990 and 2004 and that “the FBI considers such extremists activities among its most serious terrorist threats.”

The politicians supporting corporate pushing of AETA neglect to mention two crucial facts here. (1) There already exists a federal law (AEPA 2002) to protect corporate interests in the animal enterprise field, and (2) those committing vandalism and property damage will be the least affected by the new legislation, as those who release minks from fur farms, covertly photograph and tape egregious acts of violence against animals by lab workers, spray-paint buildings and set empty trucks and empty buildings on fire will not be deterred by AETA. They are already committing illegal acts under pre-existing laws and AETA will not help law enforcement catch perpetrators of property crimes any better than the current laws.

According to transcripts of the Congressional Record of the debate on AETA as it went before a six-person voice-only vote on 13 November 2006, AETA supporter Congressman Sensenbrenner used strong, fear-driven language to justify the bill. At the same time he overtly

acknowledged that the primary crux of the bill was to protect corporate profits by increasing punishments geared toward property crimes (Anon, 2006).

Mr. Sensenbrenner: The reason the bill is before us is that the current statute is drafted too narrowly and does not deal with *threats* by animal rights *extremists* in *inflicting bodily harm*, for example, against the publisher of Vogue magazine, because they put ads in depicting people wearing furs...the bill will make it a specific crime to intentionally *damage the property* of a person or entity having the connection to or relationship with or transactions with an animal enterprise^v.

It should be noted that while Sensenbrenner refers to “inflicting bodily harm”, the Vogue incident mentioned involved damage to clothing rather than body, and as previously mentioned, “animal rights extremist” crimes in the United States have been limited to damaging property, not causing bodily harm.

iii. What AETA and the Language of “Terrorism” Means to Us As A Society

The passing of AETA and the proliferation of “terrorism-speak” to label and marginalize some groups on the basis of their beliefs have deleterious consequences for everyone in the U.S. When exercising First Amendment rights becomes a federal crime with extensive penalties we are on a slippery slope.

It is a serious situation when corporate leaders have so much power that they induce politicians to create and pass laws to protect their profits, all the while controlling what the news media reports by threatening to withdraw much-needed advertising dollars from newspapers and televisions news stations. Powerful corporations have hired expensive lobbyists to pressure politicians to pass laws that silence people whose beliefs and peaceful activities may threaten corporate profits (Trull, 2006). Unfortunately, the public never gets the whole story because the corporations are also controlling how and what the news media reports to the public.

The entire society is at risk when groups can be singled out and threatened with federal charges because their beliefs and lawful protests might affect corporate profits. According to the National Lawyers Guild, AETA contains vague and overbroad language that may be interpreted to criminalize legitimate activities such as an email campaign protesting actions of a corporation known to cause unnecessary suffering of animals. According to the Guild, “AETA will increase the likelihood of misguided prosecutions and will also serve as a deterrent to a host of lawful, First Amendment-protected activities.” This broad language not only puts animal protectionists at risk, but potentially anyone in the future, such as whistleblowers, who may be seen as harming corporate profits. The Guild states that “...the government is labeling some activist activities as ‘terrorist’ related, and levying harsher penalties for actions that are associated with political messages” (Boghosian, 2006a). Today it is those who protest and advocate for animals used in research laboratories and other venues. Next year it may be those who participate in walk-outs for better working conditions, or nonprofit consumer-protection organizations that expose corporate fraud or injustices to consumers and stockholders. Any time there is political- and profit-motivated legislation designed to squelch those with alternative beliefs, the consequences are bound to be far-reaching. This becomes especially insidious when political, corporate, and media factions use strong, prejudicial language to reshape the minds of the American public to make it believe it is all being done in the name of “public safety” for its best interest.

7. Conclusion.

Where we are now—According to the National Lawyers Guild, animal industry groups, corporations, and the politicians who represent them pushed hard for the passage of the Animal Enterprise Terrorism Act (AETA). The legislation was ostensibly pushed for in order to crack down on violent animal rights advocates extremists. The Guild argues, however, that AETA may

instead lead to a crackdown of legal constitutionally-protected political expression. This may be an easy thing to do given AETA's broad language that covers any activity corporations deem as "interfering with the operation of an "animal enterprise" that results in a loss of profits. The Guild maintains that AETA "deals a severe blow both to First Amendment protection of free speech and assembly, and the Fourteenth Amendment, which guarantees all people will be treated equally under the law." The National Lawyers Guild argues that AETA will punish people solely on the basis of the beliefs that motivate them (Boghosian, 2006b). The law is flawed both in its broad language that allows people to be targeted for protected political expression, and also because it targets one particular set of political beliefs, an unusual tactic which makes the law subject to less public controversial but nevertheless particularly immoral.

Though now signed by the President of the United States and passed into law, there is still a good chance this legislation will be challenged. The National Lawyers Guild has issued a position statement saying they will challenge efforts under AETA to stifle legitimate dissent, and look forward to opportunities to challenge this law in court and hopefully strike it down. In the Guild's publication "Punishing Dissent," they document a surge in incidents and numerous accounts of the government's infringement of First Amendment rights, including documentation of a rise in the government's efforts to crackdown on environmental activism (Boghosian, 2006b).

The fact that the Guild has publicly recognized and spoken out against the potential threat AETA has on First and Fourteenth Amendment rights is both refreshing and reassuring to animal activists. The specifics and the outcome surrounding the first test case will no doubt have far-reaching implications.

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ⁱ Paper presented at: The Language of Violence: Thinking Critically About War and Peace, PEACE Studies Conference, *Hosted by the SUNY-Cortland Philosophy Dept.*, November 18, 2006, State University of New York (SUNY-Cortland)

ⁱⁱ The first amendment to the constitution, part of the original “Bill of Rights” guarantees the freedom of speech, press, right to assemble, and to petition. The fourteenth amendment, passed shortly after the abolition of slavery states that no citizen’s rights should be abridged.

ⁱⁱⁱ Earth Liberation Front (ELF) is an eco-defense group dedicated to taking the profit motive out of environmental destruction by targeting and causing economic damage to businesses through the use of direct action.
www.earthliberationfront.com

^{iv} Animal Liberation Front (ALF) carries out direct action against animal abuse in the form of rescuing animals and causing financial loss to animal exploiters. www.animalliberationpressoffice.org/

^v Italics added.