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Examining the Extent and Impact of Surveillance on Animal Rights Activists

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EXAMINING THE EXTENT AND IMPACT OF SURVEILLANCE ON ANIMAL RIGHTS
ACTIVISTS

By

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Bachelor of Arts – Criminal Justice
University of Las Vegas, Nevada
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A thesis submitted in partial fulfillment
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ABSTRACT

In the post-9/11 era, the USA PATRIOT Act provided law enforcement agencies broad powers to investigate citizens believed to be potential or perceived domestic terrorist threats. Preceded by the Animal Enterprise Protection Act (AEPA) of 1992, the Animal Enterprise Terrorism Act (AETA) of 2006 delivered to these same agencies laws under which animal rights (AR) activists could be charged as domestic terrorists. Considered to be potential domestic terrorist threats under the Green Scare era, AR activists became prioritized as state-sponsored surveillance subjects.

This thesis seeks to determine the extent of surveillance on AR activists as well as its impact in regard to the progression of this social movement through the use of qualitative methods. It also questions whether the Green Scare still has relevance today. The researcher conducted face-to-face and phone interviews with 11 activists in the states of Nevada, Oregon, and Colorado. The researcher found that the majority of the sample in the study had experienced different indicators of surveillance. Many activists expressed the view that surveillance was an inevitable part of being an activist. Despite their exposure to surveillance, it does not appear that state-sponsored surveillance has stifled the willingness of activists to participate in the AR movement.

Keywords: Animal Rights Activists, Surveillance, Repression, Social Movements, Animal Enterprise Terrorism Act (AETA), Animal Enterprise Protection Act (AEPA), Eco-Terrorism.

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DEDICATION

To my three rambunctious little brothers, Andrew, Matthew, and Joshua – my eldest brother didn't get the chance to go to college but it is my sincerest hope that my younger two brothers will attend college and excel in their studies.

To the compassionate tree huggers and animal lovers who devote their time and energy to protecting the environment and the rights of the voiceless. Keep fighting the good fight.

To the animals and creatures whose short lives may or may not know kindness in the world. Choose to be a force for kindness.

“We have to speak up on behalf of those who cannot speak for themselves.” – Peter Singer,

Animal Liberation

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EXAMINING THE EXTENT AND IMPACT OF SURVEILLANCE ON ANIMAL RIGHTS ACTIVISTS

“The people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country”. – Herman Goring, second in command to Adolf Hitler¹

CHAPTER 1

INTRODUCTION

The knowledge and even fear of surveillance can impact activists and social movement organizations’ (SMOs) resources, both material and human capital. Additionally, surveillance of activists can stigmatize group members publicly and, on an individual level, create internal discord. Surveillance mechanisms can also foster conflict between like-minded SMOs, and may make activists or SMOs more hesitant to participate in political activities because of a fear that their actions will incur a negative response from the state (Boykoff, 2007a; Starr, Fernandez, Amster, Wood, & Caro, 2008). A final impact of surveillance is the outright withdrawal of activists from engaging in dissent, which may lead to the potential dissolution of their SMOs (Boykoff, 2007a; Starr et al., 2008). Intelligence gathering operations conducted by local, state, and federal agencies include the surveillance of activists to investigate crimes as well as to gather information preemptively on persons of interest (Starr et al., 2008). Animal rights (AR) activists, in particular, have been the targets of state-sponsored surveillance since they were first defined as domestic terrorists in 1992 under the Animal Enterprise Protection Act (AEPA).

There are myriad forms of state repression on individual citizens (i.e., the intensive surveillance of Martin Luther King, Jr.) as well as on protest groups (i.e., the suppression of civil

¹ Smith, R. K. (2008). Ecoterrorism: A critical analysis of the vilification of radical environmental activists as terrorists. *Environmental Law*, 38, 563.

rights and American Indian Movement activists through force). This thesis will focus specifically on the state sponsored surveillance of AR activists driven by legislation that redefines acts against property (such as vandalism) as domestic terrorism. Although the surveillance of AR activists has been undertaken by private security agencies employed by pharmaceutical and medical corporations (Walby & Monaghan, 2011), this thesis focuses on the surveillance efforts directed by local and federal policing or law enforcement agencies.

This study seeks to extend the line of research on state sanctioned repression against the AR movement and will contribute to the existing literature in social movements because it focuses on an understudied population. The researcher seeks to better understand the link between repression and mobilization for this specific group. Methods of the study will be qualitative and will utilize oral data obtained from interviewed participants in the AR community. Respondents will speak to their personal experiences with surveillance and highlight how the investigation of actors in the AR movement has affected the movement, AR organizations, and their motivation to continue participating in the political claims making process.

Understanding the active state repression of animal rights activists is relevant for several reasons. First, in documenting legislative history as applied to animal rights protesters, this research helps clarify the link between corporate interests and politics via legislation. Second, it highlights how state repression has often been used to silence dissident groups in the United States, particularly those who challenge state interests. Third, it highlights how political protests and civil disobedience tactics utilized by the animal rights movement are (now) criminalized as domestic terrorism, thus posing a threat to political expression and freedom of speech of those who engage in the political process or civil disobedience tactics to challenge the status quo.

Labeling dissident groups who overwhelmingly adopt nonviolent political tactics (Carson, LaFree, & Dugan, 2012) as “domestic terrorists” diminishes the true meaning of domestic terrorism (Amster, 2006), and more importantly, diverts state resources away from more credible threats of domestic terrorism (Potter, 2008).

Therefore, the purpose of this research is to explore the context in which animal rights activists have come to be seen as domestic terrorists in the United States, examine the extent of surveillance of AR activists, and discern the impact of surveillance on those activists. Much of the literature asserts that the legislation that specifically targets the activities of animal rights activists has created a chilling effect on the movement (Goodman, 2007, 826; Hill, 2010; Kahn, 2009; McCoy, 2007; Sorenson, 2009). Additionally, the repression against animal rights and environmental activists embodied in the Green Scare creates the impression that these movements are heavily policed and at high-risk of being surveilled (Amster, 2006; Greenberg, 2011; Potter, 2008; Smith, 2008). Under the Green Scare, the efforts of animal rights and environmental activists are targeted by legislation and investigated by law enforcement agencies as domestic terrorism threats (Kahn, 2009; Potter, 2011; Walby & Monaghan, 2011). Therefore, this thesis also seeks to answer the question of whether the Green Scare is still a relevant phenomenon in 2017.

First, a review of relevant literature will summarize the history of repressing dissident groups. Then, those federal Acts associated with targeting and repressing animal rights activists specifically (i.e. the Animal Enterprise Protection Act (AEPA) of 1992, the U.S.A. PATRIOT Act of 2001, and the Animal Enterprise Terrorism Act (AETA) of 2006) will be discussed including the surveillance, policing, and sentencing associated with charged animal rights activists. Then, a review of research related to modern-day animal rights protests will include

conversations about the most recognized radical animal rights movement, the Animal Liberation Front (ALF), including the organizations guiding principles, activities, and research that documents how the U.S. government has targeted members of ALF for domestic terrorism and broader connections to the Green Scare experienced today.

After a review of these three (3) literatures, this thesis will then outline theoretical perspectives of surveillance and social movements that include forms of surveillance, monitoring of activists, and social mechanisms utilized by social movement groups to curb these state sponsored activities. Then, the methods of the thesis research will be discussed including definition of terms used, sampling of participants, structured interviews, and the strengths and limitations of each. Findings from interviews with animal rights activists indicate that the majority of activists in the sample (91%) have experienced at least one experience of surveillance, supporting the contention from the literature that the Green Scare has brought AR and environmental activists under widespread investigation and surveillance. Many of the participants (73%) also reported experiencing some kind of impact on themselves or their group due to fears of surveillance in ways concurrent with previous research (Carson et al., 2012; Starr et al., 2008). Additionally, in contrast to prior research (Boykoff, 2007a; Starr et al., 2008), findings presented herein also suggest that activists are primarily concerned with the actions of animal enterprises and private entities rather than local, state, and federal policing agencies. Based on these findings, a detailed discussion will highlight the extent to which activists experience indicators of surveillance on three fronts (by policing agencies, animal enterprises, and private entities) and the ways in which fears of surveillance has impacted AR activists and SMOs. Lastly, final chapters of this thesis will detail support for the argument that the Green Scare is not over yet.

CHAPTER 2

REVIEW OF RELEVANT LITERATURE

The U.S. has actively suppressed dissidents who are perceived as espousing ideals that are threatening to the status quo (Barkan, 2006). Repression has occurred at different points in time throughout U.S. history, most notably during the first and second Red Scares, at the height of the civil rights movement, and amidst anti-war fervor in protest of the Vietnam War. The techniques in which the U.S. government employs to repress dissidents have varied, ranging from legislation that intends to stifle out dissent, to arrests and the jailing of activists, and even the state-sanctioned murder of prominent figures of SMOs. The methods of repression utilized by the U.S. government in addition to periods where repression was highly evident is discussed in further detail below.

Overview of U.S. Repression of Dissident/Activist Groups

The practice of repression against dissident groups and perceived domestic threats has been firmly entrenched in world history since the eighteenth century (Boykoff, 2007a). The U.S. is not exempt from repressing dissidents and, in fact, has a long and checkered history of doing so (Barkan, 2006). The state has commonly used legal procedures such as prosecutions, arrests, and injunctions to silence dissidents (Barkan, 1984; Salter, 2011). In the early twentieth century, the U.S. government prosecuted anarchists, socialists, and labor radicals for crimes of subversion, a trend that still continues today. According to the Department of Defense (2010), subversion is defined as “actions designed to undermine the military, economic, psychological, or political strength or morale of a governing authority” (228).

In addition to legal mechanisms associated with arrests, the U.S. government has passed legislation to stymie the growth of certain political viewpoints and curb subversive beliefs. For example, the 1940 Smith Act criminalized advocating for the violent overthrow of the U.S. government and made it illegal to be a member of any organization that espoused such beliefs, thus allowing for the prosecution of anarchists and communists (Siggelakis, 1992; Starr, Fernandez, Amster, & Wood, 2008). A reported 138 individuals were indicted for conspiring to violate the Smith Act, with 109 of those convicted (Siggelakis, 1992).²

The use of legislation to squelch specific political groups continued with the enactment of the Subversive Activities Control Act of 1950 which intended to prevent the growth of communism. This Act forced communist organizations to register on a member list and prohibited their employment in labor unions and defense plants as well as forbade them from applying for U.S. passports. Indeed, the U.S. government has a history of using a range of legislative techniques to control and, in effect, punish American citizens for activist activities.

The most documented example is that of the second Red Scare and the McCarthyism era of the 1940s and '50s. The Red Scare arose from the contention between the Soviet Union and the U.S. during the Cold War.³ American society and politicians were quick to criticize and ostracize those who espoused political beliefs that departed from capitalism (Salter, 2011). During this time, then Senator Joseph R. McCarthy capitalized on the politically intolerant mood of the era and actively sought out communist sympathizers that were either operating in the U.S. government at the time or were U.S. citizens considered to be “un-American” in their ways of

² New York State’s Criminal Anarchy Act of 1902, which similarly prohibited advocating, teaching, or printing materials about overthrowing the U.S. government preceded the Smith Act.

³ Some scholars suggest that there were two Red Scares. The first was during the 1920s and included an emphasis on socialist labor movements and political radicalism. The second Red Scare (1940s and '50s) included a focus on communism and perceptions of the Soviet Union at the time. This review discusses the second.

thinking. For example, the House Un-American Activities Committee (HUAC) was established during this time with its main goal of investigating Americans for subversive activities.

During the mid-twentieth century, when the Red Scare was at its height, the federal government sought to prosecute communists and perceived communist sympathizers under the HUAC and the Senate Committee, chaired by Senator McCarthy. In 1949, in an attempt to restrict dissent and political activism, several individuals were ordered to appear in front of the HUAC activities, including members of the Hollywood community known as the “Hollywood Ten” who were subsequently blacklisted (Boykoff, 2007a). Playwright Arthur Miller, author of *The Crucible*, was one of the more notable Hollywood members targeted by Senator McCarthy’s campaign (Salter, 2011).

Within the United States, individuals involved with and/or associated with other notable social movements have also faced repression similar to that during McCarthyism. These include Vietnam anti-war protestors, the Black Panther Party, and civil rights activists. For example, Vietnam anti-war protestors were publicly prosecuted as dissidents and, as in the case of Vietnam Veterans against the War (VVAW), had their organizations infiltrated by FBI informants (Boykoff, 2007a; Walker, 2014). Additionally, during the Montgomery, Alabama bus boycott sparked by Rosa Parks, police harassed and cited activists who were participating in the boycott and arrested approximately 100 boycott leaders (Barkan, 1984). During this same timeframe, over 1,200 activists were arrested for participating in marches, demonstrations, and sit-ins in the large-scale effort to desegregate Albany, Georgia. These arrests practically immobilized the entire civil rights movement due to rising bail and court fees faced by these activist defendants. The leader of the civil rights movement himself, Martin Luther King Jr., was actively surveilled by the Federal Bureau of Investigations (FBI) for over a decade with the sole

intent to undermine the civil rights movement and discredit King (Boykoff, 2007a; Boykoff, 2007b).

In some of the most extreme forms of repression, protestors are subject to physical violence and even death, often at the hands of state militia. For example, in 1963 police responded to civil rights activists in Birmingham who participated in marches with the use of fire hoses, dogs, and baton beatings to repel the marchers. In 1969, two members of the Black Panther Party were murdered during a joint tactical unit raid comprised of FBI agents and the Chicago Police Department⁴ (Boykoff, 2007a; Smith, 2008). Again, during the same timeframe, National Guardsmen fired upon university students at Kent State, Ohio who were engaged in anti-war protests, leaving four (4) dead and ten (10) wounded in the aftermath.⁵

This review of literature demonstrates that the United States does have a long history of repressing activists. This history continues today with the surveillance, policing, and legal policy making that specifically target members of the animal rights (AR) community. A brief review of the FBI's involvement in surveilling activists from the mid-twentieth century to the present will follow to demonstrate the bureau's dedication of resources to surveilling activists, especially those in leftist SMOs.

Repressing Dissident Groups: From Anarchists and Socialists to Animal Rights (AR) Activists

The height of repression in the United States occurred in the mid-twentieth century when the FBI launched an intensive surveillance program of social movements under J. Edgar Hoover

⁴ Democracy Now! (2004). The assassination of Fred Hampton: How the FBI and Chicago Police murdered a Black Panther. Retrieved from http://www.democracynow.org/2014/12/4/watch_the_assassination_of_fred_hampton. Accessed 8/2016.

⁵ Newsweek (2015). 'My God! They're Killing Us': Newsweek's 1970 Coverage of the Kent State Shooting. Retrieved from <http://www.newsweek.com/my-god-theyre-killing-us-our-1970-coverage-kent-state-328108>. Accessed 10/6/2016.

in 1956 called COINTELPRO, or the Counter Intelligence Program (Greenberg, 2011). Carley (1997) described COINTELPRO as the “major domestic counterinsurgency organization” operating within the U.S. (153). An FBI memo explicitly outlined the function of COINTELPRO: “The purpose of this new counterintelligence program is to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of ... organizations and groupings, their leadership, spokesmen membership, and supporters” (155).

Initially, this state sponsored surveillance program was created and used to investigate and dismantle the U.S. Communist Party, the Socialist Workers Party, and the Young Socialist Alliance (Carley, 1997; Greenberg, 2011). These aforementioned organizations adhered to an ideology that threatened the capitalistic goals of the U.S., and so were labeled as subversive. The focus of COINTELPRO then switched to leftist social movement organizations in general, such as the Student Nonviolent Coordinating Committee, the Southern Christian Leadership Conference, and the American Indian Movement (Carley, 1997). These organizations were leftist dissident groups that challenged the status quo at the time by advocating for civil rights for marginalized groups in the U.S. COINTELPRO operated until 1971, initiating over 2,300 warrantless wiretaps, nearly 700 cases of bugging, and collecting over 57,000 pieces of correspondence from the CIA during its tenure (Carley, 1997). Even though COINTELPRO was created well over fifty years ago, state sponsored surveillance still occurs today.

The FBI renewed its intensive surveillance efforts against dissidents with the passage of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) in 2001 after the 9/11 attacks. Then, in 2002, the Joint Task Terrorism Force (JTTF) in Denver, Colorado was found to be actively surveilling the Denver Justice and Peace Committee, the Human Bean Company, the Colorado Native

American Indian Movement, and the Colorado Campaign for Middle East Peace, to name a few (Greenberg, 2011). Later in 2004, it was discovered that the JTTF and the FBI were surveilling members belonging to Food Not Bombs (FNB), a national peace group known for providing vegan and vegetarian meals to the homeless. Sarah Bardwell, a young FNB member, was put on twenty-four hour surveillance and was visited by FBI agents at her home for questioning. Members of FNB were surveilled from 2002 to 2004, and no criminal charges for violent offenses were ever filed against them (Greenberg, 2011). Broadly, the aforementioned organizations placed under government surveillance can be described as anti-war coalitions and social justice organizations. Because the ideologies motivating these organizations conflicted with the views of the state, repression in the form of state surveillance was elicited against them (Carley, 1997).

Then, in 2004, the Bush administration gave authorization to the FBI and CIA to “prevent, preempt, and disrupt terrorist threats” against the United States in the “Further Strengthening Federal Bureau of Investigation Capabilities” memorandum (Greenberg, 2011). Under this framework, these federal agencies investigated the ACLU, the American-Arab Anti-Discrimination Committee, and United for Peace and Justice. Additionally, in 2005 the *New York Times* reported that the FBI was actively surveilling larger, more mainstream organizations such as Greenpeace, the Catholic Worker Movement, and People for the Ethical Treatment of Animals (PETA) (Amster, 2006). Again, similar to the Colorado organizations, these groups can also be described as anti-war coalitions, social justice organizations, and environmental and animal rights groups, all of which hold competing ideologies from the state.

In a current study on the surveillance of leftist organizations in the U.S., researchers compared the recent levels of surveillance to the heights of the COINTELPRO era (Starr et al.,

2008). This research asserted that the political climate after 9/11 has empowered the FBI to engage in levels of surveillance activities that virtually equals the levels seen during Hoover's COINTELPRO reign. The FBI can now engage in "preemptive" operations where agents can infiltrate organizations without cause and in the absence of evidence of illegal activity (Starr et al., 2008, 5). It appears that history has come full circle with the continued intensive surveillance of dissident groups. A review of research specific to this activist community continues and includes summaries of federal Acts aimed at controlling and punishing their actions.

From the Red Scare to the Green Scare: AR Activists Perceived to be a Growing Threat

AR activists have become a major target of investigation by policing agencies in the United States in the late twentieth and early twenty-first century. Researchers have commented that the federal government's preoccupation with AR organizations, specifically the Animal Liberation Front (ALF), draws many parallels with the Red Scare (Eddy, 2005; Kahn, 2009; McCoy, 2007; Sorenson, 2009). The similarities between the policies of the Red Scare and the current tactics of the federal government in surveilling and policing animal rights activists has created a new era: the aptly termed Green Scare (Potter, 2008; Salter, 2011; Starr, et al., 2008).

Like the Red Scare of the 1940s and '50s in the United States, we are now experiencing a Green Scare, a term used to describe the targeting and suppression of individuals who adhere to certain ideologies associated with radical eco-socialism (Salter, 2011). However, this time around, the state is framing its repressive policies around the rhetoric of "domestic terrorism" instead of "communism" (Boykoff, 2007b; Greenberg, 2011; Potter, 2008) and it is doing so via eco-terrorist legislation.

The Green Scare refers to the modern day state repression of animal rights and environmental activists (Kahn, 2009; Potter, 2011; Walby & Monaghan, 2011). In collusion with corporate interests, government officials and policymakers have prioritized the policing and surveillance of political activists who endorse environmental or animal rights (AR) causes (Amster, 2006; Goodman, 2007; Potter, 2008, 2011 Salter, 2011) over domestic terrorist movements known to have inflicted casualties on the American population, such as the Ku Klux Klan (KKK) or the radical pro-life movement (Goodman, 2007; Hill, 2010). The deadliest act of domestic terrorism in the nation's history was the Oklahoma City bombing committed by Timothy McVeigh in 1995, killing 168 people and injuring over 800 others. Of this incident, a Justice Department official stated that, "Unfortunately, keeping track of right-wing and neo-Nazi hate groups isn't necessarily a path to career advancement in the Bureau" (Goodman, 2007, 836).

While law enforcement agencies have been slow to investigate and prosecute radical right wing groups, they have displayed a concerted effort in prosecuting left wing radicals belonging to the animal rights and environmental movements. Underground activists of the eco-radical movement, or those who engage in illegal forms of activism, have not incurred any human casualties (Eddy, 2005; Glasser, 2011; Goodman, 2007; Greenberg, 2011; Hill, 2011; McCoy, 2007; Salter, 2011), something that cannot be said for the neo-Nazi or radical right wing movements.

The Green Scare is an intentional historical reference to the Red Scare of the early to mid-twentieth century in the U.S. (Salter, 2011; Sorenson, 2009; Walby & Monaghan, 2011), where the state actively repressed individuals espousing radical, leftist, and communists views (Carley, 1997; Potter, 2008). Critics contend that the repressive measures enacted in the Red Scare targeted people adhering to a specific ideology and that, with the emergence of the Green

Scare, history is repeating itself (Eddy, 2005; McCoy, 2007; Salter, 2011; Sorenson, 2009). In this era of contention, “eco-terrorism” bills have flourished (Amster, 2006; Eddy, 2005), animal rights activists have been singled out with legislation that regulates their activist behaviors (Eddy, 2005; Goodman, 2007; Hill, 2010; McCoy, 2007), animal rights activists have been convicted as domestic terrorists (Glasser, 2011; Goodman, 2007; Hill, 2010), and mainstream environmental and animal rights groups have been cast under suspicion as fostering radicalism by law enforcement agencies (Sorenson, 2009).

According to critics, the Green Scare represents a new level of repression that describes the current vigor in which the state is pursuing animal rights (AR) and environmental activists or anyone who adheres to or supports this line of thinking (Amster, 2006; Kahn, 2009; Potter, 2011). While the government is officially concerned about underground AR activists who take illegal direct actions, aboveground activists engaging in legally protected protests who are associated with the AR social movement have also come under scrutiny (Amster, 2006; Glasser, 2011; Goodman, 2007; Greenberg, 2011). The greater significance of the Green Scare is that law enforcement agencies have widened the net on who exactly constitutes a threat to the country, subjecting aboveground activists to an increased risk of being surveilled. Legislation specific to animal rights and environmental activists has fostered the widespread surveillance of those involved in these respective movements (Amster, 2006; Greenberg, 2011; Potter, 2008; Smith, 2008).

Those who engage in civil disobedience also appear to be likely to be arrested and prosecuted. Many critics also contend that the “ideology-specific” language embodied in legislation that specifically pertains to animal rights activists, such as the Animal Enterprise Terrorist Act of 2006 (AETA), has created a “chilling effect on the exercise of free speech”

among advocates (Goodman, 2007, 826; Hill, 2010; Kahn, 2009; McCoy, 2007; Sorenson, 2009). Mainstream activists have retreated from engaging in certain forms of legal activism out of fear that they will be prosecuted as domestic terrorists (Salter, 2011; Amster, 2006). The AR movement as a whole has lost momentum under the Green Scare due to all of the aforementioned factors, although the most impactful aspect of the Green Scare on the movement has been a decline in radicalism and the solidification of the moderate sector (Glasser, 2011).

To illustrate the extent of the Green Scare, one may defer to the numerous statements issued by the nation's law enforcement agencies concerning the Animal Liberation Front (ALF), the animal rights organization the government is most concerned about. The head of the FBI's Counter-Terrorism Division referred to ALF as a "serious terrorist threat" in 2002 (Amster, 2006, 288; Glasser, 2011, 104; McCoy, 2007, 54; Sorenson, 2009, 250). The FBI also claimed that animal rights and environmental movements were responsible for all crimes of domestic terrorism except for one in the three years following 9/11, ignoring the eight (8) arsons, twenty-four (24) assaults, and 240 counts of vandalism committed by pro-life extremists during that period (Potter, 2011). The FBI Deputy Assistant Director stated that ALF, along with the Earth Liberation Front and the Stop Huntington Animal Cruelty campaign were the "most serious domestic terrorism threats" facing the country in 2005 (Carson, LaFree, & Dugan, 2012, 296; Goodman, 2007, 834). In 2007, FBI Director Robert Mueller sweepingly stated, "Animal rights extremism and eco-terrorism continue to pose a threat" (Carson et al., 2012, 296).

Furthermore, in a 2008 survey of 50 state police agencies, 75% of agencies reported the existence of radical animal and environmental groups in their states, perceiving them to be the second and third highest national security threats after Islamic jihadists and far right extremists (Freilich, Chermak, & Simone, 2009). Last, the Department of Justice (DOJ) and Homeland

Security have also named ALF as “the most serious domestic terrorist threat” (McCoy, 2007, 54; Sorenson, 2009, 250). The DOJ bolstered this argument with a 2008 report that stated, “eco-terrorists have perpetuated more illegal acts commonly associated with terrorism on the U.S. soil than any other known group” (Carson, et al., 2012, 299). Clearly, these statements can testify to the fact that the Green Scare era is a concrete phenomenon within the U.S. and highlights the current political rhetoric surrounding perceptions of AR activists and their actions.

The overriding implication of labeling AR activists as domestic terrorists has been the creation of the Green Scare. The FBI has significantly contributed to the Green Scare by consistently emphasizing the threat that AR activists pose to society. Legislators have also aided in perpetuating the Green Scare by passing federal and state laws that pertain specifically to AR activists. As potential domestic terrorist threats according to the FBI and federal Acts, the Green Scare has prompted the state-sponsored surveillance of AR activists in general. As noted throughout, the Green Scare’s political climate has paved the way for repressive policy measures. The next chapter will address legislation that has directly impacted AR activists, as well as an overview on prosecutions resulting from this legislation.

CHAPTER 3

LAWS SPECIFIC TO AR ACTIVISTS AND RELEVANT PROSECUTIONS

When Ron Arnold, leader of the Center for the Defense of Free Enterprise, introduced the term “eco-terrorist” into the political discourse in 1983, both AR and environmental activists became the targets of state repression (Smith, 2008; Salter, 2011). According to Arnold, eco-terrorism is defined as, “a crime committed to save nature” (Smith, 2008, 545). The FBI first applied the term “domestic terrorism” to the actions of animal rights activists in 1987, after an arson of UC Davis’s veterinary laboratory (Potter, 2011). By 1988, eco-terrorism was formally being used in congressional testimony concerning radical environmental activists (Smith, 2008). The head of the FBI’s Counterterrorism Division more recently defined eco-terrorism in 2002 as, “the use or threatened use of violence of a criminal nature against innocent victims *or property* by an environmentally-oriented, sub national group for environmental-political reasons, or aimed at the audience beyond the target, often of a symbolic nature” (Amster, 2006).

The creation of the term “eco-terrorism” and the resulting labelling of non-violent acts as domestic terrorism embodied politically charged language which fostered public support for the legal prosecution of animal rights and environmental activists (Salter, 2011). Law enforcement agencies were thus permitted to pursue animal and environmental activists using expanded powers from the USA PATRIOT Act and the bolstered language of the Animal Enterprise Terrorism Act (AETA) of 2006 – formerly known as the Animal Enterprise Protection Act of 1992. This chapter summarizes three important laws associated with the surveillance and prosecution of animal rights activists. These include: AEPA, the PATRIOT Act, and AETA. Overall, these Acts work to label AR activists as domestic terrorists. As such, law enforcement

agencies are prompted to investigate and surveil members of the AR movement under domestic terrorism operations and investigations.

The Animal Enterprise Protection Act (AEPA) of 1992

While the focus of this thesis is on the domestic terrorism charges animal rights activists have faced in the post 9/11 era, the literature has consistently included an overview of the Animal Enterprise Protection Act (AEPA) of 1992. Researchers often point to AEPA as the first piece of legislature that specifically targeted the actions of AR activists. Representative Stenholm (D-TX) introduced AEPA in order to, “deter acts of terrorism aimed at entities that conduct business using animals or animal enterprises” (Glasser, 2011, 65). Four (4) of Stenholm’s top ten (10) contributors were animal enterprises, including the American Farm Bureau, National Cattleman’s Beef Association, Dairy Farmers of America, and the United Egg Association, suggesting that Stenholm had a vested interest in ensuring that AEPA became law. Three other representatives who also had strong ties to agricultural and pharmaceutical industries backed this Act.

According to the Act, individuals were prohibited from causing “physical disruptions” to animal enterprises by “intentionally stealing, damaging, or causing the loss of any property used by the animal enterprise” (Smith, 2008, 552). The Act also set a precedent by stipulating that the degree of economic damages inflicted upon an animal enterprise determined the severity of punishment for an individual charged under AEPA. For example, damage exceeding \$10,000 would result in a punishment of a maximum one-year sentence with fines (Smith, 2008; Goodman, 2007). This penalty was increased in 2002, where incurring over \$10,000 in damages to an animal enterprise would result in a maximum three-year imprisonment sentence with fines.

Another notable revision allowed for damages under \$10,000 to be prosecuted with a fine and a maximum of six (6) months in jail.

The greatest significance of AEPA is that it has the potential to permanently label those individuals found guilty of violating AEPA's provisions as domestic terrorists. Being charged as a domestic terrorist creates significant consequences in terms of sentencing. Terrorism sentencing enhancements can double prison time, limit visitation privileges, and place these individuals in maximum or super-maximum security prisons alongside violent offenders (Potter, 2008; Smith, 2008; Goodman, 2007). In *United States v. Thurston*⁶, the Oregon District Court ruled that terrorism enhancements could be applied to animal and environmental rights activists (Goodman, 2007). This decision had the implication of subjecting potentially nonviolent individuals to harsh sentencing guidelines and labeling AR activists as domestic terrorists.

Researchers such as Glasser (2011) argue that this Act was passed in response to a rise in AR radicalism where activists began a campaign of targeting fur farms starting in 1990. Although fur farms were the main focal point of AR activists, the backers of AEPA had strong ties to the pharmaceutical and agricultural industries. Legal repression against the movement, then, was, "instigated by broader AR activism and goals" (173). In despite of AEPA, direct action against animal enterprises increased steadily from 1991 to 1997.

Prosecutions under the AEPA (1992)

In 1998, six years after the Animal Enterprise Protection Act (AEPA) had been passed, journalist Will Potter was apprehended and questioned by police for leafleting in an upper class neighborhood (Potter, 2011). The subject of the leaflets urged residents to boycott Huntingdon

⁶ *United States v. Thurston* (2007) transcript retrieved from <https://www.documentcloud.org/documents/205364-united-states-v-thurston-transcript.html> Accessed 3/21/2017. A district court judge in Oregon ruled that the acts of Daniel McGowan and other activists were terrorism and this qualified them for the terrorism enhancement.

Life Sciences (HLS) because of the company's inhumane treatment of animals. After Potter's incident with local police, he was shortly thereafter visited by two (2) FBI agents who threatened to put him on a domestic terrorist watch list if he failed to cooperate in providing more information about his associates. Potter refused to cooperate but was wracked with paranoia and stress after this encounter for weeks, worried that the FBI's threats could jeopardize his position with his employer and the status of his Fulbright grant (Potter, 2011). Potter's experience is one of many examples in which animal rights activists are being policed and surveilled for engaging in lawful forms of protest.

Eight (8) individuals have been charged under AEPA. The same year that Potter was detained and questioned, activists Justin Samuel and Peter Young were the first to be indicted in 1998 for their role in releasing thousands of minks and foxes from fur farms in Iowa, South Dakota, and Wisconsin (Glasser, 2011; Goodman, 2007). In exchange for his cooperation, Samuel received a reduced sentence of two (2) years and a \$360,000 fine for his guilty plea to lesser misdemeanor offenses under AEPA. Young was on the run until his arrest in 2005, where he was found guilty of two counts under AEPA and was sentenced to two (2) years in prison, 360 hours of community service that would explicitly benefit humans, \$254,000 in restitution fees, and was sentenced to one year of probation (Goodman, 2007). Young has the distinction of being the first person to be convicted on charges of, "animal enterprise terrorism" (Glasser, 2011).

The remaining activists charged under AEPA are known as the SHAC 7, a term that refers to the six (6) defendants as well as the prosecution of the Stop Huntington Animal Cruelty (SHAC) USA organization itself. The SHAC campaign was wildly successful in that it brought Huntington Life Sciences (HLS) to the brink of economic collapse. Glasser (2011) attributes the

campaign's success to its ability to combine the forces of aboveground and underground activists⁷ towards one goal – the demise of HLS. Because of the campaign's success, the government dedicated an extraordinary amount of resources to investigate the SHAC 7. Over one hundred (100) FBI agents were actively working on the case, and it was later found that the bureau's utilization of wiretaps in investigating the SHAC 7 was unprecedented (Potter, 2011). The FBI employed the most wiretaps in the SHAC 7 case than ever before in a domestic terrorism case. The indictment by a New Jersey grand jury of the activists in 2004 and the subsequent convictions of all involved eventually made its way to the U.S. third circuit court of appeals in 2009.

*United States V. Fullmer*⁸ is the only court case to interpret the AEPA (Hill, 2010). In *United States V. Fullmer*, an appeals court upheld the original 2006 convictions of the six animal advocates in 2009. The activists were operating a website encouraging civil disobedience against HLS, a company known for repeatedly violating animal welfare laws. The defendants were convicted for organizing protests and posting vivisectionists' identifiable information, such as their names and addresses on their website (Sorenson, 2009). The SHAC 7's website contained a page that documented the work of activists taken against Huntington Life Sciences, which included illegal actions (Hill, 2010). Users could directly post to the website, and many advocates posted their legal and illegal activities. The page was annotated with a disclaimer stating that SHAC did not organize or advocate illegal activities (Goodman, 2007; Hill, 2010).

⁷ Aboveground activists engage in strictly legal forms of activism, while underground activists participate in illegal forms of activism.

⁸ The SHAC 7 were indicted in 2004, convicted in 2006, and the sentence was upheld in an appeals court in 2009. Indictment and original conviction details retrieved from <http://www.dmlp.org/threats/united-states-v-stop-huntingdon-animal-cruelty-usa-inc>. Accessed 3/21/2017. Appeal court details retrieved from <https://www.animallaw.info/case/us-v-fullmer>. Accessed 3/21/2017.

Last, the SHAC website organized virtual sit-ins where activists were encouraged to flood Huntington Life Sciences with faxes and emails the first Monday of the month.

The SHAC 7 defendants received jail or prison terms ranging from one (1) to six (6) years and were sentenced in 2006 (Glasser, 2011). In addition to serving their prison terms, the activists were also ordered to pay \$1,000,000 to HLS (Goodman, 2007). While the underground activists of SHAC engaged in acts like calling in bomb threats at HLS affiliated businesses, setting off stink bombs and pipe bombs in their buildings, and throwing bricks through businesses windows, the SHAC 7 defendants were never tied to any of these acts (Glasser, 2011). In fact, Goodman (2007) points out that federal prosecutors failed to link any of the six activists or SHAC USA with any direct actions. The SHAC 7 activists were convicted on domestic terrorism charges for their role in aboveground activities, an unexpected outcome that was more than enough to dissuade activists from engaging in civil disobedience tactics employed by SHAC 7.

A defendant involved in the SHAC campaign, Andy Stepanian, was convicted of animal enterprise terrorism under AEPA and assigned to a special prison unit in Marion, Illinois (Potter, 2011). The Marion prison is a Communication Management Unit (CMU) designed to hold convicted “second-tier” terrorists (216). The correctional staff refer to the Marion prison as “Little Guantanamo” (208). Prisoners at the Marion CMU are allowed one (1) phone call a week, each lasting a maximum of fifteen (15) minutes, with the outside world. In addition, phone calls must be scheduled one and a half weeks in advance and take place on weekdays during certain times. Visit hours, limited to four (4) hours a month and subject to monitoring, are conducted between glass panes. Stepanian will not be the last AR activist sentenced to Marion CMU.

Today, SHAC USA has few members, an absence of strong leadership, and does not include the combined efforts of aboveground and underground activists (Glasser, 2011). After the convictions of the SHAC 7, the AR organization was effectively decimated. The organization itself was sentenced to five (5) years of probation (Glasser, 2011) and in 2014, SHAC USA announced that it was officially ending its campaign.⁹

The USA PATRIOT Act of 2001

Enacted within six weeks after the 9/11 attacks, the USA PATRIOT Act introduced the term “domestic terrorism”, where it quickly became politicized (Salter, 2011). The USA PATRIOT Act provided legal justification for the surveillance of animal rights activists. The authority of law enforcement agencies to investigate and surveil suspects of domestic terrorism greatly expanded under the USA PATRIOT Act. For example, the FBI can access third-party records with more ease through the use of National Security Letters instead of warrants (Greenberg, 2011). Under Section 213 of the USA PATRIOT Act, FBI agents are given the authority to conduct warrantless searches of an individual’s home or office (Boykoff, 2007b). In addition, these warrantless searches do not require agents to notify individuals of the search, and may be conducted without the knowledge of the occupant for a “reasonable period thereafter” (Boykoff, 2007b, 750). Under Section 215, the FBI can seize any materials “relevant” to a terrorism investigation (750). As of 2002, the FBI has authorized access to monitor public spaces “independent of any ongoing investigation” (Greenberg, 2011, 40).

The FBI and the CIA’s investigatory powers were increased again in 2004 when the Bush Administration granted these agencies the power to “prevent, preempt, and disrupt terrorist threats to and attacks against the United States” (44). Since the definition of ‘domestic terrorism’

⁹ Retrieved from https://en.wikipedia.org/wiki/Stop_Huntingdon_Animal_Cruelty Accessed 3/21/2017.

has been expanded to include many organizations in the United States, namely the animal rights and environmental movements, the FBI can justify almost any type of surveillance activity having to do with those suspected of violating the PATRIOT Act or AETA (Greenberg, 2011) .

In the Act's subsequent reauthorization,¹⁰ law enforcement was given "increased surveillance authority in order to investigate crimes covered by the Animal Enterprise Terrorism Act (AETA)" (Grubbs, 2010). Another provision aimed at animal rights and environmental activists included the elimination of statute of limitations for arson, which was previously ten (10) years. This elimination was included in the Act's reauthorization to allow law enforcement agencies more time to apprehend AR and environmental activists for past arsons.

With the renewal of the PATRIOT Act under the Obama Administration and the endorsement of the surveillance state by President Trump,¹¹ it does not appear that the level of surveillance on animal rights activists or dissidents in general will dissipate anytime soon (Boykoff, 2007b; Bamford, 2017).

Prosecutions under the PATRIOT Act (2001)

Apart from prosecutions under AEPA and AETA, thirteen (13) individuals accused of being associated with ALF and Earth Liberation Front (ELF) direct actions were indicted by the FBI in 2006 under the USA PATRIOT Act as part of Operation Backfire (Glasser, 2011; Amster, 2006). Operation Backfire was initiated by the FBI in 2004 to apprehend ALF and ELF radicals for their series of attacks against fur farms in a campaign called Operation Bite Back (Glasser,

¹⁰ The USA PATRIOT Act was reauthorized in 2005 and 2006, and certain provisions extended in 2011. Information retrieved from <https://it.ojp.gov/PrivacyLiberty/authorities/statutes/1281>

¹¹ Trump advocated support for the NSA in collecting telephone metadata of Americans and made statements supporting the use of surveillance on mosques and Black Lives Matter activists. <http://foreignpolicy.com/2017/01/06/donald-trump-has-the-keys-to-the-most-invasive-surveillance-state-in-history-nsa-cia/> Accessed 3/2/2017.

2011; Smith & Damphousse, 2009). Attacks included charges of vandalism, property destruction, theft and release of animals, and arson. Their suspected involvement in the arson of Vail Ski resort in 1998, which caused an estimated \$12 million in damages, was their most destructive act that ultimately brought the undivided attention of the authorities onto this group of activists (Amster, 2006). Smith and Damphousse (2009) assert that the financial damage done to Vail was actually closer to \$25 million. During their trial, government prosecutors compared the defendants to Timothy McVeigh even though the Vail Ski arson had not caused any injuries or deaths (Amster, 2006).

With the aid of an informant, the FBI received information on twelve (12) incidents and had enough to prosecute thirteen (13) activists (Glasser, 2011). Three (3) suspects maintain a place on the FBI's most wanted list, one (1) committed suicide in jail pending his trial, and the rest of the nine (9) defendants were convicted of various crimes in 2006 and 2007 and are now serving three to thirteen years in prison. Five of the ten convicted defendants are serving extended time due to terrorism sentencing enhancements. Defendant Daniel McGowan is one of the five who received a terrorism sentencing enhancement. He was sentenced to seven years in prison for his role in committing two arsons of lumber companies in 2001.¹² Like SHAC defendant Stepanian, McGowan was also placed at the Marion CMU (Potter, 2011).

Many individuals associated with indicted activists have not been able to bypass the consequences meted out by the justice system during the furor of the eco-terrorism era. During the FBI's search for Rodney Coronado, an activist sought after for his role in releasing two (2) minks from an experimental fur farm at Michigan State University and setting the offices aflame in 1992, PETA co-founders Ingrid Newkirk and Alex Pacheco were subpoenaed along with

¹² <http://earthfirstjournal.org/newswire/2016/06/08/environmental-activist-daniel-mcgowan-loses-appeal-for-free-speech-in-prison/> Accessed 3/8/2017.

several other PETA employees (Glasser, 2011). Additionally, animal rights activists Jonathon Paul and sociologist Rik Scarce were jailed for refusing to provide details on Coronado's whereabouts while he was a fugitive in their testimony before a grand jury (Eddy, 2009; Glasser, 2011; Kahn, 2009).

The FBI initially increased its surveillance and policing of the AR movement as the number of radical acts increased starting in the early 1990s (Glasser, 2011). However, radical direct actions began to level off after 1997, as can be seen in Glasser's (2011) figure below. Her finding supports statements of direct actions reported by the North American Press ALF Office, which found that crimes decreased by 47% after 9/11 (Potter, 2011). Despite an overall decrease in radical direct actions, proponents of the AETA argued that the AEPA did not sufficiently protect animal enterprises or secondary and tertiary entities associated with animal enterprises.

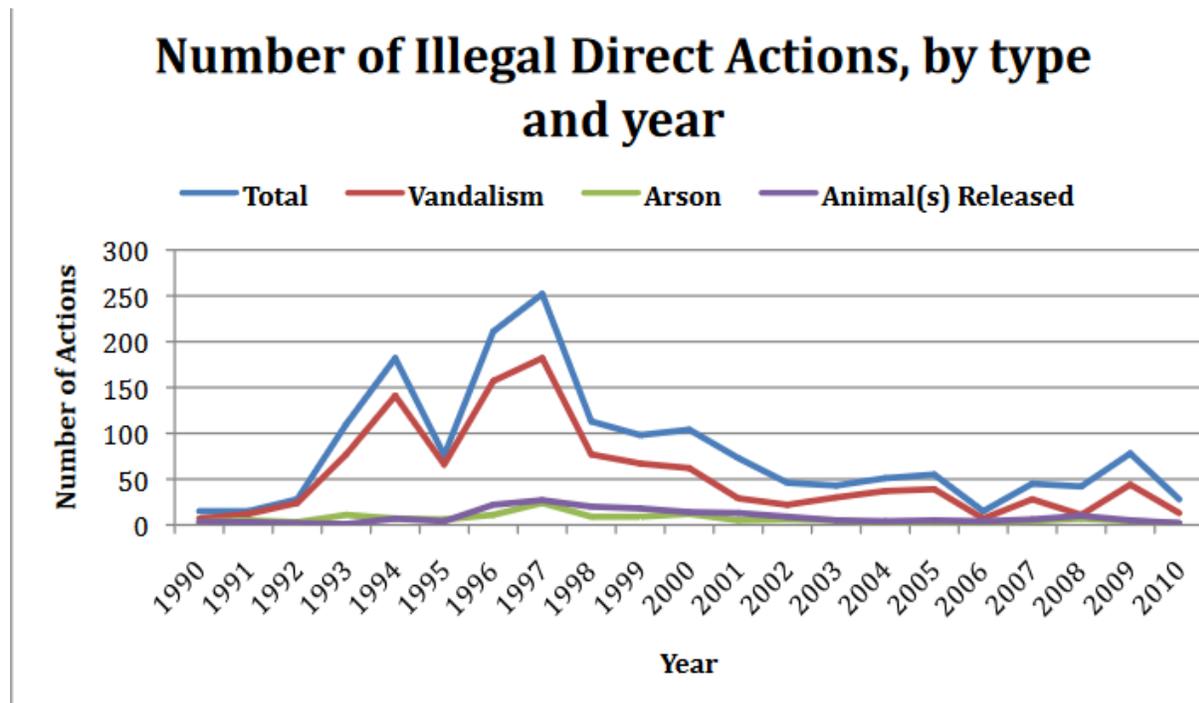


Figure 1. Number of Illegal Direct Actions, by type and year 1990-2010
Created by Glasser (2011)

The Animal Enterprise Terrorist Act (AETA) of 2006

The Animal Enterprise Terrorism Act (AETA) was introduced to expand AEPA's reach in prosecuting animal rights activists since legislators and corporate interests believed the original Act of 1992 was insufficient in protecting secondary and tertiary parties to animal enterprises. Broadly, AETA bans any actions that would damage or interfere animal enterprises, cause others to reasonably fear for their lives or serious bodily injury, and criminalizes those who would conspire to do either of these actions (Smith, 2008). Of import is that AETA prohibits "damaging or interfering with the operations of an animal enterprise," whereas AEPA prohibits physical damage to animal enterprises (Glasser, 2011, 122; Goodman, 2007). Under the AETA, causing economic damage to animal enterprises is prohibited, where economic damage is understood to include "loss of profits" and "increased costs resulting from ... trespass ...or [resulting from] intimidation taken against a person or entity" (Smith, 2008, 559). On November 13th, 2006, during the Bush Administration, AETA was signed into law with six (6) congressional members present on a voice vote (Potter, 2008).

The American Legislative Exchange Council (ALEC), a powerful lobbying organization who can count such corporations as oil and tobacco companies, agribusiness, pharmaceutical manufacturers, and the National Rifle Association (NRA) among its members, was highly influential in drafting and introducing ecoterrorism bills at the federal and state level. Coincidentally, ALEC also has a sizeable 2,400 state legislators among its active members (Lovitz, 2007; Smith, 2008). AETA in particular was passed with the lobbying efforts from ALEC, the Center for Consumer Freedom (CFC), and the United States Sportsmen's Alliance (USSA) (McCoy, 2007). The principal supporter of AETA was the Animal Enterprise Protection Coalition (AEPC), which is an alliance of biomedical researchers, furriers, rodeos, circuses,

ranchers, hunters, and pharmaceutical companies. This alliance of corporations has a singular common goal: the continued practice of using animals for profit. Much like ALEC, AEPC has a vested interest in seeing that eco-terrorism bills are pushed through and passed by Congress because such bills serve to protect these industries and interest groups (Goodman, 2007). Many eco-terrorism bills criminalize whistleblowing and severely hamper the investigative efforts of journalists and activists to expose animal welfare violations (Eddy, 2005).¹³

Whereas the AEPA applied directly to an animal enterprise, AETA extends its protections to “any person or entity having a connection to, or relationship with, or transactions with an animal enterprise” (McCoy, 2007, 58). Citing the success of the SHAC 7 in bringing Huntingdon Life Sciences (HLS) to the brink of economic collapse by organizing against companies who conducted business with HLS, the drafters of AETA ensured that secondary and tertiary parties to animal enterprises received protections under AETA (McCoy, 2007; Hill, 2010). Thus, companies that do business with animal enterprises in addition to family members or individuals that are connected to *any* animal enterprise now have a legal basis to prosecute animal rights activists if they can demonstrate they have suffered a loss of profits due to AR activism (Hill, 2010). The AETA also enhanced penalties for individuals convicted under this legislation, “even those who are *not* accused of instilling fear, inflicting bodily injury, or causing any economic damage...” (McCoy, 2007, 58; Goodman, 2007). Additionally, the AETA encourages the surveillance of animal rights activists by allowing the FBI to legally wiretap those suspected of violating AETA’s provisions in order to secure evidence against those suspects (Smith, 2008).

¹³ Thirteen states have introduced or passed ALEC’s Model Act on eco-terrorism in its entirety or partly. From 2002 to 2004, the states of California, Oklahoma, Texas, New York, Arizona, Missouri, Colorado, South Carolina, Pennsylvania, Washington, Oregon, Illinois, and Hawaii have introduced or passed versions of the Model Act.

Sentencing guidelines increased significantly under AETA. Whereas AEPA called for physical damages to be over \$10,000 to incur fines and up to a three (3) year maximum imprisonment term, AETA allowed for a fine and/or up to a one (1) year prison term if damages were *below* \$10, 000 (Glasser, 2011). For damages between \$10,000 and \$100,000, the proscribed penalty is a fine and/or imprisonment term of up to five (5) years (Goodman, 2007). Damages that exceed \$1 million could lead to a twenty (20) year prison term (Glasser, 2011). Finally, AETA also stipulated that defendants were responsible for paying restitution for damages incurred inclusive of *any* loss of profit associated with the incident.

AETA prohibits interfering with animal enterprises, but does not clearly define this term (McCoy, 2007; Eddy, 2005; Hill, 2010). It is unclear whether interference includes such constitutionally protected activities as boycotts, picketing, and leafleting (Hill, 2010). AETA proscribes that acts of interference that result in the loss of ‘any real or personal property’ is a violation of its provisions. AETA does not define real or personal property, although the courts have ruled that this term encompasses lost revenue and goodwill. The primary purpose of boycotts is to cause a loss of goodwill and revenue, which complicates the matter at hand.

A recurring criticism of AETA is leveled at its protection of business and economic interests. Glasser (2011) argues that AETA sentencing guidelines “are centered on a loss of profits to the animal enterprises” (125). Furthermore, she contends that law enforcement agencies are complicit in protecting these industries as evidenced by a 2006 FBI memo that stated, “Attacks against corporations by animal rights extremists and eco-terrorists are costly to the targeted company and, over time, can undermine confidence in the economy” (125). While AETA specifically seeks to protect the vivisection and agribusiness industries, some lesser known businesses that fall under the umbrella of protected animal enterprises include grocery

stores, retail stores selling clothing made with animal products, restaurants in addition to the circus, rodeo, and furrier industries (Hill, 2010).

Importantly, with the passage of the Animal Enterprise Terrorism Act in 2006, vandalism and property sabotage are understood now as acts of terrorism (Greenberg, 2011). McCoy (2007) makes explicit that all of the laws under AETA are already established crimes penalized under existing laws. For example, AETA includes trespassing, property damage, arson, theft, criminal assault, intimidation, and conspiring or attempting to commit any of these offenses under its list of prosecutable offenses. The overriding implication of AETA and eco-terrorism bills is that they define nonviolent offenses, as well as lawful and peaceful activities by animal rights activists, as acts of domestic terrorism.

Prosecutions under AETA (2006)

An estimated eleven (11) individuals have been charged under the Animal Enterprise Terrorism Act (AETA). Of those eleven, four (4) individuals had their cases dismissed in court. Known as the “AETA 4,” these cases were dismissed in 2010 because the judge cited that, “there was insufficient evidence the defendants had acted outside of their First Amendment right” in engaging in home demonstrations of UC researchers (Glasser, 2011, 151). Defendants Nathan Pope, Adriana Stumpo, Joseph Buddenburg, and Maryam Khajavi were charged under AETA for chanting slogans such as “Murder leave town” outside of researchers’ homes, using the Internet to research public information about the researchers, and writing slogans on public sidewalks in chalk (Potter, 2011). Prosecutors argued that these actions worked to “instill fear” in those the activists were protesting against (Potter, 2011, 232). It should be noted that all of the actions

described in the indictment fall within the realm of First Amendment rights, yet if this case was allowed to proceed, the defendants would have been charged as domestic terrorists.

Another two (2) activists, Alex Hall and William Viehl, were convicted of animal enterprise terrorism for their part in releasing minks from a farm in Utah in 2008 and were sentenced to serve approximately two (2) year imprisonment terms each (Glasser, 2011; Potter, 2011). Two (2) activists have their cases currently pending, and two (2) were jailed for contempt of court for exercising their right to remain silent and for refusing to testify in a grand jury trial (Civil Liberties Defense Center). Last, Scott Demuth was indicted under AETA but ended up pleading guilty to a lesser misdemeanor charge of conspiracy for his part in releasing ferrets in a farm in 2006 (Glasser, 2011).

For the two individual cases currently pending, defendants Kyle Lang and Kevin Johnson are facing charges of domestic terrorism for releasing approximately 2,000 minks from a farm in Illinois in 2013 (Meisner, 2014; Pilkington, 2015). The defendants have pleaded not guilty to charges of domestic terrorism and their lawyer plans to challenge the constitutionality of AETA, stating that the law is overbroad and infringes upon First Amendment rights to freedom of speech. If the defendants are convicted under AETA, they could face up to a maximum of ten (10) years in prison.

The drafters of AETA defended the legislation as necessary to discourage would-be activists from engaging in illegal actions to promote the campaign of animal rights and protect animal enterprises. However, several researchers contend that underground activists were fully aware that their activities were already illegal and thus, were unlikely to be deterred by Acts like AETA (Glasser, 2011; Goodman, 2007; McCoy, 2007; Potter, 2008). Instead, they argue that it is law-abiding aboveground activists that will feel the impact of AETA and similar pieces of eco-

terrorist legislation (Potter, 2008). Terrorist rhetoric has created a “culture of fear” where aboveground activists may be subject to higher risks of state-sponsored surveillance and a heightened risk of facing criminal penalties when engaging in civil disobedience because dissent has been criminalized as domestic terrorism in the era of the Green Scare (Sorenson, 2009, 252).

Taken together, the AEPA (1992), the USA PATRIOT Act (2001), and the AETA (2006) have created a climate where animal rights activists must tread carefully before taking any kind of political action against the plethora of animal enterprises perceived as exploiting animals. Specifically, the association of “terrorism” with animal rights activism embodied in the AETA has led to increased investigation and surveillance of animal rights activists regardless of whether any illegal activity has occurred (Smith, 2008). It has been argued that the threat of being labeled a domestic terrorist and the steep penalties it carries has impacted AR and environmental activists’ willingness to criticize the state, speak out, mobilize/organize, and/or take certain actions (Amster, 2006; Goodman, 2007, 826; Hill, 2010; Kahn, 2009; McCoy, 2007; Salter, 2011; Sorenson, 2009). The three most common Acts used to punish AR activists have been summarized here along with the more prominent investigations of AR members and groups.

CHAPTER 4

DEFINING ANIMAL RIGHTS (AR) ACTIVISTS AND AR ACTIVISM

“The question is not, can they reason? Nor can they talk? But, can they suffer?”

– Jeremy Bentham¹⁴

To begin, this section of the chapter will present an overview on animal rights activists. By defining what animal rights as an ideology means, connections will also be made to animal rights activism, more broadly, including the goals of AR activists. In particular, this chapter highlights women’s integral importance to the movement as activists, including their roles as aboveground and underground members. Finally, this chapter will conclude with a brief description of the methods activists employ to carry out the goals of AR, including legal and illegal approaches.

First, animal rights activists are individuals who seek to improve the welfare and living conditions of all animals. Peter Singer’s *Animal Liberation* (1975) popularized the ideology that animals are not meant for human consumption or exploitation, as in the agricultural, entertainment, vivisection, hunting, and fur industries. Animal rights activists, then, are opposed to factory farms and maintain either a vegetarian or vegan diet. They oppose the idea of animals being used in circuses or zoos for the purposes of human entertainment. Activists supporting animal rights are also against the practice of conducting experiments on animals, or vivisection. They do not believe that animals should be used or killed for sport, as in hunting or rodeos (Hill, 2010). Last, animal rights activists oppose the practice of using animals for fashion, specifically singling out the wool and fur industries.

¹⁴ Singer, Peter. (1975). "Animal Liberation, Rev. Ed." New York: HarperCollins (2002), 7.

The ultimate goal of animal rights activists is to expand support for the idea of animal rights among members of the general public so that it becomes recognized and accepted that all species of animals should be afforded respect and certain rights or protections (Goodman, 2007). Singer (1975) coined the term “speciesism” in his text, defined as “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species” (6). Animal rights activists essentially believe that all animals are sentient beings with a right to exist free of human interruption.

Women are overrepresented in the animal rights movement, although advocates are most likely to be educated, occupy an upper socio-economic position, and are White (Hill, 2010). Women’s role in the movement cannot be overlooked since their heavy participation has been integral to the success of the animal rights movement. The current president and co-founder of the largest animal rights movement in the world is a woman. Notably, the underground organization of ALF is rooted in feminist ideology (Salter, 2011). Several authors have made the connection between feminism and the concepts of animal rights and environmentalism (Adams, 2006; Donovan, 1990; Gaard, 1993; Warren, 1987). Feminist animal rights theory came to fruition with the second wave of feminism in the 1970s and can be traced to Carol Adam’s 1975 article, “The Oedible Complex: Feminism and Vegetarianism.” Broadly, ecofeminism is a theory that asserts women cannot be liberated until nature is also liberated and freed from exploitation (Gaard, 1993; Scarce, 1990).

This overwhelmingly female movement has also brought an increasing amount of women into contact with police and with the justice system overall. Kim Berardi, along with journalist Will Potter, was one of the activists detained and questioned for leafletting in a suburban community to raise awareness about Stop Huntingdon Animal Cruelty’s (SHAC) campaign

against Huntingdon Life Science's (HLS) inhumane treatment of animals in 1998 (Potter, 2011). When Potter was later questioned by two FBI agents who wanted his cooperation in getting more information on his associates, Kim Berardi's name was specifically mentioned by the FBI. In 2005 at the trial of the SHAC 7, the majority of the approximately forty (40) protestors standing outside the courthouse were women. Surrounding these women were a dozen police officers equipped with rifles, teargas, batons, and police dogs. The aforementioned examples show that women engaged in everyday AR activism may increase their risk of coming into contact with officials from the criminal justice system. When women are involved as leaders and organizers of the movement, their involvement with the justice system often carries the heightened risk of official sanctioning. Among the SHAC 7, Lauren Gazzola was the sole female defendant and was sentenced to forty (40) months in federal prison for her role as an organizer in the SHAC USA campaign.¹⁵

Women who engage in underground covert activities in the movement face a similar risk of official sanctioning. Three (3) women were indicted as part of the FBI's Operation Backfire. Briana Walters was convicted in 2008 for and sentenced to six (6) years in federal prison for her role as a lookout at an arson committed at the University of Washington. She was also ordered to pay \$6 million in restitution to the University. Rebecca Rubin surrendered herself to the authorities in 2012 and received a sentence of five (5) years in federal prison, (2) years of supervised parole after her release, and was ordered to pay \$13 million in restitution for her involvement in four separate crimes (Jung, 2014). Josephine Overaker is a fugitive and currently remains on the FBI's "Most Wanted" list for charges of domestic terrorism.¹⁶ Women in the AR

¹⁵ <https://ccrjustice.org/home/who-we-are/staff/gazzola-lauren> Accessed 3/2/2017.

¹⁶ <https://www.fbi.gov/wanted/dt/josephine-sunshine-overaker> Accessed 3/2/2017.

movement have demonstrated that they are capable of acting as leaders and organizers, participating in both legal and illegal forms of activism to further the goals of the AR campaign.

To achieve a myriad of goals related to animal rights, activists seek to transform the hearts and minds of the public by spreading awareness about the plight of animals used for profit. Singer (1975) emphasized that the animal rights movement should be committed to nonviolent strategies in order to be successful, arguing that activists must “occupy the high moral ground” and follow in the footsteps of Gandhi and Martin Luther King (xix). The methods adopted by animal rights activists are no different than other activism movements – activists opt to distribute flyers and leaflets about a certain cause, peacefully protest at rallies or organize demonstrations, maintain websites and organizations meant to increase support for animal rights, and petition Congress to act on behalf of animals. People for the Ethical Treatment of Animals (PETA), the largest animal rights organizations in the world, utilize all of the aforementioned tactics.¹⁷

Another powerful tool of animal rights activists is to organize boycotts of specific corporations that have typically been singled out for violating animal welfare laws. Activists recognize that corporations are often more amenable to change and negotiation when their financial bottom line is at stake. To bolster their boycotting efforts, activists also may create negative media campaigns surrounding a business or corporation in hopes that negative publicity will inspire the offending party to make changes in their treatment of animals. PETA routinely organizes boycotts against certain companies to effect results amenable to their goals, for example. Singer (1975), too, advocated for the use of boycotts and argued that adopting a

¹⁷ <http://www.peta.org/about-peta/> Accessed 10/04/2016.

vegetarian diet was one of the most meaningful forms of boycotting. Organized boycotts are an effective tool used by activists to strike companies at their bottom line.

The importance of profit and capitalism, in fact, cannot be minimized in a discussion of the repression of the animal rights movement. Capitalism and corporate interests have played an influential role in the repression of AR activists (Glasser, 2011; Lovitz, 2007). Previous research on social movements indicates that the risk of repression against movements is heightened when activists “pose a greater threat to political elites” (Barkan, 2006). Salter (2011) argues that the state often squashes movements that challenge or question capitalism because they jeopardize the status quo and are thus considered dangerous. Animal rights (AR) activists challenge the idea that animals are profit-based modes of property and seek to educate the masses as well as change the hearts of the American public. For example, PETA states that “animals have the right to equal consideration of their interests” and that animals “are not ours to use—for food, clothing, entertainment, or experimentation.”¹⁸ This type of advocacy, if successful, can inflict serious economic blows to the agricultural and pharmaceutical industries, to name a few (Potter, 2008). The animal rights movement “pose(s) an ideological threat to an entire way of life,” which explains why the AR community is so concerning to corporate and state interests (Potter, 2008, 685).

It should be noted that a minority of activists choose to use less conventional and illegal routes to achieve their goals. These activists may conduct undercover investigations of factory farms and laboratories to document animals’ living conditions, release animals from animal enterprises, destroy labs and equipment used to exploit animals, or use arson to eradicate entire infrastructures (Goodman, 2007). There are also activists who have resorted to using violent methods to further animal rights. For example, in 2006, Donald Currie plead guilty to planting

¹⁸ Retrieved from <http://www.peta.org/about-peta/faq/what-do-you-mean-by-animal-rights/> on 10/27/16.

explosives in the home of a director of a courier business associated with Huntingdon Life Sciences, the largest vivisection company in Britain (Sorenson, 2009). It is the actions of this specific group of activists that have brought attention from the federal government to the activities of animal rights proponents. Unfortunately, the extreme actions of a few individuals have in part contributed to the creation of the aforementioned Acts that have contributed to the Green Scare, namely the labeling of animal rights activists as domestic terrorists in blanket fashion.

Research on the History of Modern Animal Rights (AR) Protests and Movements

The modern animal rights (AR) movement is rooted in the philosophic writings of Jeremy Bentham. Published in 1789, Bentham's *An Introduction to the Principles of Morals and Legislation* urged the British Parliament to extend protective legislation to animals (Glasser, 2011). Coincidentally, Bentham is also credited with being the founding father of surveillance and the panopticon, a prison model that allowed for a one-way viewing relationship between prisoners and guards (Salter, 2011). Britain continued to be a pioneer for the concept of animal rights with the establishment of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in 1840 by Queen Victoria. The United States officially joined the movement when American elites, the Berghs, founded the American Society for the Prevention of Cruelty to Animals in (ASPCA) 1866.

The modern AR movement is largely credited to the publication of Peter Singer's *Animal Liberation* in 1975 (Sorenson, 2009). Singer's book would usher in a significant shift in AR ideology that prioritized wholly liberating animals from human use instead of just protecting animals from inhumane treatment (Glasser, 2011). While philosophers such as Singer have

provided the building blocks for the AR movement, it is the work of later activists that have propelled the movement forward into the current era. The activists of the modern AR movement have adopted newer tactics, including protest, illegal break-ins and theft, and the use of undercover infiltrators. The success of the AR movement and its ability to effect progressive change concerning the treatment of animals peaked in the 1980s and then dwindled towards the end of the twentieth century. By the late 1990s, the public was becoming increasingly hostile to the AR movement. This turn of events also witnessed the rise in radical direct actions within the movement (Glasser, 2010).

The most recognized radical AR social movement organization is ALF. The Animal Liberation Front is rooted in anarchist and feminist ideology and its members operate anonymously and often individually to hinder or thwart animal enterprises (Salter, 2011). ALF was preceded by the British AR organization, the Hunt Saboteurs Association (HSA), which was known for physically disrupting hunts in the 1970s (Glasser, 2011). Co-founders Ronnie Lee and Cliff Goodman renamed HSA Band of Mercy after a British anti-hunting youth group that was active in the late nineteenth century. Band of Mercy adopted tactics that reflect more liberal modes of protest seen today, including property destruction, arson, and animal releases. Instead of focusing on hunting, Band of Mercy expanded its agenda to all animals being exploited for human use. In 1976, Lee renamed the organization ALF after co-founder Goodman became a police informer. No singular event is attributed to ALF's arrival in the United States, but the organization was firmly entrenched in the U.S. by the mid-1980s (Glasser, 2011).

ALF has five basic tenets or guidelines: 1) the liberation of exploited animals; 2) the destruction of property owned by individuals who profit off exploiting animals; 3) to expose cruelties against animals to the public; 4) to ensure that no harm comes to any humans or animals

during ALF direct actions and; 5) any vegan or vegetarian individual who adhere to these guidelines can claim membership in ALF (McCoy, 2007; Sorenson, 2009; Glasser, 2011; Goodman, 2007). Due to the illegal and clandestine nature of ALF activities, members are careful to maintain their anonymity. Theorist Peter Singer, who advocated the notion of animal rights and the adoption of nonviolent tactics, heavily influenced ALF's ideology (Carson et al., 2012). Since its activity in the 1980s, there have been no reported instances of human or animal injuries being attributed to the actions of ALF to date (Glasser, 2011; Salter, 2011). In fact, by the DOJ and FBI's own admission, the animal rights movement in the United States has not resulted in any loss of life (Hill, 2011; McCoy, 2007; Greenberg, 2011; Salter, 2011; Eddy, 2005). The Southern Poverty Law Center shares in this assessment (McCoy, 2007; Goodman, 2007).

Current research on animal rights activists is minimal while studies specific to how the state currently enforces, controls, and represses animal rights members activities is scarce. However, the aforementioned Acts still exist and members of the AR community are being punished in accordance with them. Indeed, the state's preoccupation with animal and environmental radicals appears to be largely unfounded.

In Carson, LaFree, and Dugan's (2012) systematic attempt to organize and classify animal and environmental attacks that occurred in the U.S. from 1970 to 2007 as either terrorist or non-terrorist acts, the researchers concluded that, out of 1,069 incidents, only 17% were classified as terrorist acts. Out of the 17% acts considered to be terrorism, 78% of those involved attacks on infrastructure that resulted in permanent damage.¹⁹ The murder of Dr. Hiram Kitchen, the Dean of the Veterinary School of the University of Tennessee in 1990, was the only recorded

¹⁹ There is some debate in the animal rights community on whether crimes against property, like vandalism, arson, or property destruction, constitutes a violent action. As far as constituting domestic terrorism, Potter (2011) argues that terrorism should be reserved for violent crimes committed against people, not property.

instance of a death being attributed to animal rights radicalism, although no group has claimed responsibility.

Therefore, over a research timeframe of thirty-seven years, only one (1) death occurred. Additionally, this study also concluded by noting that AR radicals were five times more likely than environmental radicals to target people but that they are less likely to use a weapon in their attacks. Carson et al.'s main takeaway was that the objectives of radical animal and environmental groups were "overwhelmingly aimed at property damage rather than causing injury or death to humans" (310). According to a 2006 report, the FBI asserts that ALF is responsible for committing over 1,100 crimes that have resulted in over \$100 million in damages (Potter, 2008, 2011). More recently, a press release issued by the FBI in 2008 found that over 2,000 crimes were attributed to ALF since 1979 that have surpassed \$110 million in fiscal damages (Grubbs, 2010).

CHAPTER 5

REVIEW OF RELATED THEORITICAL PERSPECTIVES

Some of the main tenets associated with theorizing how surveillance is used as a tool of repression in quelling dissent is further discussed herein. First, repression will be defined and discussed in terms of how state-sanctioned repression impacts social movement organizations (SMOs). Then, two types of surveillance (direct and indirect surveillance) will be discussed including the methods typically used in surveillance operations. Lastly, this chapter will explain how surveillance in particular affects activists and SMOs. In so doing, Boykoff's (2007a) mechanism-based social movement theory will be highlighted including how it informs the current study.

Surveillance as Monitoring and Repression

Boykoff (2007a) defines repression as “a process whereby groups or individuals attempt to diminish dissident action, collective organization, and the mobilization of dissenting opinion by inhibiting collective action through either raising the costs or minimizing the benefits of such action” (283). Repression is also defined as the dedicated effort by the government to quell dissent and activities that are typically protected by the First Amendment (Glasser, 2011). The literature is unclear how exactly repression affects social movement organizations, and ranges the gamut from deterring dissent, increasing dissent, impacting dissent based on the strength of repression levels, increasing solidarity within the social movement (SM), creating factionalism, driving the movement underground, and sparking radicalism (Carley, 1997; Glasser, 2011; Starr, et al., 2008). The effects of repression on SMs are also contingent on social and cultural factors, political stability, and type of political structure or government (Glasser, 2011).

In the U.S., the government has targeted those who adhere to a certain ideological position, such as in the Red Scare era during the Cold War. Repression against social movements takes many forms, including the enactment of laws meant to stifle the expression of certain viewpoints, police harassment and the discretionary use of arrests, and direct violence against activists. The most utilized form of repression taken by police according to the literature, however, is surveillance (Boykoff, 2007b; Walby & Monaghan, 2011). Surveillance has been used extensively because of its relative affordability along with the practicality and ease in which massive amounts of information can be collected on persons of interest (Earl, 2011). Recent developments in technology may be another reason for the prevalent use of surveillance.

According to the literature, there are two types of surveillance: 1) direct or overt actions and; 2) indirect or covert actions (Boykoff, 2007b). Direct or overt surveillance involves spying on and monitoring activists, while indirect or covert surveillance entails collecting large amounts of “coded information” on persons of interest (Boykoff, 2007b). The literature suggests that covert surveillance can have the effect of increasing the strain and distrust activists feel towards the government, which can impair the relationships social movement organizations (SMO) have with local policing agencies (Starr, et al., 2008). This may manifest in an unwillingness to negotiate with law officials prior to demonstrations and result in the stricter policing of those demonstrations.

Monitoring the activity of activists is usually performed covertly, but is sometimes used overtly in the form of “conspicuous surveillance.” This form of surveillance is meant to intimidate activists and purposely make them aware of the fact that they are being surveilled (Boykoff, 2007b). The surveillance of activists and social movements are often long-term operations initiated with the purpose of gathering large amounts of intelligence on surveilled

subjects. Unbeknownst to activists, this intelligence is often collected with the intention of being presented as evidence against them in court at a later time (Walby & Monaghan, 2011).

Intelligence gathering activity includes electronic surveillance, wiretapping, tampering with mail, warrantless entry for purposes of photographing or seizing documents, and the use of informants who have infiltrated scrutinized social movements (Boykoff, 2007b).

The literature confirms that surveillance has a noticeable effect on activists and social movements. When state agents engage in conspicuous surveillance to discourage activists from any claims making activity, this is referred to as state intimidation (Boykoff, 2007b).

Intimidation impacts individual activist's modes of thought by forcing them to consider their dissident activity. Activists also begin to question how their continued activism could affect their futures and the futures of their social movements. Starr et al. (2008) found that surveilled SMOs felt criminalized by the state in the absence of any illegal activity because the act of surveillance itself implies wrongdoing. Boykoff (2007b) asserts that this eventual process of retrospection focusing on the consequence of one's actions eventually leads to demobilization, or the cessation of political claims making. Activists dissociate themselves from the SMO because they are afraid of incurring additional repercussions from the state, in short.

Another outcome of state intimidation on activists and social movement organizations is the prevalence of paranoia and secrecy in surveilled organizations (Boykoff, 2007b). SMOs change their organizational strategies and tactics in an attempt to shield themselves from state agents. For instance, SMOs have been shown to change the frequency, locations, and times of their meetings as well as develop new modes of communication in an effort to thwart state surveillance (Starr, et al., 2008). The group's inward focus on secrecy ultimately impairs the organizations ability to function democratically. In addition, the preoccupation with secrecy

detracts the SMO's attention from external goals, like recruiting members or focusing on campaigning tactics (Boykoff, 2007b). Last, the paranoia that surveillance breeds makes SMOs more hesitant to collaborate with like-minded organizations (Starr, et al., 2008). In the case of overt surveillance, sister-organizations are more likely to be dissuaded from associating with SMOs known to be actively surveilled. Again, all of these outcomes combined render the SMO less effective and leads towards the path of demobilization.

Mechanism-based Social Movement Theory

The current study relies heavily on Boykoff's (2007a) mechanism-based social movement theory, which aims to synthesize existing literature and is specific to the democratic government of the United States. Mechanism-based social movement theory is applicable to social movements in the twentieth and twenty-first centuries, making it especially relevant to the animal rights movement since this social movement was most active during this time. Boykoff's theory contributed to the literature on political repression by introducing "typologies organized around mechanisms or goals" to differentiate how certain types of repression can affect a SMO and how ultimately, repression can demobilize an SMO (Earl, 2011).

Walby and Monaghan (2011) recently utilized mechanism-based social movement theory in their study of the private sponsored surveillance of animal rights activists in Canada. They extended Boykoff's understanding of "outsourced repression" which refers to acts of repression conducted by private individuals and groups, arguing that private agents may sometimes act independently of the state (31). For example, after animal rights activists demonstrated at the private homes of pharmaceutical CEOs in an elite community in Montreal, Quebec, private

investigators hired by local residents collaborated with the community's private residential security company to surveil and provide information about activists to Montreal local police.

Boykoff's theory utilizes five (5) social mechanisms that detail the process whereby social movement groups face social isolation and eventual demobilization, or the cessation of political claims making and meaningful dissent activities by activists: 1) Resource depletion; 2) stigmatization; 3) divisive disruption; 4) intimidation; and 5) emulation. The latter mechanism of emulation is considered to be a decisional mechanism that comes to fruition after the former four isolating mechanisms have taken effect. The former four isolating mechanisms work to isolate the social movement from mainstream society, while the decisional mechanism explains the cognitive shift in activists' reasons for relinquishing their contentious political claims making.

First, in resource mobilization theory, the mechanism of resource depletion addresses the ability of a social movement organization (SMO) to effectively mobilize its resources, which Boykoff (2007a) defines as material resources (money, meeting spaces, and office supplies) and human resources (leadership). According to resource mobilization theory, a SMO that lacks resources will have a diminished ability to grow and sustain itself. Resource depletion holds that state repression often forces SMOs to redirect their resources for purposes of defense, including using funds to bail out SMO actors or pay for increasing court litigation costs. A SMO may also lose leaders in the movement to lengthy prison terms. This diversion makes it difficult for SMOs to focus on recruiting supporters and effective mobilization efforts.

Second, stigmatization describes the process where a SMO and its actors are negatively stereotyped, discredited, or unwillingly attached to undesirable attributes in the public's eye. Stigmatization takes focus away from the goals of a SMO and affects the individual decisions of movement actors, since being stigmatized can impact the collective consciousness and identity of

the group. Here again, organizations are placed in a defensive position where they are working to overcome the obstacle of stigmatization and regain legitimacy.

Third, divisive disruption occurs when a schism or fracture occurs within an SMO or across previously like-minded SMOs that once held the same goals and ideals. Schisms often come about due to the actions of external agents, as when the crackdown on animal rights activists in the ALF by federal agents led actors in the PETA to distance themselves from this former ally. Divisive disruption hinders the ability of SMOs to forge alliances since actors have become more suspicious of potential allies in this stage.

Fourth, when repression climaxes to the point where actors pause to seriously consider the repercussions of their political claims making activities, the mechanism of intimidation most likely has taken effect. Intimidation is the stage where individual and collective action is discouraged under the threat of consequences like arrest, surveillance, and direct violence. Intimidation works to demobilize SMOs since actors become afraid to engage in dissent or second-guess whether their efforts are worth the consequences. The threat of being labeled a domestic terrorist AETA has chilled the actions of many animal rights activists according to researchers (Starr et al, 2008).

Lastly, in the decisional mechanism of emulation, which leads to demobilization, actors emulate those who have retreated from the political claims making process or seek to emulate mainstream SMOs that have been successful in navigating state repression. Mainstream SMOs are more likely to hold political values that reflect larger society and so are less threatening to state interests. Emulation does not have to occur on a conscious level. Boykoff (2007) notes that the overriding pressure to conform and be accepted in society promotes emulation.

Mechanism-based social movement theory is supplemented by ten (10) action modes, or specific actions taken by the state and the mass media to suppress dissent (See Figure 2): 1) Direct violence; 2) public prosecutions and hearings; 3) employment deprivation; 4) surveillance and break-ins; 5) infiltration, “badjacketing,” – and the use of agent provocateurs; 6) “black propaganda”; 7) harassment and harassment arrests; 8) extraordinary rules and laws; 9) mass media manipulation; and; 10) mass media depreciation. Boykoff (2007a) created these ten action modes based on a review of actions taken against dissenters in the United States. The actors of the animal rights movement have experienced most, if not all of the ten action modes of state repression.

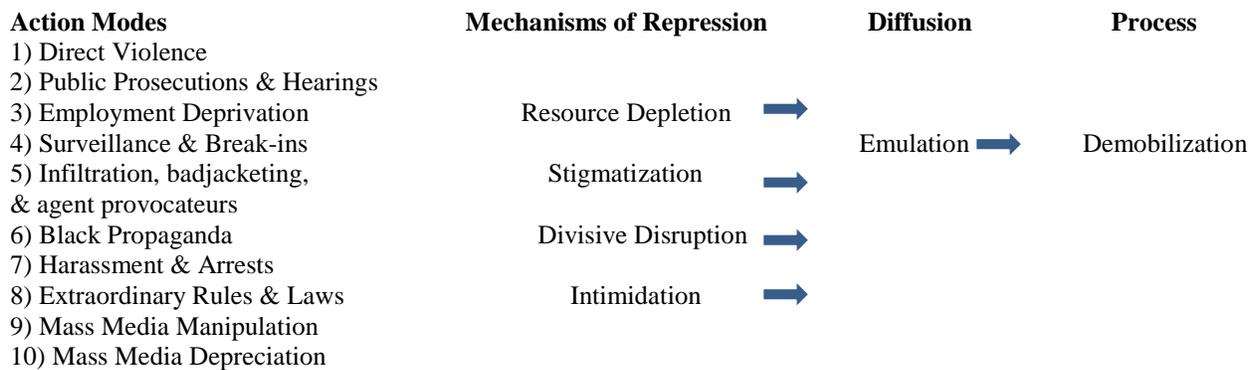


Figure 2. Boykoff’s Social Movement Theory²⁰

Boykoff (2007a) concludes that dissenters serve the important role of challenging authority in a democratic society. According to the author, “dissenting citizens not only speak to perceived dangers and problems in society but they also speak to the opportunities and possibilities of vigorous political life” (305). Boykoff reminds readers that in the United States, history remembers and celebrates its dissenters, as in the case of Martin Luther King, Jr. and

²⁰ Figure 2 is taken from Boykoff (2007a)

Susan B. Anthony. In a democratic country, dissent should be welcomed and recognized as a sign of the freedoms citizens have.

CHAPTER 6

METHODS OF THE CURRENT RESEARCH PROJECT

The Institutional Review Board (IRB) at the University of Nevada, Las Vegas approved the current study.²¹ The methods of the current research project will first address the underlying research questions of the project including the purpose and goals associated. Then, the sampling strategy and research design will be discussed. Lastly, the strengths and limitations of the current study will be examined.

The purpose of this thesis is to firstly determine the prevalence of surveillance as well as the extent to which animal rights activists are policed among the small sample of activists interviewed. Second, this research seeks to discern the impact of surveillance on activists in the animal rights movement in the United States. In order to determine the extent to which these forms of state repression has had on activists, research questions ask whether the use of surveillance by policing agencies has impacted the animal rights movement. If so, in what ways? According to participants of this study, what extent are AR activists being surveilled and policed? Specifically, have AR activists become more hesitant or reluctant to engage in the political claims making process due to the threat of being surveilled? Are activists withdrawing from the AR movement or minimizing their involvement in political activities because of a fear of surveillance? Answers to these questions will be used to discuss whether or not the era of the Green Scare has ended. Evidence that AR activists continue to be policed and surveilled in 2017 would indicate that the Green Scare is still relevant.

²¹ IRBNet ID #928790-3 Approved 10/18/2016

Use of Snowball Sampling Strategy and Limitations

The sampling strategy used to select participants employs a convenience/availability sampling design in addition to snowball sampling. Snowball sampling was chosen as the optimal sampling design in order to contact and interview a specific group of research participants. Miller (2005) states that much of the previous works in criminology utilizing qualitative research methods have used snowball sampling techniques. The snowball sampling strategy was the best method for this study because AR activists in general make up a small portion of any given population. For instance, when compared to Los Angeles or Portland, the AR movement in Southern Nevada is decidedly small. Attempting to do a randomized survey of the entire population would yield dismal results because this study focuses on a specific subpopulation. A randomized survey would be unlikely to capture a sufficient number of AR activists. The snowball method was beneficial in this design because activists in Southern Nevada area are firmly interconnected. The willingness of participants to refer activists within their own networks increased the likelihood that potential participants would partake in the study. Additionally, the snowball sampling method was used successfully in Starr et al.'s (2008) qualitative research on the surveillance of leftist social movement organizations in the U.S., for example. As in the aforementioned study, the researchers utilized their existing networks to contact animal rights activists, who then informed other activists about the study.

The researcher initially reached out to her contacts in Southern Nevada and Southern California. These initial contacts included two (2) animal rights activists who identified as an organizer on a college campus and a PETA youth outreach advocate. The researcher was acquainted with the Southern Nevada contact through her previous involvement with an animal rights based student organization. The researcher knew the Southern California contact through

her mutual work relationship with a non-profit organization. Because this initial pool of activists known to the researcher was quite small, the researcher had to supplement the group by contacting potential respondents through social media (Facebook and Instagram) and local AR organization websites. Potential participants were told how long the interview was going to take (approximately 45 minutes to 1 hour) and what the topic of study was (surveillance on activists).

The researcher reached out to local AR organizations through their Facebook pages on FB messenger, where oftentimes the administrators of the page would respond to the researcher's inquiries. On Instagram, the researcher found activists with public profiles based in the Southern Nevada who labelled themselves as vegans and activists. Their profiles commonly prominently featured images of their activism. Individuals who labelled themselves as AR activists and had pictures on their profile showcasing their involvement in the movement were messaged privately by the researcher through Instagram. The researcher also contacted prospective research participants through email rosters of animal rights organizations at a university.

Participants in the study who successfully completed the interview procedure frequently provided the researcher with a list of names of potential activists and their contact information via email, text, and social media platforms. The researcher then directly contacted activists with the information provided. The researcher gathered a sample of eleven (11) participants for the study from the states of Nevada, Oregon, and Colorado. Of these eleven (11) participants, seven (7) were referred through snowball sampling (Activists #4, 5, 6, 7, 8, 10, and 11) and the remaining participants were directly contacted by the researcher.

Limitations of Sampling Framework

A criticism of snowball sampling frameworks is that research participants are not selected randomly. Thus, findings may not accurately represent a diverse and broader population of

potential participants involved in animal rights activism (Singleton & Straits, 2010).

Generalizability, although important, is not a standard goal of qualitative studies. Instead of drawing broad inferences from particular observations and/or interviews, the goals of qualitative research are to provide rich, contextualized understandings of some aspect of human experience via a study of particular cases and/or participants. Herein, interviews with animal rights activists via a snowball sampling framework is useful in understanding more about their experiences of being policed and surveilled and learning how surveillance impacts them on an individual, group, and movement level.

That said, the decision to exclude animal welfare activists (i.e. a moderate sector of the animal rights movement) from this study limits the generalizability of contextual findings. As noted throughout the findings section, conclusions could be drawn to how other similarly situated animal rights activists/advocates experience surveillance and state repression.

Additionally, the difficulty in accessing research participants who identify as an underground or radical member of the AR movement will preclude the researcher from drawing any conclusions about this small subpopulation in the movement. This study does not include active ALF members (who identify as radical or underground members of the movement), but does include a former justice-involved ALF member who was referred to the researcher by another activist participant.

The study's findings will be most relevant to the population of AR activists who are generally law abiding but ground themselves in the ideology of animal rights (and not animal welfare).²² Thus, thematic findings from this study should not be considered comprehensive to

²² There are significant differences between these two groups, with the distinguishing factor being that animal welfare activists operate in mainstream organizations like the Humane Society of the United States (HSUS) and focus foremost on companion animals like dogs and cats. Animal welfare activists then, are not perceived as threats to national interests and are shielded from the threat of surveillance or state repression when compared to the more

the movement as a whole. Last, because the animal rights movement is overrepresented by women (Hill, 2010), it is expected that females will correspondingly dominate the study sample. As expected, the sample was comprised of nearly all women save for one male. Recognizing these limitations, the researcher hopes to increase this study's scientific rigor by being transparent in study methods, analysis techniques, and theory integration as recommended by Miller (2005). Again, as noted above, interview questions derived from several recently published research projects. Therefore, planned replication increases transparency and rigor. Throughout the findings section, comparisons will be drawn between the current project and previously published studies (Carson, et al. 2012; Starr et al., 2008).

Research Design: Interviews with Animal Rights (AR) Activists

Screening Process for Research Participants

The screening process for potential research participants was limited to include whether or not individuals 1) adhered to the ideology of animal rights (not just animal welfare), and 2) recently participated in the political claims making process(i.e., activism). The specific stipulations were that participants had to have been active in the animal rights movement within the past six months by engaging in some form of recognized activism, such as protesting, advocacy, lobbying, organized boycotting, or social media engagement. Selected participants engaged in a diverse set of political actions intended to further the goals of the AR movement. The researcher adopted a broad interpretation of what constitutes activism, and as a result,

radical ideology of animal rights. Glasser's (2011) research highlighted the distinction between the two groups when she noted that mainstream organizations like HSUS have joined the government in labeling groups like ALF as terrorists. Where HSUS has received cooperation from the government and corporations in promoting their objectives, animal rights organizations like PETA have been surveilled and attacked by the FBI as being a front for more radicalized views that could lead to violent or illegal activities (Sorenson, 2009; Salter, 2011).

participants had backgrounds in legislative advocacy, traditional protest or public forms of dissent, social media engagement/advocacy, and underground activism. Affiliation or membership in an established animal rights organization was seen as an indicator of activism, but was not a requirement. The study excluded individuals who may have been active in the political process but advocated for animal welfare issues specifically (versus animal rights issues). For more information on the activists selected for interviews, please see Appendix B on page 96. Where possible, the researcher attempted to use descriptors of participants that they assigned to themselves. For example, if a respondent referred to themselves as an advocate versus an activist, or vice versa, the researcher similarly adopted this verbiage.

Description of Interview Questions Utilized

With the permission of co-author Dr. Fernandez from Northern Arizona University, the interview questions administered for this study replicated the structured interview questions used in Starr, Fernandez, Amster, Wood, and Caro's (2008) research on the state sponsored surveillance of leftist social movement organizations. Starr et al.'s (2008) interview questions asked research participants whether they have been personally subject to various forms of covert and overt repression. The questions include inquiries about the presence of police officers at activists' events, if activists are being questioned or followed by law enforcement agents, and if activists' social movements have been infiltrated. A small number of questions pertain to how activists perceive other instances of state repression at local and national levels, and whether their perceptions of outside state repression is concerning to them. Last, Starr et al.'s (2008) structured interviews cover the effects of surveillance by asking activists how the use of surveillance has impacted activists individually and as a group. For instance, at the individual

level the interview asks if surveillance has affected their willingness to express certain political views or partake in certain kinds of social movement (SM) or activist work. At the group level, the interview asks if the social movement organization (SMO) has had more difficulty organizing events or affected modes of communication. Some activists in the sample could not answer questions pertaining to group impacts of surveillance if they did not identify as being in an AR group.

The current research project also incorporated four (4) questions from Carson, LaFree, and Dugan's (2012) study (with her permission), which analyzed terrorist incidents by environmental and animal rights groups in the U.S. Carson et al.'s (2012) interview questions act as a screening tool for the study because they decipher how activists became involved in the movement as well as what types of activities they engage in. The former questions ensure that only individuals who adhere to the ideology of animal rights participate in the study. The latter questions confirm that research participants are engaged in the political claims making process. Another interview question asks the research participant to recall the last instance they participated in an animal rights (AR) related activity or event.²³ This helps to verify that study participants are currently active in the movement. The last two questions from Carson et al. (2012) pertain to activists' awareness of the USA PATRIOT Act (2001), the Animal Enterprise Protection Act (AEPA, 1992), and the Animal Enterprise Terrorism Act (AETA, 2006). These prompts ask how, if at all, awareness of legislation has impacted activists' behavior. Finally, another question asks activists their opinion on the viability and effectiveness of using violence to achieve their goals.

²³ This question was included by the researcher independent of Starr et al.'s and Carson et al.'s interview questions.

Overall, then, the combination of these interview questions are useful in answering the broad research questions of examining the extent of surveillance among participants, and the impact of surveillance on an individual, group, and movement level. Responses to these answers will help determine the relevance of the Green Scare today.

Structured Interviews, Empathetic Interviewing, and Limitations

The researcher chose to implement a structured interview format that employed face-to-face interviews largely because of the fact that the current study is the third of its kind and thus still largely exploratory in nature. The structured interview format utilized allowed for some divergence from the script as well as room for follow-up or clarifying questions. Qualitative research methods were deemed as being best suited for this study because it allowed the researcher to capture the lived experiences of activists in a detailed and more fully encompassing manner than quantitative methods could have hoped to achieve (Tewksbury, 2009).

Starr et al.'s (2008) study relied solely on in-depth interviews with leftist social movement activists and revealed a plethora of information regarding the extent of surveillance on political dissidents as well as how surveillance impacts the political process of activists. Carson et al. (2012) interviewed AR and environmental activists as a supplement to their mostly quantitative study. However, Carson et al. (2012) focused on quantifying the incidents of domestic terrorist and non-domestic terrorist acts that occur in the United States whereas the purpose of this study is to examine the impact of surveillance on AR activists.

Overall, the use of qualitative interviews allowed the researcher to connect with activists on a personal level. Out of eleven (11) activists interviewed, only one (1) was male. These results were expected because the AR movement is mostly comprised of women (Hill, 2010).

The researcher's standpoint incorporates experiential knowledge similar to participants. Namely, the researcher has been a member of the animal rights movement intermittently since 2007. Since this is largely a female movement (Hill, 2010), qualitative interview procedures are more in line with the movement as well as the researcher's personal standpoint and connection to the phenomena. The current interview script allows research participants to answer both open-ended and close-ended questions; they are also able to expand upon their answers and ask questions of the researcher. Respondents can answer interview questions in more detail and depth, allowing the researcher to get a fuller understanding of the phenomena in question (i.e. animal right activists experiences with state repression including effects and impacts of surveillance on the individual activist as well as the movement overall).

Empathetic Interviewing

The researcher chose to depart from traditional interviewing techniques in favor of adopting an empathetic style of interviewing (Fontana & Frey, 2005). Overall, the goal of empathetic interviewing is for the researcher to become an advocate for the respondent (Fontana & Frey, 2005). In so doing, the involved nature of empathetic interviewing, similar to participatory action research (PAR) goals of helping people via action (Chase, 2005; Fontana & Frey, 2005). In empathetic interviewing, the interview is seen as the outcome of a collaborative process between the researcher and respondent (Fontana & Frey, 2005) where the researcher has been involved in every step of the research project and plans to share findings with participants involved.

In order to maintain as natural a conversation as possible, interviews were tape recorded and allowed the researcher to give her undivided attention to participants. Of this procedure,

participants were very understanding and voiced no objections to being recorded. Even though the use of writing field research notes during an interview is important, the researcher chose not to do this. Instead, during each interview, the researcher engaged in constant eye contact with participants, asked follow-up and clarifying questions, and answered any questions from the participants. These skills signaled to participants that the researcher was actively listening, cared what they had to say, and respected their time. Building rapport this way lead to many participants connecting the researcher to additional participants. At the end of each interview, the research would write down notes including things and/or issues that stuck out, questions asked, or any follow-up information requested from participants.

Researcher neutrality is recognized as an unobtainable goal in empathetic interviewing because the interviewer is inextricably linked to specific contextual situations and is tied to a certain point in history (Fontana & Frey, 2005). Interviewers hold their own conscious and unconscious biases, motivations, and opinions that can impact the interview process (Fontana & Frey, 2005). When contacting potential participants, they were made aware of the reality that the researcher is a vegan and supporter of the animal rights movement.

Gendered Interviewing

Like empathic interviewing, the gendered perspective rejects traditional approaches to interviewing, which is viewed as hierarchical and ethically questionable (Fontana & Frey, 2005). By hierarchical, I mean to say that the inequitable relationship between the researcher and the participant creates an unbalanced power structure between the two that can impact the interview process. For instance, when the researcher is a White male and the subject is a woman of color, power differentials are more pronounced. Gendered interviewing foremost believes that gender, sexuality, and race cannot be separated from the interview process. The gendered perspective

also argues that traditional interviewing calls for researchers to both deflect respondent's questions that do not pertain to the interview and encourages interviewers to engage in a sort of "one-way pseudoconversation" with respondents (Fontana & Frey, 2005, 710). In traditional forms of interviewing, the researcher is solely focused with getting detailed qualitative data from respondents and is unconcerned with establishing meaningful connections with respondents.

Gendered interviewing supports the notion that researchers should be able to answer respondent's questions honestly and engage in a two-way conversation, similar to a conversational style of interviewing (Fontana & Frey, 2005). This style of interviewing differs from establishing rapport with participants because of its emphasis on an open and honest two-way conversation and because of its end goal of creating research that contributes to the goals of social justice. The current study, for example, hopes to prompt conversation on what it means to be a domestic terrorist in the U.S. and advocates that law enforcement agencies and policymakers should place a higher priority on investigating groups known to have caused human casualties. In line with views on ecofeminism (which is a feminist ideology that advocates that women cannot achieve equality with men until nature and animals are free from being exploited) goals, animal rights align with social justice movement goals (social, economic, and political equality for all members of society, including women) as well.

Limitations of Empathetic and Gendered Interviewing

Both empathetic and gendered interviewing eschew traditional interviewing techniques. The gendered style of interviewing prioritizes equality between the researcher and participant as well as open and honest communication (Fontana & Frey, 2005). An open and honest communication style could potentially hamper respondent's answers if they are swayed by the

researcher's statements or opinions, however (rather than if the researcher maintained a completely neutral stance). Empathetic interviewing recognizes that researchers hold their own biases and opinions. Informing participants of these biases and opinions may be another limitation because this could also affect participant responses.

CHAPTER 7

FINDINGS

The findings from the study yielded four main themes: 1) a lack of awareness with legislation pertaining to animal rights (AR) activists, specifically the Animal Enterprise Protection Act (AEPA), USA PATRIOT Act, and the Animal Enterprise Terrorism Act (AETA); 2) a disposition towards non-violent tactics for use in the AR movement; 3) surveillance indicators experienced by activists on multiple fronts, including law enforcement, private entities, and animal enterprises and; 4) activists perception of the impact of surveillance on their individual and group activism, as well as the movement overall.

The first theme, concerning activists' familiarity with AR-specific legislation, addresses the allegations in the literature review that the existence of such laws make activists' reluctant to participate in the AR movement. The second theme, where participants overwhelmingly endorse non-violent methods of activism, highlights the fact that the AR movement is a non-violent social movement. In contrast, AR-specific laws were passed due to concerns that the AR movement and AR radicals were becomingly increasingly violent according to the literature. The extent to which participants experience indicators of surveillance is examined in the third theme, which is directly relevant to one of the study's research question (To what extent are AR activists being surveilled?). Last, the fourth theme also addresses the study's research question on how the surveillance impacts participants' activism, their group, and the movement. The responses found in the third and fourth themes will provide indication of whether the Green Scare has persisted.

Theme 1: A Lack of Awareness among Activists on AR-Specific Legislation

In Boykoff's (2007a) mechanism-based social movement theory, there are ten action modes the government utilizes to employ against political activists with the goal of suppressing

dissent. The creation of extraordinary rules and laws is the eighth action mode, whereby the state intentionally enacts repressive laws as a response to political dissent. The United States has previously enacted extraordinary rules and laws in response to the perceived growing threat of communism, such as the 1917 and 1918 Espionage and Sedition Acts. More recently, Congress has passed the USA PATRIOT Act in response to the 9/11 attacks and the perceived threat of domestic terrorism. Boykoff (2007) specifically singles out the PATRIOT Act as an example of an extraordinary rule and law that, “has the potential to affect the practice of dissent” (292). In other words, it is possible that citizen’s civil liberties and activists’ First Amendment rights may be infringed upon under the PATRIOT Act.

In addition to the PATRIOT Act, the Animal Enterprise Protection Act (AEPA) and the Animal Enterprise Terrorism Act (AETA) would also arguably fall under the realm of Boykoff’s extraordinary rules and laws clause. The AEPA and AETA, after all, were enacted in response to the perceived threat of growing animal rights radicalism. Critics of the AETA and the provisions contained within the reauthorization of the USA PATRIOT Act pertaining to the activities of animal rights activists (AR) have argued that such legislation has created a chilling effect on protected First Amendment activities (Goodman, 2007; Hill, 2010; Kahn, 2009; McCoy, 2007; Sorenson, 2009). These critics allege that legislation specific to animal rights activists was enacted to stifle dissent and protect the bottom line of corporations.

Boykoff’s point that the PATRIOT Act has the potential to stifle dissent can be similarly applied to the AETA – AETA also has the *potential* to repress activists working towards animal rights campaign goals. However, the findings in this qualitative study found that participants were largely unaware of legislation specific to the activities of AR activists. Over half of the sample stated that they were not familiar with the AEPA (6 out of 11). This lack of awareness

could be due to the fact that the AEPA was enacted nearly twenty-five (25) years ago.

Demographics wise, six (6) activists were middle-aged and the remaining five (5) activists were young adults. It could very well be that the age of the respondents impacted their familiarity with relevant legislation. The table below depicts the sample’s answers to whether they were familiar with or had heard of legislation pertinent to AR activists.

Awareness of AR-Specific Legislation among the Sample

Table 2

Awareness of AR – Specific Legislation	Animal Enterprise Protection Act (AEPA) 1992	USA PATRIOT Act 2001	Animal Enterprise Terrorism Act (2006)
Activist 1	No	Yes	No
Activist 2	No	Yes	No
Activist 3	Yes*	Yes	Yes*
Activist 4	Yes	Yes	Yes
Activist 5	No	No	No**
Activist 6	No	No	No
Activist 7	No	No	No
Activist 8	Yes	Yes	Yes
Activist 9	Yes	Yes	No
Activist 10	No	No	Yes
Activist 11	Yes	Yes	Yes
TOTALS	No (7); Yes (4)	Yes (7); No (4)	No (7); Yes (4)

*Activist #3 is not familiar with the specifics of AEPA or AETA but is aware in general that these laws deem activists as domestic terrorists.

**Interviewer did not ask this question after asking about AEPA and the PATRIOT Act because Activist #5 admitted that she was “terrible at politics” and was only aware of ag-gag laws.

The activists interviewed displayed the most familiarity with the USA PATRIOT Act out of all other types of AR-specific legislation. When asked if they were familiar with the PATRIOT Act, seven (7) out of eleven (11) activists stated they were aware of this Act. In regards to the most recent 2006 Act pertaining to AR activists, a slight majority or 55% of the sample stated that they were not familiar with the AETA (6 out of 11). The AETA is over six (6) years old, but the PATRIOT Act is even older (16 years). This discrepancy may be because the PATRIOT Act has been reauthorized several times and has broader implications on the privacy rights of citizens as a whole, versus the AETA which only affects a small portion of the

population (AR activists). The PATRIOT Act has also received more attention in the media and thus, more people may be more aware of this Act compared to the other two.

Overall, respondents who stated they were familiar with AR-specific legislation mostly gave indication that they were vaguely familiar with relevant Acts. Activists who stated they were familiar with AR legislation replied in a similar fashion. Of the PATRIOT Act, Activist #2 stated, *“I’ve heard of it and I know that they deem animal activists or advocates as terrorists essentially,”* while, on AEPA and AETA, Activist #3 said, *“I’m sure I do [know the legislation]. I just don’t know the years or titles. That’s the domestic terrorism, yeah?”* Regarding the AETA, Activist #10 also replied, *“I’ve heard of that but I don’t know like, the full extent of the text. Basically, the people that violate that are the people that let the animals out of the cage, labs, yeah?”*

Eight (8) out of eleven (11) activists (or roughly 73%) were familiar with at least one Act. Of those activists who affirmed familiarity with the AEPA, PATRIOT, or AETA Acts, only three (3) or approximately 27% displayed a strong confidence in their knowledge and understanding of *all* of these Acts. The ignorance among activists concerning AR-specific legislation presents a stark contradiction to that seen in previous literature (Goodman, 2007; Hill, 2010; Kahn, 2009; McCoy, 2007; Sorenson, 2009). As stated above, many critics of the aforementioned legislation argue that these Acts present a threat to AR activists’ free speech rights and creates a chilling effect on the movement. If the level of awareness among activists on relevant AR legislation is low, can it be argued that these Acts have a meaningful impact on the behaviors of AR activists?

Answering this question is challenging since the backgrounds of each activist interviewed varied widely. Some individuals were heavily involved in the movement and

partook in traditional forms of activism (protests, demonstrations, etc.) while others engaged in legal advocacy efforts (lobbying, working with local law enforcement, etc.). Still others had minimal involvement in the movement and either engaged in social media activism or prioritized other social justice movements ahead of animal rights. For the three (3) individuals who demonstrated a concrete understanding of AR legislation, two (2) were heavily involved in the movement and worked more so on legislative advocacy and vegan outreach. The third individual used to be heavily involved with the movement, but has since become consumed with other priorities. However, this activist was formerly justice involved because of his involvement with the radical AR movement, which would likely explain his acute awareness of AR-specific legislation.

Activist #4, best described as a legislative advocate, had this to say of AR-specific laws: *“I certainly feel like animal rights activists are targeted. By laws such as this... With these bills, with these ag gag bills, there’s definitely a deliberate effort to stop the animal rights and welfare movement...”* Here, even though her activism is entirely legal and she works within the system to effect change, Activist #4 still clearly feels that the AETA and PATRIOT Act have a negative effect on the movement.

While most activists interviewed were not able to articulate a familiarity with AR-specific legislation, many voiced concerns that such legislation was harmful to the movement. Additionally, because most of the activists interviewed were unfamiliar with legislation pertinent to AR activists, it would follow that it would be difficult for them to say such legislation had any tangible effect on their activism. A lack of awareness on their part, however, does not preclude law enforcement agencies from investigating and surveilling AR activists as potential domestic terrorist threats.

Theme 2: Endorsement of Non-Violent Tactics by AR Activists

The collaborative efforts of the legislature and the FBI have brought forth Acts like the AEPA and AETA, and have created specific provisions within the PATRIOT Act to broaden the powers of law enforcement agencies to investigate AR activists. This begs the question of whether the AR movement, through its use of illegal direct actions, has warranted the creation of the aforementioned legislation. In 1993, a year after the AEPA was passed, the Department of Justice and Agriculture released a report on crimes committed by activists from 1977 to 1993 (Potter, 2011). The report determined that 313 crimes had been committed during this time period, and that the most common offense was for petty vandalism (160 out of 313 incidents). The second most common offense was stealing or releasing animals (occurring 77 times). The report noted that no injuries or weapons were used for all of the 313 crimes listed.

The Foundation for Biomedical research created the “Top 20 List of Illegal Actions by Animal and Eco-Terrorists 1996 – 2006” and ranked the list in order of severity. The top three actions included one (1) arson and two (2) bombings in California, all of which resulted in no injuries according to the same report (Potter, 2011). The Southern Poverty Law Center alleged that the AR and environmental movements were responsible for more violent and illegal acts than any other social movement in the past few decades. Their report listed ninety-five crimes committed between 1984 and 2002, several of which included multiple incidents of “pie-ings,” where activists threw baked goods at individuals they were protesting against.

If pie-ings are being used as evidence that the AR movement is becoming increasingly violent, then the movement’s most stringent critics appear to be somewhat off base. Private entities, such as the non-profit organization and animal enterprise research group listed above, have worked with government entities like the FBI to issue a barrage of reports that caution the

American public about the terroristic nature of the AR movement. Following the government's lead, the media has reinforced the idea that AR and environmental activists are a domestic terrorism threat (Sorenson, 2009). This process is characteristic of Boykoff's (2007a) ninth and tenth action modes, mass media manipulation and mass media depreciation. In the former mode, the media publishes government information without question. In the latter mode, the media demonizes groups by associating them with a common enemy or frames a movement in such a way that activists are perceived as "ridiculous, bizarre, dangerous, or otherwise out of step with the public" (293).

In 2005, a FBI official stated that ALF, ELF, and SHAC-USA comprised the most serious domestic terrorism threats in the U.S. (Carson, LaFree, and Dugan, 2012; Goodman, 2007). Additionally, in a 2008 report issued by the DOJ, the department alleged that "eco-terrorists" were responsible for committing the majority of crimes associated with domestic terrorism in the U.S. (Carson, et al., 2012). The FBI's interest in environmental and animal rights groups can be traced back to 1987, when the bureau first defined an arson of a university lab as domestic terrorism (Potter, 2011). The construction of AR activists as terrorists by law enforcement agencies contributed to the creation of legislation that targeted the actions of activists. As the statements above indicate, AR activists were designated as being violent individuals committing crimes at alarming rates. To curb this perceived threat, federal legislation including the AEPA, AETA, and PATRIOT Act (along with state-level eco-terrorism bills and ag-gag laws) were passed in response to this threat.

As noted throughout, AR radicals have been identified as domestic terrorist threats by the FBI, Congress, and state legislatures that have introduced or passed various eco-terrorism bills. The FBI has made clear that it perceives AR radicals as a threat to national security and

government interests, and it would appear that on the state and local level, law enforcement agencies also perceive AR and environmental groups as a potential domestic terrorism threat in their respective jurisdictions. In fact, a recent report published by Kurzman and Schanzer (2015) found that out of 374 law enforcement agencies, environmental terrorism ranked as the top third domestic terrorism threat after right-wing anti-government extremism and jihadist extremism.

Even though environmental terrorism is currently among the top three threats of domestic terrorism, Freilich et al.'s (2009) study demonstrated that the groups or movements that law enforcement agencies believe to be the greatest potential security threats change over time. In 1993, a survey of police chiefs found that anti-abortion extremists and white supremacists were seen as the most likely to commit a terrorist act. A RAND study published in 2002 similarly found that local and state police agencies viewed anti-abortion extremists and right-wing groups as posing the greatest threat. Yet, in the post 9/11 era, Islamic jihadists, far right extremists, and environmental and animal extremists are the groups law enforcement agencies are most concerned about.

In Freilich and colleagues' 2009 report, environmental and animal rights activists were ranked as being the second and third national security threats. At the state level, these groups were ranked as being the fourth and fifth top threats. However, Kurzman and Schanzer's (2015) recent report indicates that law enforcement agencies may be directing their attention away from environmental and AR activists towards another potential threat: far-right anti-government radicals. Out of 382 law enforcement agencies surveyed, approximately 74% stated that anti-government extremists were among the agencies' perceived top three domestic terrorism threats. Environmental extremism ranked as being in the top three threats by 33% of law enforcement

agencies. It remains to be seen whether or not animal rights activists will continue to be of interest to policing agencies in the near future.

While the literature is in agreement that the AR movement is largely non-violent and that violent illegal acts are overwhelmingly directed at property rather than people (Carson, et al., 2012), other critics feel that label of domestic terrorism when applied to environmental and AR activists is warranted (Grubbs, 2010). A consequence of the Green Scare is that the radical sector of the movement along with the commission of illegal acts has been steadily declining since the height of contention between law enforcement and AR activists, ending in 2006 (Glasser, 2011). Violence as a recourse among AR activists, however, has always been practiced by a small segment of individuals in the movement and was never the norm. The responses given by the sample of activists on their view regarding the use of violence reinforces the notion that the majority of individuals in the AR movement espouse non-violent views.

On the question of whether it was acceptable to use violence as an AR or environmental strategy, the vast majority of participants, (8 out of 11), again, roughly 73%, stated that violence was not an acceptable means to achieve AR or environmental goals. Activists made clear that the use of violence was unacceptable and detrimental to the movement overall. For example, Activist #2 stated, *“I think that those kinds of actions (violence) kind of, well, ruin the kind of work that we’re trying to do,”* while Activist #9 said, *“It kind of flies in the face of the whole point of loving the environment and animals, right?”* Similarly, Activist #10 pointed out the harmful aspects of using violent tactics: *“One of the biggest problems is that we get labelled as either domestic terrorists or as nutty, crazy activists. And it doesn’t help the cause...”* These comments were the norm throughout the vast majority of interviews. The sample’s views on the acceptability of violence towards humans and as an AR or environmental strategy are outlined in

Table 3 below. The first two columns were gleaned from answers to questions in the interview script asking respondent's whether it was ever acceptable to harm a human or threaten harm. The third column includes responses from the sample about whether violence was an acceptable strategy to obtain AR or environmental goals.

Responses on the Acceptability of Violence
Table 3

Views on the use of Violence	Harming a Human	Threatening Harm	Violence as an AR or environmental strategy
Activist 1	Acceptable under certain conditions	Acceptable under certain conditions	No
Activist 2	Acceptable under certain conditions	Acceptable under certain conditions	No
Activist 3	Acceptable under certain conditions	Acceptable under certain conditions	Yes*
Activist 4	Never acceptable	Never acceptable	No
Activist 5	Acceptable under certain conditions	Acceptable under certain conditions	No
Activist 6	Never acceptable	Never acceptable	No
Activist 7	Acceptable under certain conditions	Acceptable under certain conditions	No
Activist 8	Never acceptable	Never acceptable	Yes
Activist 9	Acceptable under certain conditions	Acceptable under certain conditions	No
Activist 10	Never acceptable	Never acceptable	No
Activist 11	**	**	Yes
TOTALS	Acceptable (6); Never (4); N/A (1)	Acceptable (6); Never (4); N/A (1)	No (8); Yes (3)

*Activist #3 believes it is okay to publicly shame fur wearers and admits that people may consider that to be a form of harassment. It is debatable whether "fur shaming" constitutes a violent AR strategy.

**Activist #11 was not ready to be quoted on whether harming a human or threatening harm was ever acceptable, and so declined to answer those two questions.

The three (3) activists who did not outright reject violence as an AR strategy provided different justifications for why violence could be effective. Activist #3, for example, stated that while her activism isn't always legal, she believed that, "*as long as it's non-violent, then I think it's fine.*" On the other hand, she also disclosed that she actively participates in an AR strategy known as "fur shaming," in which activists directly confront people wearing fur and aggressively

question them on the ethics of their clothing choices. Activist #3 realized that people might interpret fur shaming as a form of harassment, but that she didn't care if it meant they would eventually stop wearing and purchasing fur.

For Activist #8, it was evident there was some confliction in her answer but that, ultimately, she believed violence could be used if it brought attention to the cause: *“That’s a tough one, for a lot of advocates, because sometimes the only way to bring about change is to do something extreme, to call attention to it. Hopefully without harming anyone or their business.”* On a personal level, Activist #8 was able to articulate the negative effects of violence and radicalism in the AR movement.

“...I think as an advocate, if somebody views me as an extremist and if it’s somebody on the other side of the table who represents me or has the power to influence legislation, they’re not going to take me seriously if they see me as a radical.”

Last, Activist #11 stated that violence could be effective on a “*case-by-case basis*” but that it was debatable whether violent tactics were effective on a long-term basis.

The research question on the acceptability of using violence as an AR tactic did not specify what exactly constituted violent actions. It was up to participants to personally decide what violence meant to them, inclusive of what they thought was acceptable.

The researcher also asked participants whether they thought harming a human or threatening harm was ever acceptable. This question was asked before querying activists about whether violence was acceptable as an AR strategy. A small majority (6 out of 11) believed that harming or threatening humans was acceptable under conditions, specifically as a means of self-defense. Four (4) activists believed that violence was never acceptable. One (1) activist did not

provide an answer to these two questions, stating that he was not ready to be quoted and had not fully thought about the answers to those questions.

The qualitative results from this study suggest that activists in the sample generally disapprove of using violence as a tactic in furtherance of AR or environmental goals. Furthermore, activists that were interviewed believed that the use of violence in the movement negatively impacts the broader AR movement. While there were a few activists who believed that the use of violence had some value in the movement, these individual's statements were the exception rather than the rule. When it came to the acceptability of violence against people, violence was largely seen as acceptable but only as a matter of self-defense. This finding is new to the literature and future studies should focus on violence as self-defense.

Theme 3: Surveillance on Three Fronts – Law Enforcement, Private Entities, and Animal Enterprises

The fourth action mode of Boykoff's (2007a) mechanism-based social movement theory is the most relevant mode according to this study's line of research. Surveillance is recognized as being a commonly employed tool against political dissidents and is often performed by either local law enforcement or the FBI. Activists interviewed disclosed that, although they experienced both direct and indirect forms of surveillance, they more frequently encountered direct surveillance where they could visibly see that they were being monitored. As far as overt versus covert surveillance, only three (3) activists reported that a law enforcement agent or government entity directly informed the activists that they were being monitored.

These three participants, Activists #1, #2, and #11, all had different backgrounds. Activist #1 reported that local law enforcement officials informed her and other activists that they knew

who the activists were. Activist #2 was informed that the U.S. Department of Agriculture and the Wildlife Commission were monitoring the group's social media. As a formerly justice-involved individual and branded domestic terrorist, Activist #11 circumstances differ in that being told he is being watched by law enforcement agencies is part of his legal status. As far as their views on violence that may warrant instances of overt surveillance, Activist #1 and #2 believed that violence was only acceptable for reasons of self-defense and did not believe violence was acceptable as an AR strategy.

The primary purpose of this research was to document the extent and impact of surveillance in the AR movement. By interviewing eleven (11) activists in the states of Nevada, Colorado, and Oregon, this research attempts to provide insight into the extent to which activists are being surveilled but is only able to make conclusions based upon this sample. The researcher expected to find some level of policing and surveillance of activists by law enforcement agencies, but did not anticipate that other agencies would also be engaging in the surveillance of activists. The data revealed that, in addition to being surveilled by law enforcement, activists were also subject to being monitored or interfered with by private entities and animal enterprises. Here, private entities refer to either private security or privately owned intelligence groups. Animal enterprises refer to entities that utilize animals for purposes of profit, such as circuses, petting zoos, or businesses featuring animals as entertainment attractions. Activists in the sample appeared to be more concerned with the surveillance efforts and disruptive behavior of the latter two entities versus law enforcement agencies.

The table below is in reference to whether respondents answered that they had experienced certain indicators of surveillance by law enforcement agencies (L), private entities (P), or animal enterprises (A).

Indicators of Surveillance Experienced by the Sample
Table 4

Indicators of Surveillance	Photographed or Videotaped at Events	Police or other agencies Driving by or Parking by Events	Followed or stopped by Law Enforcement, Private/Animal Enterprises	Presence of Undercover Agents at Events	Concerns of Group Infiltration	Suspects Email or Phone is Being Surveilled
Activist 1	Yes (L)	Yes (L)	Yes (L)*	Yes (L)	Yes (L)	Unsure
Activist 2	Yes (L)(A)	Yes (L)	Yes (P)	No	Yes (A)	Yes (L)
Activist 3	Yes (L)(A)	Yes (L)	Yes (L)(P)	No	Yes (L)	No
Activist 4	No	Yes (L)	No	No	No	Yes (L)
Activist 5	Yes (L)(P)(A)	Yes (L)	No	Yes (L)	No	Unsure
Activist 6	Yes (L)	Yes (L)	No	No	No	N/A**
Activist 7	Yes (L)	Yes (L)	No	No	No	N/A**
Activist 8	No	Yes (L)	Yes (A)	No	No	Unsure
Activist 9	No	No	No	No	No	Unsure
Activist 10	No	Yes (L)	No	No	No	No
Activist 11	Yes (L)(P)	Yes (L)	Yes (L)	No	Yes (L)(P)	Yes (L)
TOTALS	Yes (L=7, P=2, A=3). No=4	Yes (L=10). No=1	Yes (L=3, P=2, A=1). No=6	Yes (L=2). No = 9	Yes (L=3, A=1, P=1). No=7	Yes (L=3), Unsure=4 No=2

*In this instance, Activist #1 was not personally followed but knew of members in her group that had experienced being followed or noticed suspicious vehicles parked outside of their homes.

** Activists 6 & 7 do not have phone service and have limited internet access.

The actions of law enforcement agencies, most commonly local law enforcement agencies versus state or federal authorities, are the most visible as noted in Table 4. The most frequently cited type of encounter between activists and law enforcement was the occurrence of police driving by or parking near AR activists' events. Almost every person interviewed recalled this happening at one of their events (10 out of 11). The way in which this phenomenon was interpreted, however, varied greatly.

Two activists reported being quite perturbed by the actions of a police patrol vehicle in constantly circling around and parking at park near a Food Not Bombs event where they were volunteering. They referred to this incident as, “*police scare tactics*” and as an example of “*police harassment.*” Another two activists reported that police presence at their organized

events was not a method of intimidation but rather a precautionary measure taken by police to ensure the safety of activists.

For example, Activist #8 stated,

“There have been police that will drive by events. Usually that’s in response to us notifying them ahead of time if we’re going to be doing a protest, so we always try to follow the right protocols, not in a threatening way, but I understand that especially in California, where there’s so many more activists that there have been instances where they have felt threatened by police at times. Or intimidated I should say.”

Similarly, Activist #10 said, *“We’ve had police at larger protests, but not in a negative way they’re just there to kind help and make sure people are clear of traffic, and kind of things like that. They’re always very, very friendly.”* Clearly, the way activists view police presence at their events differs according to the perspective of each individual. Future research on activists’ understanding of and acceptance of police presence and surveillance observations need to be continued.

The second most common indicator of surveillance experienced by activists was being photographed or videotaped by law enforcement agents, private entities, or animal enterprises. All seven (7) activists who indicated they had been photographed or videotaped reported that law enforcement agents were the ones engaging in these actions. Animal enterprises were the second most likely to be reported photographing or videotaping activists (3 out of the 7). Private entities were also described as photographing or videotaping activists by two (2) participants.

The third most commonly experienced indicator of surveillance was being followed by law enforcement agents, private entities, or animal enterprises (5 out of 11). Law enforcement agents were found as being the most likely to follow activists (3 out of the 5), but this frequency

was not that much further ahead of private entities (2 out of the 5) and animal enterprises (1 of 5). One activist reported being followed multiple times, once by law enforcement and another by private security. Other less common indicators of surveillance included noticing the presence of undercover activists at events (2 out of 11), concerns about group infiltration (4 out of 11), and suspicions of whether activists believed they were experiencing any phone or email surveillance (3 out of 11).

This qualitative data shows that the majority of activists can speak to some interaction with the police regarding their activism. While some activists noted that these interactions were positive, others described a distinctly negative association in their interactions with police. As noted earlier, the extent to which activists in the sample are involved in the movement as well as the types of activism they choose to engage in vary widely from person to person. The wide variability in the participant's responses to the interview script questions on indicators of surveillance reflects this. An activist who takes a less visible approach to activism (social media activism), for example, would not be able to answer in the affirmative for many of these questions. To see the differences between the activists, please refer to the participants' short biographies in the Appendix section.

A recurring concern among activists regarding surveillance and policing efforts was aimed at private entities and animal enterprises rather than law enforcement. This could perhaps be because activists see the action taken by law enforcement as legitimate in comparison to the actions taken by private entities or animal enterprises. It also could be due to the fact that many activists relayed narratives where these entities more frequently engaged in hostile actions against activists. Three activists recounted their experiences with animal enterprises in which they were threatened, followed to their cars, and had water thrown on them. One activist reported

that an animal enterprise owner utilized a drone to surveil AR activists and had photographed her license plate. Private entities were reported as engaging in less threatening behavior, but were still perceived as a threat to the AR movement.

Of private entities, Activist #11 stated, “...*but there’s private intelligence groups that are in some ways even more of a threat than the FBI. These are groups that are just paid by animal dealers to spy, infiltrate, and spread dis-information. That’s certainly a concern.*” To illustrate the threat private entities pose to AR activists, Activist #2 also stated,

“I also know of a couple people that have been followed home by security from different venues... There was an incident a couple years ago down in Florida where um the guy was threatened by personal security and followed home.”

Of animal enterprises, specifically circuses, Activist #3 said, “*Every circus protest they film here. Yeah. Many times. They were in my face. They didn’t hide it. They took a picture of my [license] plate.*”

Overall, findings suggest that law enforcement agencies are the most likely to engage in behaviors indicative of surveillance of activists, but many AR activists report that the actions of private security and animal enterprises are more worrisome. This may be because the tactics of private security and animal enterprises are more confrontational and threatening in nature.

Activists’ personal experience with violence may explain why so many activists advocated for the use of violence as a means of self-defense. Additionally, activists’ dismissal of police activity may also stem from the belief that police and law enforcement agencies intentions are benign and that police are present at events to protect the safety of the protestors (rather than as a visible show of force to intimidate protestors). Future research should attend to these complexities

inclusive of more in-depth studies on the use and impacts of surveillance via private and animal enterprises.

Theme 4: The Impact of Surveillance on AR Activism

According to the literature, the threat of being surveilled has chilled AR activism and the movement overall (Goodman, 2007; Sorenson, 2009; McCoy, 2007; Hill, 2010; Kahn, 2009; Potter, 2011). Glasser (2011) states AR-specific legislation and government repression directed at the movement has solidified the moderate sector (i.e., Humane Society) and caused a significant decrease in AR radicalism (i.e., acts associated with ALF). On a smaller scale, this thesis attempted to capture the impact of surveillance in the lives of activists years after the height of contention occurred between AR activists and the government (2001 – 2006). Are fears of surveillance still relevant more than ten years after this height of contention?

When asked about how surveillance has impacted their activism or the movement as a whole, the majority of activists responded that surveillance's impact has been minimal. Out of the eleven (11) activists interviewed, only five (5) could articulate reasons for how surveillance (or fears of it) impacted them on a personal or movement level. When asked about how surveillance has impacted specific behaviors, like modes or frequency of communication, participants were more likely to affirm instances where the fear of surveillance impacted their behavior somehow.

Table five (5) depicted below illustrates the four (4) most commonly identified impacts of surveillance given by the participants in the sample.

The Top 5 Impacts of Surveillance Experienced by Respondents

Table 5

Impact of Surveillance	Internal struggles about how to deal with surveillance?	Changed your method or amount of communication?	Uncomfortable working with particular groups?	Are people unwilling to do certain kinds of work?	Does surveillance has an impact on your activism or the movement?
Activist 1	No	Yes	Yes	Yes	No
Activist 2	No	Yes	Yes	Yes	Yes
Activist 3	No	No	No	No	No
Activist 4	No	No	No	No	Yes
Activist 5	Yes	No	No	No	No
Activist 6	Yes	No	No	Yes	Yes
Activist 7	No	No	No	Yes	Yes*
Activist 8	No	Yes	No	No	Yes
Activist 9	No	No	No	No	No
Activist 10	Yes	No	Yes	Yes	No
Activist 11	Yes	Yes	Yes	Yes	Yes
TOTALS	No (7); Yes (4)	No (7); Yes (4)	No (7); Yes (4)	Yes (6); No (5)	Yes (6); No (5)

Activist #7 agreed that surveillance impacted the movement, but did not articulate how or why.

The most frequently cited impact of surveillance was that activists reported people were unwilling to do certain kinds of work or get more involved in the movement because of fears of surveillance. A small majority (6 out of 11) attributed people’s reluctance to engage in certain activities out of fears of being surveilled. Two activists reported that many individuals were leery of signing petitions or writing letters to Congress because of fears of surveillance. For example, Activist #11 reported that instances where people were afraid to engage in certain activities due to fears of surveillance were innumerable.

“I feel like my life is one big tidal wave of people not willing to do things because they’re afraid. I wouldn’t even know where to start. It’s literally like drinking from a fire hose even trying to think of an example of that.”

The second most common impact of surveillance was actually a tie between three categories: experiencing internal struggles on how to deal with surveillance, whether surveillance

has impacted the method and amount of activists' communication, and whether activists felt uncomfortable working with other groups due to fears of surveillance. Eight (8) different activists reported that they had experienced at least one of three aforementioned impacts of surveillance, while five (5) activists felt multiple impacts of surveillance.

Regarding the incidence of internal struggles on how to deal with surveillance, Activist #10 shared that she left a group she was a member of because she felt the leader of the organization was overly paranoid about her fears of surveillance.

“That was one reason I left (her former group) because I felt that (a leader in the organization) was a lot more paranoid about people watching us and watching everything that we were doing. Like that thinking that everyone was out to get out us. And I’m a lot less like that because I don’t see any proof of that. So that was a constant internal struggle. She always was worried that someone was watching us.”

Activist #5 provided a story of how she and another member disagreed about how much information to share on social media about the group's events and whether it was acceptable to “tag” members on Facebook. This member was worried about surveillance and valued her privacy. The end result was that the member decided to leave the group because of a discrepancy over how to handle members' privacy.

The communication of activists was noticeably impacted by those who reported that fears of surveillance had altered either their method or amount of communication. Activist #1 and Activist #8 shared that fears of surveillance prompt them to be acutely mindful of what they communicate, especially over platforms that can be viewed by others. Activist #1 also relayed a story about how those same fears impacted a former group she was a member of: “*I used to be a*

part of a socialist organization and the security was very strong a group. Their communications were very tight. It's exhausting because they were all on a list or in conflict."

The internal or private group communications of Activist #2 were not impacted by fears of surveillance as in the case of Activists #1 and #8, but her outward public posts on social media were impacted by these fears. As she notes,

"We try to make sure that our calls for actions are written in a way that doesn't cause alarm and so that law enforcement doesn't take an active interest in what we're doing [in reference to posts on a Facebook page]" ...we are always very careful with what we post and what we allow on the page."

As far as whether activists felt that surveillance impacted their willingness to work with certain groups, participants disclosed varying reasons for why they were hesitant to partner with different AR groups. Activist #1 was concerned about working with groups that were known to be under surveillance. Activist #2 stated that after learning that a potential partnering group was not properly vetting its members, her group displayed more "*caution*" about working with that group.

Activist #10 stated that a hesitancy to work with other groups "*definitely happens*" among AR activists because each group has their own established connections, sometimes with members of law enforcement or congress. Finally, Activist #11 added that members of larger mainstream AR groups have been tentative in working with underground activists: "*It's a big, big, big, concern on the part of certain groups, bringing any sort of law enforcement attention or the stigma of people who have gone to prison down on them, so that's a very real thing.*"

Qualitative data gathered from this study also yielded some unexpected findings. One of the questions in the script about the impacts of surveillance asked participants if they have seen a

drop in new members. Activists overwhelmingly agreed that they have witnessed an increase rather than a decrease in people getting involved in the movement. Seven (7) activists actually reported an increase in new members, whether or not new members identify themselves as activists, radicals, or moderates, etc., is unknown. Only one (1) participant stated that she had seen a decline in new members due to the current political state of the country (Activist #2). Activist #11 also imparted that he has seen a “dramatic” overall decline in underground activities in recent years, which concurs with Glasser’s (2011) finding that the radical sector in the movement has been steadily declining since 2006. Notably, Activist #11’s view of a decline in ALF membership and underground activities diverges from most other participants’ perceptions (who were mainly comprised of moderates) that membership in aboveground activism and the movement overall is increasing. The experiences of Activist #11, as a former ALF member, differ from the majority of the sample here.

At the conclusion of the interview, activists were asked to provide a summary of their perception on how surveillance or fears of surveillance has impacted their own activism as well as on the movement overall. A little less than half (45%) of the sample agreed that surveillance had impacted them or the movement in some form in addition to supplying reasons for why they felt that way. Surprisingly, three (3) activists had answered affirmatively that surveillance had impacted them earlier in the interview script but came to the conclusion that surveillance had no impact on either their work or the movement. The five (5) activists who stated that surveillance had no or minimal impact on them personally or the movement expressed the view that surveillance was only a threat to underground activists or activists who engaged in more visible forms of dissidence. There was also the perception that because the AR movement in the main research site location is relatively small, it would not attract the attention of the authorities.

For the remaining (5) activists who articulated reasons for why they felt surveillance impacted them or the movement, a couple of participants pointed to the impacts of AR-specific legislation. Activist #11 voiced concerns that “*ambiguously worded laws*” work to instill fear in the movement by causing members to constantly question the legality of their activities. Activist #8 noted how the rhetoric surrounding AR activists regarding domestic terrorism might make some people more hesitant to become involved in the movement:

“I think it’s possibly impeded it for those who are hesitant to get involved now because they think they’ll be automatically labelled as domestic terrorists, or so forth, they don’t really understand what the language of the law involves regarding that label.”

Activist #2 stated that fears of surveillance impacted her personal actions by prompting her to be more cognizant of what she writes or posts and generally be more cautious than she has been in the past. Activist #4 believed that surveillance or fears of it made it harder for law abiding activists like herself to operate in investigating cases of animal cruelty. She also felt that AR activists were being unnecessarily targeted, “*I think it makes it harder. Anytime that there’s barriers to free speech, we have an issue. And we have a special situation where animal rights activists are targeted when other people aren’t.*”

While Activist #3 stated that she did not believe surveillance had impacted her behaviors or affected the movement overall, she did disclose that she made a conscious effort to, “*not think*” about surveillance because she believed this line of thinking could have a negative effect on her activism. She also stated that she was well aware of threats of surveillance before she became an active member in the movement.

Activist #11 stated that surveillance has had a “*tremendous impact*” on the movement but not on his own personal behaviors. Like Activist #3, he argued that surveillance didn’t

impact him personally since he believed surveillance was simply part of being an activist.

Concerning the movement, Activist #11 contends that fear of surveillance and paranoia rather than the actual occurrence of surveillance has done more to weaken the movement. He notes,

“And then I think the bigger impact has just been, you know, the police put themselves outside of our houses but then they put themselves in our heads, and that’s where it really gets dangerous, because people walk around with this cop in their head that always has them wondering if this previously legal thing that I’ve been doing is going to get me arrested... There’s a lot of ways that people start to police themselves and I think that’s where the real damage has been done.”

Legislative advocates, visible activists, and the underground activist reported that they had been impacted by surveillance in some form or another. Eight (8) activists or 73% of the sample reported that they had experienced one of the top four impacts of surveillance (people were unwilling to do certain kinds of work due to fears of surveillance, experiencing internal struggles on how to deal with surveillance, whether surveillance has impacted the method and amount of activists’ communication, and whether activists felt uncomfortable working with other groups due to fears of surveillance), although only 45% of activists interviewed confirmed that surveillance or fears of it had impacted them personally or the movement overall.

CHAPTER 8

DISCUSSION & CONNECTIONS TO SIMILAR RESEARCH

According to Glasser (2011), the height of repression against the animal rights (AR) movement has declined since 2010 with a corresponding decline in radical direct actions against animal enterprises. As evidenced by the ongoing trial of defendants Kyle Lang and Kevin Johnson, radicals who take direct action are still at risk of being labelled domestic terrorists. More recently, on March 7, 2017, Secret Service issued a court summons for Berkeley activist Paul Picklesimer in relation to a protest that occurred in Modesto, California at a Bernie Sanders rally in June 2016. Picklesimer is being charged for entering a restricted area at the rally nearly eight (8) months after the incident took place and faces up to one year in jail or a fine of \$100,000 if convicted.²⁴ Picklesimer claims he was chanting and holding a banner at the rally when Secret Service grabbed him and pulled him over the rails into a restricted area, which was captured on video. In another recent example, fifteen year-old Ateret Goldman surrendered to Boulder, CO police after a warrant was issued for her arrest on March 2, 2017. Goldman is being charged with a felony complaint of criminal mischief and a misdemeanor charge of criminal tampering at the behest of grocer Whole Foods for placing flowers on raw meat.²⁵ The Green Scare era may not be as pronounced as it was seven years ago, but repression against AR activists still persists.

The overall goals of this study were to examine the extent and impact of surveillance on the AR movement. Participants' reports of their own encounters with indicators of surveillance would inform the question of the extent to which AR activists are being surveilled. Participants'

²⁴ Retrieved from <http://www.dailycal.org/2017/03/09/berkeley-animal-rights-activist-races-federal-charges/> Accessed 3/14/17

²⁵ Retrieved from <http://kdvr.com/2017/03/07/whole-foods-funeral-protest-leads-to-felony-charge-for-boulder-teen/> Accessed 3/14/17.

responses to questions in the interview script that attempted to gauge the impact of surveillance on participants' individual activism, their group, and the movement answered the research question that sought to discern the impact of surveillance on the AR movement on multiple levels. Because the literature emphasized the importance of the Green Scare in curbing the activism of AR and environmental activists, the study also attempted to detect the potency of the Green Scare nearly a decade after the height of contention in the AR movement. The responses to the study's purpose to examine the extent and impact of surveillance on the AR movement can help determine the Green Scare's persistence.

In interviewing the sample of activists in the research site location, it was found that the majority were not familiar with the AEPA, USA PATRIOT, or AETA Acts. Less than half (45%) of the sample had heard of or were familiar with the AETA and AEPA. Activists were most familiar with the USA PATRIOT Act (64%). While the USA PATRIOT Act and the AETA are still being used to investigate and surveil activists, the sample in this study did not seem to be personally affected by the aforementioned legislation. Most activists acknowledged that they did not engage in illegal forms of activism and so believed they were unlikely to be persons of interest to local and state authorities. Three activists well versed in AR-specific legislation argued that the existence of these Acts was detrimental to the movement because it unfairly singled out AR activists and blurred activists understanding of what was henceforth legal or illegal.

Legislation pertaining to the actions of AR activists was partially created by the argument that the AR movement was becoming increasingly violent. While Glasser (2011) did find evidence that there was a rise in radical attacks, this increase took place from the late 1980s until it began steadily decreasing in 1997, reaching its lowest point in 2006. Despite radical incidents

being at an all-time low in 2006, the AETA was still authorized that year. The FBI and DOJ also continued to issue reports alleging that AR radicals were a serious domestic terrorism threat and responsible for the majority of domestic terrorist crimes as recently as 2005 and 2008. The data presented in this research finds that activists in this sample strongly disapprove of using violence as a strategy to obtain AR or environmental goals. Eight (8) activists (73%) said violence under these circumstances would never be acceptable, while two (2) activists in the sample (18%) felt that violence could either help draw attention to a cause or be effective on a case-by-case basis. One (1) activist felt that harassing fur wearers was justifiable as an AR strategy.

When asked their views about the acceptability of harming a human or threatening harm, six (6) activists in the sample (55%) stated that violence was acceptable under certain conditions. The activists unanimously stated that harming or threatening a human was acceptable only in cases of self-defense. As was later saw, many activists experienced feeling threatened or recalled facing hostile treatment by animal enterprises and private entities. If activists are routinely exposed to this type of environment, it would make sense that they would emphasize violence as a means of self-defense to protect themselves. Even when faced with hostile situations, four (4) activists insisted that violence against humans was never acceptable in any situation. They reasoned that there were other ways to deal with confrontation.

Activists were found to be experiencing surveillance by multiple organizations or businesses, including law enforcement agencies, animal enterprises, and private entities. As expected, surveillance was most salient at protests taking place in the public. Activists were most aware of surveillance or police presence at events. The most common indicator of surveillance presented was the occurrence of police driving by or parking near activist events. Ten (10) activists in the sample (91%) reported experiencing this at events. Activists differed in how they

interpreted this event, with some expressing the view that it was a method of intimidation and others arguing that it was for the benefit of activists' safety. Notably, this phenomenon was solely practiced by law enforcement. Activists did not report that animal enterprises or private entities engaged in this type of behavior.

Another salient indicator of surveillance experienced by activists (64%) was being photographed or videotaped by representatives of law enforcement agencies, animal enterprises, and private entities. Out of three organizations or businesses, law enforcement officials were found to be the most likely to engage in this behavior, followed by animal enterprises and then private entities. The third most common indicator of surveillance was being followed, with 45% of the sample reporting experiencing this at some point. Again, law enforcement officials were the most likely to follow activists, followed by private entities, and then animal enterprises.

Animal rights activists are experiencing different forms of surveillance on three different fronts. Activists who engage in more visible forms of protest are more likely to experience indicators of surveillance because they are in a public forum and often come into contact with representatives of law enforcement, animal enterprises, or private entities. The findings in this study highlight the fact that surveillance is not a phenomenon limited to the radical sector of the AR movement. Mainstream activists engaging in legal protest may be surveilled as well.

While the researcher expected to find instances of state-sponsored surveillance, the testimonies of the activists in the sample pointed to many instances of private-sponsored surveillance as well. Interestingly, activists often felt more threatened by private-sponsored surveillance conducted by animal enterprises and private entities. As one activist argued, the surveillance efforts of private security groups may be more harmful to the movement than that of the government or law enforcement.

The top four most commonly described impacts of surveillance among interviewed activists were findings that people were unwilling to do certain kinds of work due to fears of surveillance, groups were experiencing internal struggles on how to deal with surveillance, surveillance had impacted the method and amount of activists' communication, and that activists felt uncomfortable working with other groups due to fears of surveillance. The foremost impact of surveillance according to the activists was an unwillingness of members to partake in certain activities, experienced by 55% of participants. The latter three categories on impacts of surveillance produced an identical rate where 45% of the sample indicated they had experienced either internal struggles on how to deal with surveillance, it had impacted the method and amount of activists' communication, and that activists felt uncomfortable working with other groups due to fears of surveillance. Eight (8) activists total indicated that they had been impacted by surveillance in at least one form.

Although eight (8) activists in the sample (73%) stated that surveillance had impacted them in some way or affected the relations or operations of their group, less than half (45%) agreed that surveillance had impacted them personally or has an effect on the movement overall. Many activists reasoned that since their activities were legal, it was unlikely they would be surveilled or be deterred from engaging in activism. Most activists, however, were referring to state-sponsored surveillance in this regard. On the other hand, some activists who admitted to engaging in illegal actions during the course of their activist events, such as trespassing or direct actions, also did not believe that surveillance had impacted them personally.

A few activists expressed the opinion that surveillance was an inevitable part of being an activist, but were adamant that movement goals overrode their fears of surveillance. An unexpected finding of this research was that 64% of the sample reported seeing an increase in

new members. While much of the literature conveyed a concern that AR-specific legislation and the increased investigation and/or policing of activists under the Green Scare era would chill the movement, the results in this study do not point towards a chilling of the AR movement. In fact, they suggest the opposite. According to the activists interviewed, the AR movement is growing.

Last, most activists interviewed indicated that they were fearful or anxious of how AR activists would be treated under the Trump administration. Activists across the spectrum voiced concerns about how they would be treated under the current Trump Administration. They voiced concerns that prosecution, surveillance, and policing of activists may increase in the future.

Connections to Previous Similar Research Completed

The findings presented herein connect to previous research by Carson et al. (2012) by demonstrating that AR activists generally disavow using violence as an AR strategy. Like Carson's and colleagues study, interviewed participants thought that violence was counter-productive and counter-intuitive to the goals of the movement. However, participants in the present study and Carson et al.'s study also expressed a certain kind of admiration for those AR activists who engage in radical direct actions (i.e., breaking and entering into a facility for the purpose of freeing animals).

Additionally, the findings presented in this study connect to Starr et al.'s (2008) research on the impact of surveillance on activists in leftist social movement organizations. The previous research conducted by Starr and colleagues compared levels of surveillance on activists in the twenty-first century to levels seen during the height of COINTELPRO era during the 1960s and '70s. These repressive levels of surveillance produced a myriad of effects on activists' individual and group activism, including a marked drop in new members, reluctance among members to

assume leadership positions, changes in internal group communication, and the self-labeling of members as deviant.

The current study has some similarities with Starr et al.'s study, but includes some notable differences as well. About 91% of the sample in the current study had experienced at least one of the top four most commonly reported indicators of surveillance, which corresponds to Starr et al.'s (2008) high levels of surveillance among social movement organizations. The major difference is that, participants in Starr et al. noted significant impacts of surveillance on their respective and movements and organizations, while slightly less than half of participants in the current study (45%) agreed that surveillance impacted the AR movement. The disconnect among participants in experiencing indicators of surveillance yet denying any impact of surveillance is notable, here. Many of the reported impacts of surveillance between this study and Starr et al.'s were similar: participants in both studies were impacted in the way they communicated internally and outwardly, members were more reluctant to perform certain tasks or duties, disagreements on how to maintain the security and privacy of members resulted in group discord, and like-minded organizations became more cautious about working together.

The main divergence between Starr et al. (2008) and the current study is the impact of surveillance on group membership through the recruitment of new members. While Starr and colleagues reported a significant drop in both new and existing members due to fears of surveillance, the current study found that 64% of participants stated a noticeable increase in new members. Of existing members who dropped out of the movement, most participants opined that this was due to burnout or inconclusive personal reasons (rather than because of fears of surveillance). Starr et al. predominantly examined anti-war, globalization, immigration, or prison/policing issues groups. This study was solely focused on AR activists. Future research

should compare the membership levels of AR groups versus other leftist or social justice groups related to impacts of surveillance.

A new finding independent of Carson et al. (2012) and Starr et al. (2008) is the involvement of private intelligence/security groups and animal enterprises in conducting surveillance on AR activists. Similar to Walby and Monaghan's (2011) research where AR activists were being surveilled by private entities in collusion with law enforcement agencies in Canada, U.S. activists in the current study were also being surveilled by private entities. The phenomenon whereby activists are being surveilled by private entities, then, is not exclusive to Canada. Future research should seek to explore the level of involvement private entities have in surveilling AR activists in the U.S., although this topic might be difficult to access seeing as how private businesses and groups are not obligated to share private records of such accounts.

As noted earlier, another unexpected finding of the study was that participants frequently identified animal enterprises to be a significant threat that loomed larger than the threat posed by law enforcement agencies. This was mostly because participants had often encountered harrowing experiences with animal enterprises, specifically with circuses. Participants often shared they had personally experienced hostile or violent encounters with circus actors (precipitated by the circus actors) or could relate a similar story of an activist known to them. Another possible future research direction could examine the levels of violence directed at AR activists by circus employees.

CHAPTER 9

CONCLUSION

The purpose of the current study was firstly to discern the extent of surveillance among participants within the AR movement. Almost all of the participants in the sample (91%) had experienced at least one indicator of surveillance. Based on this finding, the study herein asserts that activists in the AR movement are likely to encounter indicators of surveillance and that the extent to which the activists in this sample encounter this phenomenon is quite frequent. Next, the second purpose of this research was to examine the impact of surveillance on the AR movement. The findings from this study found some support for impacts of surveillance on activists' individual actions, their group, and the movement as a whole. Last, based on the findings related to the extent and impact of surveillance on AR activists, this study also attempted to the resilience of the Green Scare today in impacting the activism of AR and environmental activists. Because activists in this sample exhibited a high rate of experiencing indicators of surveillance and many could identify an impact of surveillance on their own activism and their group operations, this study is inclined to conclude that the Green Scare is not over.

Guided by Boykoff's (2007) mechanism-based social movement theory, the findings of this study lend support to this study. Activists in the larger AR movement have contended with government repression such as extraordinary rules and laws embodied in the AEPA, PATRIOT Act, AETA, and various state eco-terrorism bills. They have notable experiences with overt and covert forms of surveillance that impacts the movement on multiple levels (individually, group, and the movement). These forms of government repression have worked to create paranoia and dissuade activists from working with like-minded groups, created internal dissension, and

impacted group resources (human and material capital). The final component in Boykoff's theory occurs when steady government repression results in the demobilization of a social movement organization or the withdrawal of activists from their political claims making activities. Interestingly, despite being affected by extraordinary rules/laws and surveillance, government repression in this study has not resulted in demobilization. In fact, the opposite has occurred since 66% of the sample reported an increase in new membership.

This research incorporated views from activists of varying backgrounds. Some were legislative advocates and social media activists, while others were traditional activists and organizers. One participant was formerly involved in the underground animal rights movement. There was diversity within this small sample of activists, yet 91% of activists experienced one of the top three reported indicators of surveillance (police driving by or parking near activist events, being photographed or videotaped, and being followed). Additionally, 73% of the sample reported being impacted by surveillance through one (1) of the top four (4) most commonly described situations where surveillance or fears of it had impacted group operations or member activity. Based on these findings and in light of recent prosecutions of animal rights activists described above, it is difficult to say that the Green Scare era has completely come to a close.

The Green Scare speaks to an era in which animal rights and environmental activists are singled out through legislation and sought after for prosecution by law enforcement agencies. The Green Scare above all revolves around a discourse on domestic terrorism. The impetus given to law enforcement agencies to investigate and surveil AR activists through legislation like AETA and the USA PATRIOT contributes to the Green Scare. The more grandiose and severe attributes of the Green Scare, such as arrests, grand jury indictments, and raids, were definitely not as pronounced in the study compared to what has been reviewed in the literature. In fact,

only two (2) activists disclosed being arrested for their activism and only one (1) could speak of group members being indicted in a grand jury.

The Green Scare is about an overreaction to the policing of AR and environmental rights groups. While most of the activists reported that they had experienced an indicator of surveillance and many could provide concrete examples of how fears of surveillance had impacted their own work, the group's operations, or the movement, it would be a stretch to say that the participants in the sample overall were being "persecuted" for their actions. Still, it proves the point that AR activists are being watched because of their involvement with the movement.

As an exploratory study, this research has yielded many possible future research directions, including examining the resiliency of AR activists. The AR movement has withstood federal and state legislation targeting the behavior of AR activists as well as heavy levels of surveillance for nearly thirty years, yet the AR movement has not demobilized according to Boykoff's (2007a) theory. Future research should also seek to replicate the findings of the study with a larger and more diverse sample that includes a more proportionate amount of males and females and more underground or radical participants, for example. Another important research direction would be investigating the role private entities in the U.S. play in surveilling AR activists. Additionally, AR activists' fear of animal enterprises and heightened experiences with violence when protesting animal enterprises should also be explored. Finally, future research could compare the experiences and perceptions of surveillance among activists based in Southern Nevada versus those residing in "hot beds" of AR activism, such as Los Angeles, CA or Portland, OR.

Recommended policy implications are similar to what was argued by previous researchers (Amster, 2006; Engelhardt, 2006; Hill, 2010; McCoy, 2007; Potter, 2008, 2011): Animal rights radicals should not be labelled as domestic terrorists and the actors of the AR movement should not be investigated, surveilled, and policed in blanket fashion under preemptive operations conducted by law enforcement agencies. Carson et al. (2012) and the findings of this study support the argument that the AR movement tend to be non-violent, and in instances where violence occurs (direct action), they are largely directed at property rather than people. As Amster (2006) stated, the labeling of AR activists as domestic terrorists diminishes the true meaning of terrorism. Potter (2008, 2011) also notes that the largescale effort of law enforcement agencies to indulge time in investigating, surveilling, and policing AR activists diverts scarce resources that may very well be better spent elsewhere.

Summary of Strengths and Limitations of Current Research

The purpose of this thesis was to study a specific subpopulation that engages in animal rights activism, and to examine how state sponsored surveillance has impacted their participation in the political arena. A qualitative study allowed for adaptability in understanding the extent of how state repression affects AR activism. Specifically, it enabled the researcher to deviate from the structured interview format when necessary and expand on or address unexpected findings and more importantly, connect with respondents in a genuine manner. Additionally, interviews with research participants allows for the possibility of the research to ask additional follow-up questions, seek clarity on answers, and elicit more spontaneous responses.

Overall, the main strength of qualitative research is that it allows researchers to obtain an in-depth understanding of a certain event (Tewksbury, 2009). In this case, interviewing animal rights activists allowed the researcher to gain a better understanding of the extent in which

participants were being surveilled as well how they felt about being surveilled. Participants also voiced whether they thought surveillance had impacted them and the movement overall. The research team was able to obtain a rich data set that helped paint a portrait of the lives of activists along with their experiences with both surveillance and being policed. The paramount goals of qualitative research are to achieve breadth, depth, and saturation in the interview process (Tewksbury, 2009). Additionally, interviews with research participants allows for the possibility of the researcher to ask additional follow-up questions, seek clarity on answers, and elicit more spontaneous responses. Due to time constraints, the researcher was able to interview fifteen (15) activists but was only able to transcribe eleven (11) interviews for qualitative coding.

As mentioned throughout this chapter, some of the limitations associated with the methods of this research project include a lack of diversity within the sample in that there was only one male interviewed and most participants were college-educated White middle-aged women. In general, the movement is represented by similar demographics (Hill, 2010). Additionally, the sample included only one radical member of the AR movement. Radicals are far outnumbered by mainstream activists in the movement overall, however (Glasser, 2011). The researcher's decisions to refrain from taking field notes while conducting interviews may be another limitation because it may indicate the researcher's disinterest. The utilization of gendered and empathetic interviewing could be a limitation of the study because this interviewing style may impact respondents' answers.

Furthermore, interviews are limiting in that they are time consuming. For example, each interview lasted an average of 45 minutes, although some took as short as 25 minutes and others lasted nearly two hours. The length of the interview was ultimately dependent on how much detail and information participants were willing to disclose. The passion that these activists had

for their work and animals often carried through into the interviews. Researcher effects and biases (i.e. lack of neutrality, involvement in AR activism, gendered lens) were minimized by implementing the use of a structured script derived from several past studies recently completed. Additionally, a research team of three (3) individuals transcribed interviews, transcripts were then double-checked for consistency, and themes were coded based on multiple conversations with one another. Therefore, inter-researcher reliability also helped to curb any principal research effects (Singelton & Straits).

These limitations are notable. However, the current study's employment of a structured interview format with a script and questions formerly used and published by research professionals is a notable strength. In addition, the adaptability of the qualitative interview in gathering detailed information from participants is highly regarded.

Coda

At my first protest in Las Vegas in December 2016, animal rights activists gathered to protest the annual National Finals Rodeo (NFR). We stood together silent on the public sidewalk of a busy intersection, holding signs that had illustrations of animal abuse that occurs in rodeos. Patrol vehicles intermittently parked across the street and drove by where the group stood protesting, and I thought the police were there to direct congested traffic or keep an eye out for scalpers. Then, a single middle-aged man walked behind the group off to the side, silently watching his surroundings. An hour later, there were three men standing in that group, with everyone in plainclothes. By the end of the protest, there were five men gathered nearby. The group of protestors noticed this gathering of suspicious nondescript men, and finally the

organizer of the protest approached the men. “You’re making us uncomfortable,” she said.
“What are you doing here?”

One man in the group showed the organizer his identification and credentials. These groups of men were FBI agents, and stated they were there to essentially do crowd control and ensure the safety of everyone at the protest. Most everyone accepted this explanation. But then later I realized, it is not the job of the FBI to do crowd control duties or ensure protestors’ safety at events. That is the work of uniformed patrol officers. Why did a non-violent and uneventful protest warrant the attention of five FBI agents? How did they know our event was going to take place at that time and location? It is from this personal experience lead me to be believe that the Green Scare is not yet over.

This thesis is a reflection about these personal experiences that thousands of individuals involved in the animal rights movement share. I hope that this thesis provided the answers to the questions raised throughout this research and that it will encourage readers to pose additional queries. This research was exploratory, and much more research is needed in this area.

IRB Structured Interview Questions

* Please see the attached structured interview questions on page 101.

APPENDIX A

Interview Script

The interview has five parts. First I will ask you a few screening questions to discern whether you are a qualified participant for this study. Next I will ask you some questions about your ideology and your knowledge of certain legislation. Then I'll ask about the surveillance and related repression that your group has directly experienced. Then I will ask you about your perceptions of repression that has happened elsewhere. The last section is about the *effects* of repression.

Reminder: This research is completely voluntary. You are not obligated to provide an answer to any of the following questions. You are also free to leave the interview at anytime. Are there any questions before we begin?

I'm only studying surveillance in the last fifteen years. Keep in mind that all the questions we ask are with regard to that time period.

I. Screening Questions

This section will determine if you qualify to participate in the study.

1. How did you first get involved in the animal rights movement?
2. What kinds of activities do you participate in?
3. When was the last time you answered a call to action or engaged in some type of activism?

II. Ideology and Awareness of Legislation concerning Animal Rights Activists.

This section will ask about your ideology and your awareness of certain legislation pertaining to animal rights activists.

4. Are you familiar with the Animal Enterprise Protection Act of 1992? How about the USA PATRIOT Act of 2001? What about the Animal Enterprise Terrorism Act of 2006?

a. If yes...has this legislation influenced your behavior in any way?

b. Follow up: Do laws or potential legal sanctions affect your behavior in any way?

5. Do you think that harming a human is ever justified? What about threatening harm? Do you think that violence is a possible strategy in obtaining an environmental or animal rights goal?

III. Direct experience of repression

In this section I'm going to ask you about state activity directed at people in your group. In this section, it's okay to talk about your experiences with more than one group, but only about groups you are PART OF. I'd like you to focus on events that you have directly experienced or that happened to a group that you are a member of. This means that I am not interested in information you only know through media reports or through the grapevine. You may tell me about the experiences of other people in *your group*. You do not need to mention any names:

6. Surveillance

- a. Has your group been videotaped by law enforcement or people you suspect of being law enforcement agents at protests? (*Follow up: can you describe a typical example?*) If yes, how does being videotaped by police make you feel? Do you know which police agency was responsible?
- b. Has your group been videotaped by law enforcement agents outside of protests (such as meetings or offices)? If yes, how does that make you feel? Do you know which police agency was responsible?
- c. Has your group been photographed by law enforcement officials at demonstrations? If yes, how does that make you feel? Do you know which police agency was responsible?
- d. Have you had police driving by or parking outside your events or meetings? How do you feel about the police doing these things? Do you know which police agency was responsible?
- e. Do you suspect your email is being surveilled? If yes, how does that make you feel? Do you know which police agency was responsible?
- f. Have the police made comments to you about having access to your email? If yes, how does that make you feel? Do you know which police agency was responsible?
- g. Have you noticed law enforcement agents recording the group's license plates at protests or meetings? If yes, how does that make you feel? Do you know which police agency was responsible?
- h. Do you suspect you or your group is experiencing any phone surveillance? (*usually they say "how would you know?"* ask about dropped calls? static? no dial tone? clicking? echoes?) If yes, how does that make you feel? Do you know which police agency is responsible?
- i. Have you suspected the presence of any undercover police at your events? If yes, how does that make you feel? Do you know which police agency was responsible?

7. (Searches, raids, and questioning...)

- j. Have agents or officers visited your group's office? If yes, do you know which agency was responsible?
- k. Have law enforcement agents visited any group members' homes? If yes, do you know which police agency was responsible?
- l. Have law enforcement agents visited group members' workplaces? If yes, do you know which police agency was responsible?
- m. Have any group members received telephone calls for questioning from law enforcement agents? If yes, do you know which police agency was responsible?
- n. Have family members or non-activist social friends received visits from officers or telephone calls for questioning? If yes, do you know which police agency was responsible?
- o. Have you had any items gone missing, or noticed signs of break-in to homes, offices, or cars? If yes, do you know which police agency was responsible?

- p. Have officers responded to a 911 call that they claim was made from a group member's house? If yes, do you know which police agency was responsible?
- q. Have officers raided any homes or workplaces, or the offices of your group? If yes...
 - c. Did they have a warrant?
 - d. Did they take materials?
 - e. What did they take?
 - f. Did these include lists?
 - g. Did you check your computer to see if it had been accessed?
 - h. Was anyone cited, fined, or arrested in this visit?
 - i. Did your lawyers take action?
 - j. Do you know which police agency was responsible?

8. Has your group had any concerns about infiltration in the last 5 years? If yes, please describe. *(interviewer: I don't need the WHOLE story or all the examples, just a careful description of one instance.)*

3.1. Did you discover which law enforcement agencies were behind the infiltration?

9. Has your group dealt with any arrests, charges filed, indictments, trials, or incarcerations? If yes...

- r. were these other than for civil disobedience?
If yes Please tell me only about the legal action taken against the person. Do not tell me about what you think they did. You do not need to mention any names
- s. what were they charged with?
- t. was there an investigation?
- u. how was the case resolved?
- v. how do people in the group feel about this event and how has the case unfolded?

10. Has your group experienced unexpected investigation by agencies other than law enforcement, such as having an IRS audit, building code inspections, etc?

11. Has anyone in your group been subject to excessive or unusual car stops or been followed?
If yes, could you please describe some specific instances?

12. Has anyone in your group had indication that they are on lists that trigger special treatment at airports or when crossing a border?
If yes, please describe this experience in detail.

13. Thinking about how your group has been portrayed in the media, have there been any implications of criminality?

- w. Has your group been the subject of police press conferences?

IV. Perceptions of the Landscape of Repression

We are now moving on to the fourth section of the interview. In this section, it's okay to talk about things you have NOT directly experienced. (*Make sure they don't just answer about their own personal feelings, keep reminding them about others in their group.*)

14. Thinking about the types of state activity that we've just discussed, can you think of things that have happened here *locally* to other groups that have caused concern in your group?

15. Are there things people have heard about happening in *other* cities or states that have caused concern?

16. If you had to choose the most intimidating thing that has happened in the last 5 years, what would it be? (It's ok if you want to say more than one thing.) (*if they talk about riot cops or other street policing, ask: "why is that so scary?" and "what is the impact/effect of that?"*)

V. Effect of surveillance and infiltration

Now we are moving to the last section of the interview. In this section, I want to learn about how these experiences you've been discussing are affecting your group's political work. It is very important that you be as specific as possible.

17. First, I want to look at how surveillance and related activities and fears of them has affected **individuals** (meaning you and people in your group or people you know well)

- x. Has surveillance, related activities, and fears of those activities affected you financially?
- y. Has surveillance, related activities, or fears of those activities affected your legal status?
- z. Can you think of friendships that have been affected by surveillance, related activities, or fears of those activities?
- aa. Has surveillance, related activities, or fears of those activities affected your perception of physical safety?
- bb. Has surveillance, related activities, or fears of those activities affected you psychologically or emotionally?
- cc. Has surveillance, related activities, or fears of those activities affected your freedom of movement?
- dd. Has surveillance, related activities, or fears of those activities caused people in your group to be uncomfortable with working with particular groups?
- ee. Has surveillance, related activities, or fears of those activities caused people to be unwilling to do certain kinds of work? (like not wanting to have their name on articles in the newsletter)
- ff. Do people you know feel safe expressing their political views? (why not? how does it affect their behavior, speech, or action)

18. Next I want to look at how surveillance and related activities and fears of them have affected your **group**:

- gg. Have you seen a drop in new participants? If yes, what do you attribute this decline in new members to?
- hh. Can you think of specific people who have stopped doing political work? How many people come to mind? Do you suspect that these people stopped doing political work because of surveillance, infiltration or fears of those activities?
- ii. Has surveillance, related activities, or fears of those activities made it harder for your group to communicate or changed your method or amount of communication?
- jj. Has your decision making process changed because of surveillance and related government activity?
- kk. Has surveillance, related activities, or fears of those activities affected the reputation of your group?
- ll. Have there been financial impacts associated with surveillance, related activities, or fears of those activities?
- mm. Have there been internal struggles in the group about how to deal with surveillance, how to keep people safe, or about people's fears?
- nn. Has the group's goals or priorities changed as a result of surveillance or fears of it?
- oo. Has it been harder for your group to organize events because of surveillance, related activities, or fears of those activities?
- pp. Has surveillance, related activities, or fears of those activities affected the survival or stability of your group?
- qq. Has surveillance, related activities, or fears of those activities resulted in conflict or alienation with other groups or organizations?

19. Next I want to look at how surveillance and related activities and fears of them have affected your **community**:

- rr. Do you know of any groups that were divided over issues related to questions of safety or how to remain safe from state repression? If yes... Without telling me the names of the group, can you tell me what you know about whether and how they resolved this division?
- ss. Are there groups that don't work together because of these concerns?
- tt. Have there been any grand jury investigations in your community? *follow up*: how did they affect people?
- uu. Can you think of times when people in your community were really scared of state repression in terms of animal rights activism? What scared them?

VI. Conclusion

We just have three more questions now to wrap it up:

20. First, we want to give you a chance to make a sort of summary statement. How have surveillance, infiltration, and related government activity affected the quantity and quality of political work getting done on issues you care about? In other words, how have surveillance and related activities affected your **movement**?

21. Next, is there anything that we did not ask that you feel is relevant to our study?

Thank you very much for participating in this interview. I really appreciate you taking the time to speak with me. If you have any questions, please don't hesitate to reach me at _____.
Give your business card.

APPENDIX B

Biographies of Activists Interviewed

Activist #1 is a young female college student of Asian descent who currently lives in Southern Nevada. She describes herself as an advocate and is involved in several social justice movements. Her work as an advocate in the animal rights movement is primarily focused on being a “plant-based educator”, highlighted by her management of social media platforms to raise awareness about veganism. She does not self-identify with any animal rights or other social justice organizations. Her involvement in protests was with a human rights movement and her involvement in the AR movement is minimal overall. She is a vegan.

Activist #2 is a middle-aged white female who currently lives in Oregon. She self-identifies as an advocate and was formerly associated with a local group in Southern Nevada. The majority of her activism involves managing several Facebook pages concerned with animal welfare and rights and volunteering for the Humane Society. The pages she administers mostly seek to advocate for legislation changes on behalf of animals. She appears to be a legislative advocate.

Activist #3 is a young female foreign national based in Southern Nevada. She is an event organizer and does not claim membership in any animal rights organization. She is very active in the movement, taking direct action and participating in protests and disruptions. She is also an administrator for an activist AR page. She is involved in other social justice movements as well. Activist #3 acknowledges engaging in illegal forms of activism, such as trespassing. She is a vegan.

Activist #4 is a white middle-aged female. She is part of a local animal welfare group in Southern Nevada that focuses on improving the lives of animals through legislation. She is a vegan and admits that although she does not engage in illegal direct action, admires those who participative in clandestine activities to rescue animals. She volunteers with local shelters and rescues. She appears to be a legislative advocate.

Activist #5 is a white middle-aged female based in Southern Nevada. She has been participating in protests for less than a year, but she is steadily becoming more involved in the animal rights movement. She is a vegan and began her journey as a rescue and foster volunteer.

Activist #6 and #7 are part of a vegan activist family. They are relatively new to veganism and activism in general, but are heavily involved with a couple of social justice movements. Activist #6 is a white middle-aged female. Activist #7 is a white younger female in her teens. They currently live in Southern Nevada. They do protests, marches, and disruptions as well as organize events.

Activist #8 is a white middle-aged female who is very involved in the AR movement. She does a wide range of activist actions like protests, animal rescues, and advocacy. She is based in Southern Nevada.

Activist #9 is a young female college student and is biracial. She prefers the term advocate and mostly does social media activism. She has also done some rescue work and volunteered for local animal rescue organizations. A9 is a vegan. She is not heavily involved in the movement. She is based in Southern Nevada.

Activist #10 is a young white female. She previously identified with a Nevada animal rights group but is no longer associated with that group. She is primarily focused on legislative advocacy and following animal abuse cases, but has also participated in rallies. She is an organizer within the movement. She is based in Southern Nevada.

Activist #11 is a white middle aged male formerly involved with the Animal Liberation Front. He is still involved in the movement as a protestor, speaker, and has done media outreach. Due to his involvement with the justice system, he no longer partakes in any forms of illegal activism. His legal status as a felon and domestic terrorist has meant that the justice system is heavily involved in his life. He currently lives in Colorado. He is a vegan.

Table 5

	Self-Identification and Group Membership
Activist 1	Human rights activist, advocate, a radical, not associated with any group, vegan
Activist 2	Advocate, affiliated with several AR groups
Activist 3	Activist, not affiliated with any AR group, vegan
Activist 4	Advocate/ Activist, vegan
Activist 5	Doesn't identify with a group, vegan
Activist 6	Vegan, affiliated with a social justice organization
Activist 7	Vegan, affiliated with a social justice organization
Activist 8	Activist/Advocate & vegan
Activist 9	Advocate & vegan
Activist 10	Animal lover, formerly identified with a group
Activist 11	Not affiliated with any AR group, vegan, former ALF member

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Organized and coded data from the Nevada Gaming Control Board under the direction of Dr. Rorie. Researched mental health facilities in Nevada and compiled a list of available services for victims under Dr. Margaret Kennedy and Dr. Troshynski.

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2016 – current *Peta2 Campus Representative*, People for the Ethical Treatment of Animals (PETA), University of Nevada, Las Vegas

Engaged in advocacy efforts to promote veganism and animal rights on campus. Responsible for organizing a minimum of eight outreach events per semester. Reported campaign progress to advisor at peta2 headquarters in Los Angeles, CA.

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Responsible for a variety of administrative tasks, such as receiving incoming office phone calls and rerouting calls as necessary, logging in/out official documents, and checking P&T submissions for errors.

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Boyer, C. & Troshynski, E. (in press). Female SWAT Officers. In Frances P. Bernat and Kelly Frailing (Eds.), *The Encyclopedia of Women and Crime*.

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ACADEMIC PAPER PRESENTATIONS

Understanding the Social Impacts of Surveillance Technology. Thematic Roundtable. Paper presented at the annual meeting of the American Society of Criminology, New Orleans, LA (ASC) (11/18/2016).

Let Them Eat Lead: Flint, Race, and the Devastating Effects of Neoliberalism in the World. Thematic Panel. Presented with Professor Randall Shelden at the annual meeting of the American Society of Criminology, New Orleans, LA (ASC) (11/18/2016).

AWARDS

2016 *Southwest Travel Award with UNLV Foundation*. Funding for airfare to travel to the annual meeting of the American Society of Criminology (ASC) conference, New Orleans, LA.

2016 *Graduate and Professional Student Association (GPSA) Conference Travel Award*. Funding towards the annual meeting of the American Society of Criminology (ASC) conference in New Orleans, LA (\$600).

TRAINING AND CERTIFICATIONS

Research Certificate, Graduate College, University of Nevada, Las Vegas (in progress). Yearlong professional development program that aims to provide graduate students with the tools and knowledge necessary to initiate, conduct, and complete research projects.

Green Dot Training for Faculty and Staff, Jean Nidetch Women's Center, University of Nevada, Las Vegas. A 60-minute session that introduces the concepts of Green Dot and encourages university employees to keep the campus community free from violence or fear of violence (2/8/2017).

Lobby 101 Training Workshop, Graduate and Professional Student Association (GPSA) & Consolidated Students of the University of Nevada (CSUN), University of Nevada, Las Vegas (12/8/2016).

Forensic Interviewing: Interviewing Abused and Exploited Youth, Criminal Justice Department, University of Nevada, Las Vegas. Conducted by Dr. Alexis Kennedy. Training included forensic interviewing of children, best practices and ethics (12/3/2016).

Feminist Criminology Theory in Action Workshop, American Society of Criminology (ASC), Division on Women and Crime, New Orleans, LA (11/15/2016).

Women's Risk Needs Assessment (WRNA) Administrator's Training, Criminal Justice Department, University of Nevada, Las Vegas for Oregon Department of Corrections. Conducted by Dr. Emily Salisbury. Training included instruction on how to properly utilize WRNA and how to provide feedback to probation and parole officers administering the assessment to female offenders (11/11/2015).

PROFESSIONAL ASSOCIATIONS AND ACTIVITIES

PROFESSIONAL AFFILIATIONS

2016 – current American Society of Criminology (ASC), Student Member
Division on Women & Crime

2015 – current Alpha Phi Sigma Criminal Justice Honor Society, UNLV

DEPARTMENTAL/UNIVERSITY SERVICE

2016 – current *Founder & President*, UNLV Veg Club, vegan & vegetarian student advocacy

2015 – 2016 *Treasurer*, Alpha Phi Sigma, National Criminal Justice Honor Society, UNLV

2014 – 2016 *President, Public Relations Officer, Member*, UNLV Criminal Justice Club

COMMUNITY SERVICE

2017 *Student Volunteer*, Western Society of Criminology (WSC) Conference, Las Vegas, NV. Volunteered at WSC and helped register conference attendees in addition to staffing the book sale.

2016 *Interviewer*, Caliente Youth Center, Nevada Juvenile Justice System

Interviews were conducted under the direction and supervision of UNLV professor, Dr. Alexis Kennedy. Caliente Youth Center is a correctional facility for at risk youth. Interviews involved were part of a research project aimed at understanding domestic sex trafficking.

2015 *Women's Risk Needs Assessment (WRNA) Audio Coder*, Oregon Department of Corrections

Listened to audio tapes recorded by correctional staff in the Oregon DOC and verified that the WRNA had been filled out correctly and that risk assessment scores were accurate. Gave feedback on whether staff was following principles of motivational interviewing.