

Testimony of

# McGregor W. Scott

May 18, 2004

STATEMENT

OF

MCGREGOR W. SCOTT  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF CALIFORNIA

BEFORE THE

UNITES STATES SENATE  
COMMITTEE ON THE JUDICIARY

CONCERNING

ANIMAL RIGHTS: ACTIVISM VS. CRIMINALITY

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Good afternoon Mr. Chairman, members of the committee. I am pleased to have the opportunity to appear before you today to discuss the threat posed by animal enterprise terrorism and eco-terrorism, and the efforts by the Department of Justice to meet this threat.

Animal enterprise terrorism and eco-terrorism is just that: terrorism. Whether intended to cause the destruction of property or, increasingly, harm to persons, eco-terrorism poses a significant threat to public safety in our country. Animal enterprise terrorism and eco-terrorists commit arson, trespass, burglary, extortion, and aggravated assault. They vandalize and destroy property. The FBI has reported that since 1996, these terrorists have committed more than 1,000 acts of terrorism, causing more than \$100 million in damage. These crimes have included vandalizing an animal experimentation lab in California, burning a meat processor in Oregon, sabotaging logging equipment in Indiana and Washington, "liberating" more than 5,000 mink at a fur farm in Michigan, raiding a vaccine research facility in Wisconsin, setting fire to a ski resort in Colorado, and fire bombing BLM centers in Oregon and California.

Increasingly, these terrorists are targeting not only property, but people as well, threatening violence against individuals who have done nothing more than work for or with a particular company or institution. Make no mistake about it, the individuals who commit these crimes are hardcore, dangerous, and well-funded criminals whose weapons are firebombs, timed detonation devices, Molotov cocktails, and poison. A recent review of one group's website revealed how-to guides on "The politics and practicalities of arson" and "What to do if a federal agent tries to question you." These groups are quick to point out that no one has yet been killed in one of their attacks, as if that fact somehow excuses their other criminal activity.

I should note that we are well aware that millions of Americans belong to legitimate animal welfare and animal protection groups. They speak for a longstanding tradition in this country that abhors cruelty to animals. They advance their cause and seek reforms by lawful means, in legislative votes, court decisions, and ballot initiatives. These advocates for the decent treatment of animals should not be confused with individuals involved in animal enterprise terrorism. This latter movement can be traced back to the early 1980s and the efforts of Earthfirst, an environmental group known for tree-spiking which involved driving metal spikes into trees to prevent them from being cut or milled into lumber. In the late 1980s, the movement became even more radicalized with the emergence of groups like the Earth Liberation Front ("ELF") and the Animal Liberation Front ("ALF"). ELF became a household name in 1998 when it claimed responsibility for a fire at the Vail ski resort that resulted in more than \$12 million in damage. ELF has also targeted housing developments, logging trucks, office buildings, and university facilities. ALF is closely related to ELF and is known for damaging and sabotaging facilities that house animals used for research and other purposes. Among ALF's self-described "successes" include causing millions of dollars in damage on the campus of the University of California, Davis in 1987, setting fire to a U.S. Department of Agriculture building in Olympia, Washington in 1998, and causing a \$1 million fire at a New Mexico primate lab in 2001. Another group, ironically known as "The Justice Department," has its roots in Great Britain and has claimed responsibility for sending envelopes containing razor blades dipped in rat poison to 80 researchers, hunting guides, and others in England, Canada, and around the U.S.

It is important to note that the infamous Unabomber, who was successfully prosecuted in my own district, admitted during his trial that he had been in contact with eco-terrorists and identified at least one of his targets after reading about him in the Earthfirst journal.

In short, the animal enterprise and eco-terrorism problem is significant, wide-spread, and growing, and the Department of Justice takes it very seriously. Federal, state, and local authorities are diligently working together to investigate, prosecute, and whenever possible, prevent terrorist acts committed by these groups. Like terrorism generally, animal enterprise and eco-terrorism is a priority for the Department of Justice and the U.S. Attorneys around the country. Just as we have stepped up our efforts to combat terrorism abroad, we must also recognize the growing danger presented by animal and eco-terrorism at home.

The Department of Justice, including both the FBI and the U.S. Attorneys' offices, have responded to the terrorism threat by significantly increasing the number of resources devoted to counterterrorism investigations and prosecutions. Joint Terrorism Task Forces (JTTFs) have been established in dozens of cities across the country in an effort to enhance cooperation among local, state, and federal counterterrorism assets. During the past few years, the FBI has made numerous arrests and the U.S. Attorneys have successfully prosecuted several eco-terrorism cases, including an arson and extortion case in Phoenix, arson cases in New York, and Michigan, and an animal enterprise terrorism case in Wisconsin. Despite these successes, however, investigating and prosecuting these cases is not easy. In fact, several cases remain pending with no arrests or indictments, including investigations into arson at BLM facilities in California and Oregon.

One of the difficulties in prosecuting these cases is the inadequate scope of 18 U.S.C. Section 43, which makes it a crime to travel in interstate or foreign commerce or use the mail for the purpose of causing damage to an animal enterprise. The current animal enterprise terrorism statute is insufficient to address the threat posed by terrorist acts committed against research laboratories, businesses, and other entities that use animals. At present, the statute applies only when there is "physical disruption" to the functioning of the enterprise that results in damage to or loss of property. Enterprises, however, have been harmed economically by threats, coercion and other methods of intimidation -- often directed at employees, customers, or vendors of an animal enterprise -- that do not fall within the existing criminal prohibition. For example, ALF's Stop Huntingdon Animal Cruelty ("SHAC") campaign has targeted an animal testing company called Huntingdon Life Sciences. ALF's strategy seems to include not only attacks on Huntingdon itself, including damaging Huntingdon property and the homes of Huntingdon employees, but has also included attacks or threats against Huntingdon's insurance carrier (Lloyds), banker (Bank of America), and even companies that merely trade Huntingdon's stock (Schwab and eTrade). Another example of ALF targeting a secondary or collateral entity is the recent bombing of The Shaklee Corporation, a California biotech firm. Even though Shaklee is generally considered to be a relatively animal-friendly company, its associations with other

companies, including Huntingdon, has made it a target.

While animal terrorists are increasingly targeting not only animal enterprises themselves, such as research facilities and companies that engage in animal testing, but also anyone who is believed to be engaged in the provision of services to such animal enterprises, federal law does not currently equip the Department with the necessary tools to effectively prosecute the perpetrators of such conduct. The Department therefore supports amending the animal enterprise terrorism statute to prohibit the use of threats, vandalism, property damage, trespass, persistent and harassing communications, intimidation, or coercion in order to cause economic disruption to an animal enterprise. This new offense is needed to address unambiguously harassing and threatening conduct directed at animal enterprises as well as their employees, customers, or vendors, conduct that currently causes substantial economic harm.

Additionally, the current penalties for those who violate the animal enterprise terrorism statute are inadequate and may fail to deter much of the criminal conduct prohibited by current law. For example, in the absence of death or serious bodily injury, those who perpetrate animal enterprise terrorism are now eligible for a maximum of three years in prison under the statute. In many cases, however, such a penalty does not reflect the gravity of the offense, and the Department therefore supports increasing the existing penalties for animal enterprise terrorism in those cases where terrorists cause substantial economic damage. If an animal terrorist, for example, causes millions of dollars in economic damage to an enterprise, he or she should be eligible for more than three years imprisonment.

Finally, the Department supports adding the animal enterprise terrorism statute as a predicate for electronic surveillance and monitoring. Law enforcement agents currently possess the authority to conduct electronic surveillance - by petitioning a court for a wiretap order - in the investigation of many terrorism crimes and ordinary, non-terrorism crimes, such as drug crimes, mail fraud, passport fraud, etc. However, current law does not allow investigators to conduct electronic surveillance when investigating animal enterprise terrorism. Such surveillance would be helpful in preventing this type of terrorism and should be allowed when investigators have probable cause to believe that an individual is committing, has committed, or is about to commit a violation of the animal enterprise terrorism statute. Given the serious and often violent nature of animal enterprise terrorism, the Department urges Congress to correct this deficiency in current law.

In conclusion, animal enterprise and eco-terrorism poses a serious threat to the safety and security of our fellow citizens. Combating this threat is a priority for the Department of Justice, and in order to win this battle, federal prosecutors must have every tool necessary to effectively prosecute this criminal activity. As always, the Department stands ready to work with Congress to ensure that our efforts are successful. In particular, the Department looks forward to working with this Committee in the weeks and months to come to improve the animal enterprise terrorism statute.

Again, thank you for the opportunity to testify on this very important topic. I look forward to your questions.