



Spring 5-15-2016

Controlling What Is Wild: The Animal Enterprise Terrorism Act and Ecoterrorism

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Controlling What Is Wild
The Animal Enterprise Terrorism Act and Ecoterrorism

Thomas Levendosky
Environmental Studies 4000: Senior Thesis
May 15, 2016

Abstract

This thesis examines the extremist side of the environmental activism commonly known as ecoterrorism, and the subsequent implications of categorizing criminal activism as terrorism. Groups such as Earth First!, the Animal Liberation Front (ALF), and the Environmental Liberation Front (ELF) strive to protect the natural world from the detrimental impacts of industrialization. Activists affiliated with these groups endorse direct action against environmentally harmful enterprises. Extremists are motivated by the belief that they are on the frontline defending the defenseless. They hope to dissuade corporations and government agencies from exploiting the natural world by exposing unethical practices and causing economic damage. The strategy of direct action can involve sabotaging of industrial equipment (monkeywrenching), arson, and tree spiking. Direct action also promotes nonviolent protest and civil disobedience to obstruct industrial development. Both forms of direct action are effective at inflicting economic damage onto target enterprises. In response to ecoterrorism, national security agencies began to prioritize the incarceration of affiliated activists and include them in a registry of domestic terrorists. New legislation, such as the federal Animal Enterprise Terrorism Act and the proliferation of states adopting “Ag-gag” laws, criminalize acts of direct action that threaten food and pharmaceutical industries. These laws are criticized for grouping together environmental extremism with environmental advocates who practice civil disobedience. In effect, the new legislation protects environmentally destructive enterprises from their practices being exposed to the public. In order to weigh the significance of these claims, this thesis proceeds through the lenses of three disciplines: the history of ecoterrorism, the philosophical foundation of deep ecology, and the scope of policy that delineates ecoterrorism and advocacy.

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Introduction

In 2005, the Deputy Assistant Director of the FBI, John Lewis, testified before the Senate Committee on Environment and Public Works: “The No. 1 domestic terrorism threat is the ecoterrorism animal rights movement.”¹ The hearing pertained to the committee’s ongoing investigation of ecoterrorism in light of the Patriot Act. Senator Barack Obama responded skeptically to Director Lewis’ testimony, and interrogated him about his claim that ecoterrorists are the number one domestic terror threat when “the FBI’s own statistics indicate that there have been, on average, less than 100 criminal incidents per year over the past 14 years.”² Furthermore, he questioned whether it was worthwhile for the FBI to focus its resources on ecoterrorism when the rising number of violent hate groups is a greater malicious threat to Americans. These concerns are at the center of the argument against labeling direct action environmentalism as terrorism.

The first chapter includes information on the radical environmental movement (REM) from sources published by ecoterrorist groups and government agencies. The case of “The Family” is highlighted because it was the most successful ecoterrorist cell and largest anti-ecoterrorism operation. The second chapter traces the historical development of the REM through formative works of literature by Thoreau, Aldo Leopold, and Edward Abbey. Their ideas provide insight for understanding the REM’s mission in comparison to a new fictional portrayal of ecoterrorism. The third chapter examines deep ecology as the philosophical foundation of direct action and ecoterrorism. The fourth chapter proceeds in criticism of the Animal Enterprise

¹ Ecoterrorism Specifically Examining Earth Liberation Front and the Animal Liberation Front:

² Ibid., 40.

Terrorism Act and “Ag-gag” laws. In conclusion, this thesis finds a middle ground that endorses the freedom of speech of environmental activists, and the conversion of ecoterrorists.

Chapter 1: The Movement: Radical Environmentalism, The Family, and Operation

Backfire

“The Family” was the most successful cell of radical environmental movement (REM), and its case offers insight into a turning point on both sides of the ecoterrorism debate. “The Family” was the first to align the missions of the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF) to cause more economic damage in six years than any other cell in the history of the REM. From 1996 to 2001, “The Family” carried out twenty acts in five states across the Pacific Northwest; racking up an estimated forty million dollars in property damage.³ At the opposite end, Operation Backfire is an example of the new measures for government prevention of ecoterrorism. The FBI coordinated multiple independent investigations under Operation Backfire, which resulted in the indictment of seventeen members and affiliates. The Animal Enterprise Terrorism Act of 2006 (AETA) increased sanctions for crimes of environmental extremism, and helped prosecutors tack on a terrorism enhancement. The AETA amended the Animal Enterprise Protection Act of 1992 by expanding the federal government’s legal authority. The criminal convictions after Operation Backfire effectively dismantled “The Family.”

The specter of being placed on the domestic terrorist watch list has resulted in a decline of activity in the REM. The FBI turned two members of “The Family,” Josephine Sunshine

³ Deshpande, Nick, and Howard Ernst. “Countering Ecoterrorism in the United States: The Case of ‘Operation Backfire’.” Final Report to Human Factors/Behavioral Sciences Division, Science and Technology Directorate, U.S. Department of Homeland Security. College Park, MD: START, 2012.

Overaker and Joseph Mahmoud Dibee, into cautionary examples. They eluded arrest but remain on the FBI's most wanted domestic terrorist watch list. Operation Backfire was also effective at creating distrust among extremists. After the first round of indictments applied a terrorism enhancement to "The Family's" list of charges, Suzanne Nicole Savoie, a.k.a "India," turned herself in to FBI agents. To this day, Earth First! keeps her picture and whereabouts posted on their informant tracking webpage. The terrorism enhancement that enforces AETA is the principal cause the discouragement in the REM. For example, Daniel McGowan was arrested during Operation Backfire, and tried with the terrorism enhancement. He pleaded guilty to conspiracy and two incidents of arson. He was released on parole in 2013 after being incarcerated in maximum security Communication Management Units. Environmentalists and civil right advocacy groups argue that the severe punishment under the AETA violates the First Amendment rights of environmental activists. Their argument comes from the belief that cases of vandalism, arson, and sabotage constitute criminal acts, but calling them acts of terrorism is a scare tactic used to intimidate environmental activists.

Measuring the total impact of the REM is complicated by the fact that researchers, national security agencies, and the groups themselves have different parameters for categorizing ecoterrorism. The primary environmental extremist groups, Earth First!, ELF, and ALF, stress nonviolent direct action. Attacks against enterprises should only inflict economic damages, and never physically harm any lives. The REM is in the model of a leaderless resistance. They post direct action manuals online so that they are accessible to the public. The primary groups want ecologically minded individuals to form small teams that will act unilaterally in the name of Earth First!, ELF, and/or ALF. Their vast collection of direct action manuals, like *Ecodefense: A Field Guide to Monkeywrenching* and *The ALF Primer*, detail how to destroy industrial

equipment. The winter 2016 issue Earth First!'s subscription newsletter included "How to Turn Off Tar Sands Pipelines: (Hint: Direct Action, No Compromise)" and blurbs about the eighty-seven acts of international ecological resistance from October to December 2015.⁴ These groups continue to meet, organize, and publish materials to further their agenda. Though their material is widely accessible, the North American ALF Press Office stated in 2011 that acts by their affiliated members decreased by forty-seven percent after the attacks.⁵ The decrease in incidents indicates that AETA and "Ag-gag" laws have been effective.

The decentralized nature of the REM makes it difficult for government officials to track. Parallel to the designed leaderless disorganization of extremist groups, the fight against ecoterrorism is divided by bureaucratic jurisdiction. Before 9/11, Presidential Decision Directive 39 (PPD-39) and Executive Order 12333 designated the FBI to be the leading agency for countering acts of terrorism in the United States.⁶ According to the Bureau, ecoterrorism falls under the category of a domestic terrorist threat. However, the FBI, Department of Justice, and Department of Homeland Security have distinct criterion for measuring the REM's impact. This means that records of ecoterrorism are partially dependent upon the confirmation of spokespersons from extremist groups.

Information on groups belonging to the REM tends to be gathered for reports to help government officials make policy decisions. A year before the AETA passed the Senate with unanimous consent, Senator Inhofe—who drafted AETA—told the Senate Committee "ELF and

⁴ Cicada and Brigid, "Earth First! News: On The Frontlines of Ecological Resistance," Winter 2016, XXI edition.

⁵ Will Potter, *Green Is the New Red: An Insiders Account of a Social Movement under Siege* (San Francisco: City Lights Books, 2011). 59.

⁶ Ecoterrorism Specifically Examining Earth Liberation Front and the Animal Liberation Front: Hearing before the Committee on Environment and Public Works, Senate, 109th Cong. (2005). 149.

ALF are responsible for estimating conservatively, over \$110 million in damages and 1,100 acts of terrorism in the last decade”⁷ His statement was supported by FBI findings, which Deputy Assistant Director John Lewis reiterated in defending the FBI’s decision to place ecoterrorism as the primary domestic terrorist threat. The use of arson, ecotage, and inflammatory rhetoric are earmarks of terrorism. Lewis backs his claim that these groups are indeed a serious threat by presenting the Committee, “An analysis of these incidents occurring between the year 1977 and 2004 reflects that nearly 70 percent of these direct actions are acts of violence, ranging in seriousness. About 12 percent of these are related to animal thefts and releases. Beyond that, about 10 percent of these are related to arson and other crimes.”⁸ What qualified the seventy percent of direct action incidents as acts of violence was not mentioned. It is not clear if the twelve percent related to animal theft and the ten percent related to arson and other crimes are part of the seventy percent, or if they account for twenty-two of the thirty percent missing from the FBI’s calculations. In the debate on whether direct action constitutes violence or nonviolence, arson is arguably the most violent tactic. Carson Carroll, Deputy Assistant Director to the Bureau of Alcohol, Tobacco, and Firearms, points out that arson is an act of violence since it endangers the lives of first responders.⁹ Director Carroll reinforced Director Lewis’ belief that ecoterrorists would eventually escalate their attacks without effective prevention measures. As of 2016, direct action has not resulted in the loss of human life.

In January 2013, Jerome P. Bjelopera, a specialist in organized crime and terrorism at the Congressional Research Service, published “The Domestic Terrorist Threat” with the intention of providing members of Congress with nonpartisan information on constitutional issues for

⁷ Ibid., 1.

⁸ Ibid., 11.

⁹ Ibid., 43.

combatting domestic terrorism. The report states that FBI has some imprecise estimates of ecoterrorist activities: “In April 2009, the FBI estimated that ‘to date [animal rights and eco-] extremists have been responsible for more than 1,800 criminal acts.’ Ten months earlier, in June 2008, the FBI placed the number of criminal acts at ‘over 2,000 since 1979.’”¹⁰ What is more worrisome for validating the FBI’s records is that the estimated \$110 million in damages has remained the same in the span of five years and hundreds of more acts since the number was first reported to the Senate in 2005. In 2008, the same year the FBI reported eight hundred criminal acts occurred since 2005, the Department of Homeland Security (DHS) counted only seventy-four criminal acts by environmental extremists since 9/11. In 2012, the FBI noted that a decline in ecoterrorist activity after Operation Backfire led to a series of successful prosecutions in 2007. The dip in incidents is partially attributed to activists believing “a Democratic administration as more sympathetic to their goals and [thus] be less inclined to take radical steps.”¹¹

The ambiguity between criminal activity and terrorism, violence and nonviolence, activism and extremism has led to opposite outcomes under the AETA. Unlike Daniel McGowan’s case, the judge presiding over “The Family” member Rebecca Jeanette Rubin’s trial ruled against applying a terrorism enhancement. And in 2010, the case of four animal rights extremists who violated the AETA with “force, violence, or threats to interfere with the operation of University of California” was dismissed because the indictment under the AETA “failed to specifically describe crimes allegedly committed by the defendants.”¹² The court’s

¹⁰ Jerome P. Bjelopera, “The Domestic Terrorist Threat: Background and Issues” (Congressional Research Service, January 17, 2013). 34.

¹¹ *Ibid.*, 39-40.

¹² Jerome P. Bjelopera, “The Domestic Terrorist Threat: Background and Issues” (Congressional Research Service, January 17, 2013). 37.

findings reflect the pervading issue that AETA tries to indiscriminately pool all methods of environmental activism under the epithet of ecoterrorism.

Proponents of strong preventative measures against ecoterrorism argue that the acts environmentalists say are minor crimes are meant to intimidate and coerce their targets, and that constitutes categorizing all such acts as terrorism. Though “The Family” was an extraordinary case in the REM, there is reason to believe that another cell might rise to the occasion given the right circumstances; a weak stance against ecoterrorism or an administration that opposes environmental causes are scenarios that can factor into a resurgence in the REM. Any projection on the future of the REM must account for its historical foundations. The REM originated simultaneously with the mainstream environmental movement in the United States as two distinct approaches for advancing environmentalism.

Chapter 2: Chapter 2: A Literary History of Environmentalism

Lawrence Buell, Powell M. Cabot Professor Emeritus of American Literature at Harvard University, adopts an interdisciplinary approach to understanding environmentalism by studying how historical relationships to nature are portrayed in literature. He is a leading figure in a new discipline focused on ecocriticism. His 2009 essay, “What is Called Ecoterrorism,” argues that the perceived threat of ecological terrorism has different historical interpretations. He compares Edward Abbey’s *The Monkey Wrench Gang*, which inspired the formation of Earth First!, to Michael Crichton’s *State of Fear* to show that in the span of thirty years extremists went from being perceived as revolutionaries to subversive occult members. The depiction of environmental extremism in Crichton’s novel emulates rhetoric used by proponents of strong criminal penalties for activists. This chapter will trace the history of the radical environmental movement from its

origins to its contemporary context. There is a literary history to the REM that discloses the development of its unique philosophy. The writing of Henry David Thoreau, Aldo Leopold, and Edward Abbey were pivotal to that development. Each one of them published a popular work about their personal relationship to nature. The comparison of the REM's historical literary works against the current popular perception reveals a misconception that extremists are antipathetic to the welfare of humanity.

The beginning of the REM coincides with the start of mainstream environmentalism in the United States when Henry David Thoreau wrote his two seminal works, *Walden; Or Life in the Woods* (1854) and *Civil Disobedience* (1849). Both pieces endorse his naturalist philosophy and advocacy for protests. *Walden* is a memoir of the two years he spent at Walden Pond in Massachusetts. He isolated himself from society to learn to self-reliance. It is a soul-searching venture that helps him develop principles for his natural philosophy. He advocates for vegetarianism, nonconformity, and a deep love for everything wild. Thoreau's life at Walden Pond was interrupted by a tax collector soliciting payment from Thoreau for delinquent poll taxes. Thoreau refused to pay, because he was opposed to the Mexican-American War and slavery. He spent a night in jail, and consequently wrote his argument for fighting institutionalized injustice in *Civil Disobedience*. His words: "Let your life be a counter-friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn," inspired civil rights activists a century later.¹³ Thoreau shows that primal elements of direct action were theorized with the beginning of the environmental movement.

A Sand County Almanac: And Sketches Here and There (1949) by Aldo Leopold follows in Thoreau's philosophy that ties together naturalism and ethics. Leopold pioneered the

¹³ Henry David Thoreau, "Civil Disobedience," 1849, <http://xroads.virginia.edu/~hyper/walden/Essays/civil.html>.

conservation movement in the United States. In 1924, he insisted on the Forest Service protecting the wilderness of Gila, New Mexico; it became the world's first wilderness area. He was an ecologist, educator, and the reception of *A Sand County Almanac* proved he was an inspirational nature writer. Like *Walden*, *A Sand County Almanac* is an exemplary case of illustrative writing that depicts the author's intimate relationship to nature. In the chapter, "The Land Ethic," Leopold argues that the ethical code binding humanity ought to be extended to the land. The meaning of "the land" incorporates plant life, animal life, humans, and the soil in the care of ethical responsibility. He believes the land ethic is social-intellectual evolution:

All ethics so far evolved rest upon a single premise: that the individual is a member of a community of interdependent parts. His instincts prompt him to compete for his place in that community, but his ethics prompt him also to co-operate (perhaps in order that there may be a place to compete for). The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively: the land.¹⁴

Turning the social contract into a natural contract requires a remediation of the worldview that exploits nature for humanity's sake. Leopold promotes education in ecology and conservation, but he argues that education alone is not sufficient. A culture that measures success on economic terms will continue to value the land for profitable natural resources.

The principles of the land ethic were developed while Leopold worked for the Forest Service. He was responsible for controlling the population of predatory species. In "Thinking Like A Mountain," Leopold recalls his experience as he watched a wolf die. He shot the wolf for the Forest Service. Normally, wolves are shot without hesitation, because fewer wolves meant

¹⁴ Aldo Leopold, *A Sand County Almanac: With Essays on Conservation from Round River*, 29. pr (New York: Ballentine Books, 1990). 239.

more deer for game and less of a chance that one will prey on farm animals. However, Leopold realized that the eradication of the wolf population was misguided:

Since then I have lived to see state after state extirpate its wolves. I have watched the face of many a newly wolfless mountain, and seen the south-facing slopes wrinkle with a maze of new deer trails. I have seen every edible bush and seedling browsed, first to anaemic desuetude, and then to death. I have seen every edible tree defoliated to the height of a saddlehorn. Such a mountain looks as if someone had given God a new pruning shears, and forbidden Him all other exercise. In the end the starved bones of the hoped-for deer herd, dead of its own too-much, bleach with the bones of the dead sage, or molder under the high-lined junipers.¹⁵

As an ecologist, Leopold understood trophic cascade and how the death of a predator has harmful consequences for an ecosystem. In addition to his scientific reasoning, he felt that the mountain region where the wolves preyed on deer, and humans excessively preyed on both, did not deserve to be overpopulated by deer. He argues humans need to carry a holistic mindfulness in order to “think like a mountain.” This idiom is closely related to the philosophy of deep ecology.

Edward Abbey has a share in the grassroots development of deep ecology, and is a father figure to the REM. His most important contribution to this study is *The Monkey Wrench Gang* (1975). The novel was a catalyst that sparked resoluteness in the minds of the founders of Earth First! and many others, and provided radicalized readers with a method for undertaking monkeywrenching. Small, diverse, autonomous teams became the ideal organization because of Abbey’s gang. Dave Foreman, a founder of Earth First!, invited him to speak at conferences, and

¹⁵ Leopold, *A Sand County Almanac*, 139.

asked Abbey to write the foreword to *Ecodefense: A Field Guide to Monkey Wrenching* (1985). His significance to the REM is difficult to hyperbolize.

The success of *The Monkey Wrench Gang* brought attention to other works by Abbey. Today, *The Desert Solitaire: A Season in the Wilderness* (1968) is equated *Walden* and *A Sand County Almanac*. In the autobiographical tradition of nature writers before him, Abbey's second-most influential work offers insight to his philosophy. He rejects the label of nature writing to categorize his book, but *Desert Solitaire* contributed to the popularity of the genre during the green movement of the 1970s.¹⁶ In his new preface to the book, he says "The few such writers whom I wholly admire are those, like Thoreau, who went far beyond simple nature writing to become critics of society, of the state, of our modern industrial culture...It is not enough to understand nature; the point is to save it."¹⁷ Similar to the style of Thoreau and Leopold, Abbey combines his experiences as a park ranger at the Arches National Monument in Utah with treatises on the environment.

At the time of his arrival the park was relatively undeveloped. The early chapters are devoted to describing the flora and fauna of the ecosystem, and his observations of how even a minimal human settlement in the region disrupts nature. The longest chapter, "Down the River," is about him boating through the Glen Canyon with a friend. In *The Monkey Wrench Gang*, the final act involves the destruction of the dam that inundates the valley months after Abbey's excursion. Abbey criticizes the policies of the National Park Service sporadically throughout the book. The chapter called "Polemic: Industrial Tourism and the National Parks" argues that ensuring easy access to automobiles undermines the value of experiencing nature. The counterculture zeitgeist of the late 1960s is captured in these moments. Abbey abhors the lazy,

¹⁶ Don Scheese, *Nature Writing: The Pastoral Impulse in America*, 2002. 107.

¹⁷ Ibid.

coddled tourists who dehumanize the experience of being with nature by keeping close to their cars and who want to build roads that ruin the landscape. Towards the end he reflects:

How difficult to imagine this place without a human presence; how necessary. I am almost prepared to believe that this sweet virginal primitive land will be grateful for my departure and the absence of the tourists, will breathe metaphorically a collective sigh of relief—like a whisper of wind—when we are all and finally gone and the place and its creations can return to their ancient procedures unobserved and undisturbed by the busy, anxious, brooding consciousness of man.¹⁸

Abbey recognizes the land is indifferent to humans, and he finds truth in the land's strength. He discusses meditation on the relationship between desert life and his spiritual growth. The "solidity and resistance" to human presence comforts him as a reminder of nature's commonly overlooked harshness.¹⁹ Unlike the desert, Abbey believes humans are too reliant on the culture of civilization. In modernity, civilization entails technological and industrial development, which he believes removes humanity from its natural origins. *The Monkey Wrench Gang* is about of band of people who find their humanity by fighting for the environment.

In "What is Called Ecoterrorism," Buell credits Abbey for publishing one of the few literary works to have exerted a demonstrable environmental impact.²⁰ He identifies a shift in the popular perception of Abbey idea of the REM under the Bush administration in the twenty-first century. Crichton's bestselling ecothriller, *State of Fear*, claims that anthropogenic global

¹⁸ Edward Abbey, *Desert Solitaire: A Season in the Wilderness*, Nachdr., BB Nature (New York: Ballantine Books, 1990). 333-334.

¹⁹ *Ibid.*, 170.

²⁰ Lawrence Buell, "What Is Called Ecoterrorism," *Gramma: Journal of Theory and Criticism* 16 (2009): 154-66. 155.

warming is a conspiracy concocted by environmentalists. Funding from a fictionalized reputable environmental organization called the National Environmental Resource Fund (NERF) helps ELF sensationalize flawed science. NERF and ELF then use advanced technology to artificially create massive natural disasters. The goal is for the natural disasters to cause enough devastation for people to rally in support of NERF's campaign to fight global warming. To the dismay of environmentalist community, President Bush invited Crichton to meet him at the White House, because he enjoyed the book. Crichton's visit was not publicized, because the administration did not want to give environmentalists a reason to be outraged.²¹

Buell argues that Crichton's characterization of environmental extremism differs from Abbey's gang in three distinct ways: First, the scale of imagined ecoresistance is expanded from regional to planetary. NERF and ELF share an international network that gives the REM the fearsome look of a pan-global threat. Buell believes that the expansion from regional to planetary is due to climate change being the top environmental concern. Second, Crichton lumps mainstream environmentalism together with the ultra-militant fringe. Buell notes that this effectively overrides a crucial distinction to Abbey and Earth First!'s reason for existence. Grouping together extremists with all other environmentalists reflects the rhetoric used against radical groups. Third, he reduces environmental resistance of whatever sort to the threat of untrammelled violence against humanity.²² Buell attributes partial reason for environmental extremism taking on a new ominous potency to 9/11. He thinks the attacks and emergence of new global terror threat intensified paranoia. But, Buell rejects the idea that radical groups are treated more severely because of the aftermath of 9/11. He adopts Jean Baudillard's rejection of

²¹ Michael Janofsky, "Bush's Chat With Novelist Alarms Environmentalists," *New York Times*, February 19, 2006, <http://www.nytimes.com/2006/02/19/national/19warming.html>.

²² Buell, "What is Called Ecoterrorism," 156.

the “null hypothesis” that 9/11 did not affect any systematic change. He makes the stronger case that the United States has a history of fearing seditious conspiracies, and it was inevitable that environmentalism would come into suspicion of undermining American values. He references American historian Richard Hofstadter’s theory of “the paranoid style in American politics” to support his claim that the ecoterrorism epithet is business as usual.²³ Hofstadter alludes to cases such as the red scare during the height of the Cold War, early national paranoia about destabilization of the republic in France, and British neo-imperialism.²⁴

To the effect that ecoresistance is the current fad for political paranoia, Buell cites a prediction made by Gary Snyder, unofficial poet laureate of deep ecology, that the *Monkey Wrench Gang* will never be made into a commercial film. Despite Abbey selling the movie rights, the story “violates the most sacred American value: industrial private property.”²⁵ Ironically, the 2013 film, *The East*, takes Abbey’s prototypical radical group and reconstructs the characters to fit the *State of Fear* perception that environmental extremists are sociopaths. The protagonist, agent Sarah Moss, infiltrates an ecoterrorist organization for a private security firm representing the interest of their corporate clientele. The ecoterrorist group is called “The East,” and they promise—via YouTube—to carry out three attacks—referred to as “jams”—against industrial society. “The East” covertly crashes a celebration dinner of pharmaceutical executives, and spikes the champagne they have to toast their new drug on the market. Eventually, executives die from their drug’s severe side effects. Their second attack is against an owner of a power plant who knowingly spills toxic discharge into a nearby waterway. “The East” kidnaps the owner, and forces her to confess about the plant’s misrepresented environmental standard. As

²³ Ibid., 160.

²⁴ Ibid.

²⁵ Ibid.

“The East,” exposes how these corporations capitalize on immoral practices, Sarah becomes sympathetic to their cause. Her changing allegiance is arguably a case Stockholm syndrome after residing in their isolated cabin in the woods. She falls for Benji, the group’s spiritually insightful leader, embraces freeganism, and decides to help them locate other undercover agents in “The East’s” global network who are tipping off corporations. However, she doesn’t want Benji to kill the informants, so she keeps the list to herself. *The East* ends with the ecoterrorists being arrested, and Sarah convincing the fellow agents to turn against the industry they protect. The conclusion is that radical environmentalists need to learn that advocating sensibility is more effective than anti-humanism.

The new paranoia behind ecoterrorism is entirely unfounded. *State of Fear* and *The East* reflect how the fear of global terrorism is transposed onto the environmental movement. Buell references Bron Taylor’s research on ecomilitant groups to argue that the sociopathic characterization of radicals is highly improbably.²⁶ Radicals belonging to extremist groups have a tendency to sustain ties to their families, distrust charismatic authority, and share a strong belief in the sacredness of life.²⁷ The belief that the REM is antihuman and disposed to terrorism is a complete departure from the philosophies of Thoreau, Leopold, and Abbey; which contributed to the development of the environmental movement today. Though Thoreau sought solitude, he also kept three seats outside of his cabin. “Visitors” is a chapter about him enjoying the company of guests, and the irony that more people came to see him at Walden Pond than in the city. Leopold’s earnest philosophy is to develop a greater sense of citizenry. The sense of

²⁶ Bron Taylor’s research will be covered in chapter four. Along with an updated account by Lawrence Liar. Bron Taylor, “Religion, Violence and Radical Environmentalism: From Earth First! to the Unabomber to the Earth Liberation Front,” in *Terrorism and Political Violence*, 10 (4), 1-42: Winter 1998.

²⁷ *Ibid.*, 159.

civic duty is paramount to American society, and he believes it is necessary for the sense of civic duty to apply to our dealings with the environment; we are inherently citizens of the biotic community. Abbey had a deep sense of ecological duty that stems in part from a need to protect his neighbors. In the chapter “Cowboys and Indians,” Abbey talks about his encounters with cowboys Roy and Viviano, and the Navajo people. He realizes that their way of life is threatened by the industrialization of the American Southwest. At first, living in nature was liberation from a web of social demands, but by the end of their memoirs, the idea that people ought to return to the solitude of nature is shattered. They come to understand that a healthy relationship to nature is something to share with others.

Chapter 3: Deep Ecology and Its Critics

A primary reason for calling the REM ecoterrorism is the perception that activists seek to impose an ideological fundamentalism onto society. This chapter will examine deep ecology as the philosophical inspiration of the REM, and deliberate why the ethics of deep ecology calls for ecoterrorism. In 1985, Bill Devall and George Sessions published the principles of deep ecology in *Deep Ecology: Living as if Nature Mattered* (1985). Inspired by Leopold and the environmental activism and philosophy of Arne Naess, Devall and Sessions argue that the environmental problems of technocratic-industrial societies are a crisis of character and culture that calls for a new ecological philosophy. They want cultural reawakening that incorporates the recognition of the intrinsic value of nature.²⁸ Their aim appeals to environmentally conscious extremists, and their argument provides an intellectual basis for direct action. In addition to the concerns regarding ecoterrorism from policy makers and commercial stakeholders, many

²⁸ Bill Devall and George Sessions, *Deep Ecology* (Salt Lake City, Utah: G.M. Smith, 1985). ix.

environmental ethicists object deep ecology. In *The New Ecological Order* (1995), Luc Ferry charges deep ecology with the allegation of ecofascism. His robust criticism offers insight into pitfalls of deep ecology, but commits the error of pooling together multiple environmental ethics in the name of deep ecology. In *Beyond the Land Ethic* (1999), Baird Callicott theorizes how to apply Leopold's land ethic through a worldview remediation. This chapter argues that his philosophy is distinct from deep ecology, and offers an optimal alternative to the extremism deep ecology permits.

Deep Ecology came a few years after the formation of Earth First!, ALF, and Greenpeace, but the book explains the philosophical foundation of these groups. The environmental movement of the 1960s and 1970s did not achieve the utopia it envisioned. Most of the environmental policies implemented at the height on the movement were being repealed, and the prospect of achieving clean air and water was dimming. Environmentalism that focuses on policy reform looked unsustainable in American politics. Deep ecology begins at the grassroots level to make a cultural shift. Devall and Sessions want people to cultivate an ecological consciousness through direct action. Direct action is the product of deep ecology's recognition of doing "real work;" a term coined by Gary Snyder. They argue that a person who affirms deep ecology has an obligation to do the "real work" and implement necessary changes that orient society towards an appreciation of nature's intrinsic value. Earth First!'s inaugural protest at the Glen Canyon Dam and Greenpeace's voyage to the Aleutian Islands are highlighted as exemplary cases of direct action. These acts are accomplishments because they actively confront an environmental crisis, breaking the pervading illusion that there is another ecologist or activist who will rise to the occasion.

The Glen Canyon and Aleutian Islands cases are nonviolent, and follow the idea that direct action is based in compassion. Devall and Sessions are explicit in stating, “Both on practical and ethical grounds, violence is rejected as a mode of ecological resistance.”²⁹ They believe that violence inherently contradicts their ethical theory. Environmental activist Arne Naess, whose work is greatly influenced by Gandhi’s nonviolent campaign in South Africa, inspires their argument. Naess argues that Gandhi’s philosophy of *satyagraha* (truth-force) is the appropriate mode of ecological resistance. It promotes active yet peaceful resistance to political injustices. Naess identifies four key norms for nonviolent political campaign in *satyagraha*:

- (1) The case and goal of the campaign is announced explicitly, and clearly distinguishes essentials from nonessentials.
- (2) There is an effort to personally contact the opposition, and to be available to them.
- (3) The opposition is turned into a believer in and supporter of the cause without coercion or exploitation.
- (4) The deliberate or careless destruction of the opposition’s property provokes them.³⁰

Points (1) and (2) establish a decorum for undertaking a serious debate in the protest. They are normative suggestions for the protest to be acknowledged, and for both parties reach a mutual understanding of the issue at hand. Point (3) wants to ensure the right side prevails out of a reciprocated standard of respect, and in virtue of its truth. The statement in (4), however, merely admonishes a phenomenon. It is unclear if (4) wants to warn the nonviolent protester, or suggest strategic destruction of property. Naess believed direct action was most effective when it came from a place of compassion, and practiced pacifism in his activism. In 1970, Naess performed Gandhi’s *satyagraha* by tying himself to three hundred people in protest the Mardalsfossen Falls

²⁹ Ibid., 201.

³⁰ Ibid., 200.

dam. He wanted to obstruct the construction of a road to the dam site. Eventually, the government disposed a force of six hundred police officers to clear the protest. The rest of Norway watched as the police force engaged the protesters, and the protesters offered them seats and cups of coffee in the arctic winter. Naess believed demonstrating compassion, instead of hostility, drew public attention to spread the protest's mantra "Let the river live!"³¹

Though direct action is always supposed to be nonviolent, what qualifies an act of violence is ambiguous from the deep ecology perspective. The *satyagraha* philosophy rejects it, but in (4) of Naess' four norms of nonviolent protest, he states that property destruction provokes the opposition. Devall and Sessions teeter on a balance beam in the following argument:

Terrorist attacks on nuclear plants or missile sites could cause 'red' alerts and violent responses from government agencies. Placing one's own life at risk, such as sitting in front of bulldozers or police cars at a demonstration to protest destruction of the rain forest, may be illegal but not violent. And spontaneous acts such as the decommissioning of a power generator or bulldozer may dramatize the continuing destruction of a special ecosystem.³²

Devall and Sessions want to distinguish illegal, criminal activity from violent extremism. The extreme case of sabotaging nuclear plants or missile sites is a terrorist attack. This is the only time that the idea of terrorism is addressed. They condemn acts that can harm another life, but condone placing a protester's life in harm's way. Having the dedication to protest, and to endure harmful situations is a characteristic of successful social justice campaigns. Naess, Devall and Sessions want to say that the environmentalist sitting in front of the bulldozer is the same

³¹ Jan van Boeckel, *The Call of the Mountain: Arnes Naess and the Deep Ecology Movement*, Documentary (ReRun Produkties, 1997), <https://www.youtube.com/watch?v=Wf3cXTAqS2M>.

³² Devall and Sessions, *Deep Ecology*, 201.

exercise of civil disobedience as the sit-ins at segregated institutions during the civil rights movement. However, Devall and Sessions permit less destructive “spontaneous acts” of ecotage. They are innocuous, and if anything, it adds a flair of drama to the movement, which they believe lacks the attention that the emergency of a destroyed environment deserves. They claim that Edward Abbey’s stories illustrate a defending of place, and they believe there is a place for radical environmentalism in their philosophy.

Edward Abbey imagined what would become the prototype for radical environmental groups. In *The Monkey Wrench Gang*, the four heroes come from diverse backgrounds, but unite to protect the natural American West from the bulldozers of industrial expansion. The minority tradition that Devall and Sessions believe is optimal for developing the deep ecology philosophy shares a strong resemblance to Abbey’s fictional gang. The minority tradition embraces the norm that ecologically minded people are in the minority, and find support in a community of other people who share their concerns. At the opposite end, popular culture is not conducive to developing an ecological consciousness. They argue, “public opinion is fickle, shallow, and susceptible to manipulation.”³³ Mainstream or shallow environmentalism adheres to a perspective that evaluates the natural world in economic terms, and wants to reform policies that can be repealed. In order to argue that resource driven environmentalism is not enough, Devall and Sessions turn to social ecologist Murray Bookchin for support:

The choice is clear. The environmental/ecology movement can ‘become institutionalized as an appendage of the very system whose structure and methods it professes to oppose,’ or it can follow the minority tradition. The minority tradition focuses on personal growth

³³ Ibid., 5.

within a small community and selects a party to cultivating ecological consciousness while protecting the ecological integrity of the place.³⁴

As the founder of social ecology, Bookchin envisions social reconstruction to eliminate hierarchy and scarcity in a moral economy. Devall and Sessions put Bookchin's sentiment in their own words by claiming that if the environmental movement "moves toward even more professionally run political campaigns and slick advertisements, it could further centralize the leadership of the movement and make it harder for small groups of 'radical amateurs' to play meaningful roles in revitalizing the movement or in leading campaigns."³⁵ Devall and Sessions never explicitly address Earth First!'s coordinated small operations, nor the direct action manual that publicizes ecotage, but it is clear that they want the REM to work.

The philosophy of deep ecology consists of a double movement. An ecologically minded person demonstrates ecological consciousness by performing direct action and a lifestyle preference for the minority tradition. In return deep ecology promises to "develop maturity" by fostering integrity in character.³⁶ Devall and Sessions believe ecological consciousness offers authentic human experience. *Deep Ecology* references Thoreau's willingness to be friction against the machine: "Cultivating ecological consciousness, as Thoreau said, requires that 'we front up to the facts and determine to live our lives deliberately, or not at all.'"³⁷ Research shows radical environmentalists tend to be socially estranged, intelligent youth, and it is easy to figure

³⁴ Ibid., 3.

³⁵ Ibid., 5.

³⁶ Ibid., ix-x.

³⁷ Ibid., 8.

how embracing the principles of deep ecology appeals to them.³⁸ The REM can be meaningful for a young ecologically conscious person.

Devall and Sessions are worried that some might misinterpret deep ecology's focus on having an authentic human experience to mean becoming resolute in absolute alienation. They want ecologically minded people to achieve a notion of self-in-Self, as opposed to an egotistical self. Capitalized Self stands for organic wholeness of a human individual in the Earth's totality.³⁹ Similar to Leopold's citizen in the biotic community, argue that maturation of an ecological consciousness requires going beyond the egotistical self and the anthropocentric self to realize one's self in the totality of the nonhuman world. The "real work" comes in working earnestly within the biotic community to influence societal change.⁴⁰

In *The New Ecological Order*, Luc Ferry argues that the problem with deep ecology is that its fundamental principles and drive to reconstruct society make a commitment to ecofascism. Ferry makes his perspective on deep ecology clear early with an epigram by modernist Robert Musil that critiques obsessions with returning to past norms, and another quote from Marchel Gauchet: "Love of nature concealed the hatred of man."⁴¹ Ferry points to the reality that the Nazi party promulgated a strong attraction to nature in a campaign for nationalism. He claims, "It is not by chance, then, that the Nazi Regime and Hitler personally, are responsible for the two most detailed legislations regarding the protection of nature and

³⁸ Bron Taylor, "Religion, Violence and Radical Environmentalism: From Earth First! to the Unabomber to the Earth Liberation Front," in *Terrorism and Political Violence*, 10 (4), 1-42: Winter 1998. And Lawrence E. Likar, *Eco-Warriors, Nihilistic Terrorists, and the Environment*, Praeger Security International (Santa Barbara, Calif: Praeger, 2011).

³⁹ Devall and Session, *Deep Ecology*, 66-67.

⁴⁰ *Ibid.*,

⁴¹ Luc Ferry, *The New Ecological Order* (Chicago: University of Chicago Press, 1995). XXI-XXII.

animals in the history of humanity.”⁴² Ferry’s argument closely resembles the fear the environmental extremism will escalate to the level of indiscriminate violence.

Ferry wants to show that even though deep ecologists preach nonviolence, dedication to their theory would be dangerous. For example, Naess, Devall, and Sessions agree that deep ecology is the extension of the science of ecology into democratic values. Naess affirms this idea, but continues his thought to say, “In deep ecology, we have the goal not only of stabilizing human population but also of reducing it to a sustainable minimum without revolution or dictatorship. I should think we must have no more than 100 million people if we are to have the variety of cultures we had one hundred years ago. Because we need the conservation of human cultures, just as we need the conservation animal species.”⁴³ When Naess made this statement in 1982, the global population was over four billion people. If deep ecology wants to stabilize the environment by extremely reducing humankind, it raises the question: how can that be accomplished nonviolently?

Ferry claims that there are three categories of ecological philosophy concerned with the question: The first is shallow ecology that is the most ordinary, and least dogmatic. Shallow ecology is anthropocentric, as it understands that protecting nature first and foremost protects humanity. The environment does not possess intrinsic value, and it is taken into indirect consideration. The second ecology attributes moral significance to nonhuman beings in consideration of the utilitarian principle. Ferry is thinking of animal rights activists who are heavily influenced by Peter Singer’s *Animal Liberation*. The third is deep ecology, which is founded by Aldo Leopold. Ferry characterizes deep ecology as imploring a moral imperative that the “old 'social contract' must give way to a new 'natural contract,' in which the entire universe

⁴² Ibid., XXII.

⁴³ Devall and Sessions, *Deep Ecology*, 74-75.

becomes a subject of law: it is no longer a matter of defending man, considered as the center of the world, from himself, but rather of defending the cosmos from him”⁴⁴ Ferry sees deep ecology as a sort of transcendentalism. Nature is endowed with an intrinsic value that is superior to any human. The deep ecologist must transcend their humanity, and be beyond their self in order to be attuned to the natural processes of the world.

Besides the criticism of hypothetical ecofascist regimes and deep ecology’s “out-of-touch” transcendental ideal, Ferry argues that the “think like a mountain” theory is a contradiction. Deep ecology is attempting to reject anthropocentrism with the logic of anthropomorphism. It wants two contradictory things simultaneously: assign agency to nonhuman members of the biosphere, and to speak on behalf of the interests of the nonhuman members. If the former occurred, the claim that conservation is in best interest of the natural world is an imposition of the human perspective on nonhuman members.⁴⁵ Ferry believes that fundamentalism neglects subjectivity, and deep ecology is the misguided fundamentalism of the environmental movement.

Ferry’s three categories of ecological thought gloss over important distinctions of variant environmental ethics. The third category, deep ecology, lumps Leopold’s land ethic with deep ecology as Naess, Devall, and Sessions endorse it. Both strains assign intrinsic value to nonhuman members of the natural world, but they propose distinct praxes. Furthermore, Ferry’s objection to “thinking like a mountain” as a form of anthropomorphism confuses biocentrism. The land ethic and deep ecology do not want to make nonhuman members of the natural world meaningful by personifying their existence or purpose. Both are grounded in ecological science that understands the interdependence of elements in an ecosystem and their functions. Edward

⁴⁴ Ibid., XXIII.

⁴⁵ Ibid., 130-131.

Abbey exemplifies “thinking like a mountain” best in *Desert Solitaire*. He observes how wildlife is impacted by minimal human interference at Arches National Monument. The situation worsens as more tourists visit the park, and asphalt roads add a new surface to the landscape. Abbey entertains an anthropomorphic sentimentality because he can imagine how the land might be grateful if he and the tourists vanished to never disturb the ecosystem. But he corrects himself, and reminds the reader that the ostensibly violated world is indifferent to people.⁴⁶ “Thinking like a mountain” endorses the adoption of ecology, a relatively new science,

Abbey shares moments about his life in *Desert Solitaire* that can make critics weary of ecofascist totalitarianism support for their argument. Though he avoids anthropomorphism, he makes strong convictions about the sanctity of a balanced ecology. Tom Regan an animal rights philosopher was the first to charge deep ecology with ecofascism. He made the observation that a fundamental commitment to ecological balance mandates population control, and that inevitably entails the selective elimination of animal species. Abbey shows how this concern manifests itself in an ecologically minded person when he arbitrarily shoots a cottontail rabbit. The influx of tourists caused trophic cascade to decrease the population of predators and an overpopulation of tertiary species, like the cottontail rabbit. Abbey saw the rabbit in his path as a being that did not belong. It was not responsible for being a burden throwing off the balance of the desert ecosystem, but nevertheless an unnatural presence. It’s a hint of ecofascism, because Abbey shooting the rabbit was a small attempt to restore a natural order.

Devall and Sessions articulate a philosophical perspective to Abbey’s shot, as they are critical of environmentalists focused on protecting animals.⁴⁷ They argue: “Under contemporary ethical theory, some beings, thought to have little or no sentience, together with the entire

⁴⁶ Abbey, *Desert Solitaire*, 333-334.

⁴⁷ Devall and Sessions, *Deep Ecology*, 41.

nonliving world, have no moral standing whatsoever. Thus, animal rights theorizing tends to violate the deep ecology insistence on ‘ecological egalitarianism in principle.’⁴⁸ Like Ferry, Regan fears a deep ecology totalitarianism that would impose its moral principles based in ‘ecological egalitarianism.’ Regan believes that maintaining a balanced ecosystem inevitably favors the people at the center overseeing the environment around them. Devall and Sessions are unequivocal in their stance on deep ecology being the fundamental environmental ethic, and the belief that other ethical theories prioritizing animal liberation fall short of achieving the same all-encompassing philosophy that imitates the interdependence of the natural world that is the systematic foundation of ecological science.

J. Baird Callicott responds to Tom Regan’s objections in *Beyond the Land Ethic* by clarifying Leopold’s intentions of the land ethic’s dictum: *A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.* He reiterates Leopold’s sentiment that the land ethic is simply an evolutionary accretion of ethics based in human rights that extends to the biotic community. The notion that the land ethic ends in ecofascism necessitates the inclusion of militarism and nationalism, and Callicott argues that it is absurd to claim environmentalism wants to adopt attributes that contradict current morals. He equates Leopold’s notion of the biotic citizen to the current understanding of citizenship that extend responsibilities as a family member to the public. He argues:

I, for example, am a citizen of a republic, but also remain a member of an extended family, and a resident of a municipality. And it is quite evident to us all, from our own moral experience that the duties attendant on citizenship in a republic do not cancel or

⁴⁸ Ibid., 55.

replace the duties attendant on membership in a family or residence in a municipality. Similarly, it is equally evident that the duties attendant upon citizenship in the biotic community do not cancel or replace the duties attendant on membership in the human global village (to respect human rights).⁴⁹

Callicott assures critics that a paradigmatic shift to establish a global ethical framework is not the objective. He acknowledges that other environmental ethicists confuse Leopold's land ethic, and an extremist emphasis for bioregionalism and the REM can be perceived as nationalism and militarism on a microcosmic scale. The problem of ecological egalitarianism and overpopulation still stands, and although improbable, it is conceivable that an ecoterrorist might take extreme action to drastically reduce the human population, as imagined in Chriktion's *State of Fear*.

Callicott, Leopold's "disciple" according to Ferry, argues environmental philosophy is environmental activism.⁵⁰ However, the land ethic, unlike deep ecology, does not permit ecoterrorism, and offers an alternate approach to activism. In an email correspondence, Callicott makes it clear:

Certainly Aldo Leopold himself would neither engage in nor approve of monkey-wrenching in the name of the land ethic. In the age of terrorism, which on a global scale came after Devall and Sessions, two things follow regarding monkey wrenching: (1) It has certain earmarks of terrorism (even though only machines are targets, not humans), which has made it go out of fashion. (2) Global terrorism has revealed it actually to be little more than a fashion statement. Monkey wrenchers were mostly middle class white kids who were living a self-important fantasy. They we[r]e dedicated to their cause only

⁴⁹ J. Baird Callicott, *Beyond the Land Ethic: More Essays in Environmental Philosophy*, SUNY Series in Philosophy and Biology (Albany, N.Y: State University of New York Press, 1999). 71. The quoted text omits examples of particular responsibilities Callicott included in parentheses.

⁵⁰ Callicott, *Beyond the Land Ethic*, 27; Ferry, *The New Ecological Order*, 87.

superficially: when the real consequences of their actions threatened to devolve on themselves—arrest, prison—decided to retreat back to the comforts and security of the American way of life. You got people now in the name of other causes blowing themselves up. We didn't see such real dedication or anything close to it happen in the era of monkey wrenching. And what's the point? A blip on the screen of the industrial juggernaut, if that. No, effective activism is what I now call worldview remediation. That's what Leopold was into (see the second chapter or so of *Thinking Like a Planet*). And that's what I'm into. Everything else is just a gesture.⁵¹

Direct action and the minority tradition, the two pillars of deep ecology that are performed in environmental extremism are meant to ripen a person's ecological consciousness. Callicott criticizes ecoterrorism for this reason, because it is self-serving. Deep ecology endorses direct action extremism by making promises about maturity and authentic human experience, and subsequently abandons the goal to save the environment.

Callicott thinks the effort on part of extremists to personally enact a holistic ethic grounded in deep ecology or the land ethic is futile.⁵² Alternatively, a democratic worldview remediation in appreciation of the science in earth's ecological systems is appealing to younger generations, and there is greater hope that it can be translated into public policy. Callicott points to the popular reception of solar-electronic technologies as an example of people wanting to participate in a newer and more sustainable configuration.⁵³ Though Naess, Devall, and Sessions would label his position shallow ecology, reforming public policy and being optimistic about sustainable enterprises make the best promise for achieving an environmentally conscious

⁵¹ Baird Callicott. "Ecoterrorism Questions," March 22, 2016.

⁵² Callicott, *Beyond the Land Ethic*, 58.

⁵³ *Ibid.*, 57.

society. The point of distinguishing deep ecology from the land ethic is to give a clear picture of the ideological foundations of particular approaches to environmental activism. Extreme deep ecologists commit arson, ecotage, and use threatening rhetoric to make their mission meaningful. They are already ecologically conscious before they take direct environmental action, and the idea that they are radicalizing their appreciation of nature makes deep ecology personally fulfilling. Ecoterrorists stray from the wisdom of Leopold's dictum as their form of direct action violates what it means to be a biotic citizen.

Chapter 4: Polemical and Political: Ecoterrorism's Current State of Affair

In August 2015, the Federal District Court of Idaho ruled that the state's "ag-gag" statute outlawing undercover investigation of farming enterprises was unconstitutional. Chief Judge B. Lynn Winmill sided with the Animal Legal Defense Fund's argument that the law violates the First Amendment and Equal Protection Clause.⁵⁴ This was the first federal case ruling on "ag-gag" laws. Activists are contesting similar bills in other states, and seeing various outcomes. Some protests have been successful at dissuading legislators from passing laws, and bringing public attention to the treatment of farm animals and farming operations. In Tennessee, the Governor vetoed a proposed "ag-gag" bill. Currently there are eight states with a statute in place to criminalize the recording of farm operations without the proprietor's consent. The decision over the constitutionality of Idaho's law is being appealed at the U.S. Court of Appeals for the Ninth Circuit. At the federal level, AETA includes punishments for the same acts or ones that cause economic damage, and penalize activists with a terrorism enhancement; adding jail time

⁵⁴ "Judge Strikes Down Idaho 'Ag-Gag' Law, Raising Questions For Other States." *All Things Considered: The Salt*. National Public Radio, August 4, 2015. <http://www.npr.org/sections/thesalt/2015/08/04/429345939/idaho-strikes-down-ag-gag-law-raising-questions-for-other-states>.

and a place on the domestic terrorist watch list onto their charges. This chapter argues that the constitutionality of AETA is equally suspect in standing with state “ag-gag” laws, and that criminal activists are not domestic terrorists.

Will Potter is an investigative journalist and author of *Green is the New Red: An Insider’s Account of a Social Movement Under Siege* (2011) who learned about AETA when FBI agents came to his home. They told him he had the option of spying on environmental advocacy groups that he helped distribute pamphlets for or he would be listed as a domestic terrorist threat.⁵⁵ Since then, he has worked to bring public awareness to the fact that environmental activists are being treated as terrorists. In *Green is the New Red*, Potter argues “ecoterrorism” was an invented by corporations seeking to shift popular opinion on environmental advocacy in their favor. The association of environmentalism with terrorism is intended to summon allegiance with corporations facing a new form of “terrorism.” In effect, “ecoterrorism” is supposed to connote the message that direct environmental action is an attack on America and national values. Potter argues that “ecoterrorism” gained greater attention from law enforcement agencies after 9/11. Potter supports his case with an insight from Colleen Rowley, former FBI special agent, whistleblower, and *Time* “Person of the Year:” “Since September 11, the path to career advancement in law enforcement is paved with terrorism investigations. The only question is ‘Who to investigate?’”⁵⁶ He believes that law officers sought to prove their mettle by being a pioneer in the emergent phenomenon that is ecoterrorism.

⁵⁵ Potter, W. (2014, March). Will Potter: The shocking move to criminalize nonviolent protest [Video file]. Retrieved from https://www.ted.com/talks/will_potter_the_shocking_move_to_criminalize_non_violent_protest?language=en#t-13366

⁵⁶ Potter, *Green is the New Red*, 60.

Potter's claim does not contradict Buell's theory regarding 9/11 being an insignificant factor in the response to ecoterrorism. As mentioned in chapter two, Buell thinks 9/11 injected a new potency into the word terrorism. It became an ever-present pan-global threat. Potter is claiming that corporations invented the word "ecoterrorism" before the attacks, and afterwards, the relatively unknown word gained popularity. This became apparent to Potter when he filed a Freedom of Information Act request after he published his book to discover that the FBI's counterterrorism unit monitors his speeches, book, and website.

Potter's crusade to bring public attention to environmental activists being treated as terrorists led him to connect with Daniel McGowan, a former member of "The Family." They met when McGowan was on trial for the 2001 arson of Superior Lumber company in Glendale, Oregon and Jefferson Poplar Farms in Clatskanie, Oregon. McGowan was arrested in part of Operation Backfire, and convicted with the terrorism enhancement. The enhancement added two years onto his sentence, and put his name on the domestic terrorist watch list. While incarcerated, McGowan was intermittently sent to maximum security Communication Management Unit (CMU) that is designed to restrict the communication abilities of prisoners charged with terrorism. A majority of the prisoners in the CMU are jihadists, and a guard told McGowan that he was placed there as a "balancer" for the purpose of preventing a racial bias law suit.⁵⁷ The prospect that McGowan was used as a safeguard in the CMU is something suspicious for another thesis topic. Nevertheless, AETA gives sufficient legal standing for equating McGowan's crimes to the crimes of international terrorists. The argument against McGowan is that he deserves the

⁵⁷ Potter, W. (2015, October). Will Potter: The secret US prisons you've never heard of before [Video file]. Retrieved from https://www.ted.com/talks/will_potter_the_secret_us_prisons_you_ve_never_heard_of_before/transcript?language=en

terrorism enhancement, because his crimes were attempts to coerce his targets into submitting to environmental demands.

The documentary, *If a Tree Falls* (2011), filmmakers interview McGowan over the course of his trial and the attacks he coordinated. At Jefferson Poplar Farms, McGowan and other members of “The Family” used improvised explosive devices to destroy two buildings and eighteen vehicles. They painted “You cannot control what is wild!” across a barn door.⁵⁸ The second part, the graffiti, is what turns destruction of property into an act of ecoterrorism. That sort of rhetoric is typical for activists affiliated with the primary extremist groups, but their charged words are almost always empty gestures.

Bron Taylor noted the empty talk of the REM in one of the first works of research on ecoterrorism, “Religion, Violence and Radical Environmentalism: From Earth First! to the Unabomber to the Earth Liberation Front.” Taylor used ethnographic data in addition to of government documents to find reason to believe that radical martial has not and probably will not yield widespread or proliferating terrorist violence.⁵⁹ Lawrence E. Likar, retired FBI agent, formerly part of the US Army’s Special Forces, and current professor at La Roche College, updates Taylor’s argument with current research about the REM in *Eco-Warriors, Nihilistic Terrorists, and the Environment* (2011). He indicates “The Family” as being the most successful group in the REM, and argues:

Although the language used in communiqués transmitted by self-identified REM spokespersons and anonymous terrorist cell members has taken an increasingly violent

⁵⁸ Marshall Curry. *If a Tree Falls: A Story of the Earth Liberation Front*. Oscilloscope Laboratories, 2011.

⁵⁹ Bron Taylor, "Religion, Violence, and Radical Environmentalism: from Earth First! to the Unabomber to the Earth Liberation Front," *Terrorism and Political Violence* 10(4):1-42, Winter 1998. 5.

and apocalyptic tone, it is probable that lethal violence would appeal only to that small extremist fringe of the movement with the greatest risk for violence against persons—namely, the lone wolf.⁶⁰

REM cells work in small teams of members who share a high moral standard on the value of the preservation of life. An incident where a cell decides to commit the malicious crimes that their rhetoric suggests is equivalent to a black swan incident, which is an event of extreme rarity in actually causing an a devastating impact that it is practically unpredictable and unpreventable.⁶¹ Hence, the portrayal that ecoterrorists are simply another type of fundamentalists who are willing with nefarious intentions of harming humans is fictional.

Between the fortune pharmaceutical and agro-industrial enterprise aided by law enforcement agencies and activists, there are small farm stakeholders who want a strong ban on direct environmental action to deter any chance of them being the target. Jefferson Poplar Farms, for example, was not causing the same environmental destruction as the expanding luxury resort in Vail, Colorado. Their damages totaled five hundred thousand dollars. Insurance may cover all of that, but it still appears to be a seemingly pointless attack. The environmental movement's nonviolent advocates do not defend arson or endangering acts of sabotage. It is a stretch to claim that these are acts of terrorism, but they are definitely crimes that incite a threatening message.

The problem is that preventative legislation extends beyond a ban on crimes that specifically want to cause economic damage by arson or monkeywrenching. They prevent the leaking of private business practices without the owner's consent, or whistleblowing. Stakeholders argue that the issue is about the protection of their personal property. The current

⁶⁰ Likar, Lawrence E. *Eco-Warriors, Nihilistic Terrorists, and the Environment*. Praeger Security International. Santa Barbara, Calif: Praeger, 2011. 147.

⁶¹ *Ibid.*, 157.

tactic among activists is to smuggle recording equipment under the pretense that they are applying for a job. They use their real name and identification materials, but while they tour they are secretly recording their experience.⁶² A stakeholder's grievance would be understandable if they were not activists, but a competitor learning how to outdo their business. However, they are activists who only disseminate the information they record if they have evidence of immoral practices that merits publicity. The "ag-gag" law in Idaho was drafted in response to the group Mercy for Animals releasing a video of workers at Bettencourt Dairies Dry Creek facility kicking, punching, and jumping on cows. The video led to criminal charges against a number of the workers.⁶³ Their investigation offered the public transparency into food production that is not readily available to consumers in the United States.

The criminalization of whistleblowing by AETA and the eight other states with "ag-gag" laws hinders transparency and works against environmental advocacy groups who are not affiliated with the more extreme organizations. They are preventative measures that unjustly sweep across the board of environmental causes. Law enforcement agencies are the source of information policy makers use to defend the paranoia that ecoterrorism poses a serious threat to national security, but the FBI reports show that their tactics are nonviolent and declining.⁶⁴ AETA and "ag-gag" laws are preventative measures for a nonissue, and are only successful at infringing upon the rights of environmental activists. Hopefully, Idaho's appeal will bring national attention to the outlawing of environmentalism.

⁶² "Judge Strikes Down Idaho 'Ag-Gag' Law, Raising Questions For Other States." *All Things Considered: The Salt*. National Public Radio, August 4, 2015.

⁶³ *Ibid.*,

⁶⁴ Ecoterrorism Specifically Examining Earth Liberation Front and the Animal Liberation Front: Hearing before the Committee on Environment and Public Works, Senate, 109th Cong. (2005).

Chapter 5: Revisiting Ecoterrorism and Radical Environmentalism

The problem of ecoterrorism can be solved with a compromise between activists and the policymakers calling them terrorists. AETA and state “ag-gag” laws inhibit the rights of environmental advocates by labeling them ecoterrorists, but campaigns to expose immoral business operations performs an important function for the development of the United States. Had AETA and the proliferation of “ag-gag” laws occurred in the twentieth century, history would have lost Rachel Carson’s *Silent Spring* and Upton Sinclair’s *The Jungle*. These new laws attempt to obstruct environmental causes by blending more extreme acts of arson and coercion with advocacy. On the other hand, environmental activists are blameworthy for the confusion, as well. Direct environmental action, as theorized by Devall and Sessions in *Deep Ecology*, permits both forms of activism. Leopold’s idea that “a thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community, and it is wrong when it tends otherwise,” has been construed into a moral maxim for undertaking any form of activism to advance an environmental cause. In order to find a middle ground, both sides must undergo a worldview remediation theorized by Callicott. Though in theory a worldview remediation is intended to shift consumerist society to embrace sustainability, it has the potential of converting deep ecologists bent on fulfilling a meaningful relationship to nature into activists who are committed to effective environmental campaigns. In conclusion, this middle ground brings clarification for disentangling nonviolent activism and criminal extremism to overturn AETA and “ag-gag” laws, and orient ecological conscious people away from ecoterrorism.

Callicott argues that an ecological worldview remediation happens when environmental concerns are translated into public policy.⁶⁵ The goal for the issue at hand is a conversion from

⁶⁵ Callicott, *Beyond the Land Ethic*, 58.

the perspective that confuses activism and ecoterrorism to make a clear delineation of the two. AETA and the other “ag-gag” laws identified in chapter four equate activism with terrorism, and hamper advocacy campaigns for transparency. They are intended to protect businesses from ecoterrorist threats, but are ostensibly legal depending on the scope of their constitutionality. Governor Bill Haslam of Tennessee who vetoed his party’s bill, because “the law is constitutionally suspect, second it appears to repeal parts of Tennessee’s Shield Law [protecting informative sources in judicial proceedings]... Third, there are concerns from some district attorneys that the act actually makes it more difficult to prosecute animal cruelty cases.”⁶⁶ His list of reasons for vetoing the bill reflects the civil rights concerns of environmental advocates. From 2011 to 2013, legislators in twenty-one states proposed laws prohibiting activists from recording farm operations.⁶⁷ Protests and petitions are responsible for halting all but eight of the states from implementing them. The death of “ag-gag” bills in the other thirteen states indicates that the democratic process is capable of protecting the rights of environmental advocates. The successes of arguments for the protection of the rights of environmental activists and position on animal cruelty cases are examples of how Callicott’s worldview remediation is implemented to aid environmental causes.

In order to lift the criminalization of direct action, extreme activists adhering to the principles of deep ecology need to embrace a worldview remediation towards shallow ecology and political action. Callicott’s argument for a worldview remediation is grounded in the idea

⁶⁶ Andy Sher. “Tennessee Governor Bill Haslam Vetoing ‘Ag-Gag’ Bill.” *Chattanooga Times Free Press*, May 13, 2013, sec. Local.
<http://www.timesfreepress.com/news/local/story/2013/may/13/tennessee-governor-bill-haslam-vetoing-ag-gag-bill/107867/>.

⁶⁷ Susie Cagle. “Will 2013 Be the Year of Ag-Gag Bills?” *Grist*, January 29, 2013.
<http://grist.org/news/will-2013-be-the-year-of-ag-gag-bills/>.

that environmental philosophy *is* environmental activism.⁶⁸ He thinks deep ecologists are wrong to criticize an academic environmental path because of the notion that it only results in essays on environmental ethics that collect dust on shelves and never produce real-world change. Devall and Sessions echo that argument in their book by criticizing an intellectual-reformist approach. Instead they make an argument that appeals to activists who are already ecologically conscious, and effectively narrow their audience. The emphasis on maintaining the minority tradition is counterintuitive to developing the sort of ecologically conscious society needed to combat global climate change and other major environmental issues. On the contrary, Devall and Sessions think trying to appeal to the public and reforming policy is pointless. Chapter three showed that they are committed to the idea that environmentalism is better off inculcated in a community of like-minded people. Devall and Sessions suggest taking Jim Dodge's "Where you at?" questionnaire to check if you have cultivated sense of place, but the results are intentionally disproportionate in favor of residents in rural areas over urban populations. The idea that people living in a city are less attune to the natural world, and thus, have a less authentic human experience is divisive. Furthermore, their theory neglects severe environmental issues that afflict urban residents. Flint, Michigan's contaminated water system, and comparatively highest rates of asthma in the South Bronx show that urban communities often bear the brunt of poor environmental conditions. Rather than pitying urban populations for "being-out-of-touch" with nature, deep ecologists need incorporate. The minority tradition in deep ecology is meant to foster ecological consciousness among an intimate community. However, if the result is the estrangement of the majority of the population in urban communities then deep ecology is not accomplishing the "real work" of environmentalism.

⁶⁸ Callicott, *Beyond the Land Ethic*, 27.

As conversation partners for environmentalism and activists, Thoreau, Leopold, and Abbey have the shared experience of undergoing a conversion that changed their understanding of humanity's relationship to the natural world. Leopold wrote about the formative moment when he realized the intrinsic value of an ecosystem's flora and fauna in "Thinking Like a Mountain," and began to ponder the ethical treatment of the land. Thoreau and Abbey found the solitude of living in the wilderness to be a liberating experience. Although they liked being free from the entanglement of social responsibilities, they eventually felt the need to share their realization with other people. Abbey detested the presence of other people because he felt that they were a burden on a balanced ecosystem. However, he learned that the growth in tourism and increase anthropogenic impact on the environment had adverse effects for the land's original residents. His focus on protecting the environment shifted to the people who called the land their home. *The Monkey Wrench Gang* drafted a method for people to safeguard the integrity of the land they appreciate in a meaningful way. Thoreau opted for an alternate method through civil disobedience. His fight is directed at the system that structures society in such a way that people feel obligated to perpetuate the its harmful tenets. So, Thoreau's appreciation for the natural world does not entail an antipathetic view of humanity. On the contrary, he thinks that people should take direct action through civil disobedience to change the worldview that humanity is bound to a social structure. These three conversions outlined the principles of deep ecology, as its philosophy is roughly characterized as the combination of Thoreau's civil disobedience, Leopold's ethics, Abbey's passion for authenticity, and an overarching deep appreciation for the intrinsic value of nature.

The question is whether an ecoterrorist can make a fundamental conversion towards direct political activism for the sake of saving the environment. The alternative direct criminal

activism only accomplishes a gesture of ecological consciousness. Callicott argues yes in support of his worldview remediation, as he references Dave Foreman's philosophical conversion. As the founder of Earth First!, Foreman strongly believed that activists should "let our actions set the finer points of our philosophy" instead of focusing on environmental philosophy.⁶⁹ He believed that "too often, philosophers are rendered impotent by their inability to act without analyzing everything to absurd detail. To act, to trust your instincts, to go with the flow of natural forces, is an underlying philosophy. Talk is cheap. Action is dear."⁷⁰ Foreman is stating the volition for his actions, but he has a change of heart years later when he "identified four forces that are shaping the conservation movement..first, 'academic philosophy,' second, 'conservation biology,' third, 'independent local groups,' and fourth, 'Earth First!.'"⁷¹ The group he found to organize extreme direct action came in fourth on the list of things advancing the environmental movement. Maybe, in self-reflection, Foreman realized 'academic philosophy' behind environmentalism him to begin his activism, which began by reading Abbey. Other extreme activists can follow Foreman's lead once more to stop committing arson or threatening ecological research facilities. The rhetoric of ecoterrorism and the damage it causes fuels the opposition's argument for strong penalties against environmental activism.

In summary, AETA and "ag-gag" laws are preventative measures for a nonissue, and should be repealed. They are only successful at infringing upon the rights of environmental activists. If paranoia regarding the threat of ecoterrorism cannot be dispelled by evidence that it is never life threatening and declining, then environmentalists must demonstrate committed to wholly peaceful civil disobedience. Activists committing crimes on behalf of ELF and ALF need

⁶⁹ Ibid., 42.

⁷⁰ Ibid.

⁷¹ Ibid.

to orient themselves towards campaigns that can produce effective change. The destruction of university facilities used to research new developments in ecology, and making threats with graffiti to say, “You cannot control what is wild” are counterintuitive to the environmental movement. A shallow ecology approach that prioritizes environmental policy and education is the effective method accomplishing the goal of attaining a society concerned for sustainability. Unlike deep ecology, it does not make environmentalism exclusive to the ecologically conscious minority.

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