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### THE WAR ON 'ECO-TERROR'

AN ANALYSIS OF THE USE OF ANTI-TERRORISM LEGISLATION ON ACTIVIST  
MOVEMENTS IN THE UK & US

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SEPTEMBER 2007

# OVERVIEW

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This paper will address the growing use of anti-terror legislation on activists' movements in the UK and US, a growing phenomenon known as 'eco-terror'. Eco-terror is the term used to refer to activists from both the animal rights and environmental movements, who undertake direct action aimed to disrupt the economic welfare of targeted companies using sabotage, arson and other criminal actions.

The paper will aim to address these issues through detailed analysis in the following order:

|  |      |
|--|------|
| [1] INTRODUCTION   | p 3  |
| [2] DEFINITIONS OF ECO-TERRORISM                                 | p 4  |
| [3] THE HISTORY OF ECO-TERRORISM                                 | p 4  |
| [4] APPLYING TERRORISM TO THE ENVIRONMENTAL MOVEMENT             | p 6  |
| [5] USING TERRORISM LEGISLATION TO CRIMINALISE ACTIVISM          | p 6  |
| [6] ECO-TERRORISM'S MAIN PLAYERS                                 | p 10 |
| [7] METHODS OF DIRECT ACTION USED BY ECO-TERRORISTS              | p 13 |
| [8] THE EXPORT OF ACTIVISM                                       | p 14 |
| [9] THE CONVICTION OF ECO-TERRORISTS                             | p 15 |
| [10] RECENT ACTS OF ECO-TERRORISM – IS THE MOVEMENT STILL ALIVE? | p 16 |
| [11] CONCLUSION  | p 18 |



# 1. INTRODUCTION

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Eco-terrorism is the term used to define extremist views and actions by environmental and animal rights activists, usually resulting in the perpetration of crime. It is a fringe form of terrorism aimed primarily at inflicting economic damage on those seen as profiting from the destruction and exploitation of the environment, or from the use of animals. The US Government defines eco-terrorism 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 an audience beyond the target, often of a symbolic nature." These activists fight for the stricter legal protection of the environment and of animal rights, and can resort to extreme methods to draw attention to their cause.

The targets of eco-terrorists are varied. They usually include secondary targets of an offending company, focusing on their employees, banks, shareholders and clients. Animal rights 'eco-terrorists' have launched direct action on automobile companies, forestry companies, both private and university-based medical research laboratories, furriers, hunters and anglers, farmers, commercial fishermen, circuses, zoos, rodeos, and consumers of animal products which include food, clothing, medicine or services, as well as subsets of the entertainment industry which employ animals.

However, in recent years eco-terrorism has taken a more violent form. This started with The Animal Liberation Front (ALF) and its related group, the Earth Liberation Front (ELF), and has been a particular worry in the US. Alongside the growth of eco-terror as a method of direct action, the expansion of legislation to incorporate and criminalise certain forms of direct action has resulted in a grey area of what constitutes legal protest. This document attempts to explore this new phenomenon and evaluate the attempts to control eco-terrorism.



## 2. DEFINITIONS OF ECO-TERRORISM

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Eco-terrorism as a term focuses mainly on environmental terrorism, is a subset therefore of the term. A scholar on the subject, Elizabeth Chalecki, distinguishes between environmental terrorism and eco-terrorism, noting that environmental terrorism can be defined "as the unlawful use of force against *in situ* environmental resources, so as to deprive populations of their benefit(s) and/or destroy other property". In contrast, eco-terrorism is the violent destruction of property in the interest of saving the environment from human encroachment and destruction. More concisely, environmental terrorism targets natural resources, whereas eco-terrorism targets the built environment such as roads, buildings and trucks in defence of natural resources.

The National Extremism Tactical Co-ordination Unit (NETCU), a UK Home Office unit, was set up in May 2004 to coordinate intelligence and police action against animal rights activists and other extremists. They state that "The term 'domestic extremism' applies to unlawful action that is part of a protest or campaign. It is most often associated with 'single-issue' protests, such as animal rights, anti-war, anti-globalisation and anti-GM [genetically modified] crops." This further expands the issues that are included in extremist activity by protest and direct action groups.

Environmentalists have argued that eco-terrorism should mean the opposite of its current accepted meaning. They say that people, companies and governments engaging in ecologically irresponsible activities such as the cutting of forests are committing 'terrorism' against the environment. This counter-definition is also sometimes used rhetorically to express the environmentalist point of view, or to justify their actions.

Another term frequently used in connection to eco-terrorism is 'eco-tage' – sabotage that is intended to cause material damage to the movement's opponents. Eco-tage actions are undertaken covertly, meaning that they are carried out in secret, and activists aim to avoid identification and arrest. British direct action groups rarely claim responsibility for eco-tage, even anonymously, in contrast to the ALF.

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## 3. THE HISTORY OF ECO-TERRORISM

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It is difficult to study the eco-terrorist movement without looking at the animal rights and environmental movements simultaneously. These two movements have often taken similar stands concerning the use of the environment and the living organisms within it. Leaders of the various groups in each movement are routinely found as directors or advisors to other groups within either movement, indicating that the movements have many links with the other.

The Sierra Club, founded in 1892, was the first organisation created expressly for the purpose of affecting public opinion and legislation concerning the environment. As the movement grew, more radical elements of one group would depart to form another more aggressive organisation. This can be seen in the progression from the Sierra Club to Greenpeace, to Earth First!, to the ELF. The same has occurred somewhat in tandem with the animal rights movement. The most recent developments and organisational changes of eco-terrorism have highlighted a strong correlation between these movements within the UK and the US.

The eco-terrorist movement initially had many ties with established NGOs involved in wildlife conservation, animal protection or broader environmental campaigning, and many eco-terrorist activists are still involved with above-board practical social and ecological projects. Some of these projects have funding from State and other official sources. This highlights the intertwining of formal public sector connections with underground direct action movements.

The modern eco-terrorist movement began in the 1960s, when a group of animal rights advocates in England formed the Hunt Saboteurs Association, established to disrupt fox hunts. The campaign spent a lot of money and time on successfully sabotaging hunts. In 1972 they became the Band of Mercy, a more violent activist group that damaged property and held frequent meetings and parties in large country houses in order to attract new supporters to the campaign. A list of progressive environmental activist groups can be seen below:

### Summary Timeline for Notable Organisations

|   |
|---|
| 1892 - Sierra Club  |
| 1954 - Humane Society of the United States                |
| 1960 - Hunt Saboteurs Association                         |
| 1971 - Greenpeace   |
| 1972 - Bands of Mercy                                     |
| 1976 - Animal Liberation Front (ALF)                      |
| 1979 - Sea Shepherds                                      |
| 1980 - Earth First!                                       |
| 1980 - People for the Ethical Treatment of Animals (PETA) |
| 1992 - Earth Liberation Front (ELF)                       |
| 2000 - Stop Huntingdon Animal Cruelty                     |

In the UK, the absence of 'wilderness' for companies to harm, unlike in the US, meant that targets have included a wider range of opponents who cause lesser environmental destruction. In 1992, peat-cutting machinery was destroyed in Yorkshire, UK in an act costing £500,000, an action which was claimed by Earth First! The University of Oxford has seen an ongoing campaign against the construction of a vivisection laboratory, which uses animals for testing. The campaign has involved arson against a College's boat house in July 2004, as well as targeting of its investors and construction companies. The most shocking of acts occurred in October 2004, when the grave of an elderly lady was desecrated for being the grandmother of a guinea-pig farm owner. The protagonists received sentences of twelve years each, for conspiracy to blackmail. Three of the four convicted had previous convictions for criminal damage, one for an attack on the house of a brother of the director of Huntingdon Life Sciences (HLS).

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## 4. APPLYING TERRORISM TO THE ENVIRONMENTAL MOVEMENT

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The term 'terrorism' has experienced a broad range of problems in its definition. Many of the arguments in this respect concern the notion of what may be considered violence. In particular, whether acts which are destructive to property but avoid harm to human beings may be classified as terrorism.

There has been greater focus on eco-terrorism in the US, where animal rights and environmentalist groups have been very active throughout the last twenty years. However, the modern eco-terrorist movement can be seen to have started in the UK in 1960s with the Hunt Saboteurs Association.

Eco-terrorists operate through autonomous cells, which are unconstrained by geographic boundaries and are usually difficult to infiltrate. Unlike other collective societal groups with established hierarchies and membership requirements, an activist can become a member of the eco-terror movement simply by carrying out an illegal action on its behalf. Targets have included the secondary and tertiary organs of a business promulgating harm to animals or the environment. Acts of civil disobedience, which are non-violent in nature, cannot be properly referred to as eco-terrorism, even though they may be annoying or disruptive to others. These include peaceful protests, pickets and demonstrations, and the occupation of private land. However, direct action which is deemed as violent, destruction, sabotage and obstructing the public's right of way can be classed to be unlawful.

Some proposed laws are raising civil rights concerns, by employing a broad definition that could be interpreted to include virtually all environmental protests, even those that would otherwise be legal. These have been brought in by Governments in the response to the terrorist threat posed significantly by Islamic fundamentalism, but can also be traced back to the 1980s in the UK to address the dangers posed by the IRA.

In 2001, Europol (the European Union police force) had added two new categories to its 'terrorism' definition in a report on terrorist activities in the European Union, namely 'eco-terrorism' and 'anarchist terrorism', referring to environmental and anti-capitalist activists. In an interview with a German newspaper in August 2001, Europol's Director, Jurgen Storbeck, said the Black Block anarchist group could be seen as "terrorist or pre-terrorist". As the StateWatch magazine editor Tony Bunyan commented "The exclusion of right-wing bombing attacks in Italy - let alone violent and murderous attacks on migrants in several EU countries by racists - suggests that the inclusion of 'anarchist terrorism' and 'eco-terrorism' in this EU Situation report is aimed at criminalising the radical left and expanding the concept of terrorism".

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## 5. USING TERRORISM LEGISLATION TO CRIMINALISE ACTIVISM

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Since 11 September 2001 in particular, new legislation has widened the scope for using anti-terrorist legislation against individuals and groups dissenting Government policy. In the UK, this framework includes the Terrorism Act 2000 and the Regulation of Investigatory Powers Act 2000, which address not only the 'maintenance of order' but also the 'use of violence for a political cause', including seeking to 'change the mind of Government'. This significantly has widened the definition of terrorism to include protest groups, as those groups seeking to challenge the power of the State on a particular issue.

## UK TERRORISM ACT 2000

The Terrorism Act 2000 added new offences to the UK terrorism legislation framework, expanding it to incorporate the membership and support of proscribed terrorist organisations. It also allows for the investigation of 'terrorism' connected with groups other than those proscribed, and for the adding of further groups and actions to the list. Actions, or threats of actions, by a group or person are defined as terrorism under Section 1 of the Terrorism Act 2000 if:

- The use or threat of action is made for the purpose of advancing a political, religious or ideological cause;
- The use of a threat is designed to influence the government or to intimidate the public or a section of the public.

This last point is important, as it indicates that the threat of an action that might influence a Government's policy or a threat that might intimidate the public (even if the threatened acts are not violent) also qualify as terrorism. It may be argued that all protest action has basis in ideological grounds, but may be defined as terrorism if the action:

- Involves serious violence against a person, or
- Involves serious damage to property, or
- Creates a serious risk to the health or safety of the public or section of the public, or
- Is designed to seriously interfere with or to seriously disrupt an electronic system.

With regards to protest action, the above clauses relating to property damage and the disruption of electronic systems could be applied to direct action employed by protest groups and 'eco-terrorists'.

Other subsections of the Act have also been used against protest groups. Section 41 permits a police officer to arrest without warrant any person he suspects to be a terrorist, and detain him. This section was invoked at the RAF Fairford Peace Camp in 2003 to obstruct access to the demonstration and deny people access to materials to set up the camp, including wood. It states that any person detained under this section of the Act must be held for forty-eight hours from the time of arrest, and it is not acknowledged in this subsection that any detainee has the right to legal assistance.

Section 44 of the Terrorism Act 2000 has given police forces the power to stop and search to stop any pedestrian in an area or at a particular place and to search the pedestrian and/or anything carried by him. The law also gives police powers to:

- Stop and search people and vehicles for anything that could be used in connection with terrorism;
- Search people even if they do not have evidence to suspect them;
- Hold people for up to a month without charge;
- Search homes and remove protesters' outer clothes, such as hats, shoes and coats.

This section of the Act was invoked in September 2003 against Kevin Gillan and Pennie Quinton, who were intending to protest against Europe's largest international arms show, the Defence Systems Equipment International (DSEI) show. They were stopped and searched under the Act. The case received a lot of media attention, citing that this was a misuse of power, and leading the pressure group Liberty to take the case to the High Court in London. The Judge ruled in favour of the police. The decision was appealed twice, but failed on both attempts.



The Prevention of Terrorism Act was also added to the above legislation in 2005, criminalising any activity that police perceive to be for the preparation of a terrorist act, including the restriction of substances, internet access, communication with other individuals and on the restriction of movement. Measures in the Act were opposed by a number of human rights organisations, including Amnesty International, Human Rights Watch, JUSTICE and Liberty. Criticism of the Act included complaints about the range of restrictions that could be imposed, the use of closed proceedings and special advocates to hear secret evidence against the detainee, and the possibility that evidence against detainees may include evidence obtained in other countries by torture.

The US introduced the Animal Enterprise Terrorism Act (AETA) in September 2006, aimed at animal rights and environmental activists who engage in acts of "force, violence, and threats involving animal enterprises". The bill is described by the author as being intended to "provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror."

### SOCPA

The Serious Organised Crime Police and Police Act (SOCPA) 2005 came into force in the UK on 01 August 2005, allowing the Serious Organised Crime Agency to operate for the control of organised crime. The SOCPA legislation states that its purpose is to

*"make provision about investigations, prosecutions, offenders and witnesses in criminal proceedings and the protection of persons involved in investigations or proceedings; to provide for the implementation of certain international obligations relating to criminal matters; to amend the Proceeds of Crime Act 2002; to make further provision for combatting crime and disorder, including new provision about powers of arrest and search warrants; to make further provision about the police and policing and persons supporting the police....and for connected purposes."*



**Joseph Harris**

Joseph Harris, an animal rights activist (pictured above), was sentenced on 20 September 2006 to three years imprisonment at Northampton Crown Court as the first offender to be charged under SOCPA. He was charged with criminal damage after slashing tyres on vehicles, flooding a building and releasing gas from canisters inside the building, as well as causing offensive graffiti and other damage to businesses linked to Huntingdon Life Sciences (HLS), a prominent UK vivisection company.

Also included in the legislation is the banning of protest within one kilometre of Parliament Square and therefore the Houses of Parliament. This has resulted in a number of arrests since the legislation was enforced, usually by activists protesting the legislation itself, although also for not notifying authorities of a peaceful protest 24hrs before its initiation. The only activist exempt in the UK from the SOCPA legislation is Brian Haw (pictured below), an anti-war activist who has maintained a vigil outside of the Houses of



Parliament since June 2001. Just days before 01 August 2005 - after which Brian could be evicted under Section 132 of SOCPA which bans unauthorised protest near Parliament - a High Court hearing ruled that Brian's protest was not covered by the legislation. This was because prior authorisation was necessary only for demonstrations that started after 01 August 2005, and could not be applied retrospectively.



**Brian Haw**

The UK's 'common purpose principle' is a legal clause inserted into recent British anti-terror laws governing the police and the security services. Ordinarily, the use of surveillance and other intrusive investigative measures can only be used for serious crime. The common purpose principle states:

*“conduct which constitutes one or more offences shall be regarded as serious crime where it involves conduct by a large number of persons in pursuit of a common purpose”.*

Whilst the offences that protest groups carry out are illegal actions of lesser weight (such as trespass, obstruction of the highway and, after SOCPA, holding demonstrations without giving notice to the police), the fact that they are carried out by many people working together allows them to be investigated with the same powers reserved for organised criminals. The common purpose principle is enacted in UK law through the Security Services Act 1996 and the Police Act 1997. Using common purpose, many of the larger protests actions in the UK over recent years have seen the heavy surveillance of those taking part by specialist police photographic and video camera units.

## **FIT**

Monitoring and gathering intelligence on activist groups is becoming increasingly common, as well as openly-undertaken. At the end of 1994, the British Special Branch police department announced that it was shifting its priorities to concentrate on monitoring demonstrations and gathering intelligence on environmental activists. Originally established by the Metropolitan Police to monitor the growing violence at football matches, Forward Intelligence Teams (FIT) gained considerable experience throughout the 1990s. In December 1995, FIT Inspector Barry Norman and Sergeant Andy Brittan first attended street protests held by the group Reclaim The Streets, and first arrested a direct action protester from the organisation in 1996.

In evaluating the eco-terrorist movements in the UK and elsewhere, it is difficult to distinguish between direct action, civil disobedience and peaceful protest activity. 'Monkey wrenching' is a term popularised by environmentalists such in as Edward Abbey's novel *The Monkey Wrench Gang*, and later on, *Ecodefence* by Dave Foreman. It has come to mean, besides sabotage and damage to machines, any violence, sabotage, activism, law-making, or law-breaking to preserve wilderness, wild spaces and ecosystems.

Thus, it is economic warfare by eco-tage with the intent to slow down or halt activities which the 'monkey wrencher' perceives to be destructive corporate activities.

Foreman distinguishes 'monkey wrenching' from direct action and divides direct action into legal (demonstrations) and illegal (civil disobedience). However, in the context provided by media and the movements' sources, 'direct action' has been routinely used to describe illegal actions beyond civil disobedience, such as laboratory and mink farm raids conducted by the ALF. With this in mind, legal direct actions can be called protests, and illegal activities can be called direct actions. 'Monkey wrenching' is a term that implies illegal direct action on targeted companies.

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## 6. ECO-TERRORISM'S MAIN PLAYERS

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### THE ALF AND ANIMAL RIGHTS EXTREMISM

The ALF is the general umbrella name for animal rights extremists when they carry out certain forms of action, or monkey wrenching. Their aims, according to their website, are:

- to liberate animals from places of abuse, such as laboratories, factory farms, fur farms, etc, and place them in good homes where they may live out their natural lives, free from suffering;
- to inflict economic damage to those who profit from the misery and exploitation of animals;
- to reveal the horror and atrocities committed against animals behind locked doors, by performing non-violent direct actions and liberations;
- to take all necessary precautions against harming any animal, human and non-human.

They claim that their purpose is to "inflict economic damage to those who profit from the misery and exploitation of animals." Principal activities undertaken by the ALF include freeing animals from laboratories and zoos, alongside extensive property destruction.

During the 1980s and 1990s, ALF was responsible for many fire bombings and other sabotaging activities, such as the sinking of a whaling ship in Vancouver, Canada. The group has also sent letters containing razor blades to hunting trip guides in Canada and the US.

As outlined above, the ALF claims not to have a 'structure' or 'organisation' unlike other campaigning groups. Instead, it encourages individuals to take direct action against what it sees as manifestations of animal abuse, such as the meat, dairy or vivisection industries. Individuals become ALF activists simply by taking direct action and claiming responsibility for it through a related website.



## THE EARTH LIBERATION FRONT (ELF)

Earth First! was launched in the US in 1980 after the publication of a book, *The Monkey Wrench Gang* by Edward Abbey, which he based on accounts of eco-tage that stretched back to the early 1970s. Eco-defence, another eco-tage manual, produced by EF! (US) co-founder Dave Foreman, was widely distributed, with veiled encouragement to attack corporate offices of environmentally-polluting companies. However, some activists in the nascent Earth First! (UK) group sought to construct an Earth Liberation Front (ELF), which would promote a more radical political agenda and repertoires of sabotage. It was agreed at the EarthFirst! Gathering in 1992 that the group would be split into two subsets. On one hand, there would be an underground group, the ELF, which would undertake acts of eco-tage and, on the other hand, open and legal civil disobedience actions would be undertaken by a group retaining the name Earth First!. This was done, according to the groups, so that the actions of the ELF would make the agenda of EarthFirst! seem reasonable by comparison.

ELF's actions have included arson attacks, which have resulted in damage costs of millions of US dollars. The larger of these arson attacks, one of which was on a ski resort in Colorado and the other on a condominium in California, resulted in combined financial losses of \$60 million. Smaller arsons also caused significant amounts of damage, typically more than \$100,000 per event, but the larger arsons caused near-complete destruction to the facilities involved and therefore the companies.

Another controversial tactic used by ELF is tree-spiking, which involved hammering nails, preferably ceramic to avoid discovery by metal detectors, deep into trees to destroy sawmill blades and wreck chainsaws.

One link between an ALF approach and the ELF has been through several small anarchist networks. Green Anarchist, a newspaper produced by radical environmentalists, has long championed the ALF, and the growth of EF! (UK) in the early 1990s was reportedly aided by the paper. A second existing network, Greenpeace London, had early links with the new EF! groups and was sympathetic to the ALF.



## STOP HUNTINGDON ANIMAL CRUELTY (SHAC)

Huntingdon Life Sciences (HLS) is Europe's largest contract animal testing laboratory and ranks as one of the largest in the world. HLS is a UK-based company, where it operates two laboratory sites. Additionally, HLS runs another laboratory facility in East Millstone, New Jersey, US called the Princeton Research Centre.

In 1998, the BBC broadcast a documentary on animal testing, and its producers claimed to have filmed it at HLS facilities. A group, Stop Huntingdon Animal Cruelty (SHAC) was created, borrowing heavily from the methods and ideas of both ALF and ELF, to protest the use of animals in HLS' experiments. They have held extensive direct actions against the laboratory and its employees and directors.

## THE ANTI-SUV MOVEMENT

Towards the end of 2000, a new form of eco-terrorism emerged in the US against Sports Utility Vehicles (SUVs). Activists, some reportedly part of the ELF, decided to demonstrate against the environmentally-unfriendly vehicles by placing homemade stickers on them. These 'Mad Taggers', as they became known, used to sticker the cars in question, chosen at random with messages such as "I'm Changing the Climate. Ask Me How", "Bin Laden Used Your Gas Money", "If You Love America, Get Rid of Your SUV" and "I Don't Care About the Air". Most recently, on 16 July 2007 saw an incident against an SUV Hummer, in which two masked men broke the car's windows, slit its tyres and carved the message "FOR THE ENVIRON" into its bodywork. The FBI declared that these criminals were terrorists, who would face twenty years in prison for the crime.

The anti-SUV movement can reportedly be traced to a 1996 Sierra Club report on how petrol inefficient SUVs are. The tagging of SUVs (and sometimes petrol pumps) is a form of civil disobedience or protest that is more often humorous than harmful, but the strong glue used for such stickers was irritating and hard to remove. In addition, the practice made many SUV owners irate enough to call the police and pursue prosecutorial action. In most US cities, the crime is only one of unlawfully posting an advertisement and carries a fine of about \$250. However, in 2001, an arson attack destroyed thirty SUVs at a dealership in Eugene, Oregon. One man was charged with arson and vandalism after he caused over \$1million worth of damage to the outlet. This reportedly started a spate of a dozen similar attacks at SUV dealerships in the US, one of which the ELF claimed responsibility. In November 2002, a group of self-described ELF activists also slashed tires and splashed chemicals on up to thirty SUVs parked on streets in Richmond, Virginia. Most experts believe the anti-SUV movement represents the latest evolution of targeting by ELF.



## 7. METHODS OF DIRECT ACTION USED BY ECO-TERRORISTS

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### **Demonstrations – Work Premises**

These actions are the public face of the eco-terrorist movement, aimed at causing maximum embarrassment and negative publicity to the target. Demonstrations held outside the offices of target companies are the most common form of direct action by protesters. Currently, most of this type of activity is concentrated in Europe, where the animal rights movement is growing, although it is becoming more common throughout the rest of the world as the environmental movement grows. Demonstrations can be effectively executed by just a few activists, but more often are conducted by crowds of around twenty or more. Significantly, activists in Europe are free to harass workers travelling to and from work premises with little or no police intervention. Other standard forms of action included office occupations, disruptions of company Annual General Meetings, rooftop demonstrations and entry blockades. During office occupations, activists often re-file or remove paperwork and sensitive material. They have also been known to damage computer hard disk drives.

In the UK, Mark and Suzanne Taylor and Trish Portwine were jailed in March 2007 for their part in demonstrations in which they forced their way into business premises. DHL offices in The Netherlands were subjected to similar action in 2006.

### **Demonstration – Home Visits**

An alternative method of direct action is the home demonstration and appears to be favoured by American protesters. Groups of activists demonstrate outside the home of a targeted worker and employ the use of noise-making instruments (usually megaphones), shouting, heckling, visual aids (such as banners), all with the aim of shaming the occupant and his or her family.

A home visit is usually carried out surreptitiously during the hours of darkness by one or two activists. They are normally armed with paint, paint strippers and weapons, which are used to cause damage to property and vehicles. In recent attacks, offensive slogans have been daubed on property. Another tactic is posting information through the victim's neighbours' letterboxes about the work the victim is involved with to cause to ill-feeling. In many cases, pictures of the home address are posted on activist websites to ensure future targeting by activists. Most popular is the claim that the occupant is a paedophile in order to alienate the victim from his neighbours. This type of attack is relatively easy for activists to conduct if the address of a particular target is known.

### **Physical Assault**

This type of attack is more extreme, although rare, and has been conducted against a target company's director. The head of HLS, Brian Cass, was attacked by SHAC activist David Blenkinsop in 2001, and sustained serious injuries in the assault. Blenkinsop was jailed for this and other crimes, including detonating bombs under HLS employees' cars, for ten years. He was released on 28 March 2007.

### **Eco-tage**

Key examples of this type of action include staging demonstrations from treehouses and using tunnels and 'lock-ons' (used by road protestors as means of occupation of threatened land).

Other forms of covert eco-tage occur within public protest actions. For instance, during the 1996 Reclaim the Streets Party on the M41 in West London, the skirts of giant pantomime dames on stilts were used as cover for activists using pneumatic drills to break up the road.

Not all sabotage carried out by Earth First! or similar groups are based upon ecological motivations. Companies and public institutions have been targeted for their role in arms production, exploitation of the Third World or racism. For instance, in 2000 electricity supplies to Campsfield Detention Centre for asylum seekers near Oxford had to be cut after persons unknown attempted to cut the supply cables.

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## 8. THE EXPORT OF ACTIVISM

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As it becomes increasingly difficult for UK activists to campaign without being threatened with anti-terrorism legislation, and with communication between groups becoming less of a barrier than it was in the past, it would seem a natural progression for eco-terrorists to share tactics and support with their European counterparts. There has certainly been contact between affiliated groups in the UK, the US and European countries. Since European countries have not begun legislating against activists, they enjoy greater freedom, and it is likely that the dissemination of more radical tactics between groups is already taking place. For example, one of the aims of the Appelscha AR 2007 Camp in August 2007 was for animal rights activists to 'network' and share tactics.

A factor which may help the animal rights movement to gain members in Europe is the apparent lack of cooperation between UK and European police. During October 2006, activists remarked that UK police attempting to follow their 'Tour of Europe' were turned back by French police, thwarting the UK police's attempts to track and monitor the activists. This would have also prevented intelligence gathering by UK police, who are keen to build up their knowledge of activists based in Europe. Now that activists are aware of this barrier between the forces, it is expected that they intend to exploit this weakness to their advantage.

However, cross-border exchanges of intelligence between police forces have been taking place bilaterally on an ad hoc, case-by-case basis since international law enforcement cooperation began. More recently, provision has been made to allow exchanges to take place more easily between UK police forces and their European counterparts. Whether this will result in the prevention of eco-tage actions being undertaken, and its perpetrators charged with effective cross-border legislation, is likely to be an expanding although slow process.

Eco-terrorism may be the only kind of terrorism which has spawned a backlash form of terrorism, known as pyroterrorism. It has been suspected that forest fires in recent years may have been caused by anti-environmentalists who are "fed up" with the pro-environmental movement. Governments usually declare that forest fires are caused by lack of rain, lightning, or careless campers, but it has been suspected that disgruntled anti-environmentalists (who are sympathetic to the concerns of timber companies) deliberately start the fires. Pyroterrorism is suspected to be the case more in Australia and Latin America than in the US, and was most recently cited as a possibility for the fires in Greece in summer 2007.

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## 9. THE CONVICTION OF ECO-TERRORISTS

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In 2004, the FBI started actively tracking and arresting suspected 'ringleaders' of ELF, such as the protagonist responsible for the firebombing of a Hummer dealership in 2003. The activist was caught after sending emails to a major newspaper claiming responsibility for the crimes.

### 'OPERATION BACKFIRE'

On 07 December 2005 US State and local law enforcement began the largest roundup of alleged environmental and animal rights activists in American history. That day, the FBI arrested six people in four different States and issued Grand Jury subpoenas to several others. The charges involved twenty acts of arson spanning five years and five Western States, committed by self-proclaimed members of the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF).

On 05 June 2007, an American Federal Court sentenced environmental activist Daniel McGowan to seven years in prison for his role in two acts of arson in Oregon. The judge ruled that one of the fires was an act of terrorism. McGowan was one of six environmental activists arrested in 'Operation Backfire' - known to environmentalists as the 'Green Scare'. A month later, the six were indicted together by a grand jury on charges of property destruction, arson, and conspiracy relating to actions going back nearly a decade and attributed to the ELF. No one was hurt in any of the actions.

A total of eleven defendants charged in 'Operation Backfire' reportedly acted in an underground cell of the ELF that they called "The Family." In their previously-entered guilty pleas, the defendants acknowledged that they and their group sought to influence and affect the conduct of Government, private business, and the civilian population through force, violence, sabotage, mass destruction, intimidation and coercion, and to retaliate against government and private businesses by similar means. Total damages exceeded \$40 million in their eco-tage attacks.

The activists were threatened with life sentences if they refused to cooperate with the Government and serve as informants. After months of negotiation, in November 2006, McGowan and three others pled guilty to some of the charges on the condition that they would remain non-cooperative with the State. As a result, the US Government sought a "terrorism enhancement" for their sentences. The National Lawyers Guild called the terrorism sentencing enhancement issued to Daniel McGowan and others an unnecessary and excessive Government tactic to discourage the exercise of free speech.

On 03 August 2007, U.S. District Court Judge Ann Aiken completed the last sentencing hearing in the largest eco-terrorism case in US history. The sentences included:

#### DANIEL MCGOWAN, NATHAN BLOCK and JOYANNA ZACHER

- All three sentenced to seven years.
- Non-cooperating defendants. Accepted plea agreement that "explicitly rejected any requirement to identify, provide information on or testify against others."

#### CHELSEA GERLACH

- Sentenced to nine years.
- Cooperated with the US Government in its investigation.

#### STANISLAS G. MEYERHOFF and KEVIN TUBBS

- Sentenced to thirteen and twelve years respectively



-- Both cooperated with the Government in its investigation.

#### JONATHAN PAUL

-- Sentenced to four years.

-- Non-cooperating defendant. Accepted plea agreement that "explicitly rejected any requirement to identify, provide information on or testify against others."

#### KENDALL TANKERSLEY

-- Sentenced to three years (on 03 August 2007 sentence was reduced by five months).

-- Cooperated with the Government in its investigation.

#### ERIC MCDAVID

-- Non-cooperating defendant. His trial is scheduled to begin on 10 September 2007.

#### BRIANA WATERS

-- Non-cooperating defendant. Her trial is scheduled to begin on February 4, 2008.

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## 10. RECENT ACTS OF ECO-TERRORISM – IS THE MOVEMENT STILL ALIVE?

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It is clear to see that direct actions of the unlawful kind are still prevalent within protest activities today. Although the line seems to be blurring between unlawful and lawful direct action, it also seems to be doing so for police authorities, who attempt to criminalise any protest. However, the disruption caused by eco-terrorism has forced these authorities to react severely.

#### CAMP FOR CLIMATE ACTION 2006 & 2007

The 2006 Camp for Climate Action saw an the activist group Plane Stupid penetrate East Midlands airport and conduct a demonstration on the runway – an action that Heathrow Airport sought a injunction against at the 2007 Camp. Such an activity, according to above definitions, could be seen as a threat to the security of a portion of the population, those who were due to fly from Heathrow Airport throughout the duration of the Camp. However, the injunction was only granted in the end to the Plane Stupid activists, who still attended the 2007 Camp. Two named individuals, Joss Garman and Leo Murray, both from the group, were seen at the Camp but were prevented from carrying out direct action. Another Plane Stupid activist, Cristina Fraser, was cycling near the airport when she was stopped by police and charged under Section 58 of the Terrorism Act, accused of making a record of the area, which could have been used for terrorist purposes. The Camp passed without significant disruption to Heathrow Airport, with seventy-one arrests. None were reportedly under anti-terrorism legislation.

In July 2007, the environmental group Mutatoes, against the use of genetically modification (GM) in food stuffs, allegedly sabotaged a GM potato field in Yorkshire. The Saving Iceland campaign has targeted primary and secondary companies throughout summer 2007 to try to prevent heavy industry in Iceland, such as paint-bombing a plastics factory in Essex.

Since the 11 September 2001 attacks, over a thousand people have been arrested in the UK under anti-terror laws (including those outside of protest), but fewer than twenty have been convicted. Critics say the fact that so many have been arrested and then released without charge points to a "fishing expedition" by

the police. It has been reported that 230 of those initially held under the Act were accused of other offences, such as credit card fraud and immigration irregularities.

Eco-tage in the UK is still unlikely to be acknowledged by either its practitioners or by the targeted institutions. Activists may fear that with increasingly sophisticated techniques such as DNA testing acknowledgement of an act of eco-tage may create a trail that leads to arrest. Equally, those institutions targeted may rather ignore attacks than media or police because such action would signal their relevance to other hostile activists, as well as to NGOs and the public.

### **Reaction to the legislation by the movements**

Reaction by protesters to the use of anti-terror legislation against protest has naturally been negative, with groups claiming that the laws remove civil liberties and their right to peaceful protest. A protest group, the Campaign Against Criminalising Communities (CAMPACC), has been established solely to protest the ever-growing web of legislation that activists can be caught under, and still actively lobbies Government on the issue.

Another protest group against the use of cameras and surveillance of activists has been established and holds growing weight within activist movements. FITWATCH is a counter-surveillance group, who take photos and try to obtain the personal details and identification numbers of the officers in FIT. Photographs of the officers concerned have been posted on activist websites.

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## 11. CONCLUSION

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The injunction against the Camp for Climate Action 2007 recently resurrected the question of what constitutes reasonable protest in Britain. Environmentalists - and Plane Stupid in particular - indicated from the outset of the Camp for Climate Action 2007 that they would not undertake any direct action that would threaten human security (such as holding a sit-down protest on a runway). However, the tactic had been used the year before, implying that BAA's fears were, in effect, perfectly legitimate. However, that the injunction outlawed a named group of people from undertaking what would have been *illegal* direct action anyway.

In evaluating anti-terror legislation, the question remains: does eco-terrorism justify the array of anti-terrorist legislation that the UK and US Governments have employed to criminalise protesters' activities? Although a complicated question, inherently involving issues of democracy, legality and civil rights, one thing that has become apparent is that in the UK, the application of anti-terrorist legislation is more-often used as a *deterrent* to protesters' activity. When police make arrests for direct action activities at demonstrations, they usually do so for other criminal charges such as damage, harassment, disturbance of the peace and the blockage of the right of way. This implies that police are hesitant to enforce the legislation. The introduction of new anti-terror laws seems only to be further complicating the definition of terrorism and what constitutes it, rather than clarifying it. This inherently implies that the Government is still struggling with legally defining the term 'eco-terrorism'.

In today's terror climate, the authorities' fear that terrorist individuals and organisations may 'slip through the net' has justified the use of wide-ranging legislation against activists. Many times, actions of 'eco-terrorists' are perpetrated to induce fear, and this should rightly be clamped down upon and prosecuted. However, where peaceful protest such as the Camp for Climate Action 2007 intends not to disrupt or threaten human security, the threat alone of anti-terrorist legislation being used against protest is extreme. The issue lies in the blurring of lines between those extremists willing to carry out eco-tage, and those looking to undertake peaceful protest, which should be encouraged in a democracy. This is especially problematic where the two kinds of protests exist side by side at a demonstration, or within groups.

In contrast with the US, which declares eco-terrorism to be the most serious form of domestic terrorism today, the UK must respect the fine lines between democratic voice, illegal activity, terrorism and scare-mongering. The UK is breaking ground on the use of ant-terror legislation for these purposes, but the EU may have a harder battle in agreeing eco-terrorism's definition. Moreover, it may also struggle with the coordination of cross border police efforts and with establishing EU-wide legislation to stifle the growth and activities of offending groups, as has been seen with animal rights activists crossing borders to hold anti-fur demonstrations. It also remains to be seen whether police authorities will successfully enforce legislation on activists across the EU, which has been problematic in the UK.

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