

The Green Scare is Everywhere

The Importance of Cross-Movement Solidarity

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The burgeoning “War on Terror” is facilitating the re-emergence of “terrorism” as a legal and discursive framework for classifying and suppressing political radicalism. Despite the jingoism, xenophobia, and racism of the “War on Terror,” the Federal Bureau of Investigation has consistently identified “eco-terrorism” – “homegrown” terror ostensibly perpetuated by (mostly) white environmental, animal liberation, and social justice activists – as one of the top threats to America. This climate of fear has facilitated efforts to suppress the environmental justice and animal liberation movements. These efforts are comparable to the campaigns directed towards communists, socialists, and other dissidents during the Red Scare periods of the 1910s and 1950s. In a January 2006 national press conference called to announce the indictment and arrest of several eco-activists, Attorney General Alberto Gonzales and FBI Director Robert Mueller indicated that “investigating and preventing animal rights and environmental extremism is one of the FBI’s highest domestic terrorism priorities.”¹ The day of those arrests coincided with the release of convicted Oklahoma City bombing co-conspirator Michael Fortier. No media coverage mentioned the contrast between Fortier’s sentence – 12 years for an act resulting in 168 deaths – and those aimed at the non-violent acts of property destruction allegedly carried out by eco-activists, which ranged from 30 years to life without parole.

The “Green Scare,” as activists have termed it, has emerged from an alignment of interests between political elites and industrial capitalists. Like the McCarthyists of old, the objectives of these interests are broader than the regulation of “crime.” They seek to destroy broader political opposition. Efforts to demobilize and neutralize these movements go beyond the immediate targeting of radicals. Under the banner of “fighting terrorism,” the Green Scare has provided opportunities for an alignment of ruling class interests to attack a diverse array of activists who, in various ways, object to the avarice and violence of global capitalism.

It is important to note that the suppression techniques of the Red Scare(s) were not, and never were, deployed exclusively against members of the Communist Party. These crackdowns were, and still are, used to demobilize and demoralize a wide spectrum of political opposition on the left. Many of the most severe forms of suppression used covert and overt demobilization techniques to directly target the fringe, marginalized, and more radical elements of the struggle. The suppression directed against animal and environmental liberation activists today is not identical to the violence directed

¹ Although there has not been a full mapping of state resources directed towards “eco-terrorism,” the prioritization of the environmental and animal liberation movements by state agencies is clearly illustrated by its prominent treatment in the FBI’s *Terrorism 2002–2005* report, which classifies terrorism cases as either domestic or international. It is noteworthy that 23 of the 24 recorded “terrorist incidents” from 2002 to 2005 were allegedly perpetrated by domestic terrorists. With the exception of one white supremacist firebombing, all of the domestic terror acts were identified as being carried out by “special interest extremists active in the animal rights and environmental movements.” Whereas criminal investigations once dominated FBI interests, 7,306 of the FBI’s 13,000 agents have now been transferred to “counterterrorism squads.” *Terrorism 2002–2005* is available from the FBI website, www.fbi.gov

towards movements like the radical labour and anarchist movements of the 1920s, the Black Power movement, the American Indian Movement, or cold-war Communists. However, the Green Scare has two significant implications for individuals and groups working towards radical social transformations.

First, an alignment of state and corporate interests working under the guise of “anti-terrorism” is producing a set of dangerous precedents as it tries to destroy radical elements of the environmental and animal liberation movements. The techniques deployed against these activists can and will be used against other left groups that challenge capital and the state. Second, a broader aim of state and corporate elites is to dissuade and neutralize opposition movements to capitalist profit-making by branding elements of the left as irrational and violent terrorists. If the left accepts this characterization of its most radical elements, it will become paralyzed by internal divisions and will be greatly weakened when capital and the state inevitably target more “moderate” and mainstream left organizations.

In this context, the suppression of environmental and animal liberation activists in the United States has immediate implications for activists globally, particularly for those of us living in Canada. The extensive process of anti-terrorism policy harmonization between the US and Canada has integrated surveillance and policing practices. These developments are beginning to play a role in the targeting of activists. The multi-agency effort to criminalize the activist group Stop Huntingdon Animal Cruelty (SHAC) illustrates that Green Scare politics are influencing police, legal, and security measures across Canada and the US.

Although SHAC sometimes presents itself as a reform-centred movement, it is heavily reliant on direct action tactics. SHAC targets corporations and individuals and has active groups in the US and Canada. SHAC and similar groups are at the epicentre of the war against “eco-terrorism.” The suppression of SHAC has serious ramifications for other social movements, inasmuch as demobilization techniques of police and other regulatory agencies rely upon the mapping of radical communities, creating a surveillance web that has the potential to migrate and swarm in response to a variety of perceived threats to the status quo. The suppression of SHAC demonstrates that solidarity across movements is needed to collectively resist Green Scare techniques that could easily be applied to the labour movement and social justice organizations that target corporations as part of their campaign strategies.

Animal Liberation and “Eco-Terror”

SHAC, the Earth Liberation Front (ELF), and the Animal Liberation Front (ALF) are the most frequently cited “eco-terrorism” groups within the US Green Scare discourse. US security agencies also refer to the ALF and SHAC as “animal rights extremists,” and Canadian officials have framed their response to this activism in similar terms.

Such broad categorizations, however, are inadequate for understanding the dynamics of the movement.

The animal liberation movement emerged from dissatisfaction with the reformism of the mainstream animal rights movement. It has adopted a strong advocacy for direct action. Whereas the mainstream animal rights movement is typically reformist in nature and accepts the legitimacy of capitalist institutions, the animal liberation movement has drawn from the theoretical legacy of anti-capitalist and anti-oppression struggles and applied these to their strategies.² Since the ALF emerged in 1976, the animal liberation movement has combined an explicitly anti-capitalist analysis with a critique of the traditionally anthropocentric dogmas of anarchist and socialist movements. These groups advocate moving beyond the politics of protest (as effective as these may be in some tactical conditions) to committed forms of resistance. Their opposition to the systematic violence toward animals inherent in modern capitalism places the movement in conflict with the status quo. Steve Best argues that the animal liberation movement is a “potentially important force of social change, not only in relation to its struggle against animal exploitation and capitalist industries but also as an element of and catalyst to human and earth liberation struggles.”³

How can we understand the intense counter-movement responses to SHAC and similar groups? In his book *Beyond Bullets*, Jules Boykoff argues that, when identifying strategies that demobilize social movements, “suppression” is a more productive analytical framework than “repression” since the latter is often reduced to “governmental coercion.” Boykoff defines suppression as “a process through which the preconditions for dissident action, mobilization, and collective organization are inhibited by either raising their costs or minimizing their benefits” (12) and outlines a broader understanding of how movement participants can be channelled into inaction. This framework does not limit suppression to government coercion, but accounts for mechanisms by which the state as well as private agents try “to squelch dissent and maintain control” (314). Suppression mechanisms include, but are not limited to, surveillance, intimidation, banishment, bogus charges, and lengthy criminal trials.

It is crucial to point out that private agencies – including industrial interests linked to animal abuse such as pharmaceutical corporations, fur traders, and logging companies – have been integral to the suppression of SHAC. Boykoff uses the term “outsourced suppression” to identify suppression carried out by private individuals or groups. Generally this notion assumes that private agencies are acting at the behest (and in support) of the state. However, with counter-movement responses to animal liberation, this relationship between state and private agencies is inverted as the state acts to protect the private interests of targeted corporations. The suppression of SHAC demonstrates

² For a discussion of the historical emergence of animal and earth liberation activism, as well as several essays discussing strategies for radical activists see Steven Best and Anthony J. Nocella, II (eds). 2006. *Igniting a Revolution: Voices in Defense of the Earth*. Oakland: AK Press.

³ Steven Best. 2006. “Rethinking Revolution: Animal Liberation, Human Liberation, and the Future of the Left.” *International Journal of Inclusive Democracy*, 2/3.

the role of economic elites in pressuring political elites, police, and security agencies to vouchsafe corporate agendas.

One operative means of suppressing animal liberation struggles has been to isolate activists. This is done with the expectation that other progressive organizations may not accept certain risks involved with publicly supporting them. The technique is aided by the fact that other groups involved in the larger social justice movement have traditionally seen animal liberation struggles as being “less important,” or have distanced themselves from the “radicals or extremists” because of concerns over “messaging” in the mass media. As part of our prisoner-support work with Books to Prisoners — Ottawa, we have undertaken various organizing efforts to support SHAC. Through these efforts, we have sometimes encountered negative sentiments within certain sectors of the left. In language similar to that of the FBI and CSIS, these activists accuse animal liberation groups of focusing on “special interest” activities while failing to acknowledge their commitment to broader social change.

The brutal suppression of SHAC that we detail below demonstrates that solidarity is needed across movements. The silencing of one movement supports the legal and governmental complexes necessary for the demobilization of all movements that push the boundaries of “acceptability” when challenging the violence of the capitalist system.

The Green Scare is a label activists use to describe the heavily politicized counter-movement designed by major corporations and the state to attack the environmental justice and animal liberation movements with propaganda, legal processes, infiltration, harassment, and a general climate of suppression. This suppression serves two functions. First, the state is attempting to criminalize and destroy elements of the well-organized and dedicated animal liberation and radical environmental justice movements. Second, the Green Scare supports the interests of industrial capitalism in de-legitimizing the environmental movement in general.

Since the term Green Scare was introduced in 2002, its reference points have expanded. Its most particular reference point is a series of arrests and absurdly disproportionate sentences handed down against US activists. The cases include Eric McDavid and Rod Coronado, the SHAC 7, Jeffrey Luers, Peter Young, arrestees in “Operation Backfire,”⁴ and others. The term also refers to three sets of Grand Jury indictments, congressional hearings, and a host of localized witch-hunts targeting activists. Additionally, the term refers to various legislative measures aimed at the animal liberation movement, most notably the *Animal Enterprise Terrorism Act* and *Animal Enterprise*

⁴ Operation Backfire in particular illustrates the extensive political and economic energy that sustains the Green Scare. The operation was the largest round-up of eco-activists in American history. Repercussions of the arrests are on-going and include legal battles as well as the deep fractures that the Operation has created within the movement. The FBI-led efforts include infiltrations, paid informants, and present many indications of other COINTELPRO-like tactics. The divides created by the co-operating defendants is a particularly expressive indication of the government efforts to dismantle the movement. Information about these cases is updated regularly on infoshop.org.

Protection Act, discussed below, which explicitly classify direct action environmentalist activists as “terrorists.”

Taken in aggregate, the financial resources, media attention, and criminal proceedings devoted to the animal and environmental liberation movement have been disproportionate relative to the stated objectives of state and private agencies.⁵ As activists targeted by the demobilization efforts have noted during interviews, it is important to understand the Green Scare as a deliberate attempt to isolate a group of activists and discredit them as a “fringe” element. The targeting of the animal liberation movement, and SHAC in particular, can be explained by the groups’ effectiveness in damaging the political and especially financial interests of powerful multinational corporations.

The History of SHAC

The exclusive objective of the SHAC campaign is to shut down Huntingdon Life Sciences (HLS), Europe’s second largest vivisector. Vivisection is an operation performed on live animals for purposes of experimentation, in which animals have to endure prolonged periods of mutilation, often combined with poisoning by injections of household products, pesticides, drugs, herbicides, food colourings and additives, sweeteners, and even genetically modified organisms. As SHAC/ALF spokesperson Jerry Vlasak says, HLS has a reputation for testing “anything for anybody.” Vlasak notes that HLS has been infiltrated⁶ and exposed multiple times in recent years by journalists, activists, and members of the public who have uncovered evidence of animal abuse and staff incompetence.⁷

In the late 1990s series of successful, informally-organized campaigns in the United Kingdom forced several breeders to sell their “stock” (kittens and beagles destined for vivisections). When, in 1997, HLS purchased the remaining animals to ensure a

⁵ During the Senate hearings on “Eco-Terrorism” in May 2005, Senator Barack Obama, while still supporting the Green Scare in general, delivered an opening statement that critiqued the disproportional nature of the criminal attacks against eco-justice activists. He stated, “The FBI has indicated a downward trend in the number of crimes committed by these groups [ALF and ELF] – approximately 60 in 2004. While I want these crimes stopped, I do not want people to think that the threat from these organizations is equivalent to other crimes faced by Americans every day. According to the FBI, there were over 7,400 hate crimes committed in 2003, half of which were racially motivated. More directly relevant to this committee, the FBI reports 450 pending environmental crimes cases involving worker endangerment or threats to public health or the environment.” To our knowledge, current statistics on the total costs of the Green Scare are not available.

⁶ There are several instances where activists have applied for work at HLS. Many have made it inside and, after establishing themselves over the period of several months, they have been able to procure secret documents, gather video evidence, obtain lists with contact or privileged information, among other things. It has been reported that HLS now requires potential employees to eat hamburgers during job interviews in the attempt to “out” animal liberation activists.

⁷ Jerry Vlasak, US Senate Committee on Environment & Public Works full hearings on Eco-Terrorism, Wednesday, October 26, 2005.

consistent supply of test subjects, SHAC formalized as an action network to focus on shutting down the company. Structured along an affinity group model, autonomous SHACs are generally small, consisting of individuals who know each other and act together on specific projects. The difference between SHAC and traditional affinity group organizing is that many affinity groups stay together only for the duration of a protest, while SHAC activists are committed to working in their affinity groups until campaign objectives are fulfilled.

One of SHAC's central tactics is home demonstrations at the residences of HLS executives and employees and those of people associated with companies that do business with HLS. At the demonstrations, activists yell chants like "puppy killers" into megaphones and hold posters depicting dead animals ripped open by vivisection. These tactics are motivated in part by the experience of many activists who feel that actions outside securitized corporate offices are generally ignored. Home-based protests emphasize that individuals who spend their work shifts killing, funding, or enabling the deaths of animals should not be allowed to do so in anonymity. Reflecting on SHAC's tactics, HLS Managing director Brian Cass commented, "These campaigns have been effective because of the very personal nature of them. They don't go specifically after a company per se, they go after individuals within that company. That has been their most effective tactic – taking their threat to someone's front door."⁸

Despite claims from its detractors, SHAC is explicitly committed to non-violent direct action. Its decentralized organizational structure has proven highly effective at following HLS-related companies to diverse locations and negatively affecting the financial interests of the major multinational corporations that deal with HLS. Over 100 companies – most of which are based in the US and the UK, but also some in Canada – have severed ties with HLS, including Aetna Insurance, Citibank, Johnson and Johnson, and Merck. SHAC claims that its campaign has resulted in economic damages surpassing \$10 million (US).

SHAC is coordinated through international networks in a variety of regions in the global North. HLS supporters correctly argue that the success of a social justice campaign in shutting down a powerful multinational corporation would be a victory against global capitalism. Therefore, the political-economic consequences of the SHAC campaign are fundamental to recognizing the state-corporate efforts to neutralize animal liberation activism under the criminal rubric of "terrorism." The struggle to shut down HLS highlights the importance of indentifying the implications of the Green Scare for the broader anti-capitalist movement.

SHAC USA

After successfully forcing HLS to cease trading on the London Stock Exchange and to move its headquarters to New Jersey, the SHAC campaign grew substantially in

⁸ Sandro Contenta, "Grave Robbers," *Toronto Star*, October 29, 2005.

the United States.⁹ It was not long before SHAC USA began to have a damaging impact on HLS. On December 21, 2000, HLS was suspended from the New York Stock Exchange (NYSE) because it no longer met the NYSE's criteria of having a market capitalization of at least \$50 million. From 2001 to 2005, SHAC scored several victories and forced a long list of investors and suppliers to sever their business ties to HLS.¹⁰ The campaign was so effective that, fearing public disclosure, no financial corporations would associate with HLS. Eventually, the Bank of England offered HLS a bailout as "lender of last resort."¹¹

On September 7th, 2005, HLS (renamed as Life Sciences Research Inc.) had planned a high-profile return to the NYSE and was scheduled to be added to the "big board." Fifteen minutes before trading opened, NYSE officials hurriedly announced they would postpone the HLS listing. The *Daily Telegraph* reported that Catherine Kinney, president of the NYSE, is "understood to have pulled the HLS executives aside and said that the NYSE had received calls from members of the New York financial community saying that the security of the exchange could be threatened by the animal rights activists."¹²

The response to SHAC's victory was swift. The medical science industry recognized that the NYSE capitulation to SHAC's campaign set a dangerous precedent, which resulted in efforts to cast SHAC as a "domestic terrorist" organization.¹³ The fur industry also increased its agitation in the wake of SHAC's NYSE victory. The Fur Information Council of America helped organize an industry lobby group named Fur wRaps The Hill. The group has a private, members only, website. However, an entry on the Fur Information Council of America site describes Fur wRaps the Hill as a "legislative project that will bring a consortium of fur industry representatives to Capitol Hill several times each year to lobby on trade and eco-terrorism issues."¹⁴

This coincided with a political effort lead by James Inhofe (R., Okla.)¹⁵ to launch an inquiry into "radical environmental and animal rights groups" in America. The committee held two sessions: first on May 18, 2005 to address the ALF and ELF, then

⁹ Lauren Mills, "SHAC's Attack goes Multinational," *Daily Telegraph*, October 20, 2002.

¹⁰ For a comprehensive list of companies that have broken commercial relationships as an explicit result of SHAC's activism, visit www.shac.net (accessed September 13, 2007).

¹¹ Rosie Murray-West, "Securicor to Quit Animal Testing Lab," *Daily Telegraph*, January 31, 2004.

¹² *Ibid.*

¹³ After the NYSE announcement, an unidentified group (whose website has clear links to the medical research lobby) purchased a full-page *New York Times* advertisement. The ad features a balaclava-wearing white male in a leather jacket under a large headline that reads: "I CONTROL WALL STREET." The ad accuses NYSE officials who had been "reportedly threatened" of "running scared." Aside from being read by all NYT readers, the ad received widespread coverage after several major newswire services ran stories focusing on the political consequences and the industries' displeasure with the NYSE. Within the coverage, the victory of the SHAC campaign was encoded as a capitulation to terrorism.

¹⁴ www.fur.org (accessed January 9, 2008).

¹⁵ Senator Inhofe is well known for his adamant denial of climate change. His financial relationship with Exxon has been heavily detailed by activists at exxonsecrets.org, and sourcewatch.org.

a separate hearing on October 26, 2005 to address SHAC. During both sessions, the committee heard from John E. Lewis, deputy assistant director of the FBI Counterterrorism Division, and leading eco-terrorist “expert” within the FBI. In both instances Lewis provided an overview of “domestic terrorism threats” and focused exclusively on the supposed dangers of the “special interest extremist movements such as the Animal Liberation Front and the SHAC campaign.” Following the committee hearings on “eco-terrorism,” Senator Inhofe announced that he would author and co-sponsor the bi-partisan *Animal Enterprise Terrorism Act* (AETA). Inhofe says he introduced the legislation to “provide law enforcement the tools they need to adequately combat such radical animal rights extremists.”¹⁶

People writing about the repression of social movements have understood the private agencies that participate in demobilization of social movements as being activated and steered by a centralized state.¹⁷ With animal liberation activists, we believe the opposite is happening. It has been the medical science lobby and vivisection industry representatives that have directed politicians, legislators, and police to criminalize animal liberation activism using the politically and rhetorically expedient framework of “eco-terrorism.”

The Animal Enterprise Terrorism Act

The AETA is the centrepiece of US legislative efforts to combat the animal liberation movement. Crafted at the behest of the well-funded and influential animal research lobby, the AETA was signed into law by President Bush on November 27, 2006.¹⁸ Despite significant public outcry and campaigning – over 200 groups assembled in opposition under a campaign named the Equal Justice Alliance (EJA) – the bill was passed and received almost no media attention.¹⁹ Members of the EJA included the American Civil Liberties Union, the National Lawyers’ Guild, the Natural Resources Defense Council, the League of Humane Voters, Physicians’ Committee for Responsible Medicine, and the New York City Bar Association. The alliance criticized the AETA on grounds that its terminology was dangerously vague and came into conflict

¹⁶ epw.senate.gov January 10, 2008).

¹⁷ Boykoff, see endnote #4. Jennifer Earl. 2003. “Tanks, Tear Gas, and Taxes: Towards a Theory of Movement Repression.” *Sociological Theory*, 21/1: 44–67.

¹⁸ Corporations like Pfizer, Wyeth, and GlaxoSmithKline joined the United Egg Producers, National Cattlemen’s Beef Association in vocal public support of the AETA. See Will Potter, “Animal Enterprise Terrorism Act Signed into Law,” *Earth First Journal*, January, 2007, 8–9.

¹⁹ Project Censored, a research group out of Sonoma State University, ranked the passage of the AETA 20th in its 25 Most Censored Stories of 2008. See www.projectcensored.org (accessed January 5, 2008). Project Censored also note that the vote on the bill was held hours earlier than scheduled, with what appears to have been only six (out of 435) Congress persons present. This fact was excluded from mass media coverage.

with the US Constitution.²⁰ The industry lobby was coordinated by a pharmaceutical front-group called the National Association for Biomedical Research. It organized a coalition named the Animal Enterprise Protection Coalition, which described itself as a coalition of “AETA supporters,” gathering over 175 groups, including agribusiness, logging corporations, and medical research facilities.²¹ The coalition undertook an extensive lobby effort to win legislation that explicitly defines “damaging or interfering with the operations of an animal enterprise” as terrorism.

The AETA contains highly contentious provisions that serve to strengthen measures that the industry lobby felt were not adequately addressed by its predecessor, the Animal Enterprise Protection Act (AEPA). Like the Patriot Act, the AETA expands pre-emptive criminal law prohibitions against activities deemed suspicious by enforcement agencies. In this regard, animal liberation and environmental activists have noted that the AETA was a direct response to the success of their legally-conducted campaigns. Activists emphasized, in particular, that the expanded powers contained in Section A of this legislation not only include “animal enterprises” but also target activities against any person or business with any “connection to an animal enterprise.”

As critics have noted,²² under the AETA, activists can be charged with terrorism in the event of a non-violent home demonstration taking place on a public roadway which does not cause any identifiable economic damage, does not do bodily harm to people, and does not instill “reasonable fear.”²³ This legislation allows for pre-emptive detainment, surveillance, lengthy prison terms, red-zoning, massive fines, and sets a precedent for suppression that has implications for other social movements who use similar tactics to SHAC.

Alarmingly, this terrorism law can target non-violent civil disobedience simply because activists display an *intent* to disrupt the economic activity of a company engaged in, or associated with, animal testing. Critics of the legislation note that, as demonstrated by the severity of legal attacks already directed toward activists, prosecutors in the US had, prior to the AETA, a successful track record of charging animal rights campaigners under the AEPA for similar, if not identical, activities. Indeed, just prior to the enactment of the AETA, SHAC USA and six of its members were tried and collectively sentenced to 22 years in prison for their non-violent campaigns of civil disobedience. The AETA, should therefore be understood as creating a specific link-

²⁰ See the No AETA website at www.noaeta.org (accessed September 26, 2007).

²¹ See www.furcommission.com (accessed January 13, 2008).

²² We are indebted to the excellent analysis of the AETA by Will Potter, available on his blog, Greenisthenewred.com. See www.greenisthenewred.com (accessed September 19, 2007). The full text of the AETA is available at: www.govtrack.us (accessed October 2nd, 2007).

²³ The term “reasonable fear” has been highly problematized among legal commentators and critics of the legislation because of the general climate of fear-mongering perpetuated by Green Scare agents. Karen Pickett. 2007. ‘A Tree-Hugging Terrorist Behind Every Bush?’ *ZMAG*, 20/8. Will Potter. 2007. ‘Animal Enterprise Terrorism 101.’ *Herbivore Magazine*: October, 2007.

age between activism and terrorism and not, as some industry representatives have suggested, simply offering a means to properly charge and sentence “criminals.”²⁴

SHAC 7 and the AEPA

In March 2006, for the first time since its implementation in 1992, six activists and the incorporated NGO called SHAC USA (collectively referred to as the SHAC 7) were tried and sentenced under the AEPA. After September 11, 2001, the AEPA was merged into the colossal anti-terrorism bill called Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act, otherwise known as the USA PATRIOT Act. Under the AEPA, SHAC activists were convicted of operating a website that reported on and expressed ideological support for protest activity against HLS and its business affiliates. While the charges were framed within a discourse of terrorism and security, the defendants were not accused nor convicted of personally engaging in any so-called terrorist activities.

The Department of Justice announced that SHAC USA’s conviction arose “in connection” to their campaign to “terrorize” officers, employees, and shareholders through “telephone, email, fax blitzes and other methods designed to overwhelm or shut down office systems in the campaign to harm or end the companies’ relationship with Huntingdon.”²⁵ During the trial, the US government deployed “conspiracy” charges, and some members of the group were charged with conspiracy to harass using a telecommunications device (sending black faxes), conspiracy to commit interstate stalking, and counts of interstate stalking via the internet.

Unlike other cases considered to be part of the Green Scare, the activists were never accused of causing physical damage. Rather, they were convicted of “conspiring” to cause economic damages. In an interview on *Democracy Now!* Andrew Stepanian, one of the convicted members of the SHAC 7, explained:

The prosecutors claim that because Deloitte & Touche severed its relationship with Huntingdon Life Sciences, Huntingdon Life Sciences may have incurred more than \$10,000 in damages. And as long as a threshold of \$10,000 is met, I could participate in legal activities leading up to that point, but the second I cause \$10,000 of intellectual damage, then I could be charged under this conspiracy to violate the AEPA. I would be charged with a substantive charge if I actually destroyed some property, for example, that was worth \$10,000, but in this case, it was a purely intellectual matter.

Prosecutors did not claim that the SHAC members had personally been involved with the alleged damages. Instead, prosecutors argued activists provided information

²⁴ According to AETA author Senator Inhofe, another rationale for implementing the new legislation was to protect tertiary businesses targeted by SHAC. However, the conviction of the SHAC 7 also discredits that claim and, again, highlights the real motivation behind the AETA: the formalization of animal liberation activism as “terrorism.”

²⁵ Department of Justice, Press Release, March 2, 2006.

via their website, which enabled others to engage in the supposed acts of terrorism. Prosecutors did not provide evidence that SHAC members had ever communicated directly with the perpetrators. Rather, the six activists were convicted of running a website that allowed others access to information that could be used in crimes.

Following the arrests of the SHAC 7, the US Department of Justice and the FBI released press statements claiming SHAC was a militant and violent organization. The media picked up on this and began to associate SHAC with violence during the trial. The FBI and media framing of these arrests translated into prison processing procedures, too. In a leaked document from Sheridan Prison in Oregon, where Josh Harper was serving his sentence, Harper was described as a “Domestic Terrorist” who was “encouraging others to commit a terrorist act” by simply discussing his case and the animal liberation movement with other prisoners. The memo also noted the FBI wanted to question him because he was found in possession of *No Compromise* and *Green Anarchy* magazines. He served three months in solitary confinement for these alleged offenses.²⁶ However, during his trial, the prosecution did not present any incidents of human-to-human violence. The trial focused on acts of spray-painting and home demonstrations. Given the breadth of criminal activities defined in the AEPA, the prosecution argued that, to be guilty, SHAC did not have to participate in the demonstrations but only had to provide information about these or other activities. It is conceivable that these suppressive techniques could soon be applied to other social movements groups with similar tactics.

Green Scare and SHAC-Canada

The methods used in the disruption of SHAC-Canada have been substantially different than those used against SHAC USA and other Green Scare targets in the United States. The Canadian approach to suppression does not use the same rhetoric and political hype that are central to the American Green Scare. There have been no mass round-ups, no multi-million dollar prosecutions, and no publicly explicit efforts at legislating bills tailored to the demands of the medical research lobby and policing agencies. That said, Canadian policing and intelligence-gathering practices are discernibly influenced by the US Green Scare approach. The changing legal landscape in the US – specifically “terrorism” provisions such as those in the AETA – have impacted Canadian policing and intelligence practices. This influence can be traced through interviews with Canadian SHAC activists and a series of access to information requests (ATIPs) that we made under the *Access to Information Act*, including requests filed to several federal departments and municipal requests that cover the police departments of Montréal and Vancouver.

²⁶ A jpeg file of the FCI Sheridan’s incident report can be viewed here: www.foodfightgrocery.com (accessed October 16, 2008).

Our requests procured relevant information from the City of Westmount and from the Canadian Security Intelligence Service. However, in most cases, information was exempted. Several departments cited predictable reasons for exemption, such as the status of on-going investigations. Other exemptions are especially relevant to this study. In particular, the Department of Justice exempted information using sections 13(1)(a) and 15(1) of the act. The former has to do with “information obtained in confidence from the government of a foreign state,” and the latter with “international affairs and defence.” Despite the frustration of not actually receiving the information, these exemptions have in part substantiated our concern that international policing efforts – likely associated with the “War on Terror” and the Green Scare – are emerging as serious considerations for the Canadian security and legal establishment.

SHAC in Montréal

Westmount is a wealthy and politically influential city adjacent to Montréal, Québec. Our access to information requests with the city of Westmount provide insights into the relationships between the residents, the mayor, and the police. For instance, a communiqué sent to residents detailing a community information session expresses the frustration of local residents towards SHAC. SHAC’s constitutionally protected right to assemble is, in fact, the central element of contention. The communiqué states that Mayor Karin Marks, director of Public Security of Westmount Richard Blondin, Station 12 Police Commandant Natalia Shuster, and the District Councillors held the meeting to “share with [Westmount residents] what we know about the cause of these demonstrations and what we can (and cannot) do to prevent and/or control them.”

On November 26, 2006, 13 SHAC-Canada members were arrested in Westmount and charged with breach of the peace following a peaceful home demonstration, one of dozens of peaceful protests that had taken place over a 20-month period. The peaceful but loud demonstrations targeted CEOs from Novartis and AstraZeneca, multinational producers of pharmaceutical drugs and customers of HLS, who live in Westmount. The idea of suppression – layers of surveillance, harassment, and intimidation that aim to demobilize targeted groups – is useful in understanding the circumstances surrounding SHAC-Canada because, as evidence following the arrests revealed, SHAC was extensively targeted by police and private agencies associated with pharmaceutical corporations.

Court evidence used against SHAC activists revealed that Montréal police infiltrated the group and had undertaken a year-long surveillance operation that included home and cell phone taps and stakeouts. At one trial, the prosecution used a 600-page document produced by Montréal police and a private detective hired by Westmount residents that provided a detailed report of the comings and goings of SHAC members. Police blocked access into Westmount, took photos and video of activists at select

demonstrations, physically intimidated activists, and followed SHAC activists around day and night.

The suppression of SHAC was not limited to policing agencies. Our ATIP with Westmount also procured an October 18, 2006, fax from the office of the pharmaceutical company AstraZeneca to the director of Public Security of Westmount, Richard Blondin. The fax cover letter states that, “as a follow up to our phone conversation in the afternoon,” the representative of AstraZeneca was forwarded information from their “security officer” that there would be a SHAC action on Halloween night outside the house of the Novartis president in Westmount. Also on October 18 of 2006, an email from an unidentified person was distributed to City of Westmount officials. It speaks of a “pharma security managers group... recently created to keep us inform[ed] on animal activists’ activities.” The information about the Halloween action was gathered by the pharma security group, but the information “that the target could be the house of the Novartis president who lives in Westmount” came from “the Montréal Police department (Security Intelligence section).” Not only are public police involved in suppression of dissent, but target companies also hire private detectives and form security clusters. Aside from this short communication, it is unclear what level of cooperation exists between private security forces and the city police in their efforts to monitor and disrupt the actions of SHAC. The police, pharma corporations, and, particularly, the City of Westmount, have refused to detail this relationship.

The disruption of SHAC is not localized to Westmount. When Canadian SHAC activists moved to Vancouver to evade the constant surveillance and harassment from the police in Montréal, they immediately encountered comparable circumstances. Describing their first action in British Columbia, one SHAC member stated:

We thought Montréal was bad... the Vancouver police confiscated all our material for our SHAC stall. We do tabling stalls downtown where we inform people about animal rights, gather petitions to shut down HLS, and people can give us donations. So we built a new one, which cost us \$1,500...they seized it too! A day later we went to do a full day of home demos like we always do and Vancouver police seized all our demo stuff (camcorder, banners, posters, megaphones, flyers), arrested all of us and ticketed us for mischief. They said “this is how it’s going to be until you get out of BC!”

While aspects of the case against SHAC-Canada show how policing measures – both public and private – emerged as a reaction to the demands of inconvenienced elites within Westmount, subsequent information displays the broader implications and, ultimately, multi-state dimensions of this case.

Our ATIP request with CSIS obtained a heavily censored 2006 file entitled “Recent Incidents Related to Animal Rights and Environmental Extremism.” The CSIS document, marked “secret,” mentions “animal rights and environmental extremists ... unlike activists not prone to extremism, organize violent, direct-action campaigns or engage in illegal, often violent, acts, which range from vandalism, to arson and death threats.” The document does not explicitly use the discourse of terrorism but frequently uses

“extremism” to describe “animal rights and environmental” groups. Parts of the heavily redacted sections likely contain particular details and names of groups, but the only group mentioned by name is the Sea Shepherd Conservation Society.

Although heavily censored, it appears the five-page document is divided geographically with entries on Montréal, Guelph, and Eastern Canada. The Montréal section contains no explicit mention of SHAC, but reads “activists are motivated, in part, by international animal-rights campaigns,” and that directors of pharmaceutical companies are “victims of noisy demonstrations at their homes.” Also of importance is a small note contained within the Guelph section. It states that “the Guelph incidents bring to mind similar incidents [deleted section] in the United States.” The report concludes, “in 2005, animal rights and environmental extremism seems to have reemerged in Central and Eastern Canada. In the case of animal rights extremism the incidents are increasingly frequent and more violent even though vandalism remains the primary form of protest used.” Given that the purpose of such a report is to inspire and inform new policy initiatives, we should assume that CSIS’s claim of a “reemergence” may involve increased and potentially new measures aimed at these groups.

Perhaps the most telling element of this document is the institutional realities it represents. Specifically, CSIS is a spy agency, not a policing agency. CSIS is also charged with intelligence monitoring of foreign threats and works with foreign intelligence bodies for the purpose of preventing terrorism. It is significant that the CSIS document uses “extremism” in place of “terrorism,” but that distinction is likely more rhetorical than actual. The documents reveal that there are active intelligence gathering and sharing practices between national and international agencies under “anti-terrorism” governance structures, and the use of a particular discourse within the document shows that the Canadian intelligence establishment is integrated with the US law enforcement apparatus in identifying these groups of activists through the framework of “eco-terrorism.” The Canadian government has directed CSIS resources towards “animal rights and environmental extremism” with the tacit recognition of them as potential “terrorists.”

The influence of the United States as the silent partner in the suppression of SHAC-Canada is perhaps the most important, and secretive, element in the current proceedings against SHAC members in Canada. Despite our requests to several departments regarding their cooperation with the United States, the Canadian government has made no explicit comment on the involvement of the United States in this case. “Eco-terrorism expert” John E. Lewis, of the FBI Counterterrorism Division, has noted otherwise. In 2006, at the International Conference on Public Safety: Technology and Counterterrorism, an annual conference of law enforcement and intelligence bodies, Lewis stated that the “eco-terrorist movement” has “become the most active criminal extremist element in the United States.” Lewis added that “by way of example, today we are working with our Canadian counterparts and authorities in England to monitor SHAC’s activities, both here and abroad.”

In recognizing the invisible hand of Green Scare politics in the policing of SHAC-Canada, it is very important to underline the guiding rationale of suppression: the demobilization and “neutralization” of a selected group. The persecution of SHAC is clearly articulated by the FBI’s “eco-terrorism expert” Lewis, who expands upon themes developed in the FBI’s COINTELPRO scheme, which was primarily deployed against Black and indigenous activists in the 1960s and 70s. During his appearance at the highly sensationalized Senate Committee on Environment and Public Works hearings on environmental terrorism, he stated, in reference to the global SHAC movement, “we are committed to working *with our partners to disrupt and dismantle these movements*, to protect our fellow citizens, and to bring to justice those who commit crime and terrorism in the name of animal rights” (emphasis added).

Cross-Movement Solidarity

What consequence does the “War on Terror” have on the domestic criminalization of dissent? According to the Canadian socio-legal scholar Richard Ericson, “new laws are enacted and new uses of existing law are reinvented to erode or eliminate traditional principles, standards, and procedures of criminal law that get in the way of preempting imagined sources of harm” (24).²⁷ However, the suppression of SHAC demonstrates that criminal law is being harnessed – and not just undermined, as Ericson suggests – in support of “anti-terror” objectives.

Slippages in the rule of law are becoming increasingly apparent as the “War on Terror” becomes a permanent social condition. Realities like the Arar affair, security certificates, US military commissions, renditions, torture, and daily accounts of extra-judicial, extra-legal proceedings reflect the arbitrary and violent character of state “anti-terrorism.” Protest actions that yesterday might have been protected under the rubric of civil rights are being recoded and prosecuted under the juridical framework of “terrorism.” Laws like the AETA in the United States, and the surveillance and disruption techniques deployed against SHAC Canada, could easily be used against other direct-action activists. It is therefore critical that we support SHAC now and challenge these suppressive techniques before they become consolidated in police and security agency repertoires.

One purpose of policing dissent under “eco-terrorism” law is to fracture solidarity, dissuade activists from engaging in radical actions, criminalize people who do stand up and resist, and break up camaraderie between various groups that have similar goals but employ different tactics. The most recent US legislative attempt targeting “home-grown terrorism” provides an explicit (and ironic) expression of this criminalization. H.R. 1955, named the *Violent Radicalization and Homegrown Terrorism Prevention Act*, has passed the US House of Representatives and is currently awaiting vote in the Senate. The first sentence of the bill, written by Jane Harman (D-CA), provides

²⁷ Richard Ericson. 2007. *Crime in an Insecure World*. London: Polity.

the following rationale for the legislation: “To prevent homegrown terrorism, *and for other purposes*” (emphasis added).²⁸ The new act would be a license for authorities to criminalize any dissent categorized by security agencies as “radical,” and to reframe it as “terrorism.” Increasing numbers of political prisoners are being taken in this war against “eco-terrorism.” Given that the targeting of corporations in social movement strategy is being called “terrorism,” the threat of the Green Scare transcending “environmentalism” should be of concern to all activists. Solidarity across movements is needed to confront this regimented and well-funded state-corporatist counter-movement. We need to recognize the serious implications the Green Scare presents to all of us struggling against capitalism and state violence before the scope of suppression is extended further.

²⁸ H.R. 1955 is available at www.govtrack.us (accessed January 14, 2008).

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