

**Oppose the Animal Enterprise Terrorism Act (AETA)**  
**H.R. 4239 and S. 3880 (as amended)**

The Humane Society of the United States has no tolerance for individuals and groups who resort to intimidation, vandalism, or violence supposedly in the name of animal advocacy, and we have spoken out repeatedly against violence in any form. We believe harassment, violence, and other illegal tactics are wholly unacceptable and inconsistent with a core ethic of promoting compassion and respect, and also undermine the credibility and effectiveness of mainstream, law-abiding organizations and individuals. However, the Animal Enterprise Terrorism Act (AETA) threatens to sweep up – criminalizing as “terrorism” or otherwise chilling – a broad range of lawful, constitutionally protected, and valuable activity undertaken by citizens and organizations seeking change. Even with changes that have been incorporated into the current version of the legislation, it is still seriously flawed.

**The AETA threatens legitimate advocacy.** The legislation uses vague, overbroad terms such as “interfering with” which could be interpreted to include legitimate, peaceful conduct. For example, someone who uses the Internet to encourage people not to buy eggs from a company producing eggs with battery cages could be charged with terrorism for causing the company a loss of profits. Likewise, someone who seeks to “interfere with” the cruel treatment of puppies by filming the brutal conditions at a puppy mill, causing lost profits for the company when the film is publicized, could be charged with terrorism. The very risk of being charged as a terrorist will almost certainly have a chilling effect on legitimate activism.

**The AETA is not clear.** The bill imposes penalties for “economic damage,” including loss of profits. It provides an exemption for “lawful economic disruption (including a lawful boycott) that results from lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise.” But this exemption doesn’t explicitly include activities such as whistleblowing and investigations that may well cause loss of profits. And whether an activist’s actions are subject to criminal penalties will depend on whether a public, governmental, or business audience reacts in a lawful way, something out of the activist’s control. Moreover, this exemption doesn’t tie back to the offense, which uses different words than “economic damage,” so a court might disregard the exemption language altogether. (We had requested a clear exception in the offense section: “Nothing in subsection (a) shall be construed to prohibit any damage or loss of property that results from boycotts, protests, demonstrations, investigations, whistleblowing, reporting of animal mistreatment, or from any lawful public, governmental, or business reaction to the disclosure of information about an animal enterprise.”)

**The AETA is a solution in search of a problem.** Under the current federal law, the Animal Enterprise Protection Act of 1992, which the AETA seeks to amend, there have recently been several successful convictions, yielding sentences of 3-5 years for activities such as running a web site to incite vandalism and violence. (According to the Department of Justice, the national average sentence for a violent assault is 5 years, and sexual assault is 6 years.) Given that, it’s not clear that existing law even needs to be strengthened. Law enforcement agencies already have the tools they need to successfully prosecute and convict people who engage in campaigns of harassment and intimidation.

**Passing the AETA reflects misplaced priorities in Congress.** It is particularly disheartening to think Congress may rush forward with this ill-advised bill, yet not enact reasonable and long-overdue reform, such as the Animal Fighting Prohibition Enforcement Act (H.R. 817/S. 382). Purportedly, the AETA sponsors want not only to penalize, but also to prevent, extremist conduct that endangers animal enterprises and the people associated with them. When Congress fails to act on modest animal welfare reforms like the animal fighting bill, it makes it more difficult for organizations like The HSUS to make the case to activists that meaningful change is possible working through the system – and that they should pursue legal channels rather than taking matters into their own hands.