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TESTIMONY IN FAVOR of A.B. 191
Assembly Committee on Judiciary Hearing12
13 March 2003

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Ladies and Gentlemen:

Thank you for this opportunity to speak in **favor** of A.B. 191.

I am Dr. Richard Simmonds, a veterinarian and the Director of Laboratory Animal Medicine for the University and Community College System of Nevada.

This bill, A.B. 191, seeks to amend Nevada statutes to enhance the penalty for burglary of research facilities.

Collectively, the components of the University and Community College System of Nevada make up what is likely the largest research enterprise in the state. The research activities being conducted at our campuses, much of which is funded by grants from Federal and non-profit agencies represent significant economic and education contributions to our state. Economic because of the millions of dollars such activities bring into Nevada. Educationally by allowing our institutions to attract and keep outstanding faculty and providing opportunities for our college students to learn from and work with researchers who are truly on the cutting edge of their disciplines. In addition, the resources provided from some of these grants allow our institutions to develop and implement programs for outreach to K through 12 science programs, thus strengthening the quality of pre-college education programs in Nevada.

Over the last couple of decades we have seen an increasingly violent series of attacks on university research programs, especially on programs involving the use of animal subjects and biotechnology. Even before

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1 of 17

ASSEMBLY JUDICIARY

DATE: 3/13/03 ROOM: 3138 EXHIBIT I
SUBMITTED BY: Richard Simmonds

September 11, 2001, the Federal Bureau of Investigation (FBI) placed the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF), both radical "activist" groups, on their list of domestic terrorist organizations. As you will note from the material contained in Attachment 1, Testimony of FBI Agent James Jarboe to Congress in February 2002, ALF and ELF have committed numerous terrorist attacks on various institutions, including universities, resulting in millions of dollars of damage.

A report on eco- and animal rights terrorism issued by the National Association of State Universities and Land-Grant Colleges (Attachment 2), further documents many of the specific attacks on universities and colleges. This report also includes documentation (on page 6) of an incident where direct threats from overt and covert animal rights activists and terrorists to an individual researcher at The Ohio State University caused that researcher to abandon his life's work and quit his profession.

As early as 1992, the U.S. Congress recognized the danger that the then emerging animal rights terrorism posed to research and other enterprises using animals (including agricultural activities) and passed the "Animal Enterprise Protection Act of 1992" (Attachment 3) increasing significantly the criminal penalties for persons committing "animal enterprise terrorism" involving interstate commerce.

While the penalties proposed in A.B. 191 probably will not deter the serious ALF or ELF terrorist, they will likely accomplish two things: (1) deter the misguided animal rights or ecology activist who thinks breaking into a research facility and releasing research animals or trashing a laboratory is nothing more serious than a prank or spraying graffiti, and (2) raise the legal bar sufficiently to encourage and support law enforcement and judicial authorities in efforts to prosecute offenders.

Perhaps with the provisions of A.B. 191 enacted into law we can achieve sufficient deterrence to prevent incidents such as those documented in Attachment 3 from occurring in Nevada.

Thank you again for this opportunity to speak regarding this bill. May I answer any questions?

I 2 of 17

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The Threat of Ecoterrorism

James F. Jarboe, Domestic Terrorism Section Chief, FBI
February 12, 2002

Congressional Testimony

February 12, 2002

Statement of James F. Jarboe
Domestic Terrorism Section Chief
Counterterrorism Division
Federal Bureau of Investigation on
The Threat of Eco-Terrorism

Before the House Resources Committee
Subcommittee on Forests and Forest Health

Good morning Chairman McInnis, Vice-Chairman Peterson, Congressman Inslee and Members of the Subcommittee. I am pleased to have the opportunity to appear before you and discuss the threat posed by eco-terrorism, as well as the measures being taken by the FBI and our law enforcement partners to address this threat.

The FBI divides the terrorist threat facing the United States into two broad categories, international and domestic. International terrorism involves violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. Acts of international terrorism are intended to intimidate or coerce a civilian population, influence the policy of a government, or affect the conduct of a government. These acts transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate, or the locale in which perpetrators operate.

Domestic terrorism is the unlawful use, or threatened use, of violence by a group or individual based and operating entirely within the United States (or its territories) without foreign direction, committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

During the past decade we have witnessed dramatic changes in the nature of the terrorist threat. In the 1990s, right-wing extremism overtook left-wing terrorism as the most dangerous domestic terrorist threat to the country. During the past several years special interest extremism, as characterized by the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF), has emerged as a serious terrorist threat. Generally, extremist groups engage in much activity that is protected by constitutional guarantees of free speech and assembly. Law enforcement becomes involved when the volatile talk of these groups transgresses into unlawful action. The FBI estimates that the ALF/ELF have committed more than 600 criminal acts in the United States since 1996, resulting in damages in excess of 43 million dollars.

Special interest terrorism differs from traditional right-wing and left-wing terrorism in that extremist

special interest groups seek to resolve specific issues, rather than effect widespread political change. Special interest extremists continue to conduct acts of politically motivated violence to force segments of society, including the general public, to change attitudes about issues considered important to their causes. These groups occupy the extreme fringes of animal rights, pro-life, environmental, anti-nuclear, and other movements. Some special interest extremists – most notably within the animal rights and environmental movements – have turned increasingly toward vandalism and terrorist activity in attempts to further their causes.

Since 1977, when disaffected members of the ecological preservation group Greenpeace formed the Sea Shepherd Conservation Society and attacked commercial fishing operations by cutting drift nets, acts of "eco-terrorism" have occurred around the globe. The FBI defines eco-terrorism as the use or threatened use of violence of a criminal nature against innocent victims or property by an environmentally-oriented, subnational group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature.

In recent years, the Animal Liberation Front (ALF) has become one of the most active extremist elements in the United States. Despite the destructive aspects of ALF's operations, its operational philosophy discourages acts that harm "any animal, human and nonhuman." Animal rights groups in the United States, including the ALF, have generally adhered to this mandate. The ALF, established in Great Britain in the mid-1970s, is a loosely organized movement committed to ending the abuse and exploitation of animals. The American branch of the ALF began its operations in the late 1970s. Individuals become members of the ALF not by filing paperwork or paying dues, but simply by engaging in "direct action" against companies or individuals who utilize animals for research or economic gain. "Direct action" generally occurs in the form of criminal activity to cause economic loss or to destroy the victims' company operations. The ALF activists have engaged in a steadily growing campaign of illegal activity against fur companies, mink farms, restaurants, and animal research laboratories.

Estimates of damage and destruction in the United States claimed by the ALF during the past ten years, as compiled by national organizations such as the Fur Commission and the National Association for Biomedical Research (NABR), put the fur industry and medical research losses at more than 45 million dollars. The ALF is considered a terrorist group, whose purpose is to bring about social and political change through the use of force and violence.

Disaffected environmentalists, in 1980, formed a radical group called "Earth First!" and engaged in a series of protests and civil disobedience events. In 1984, however, members introduced "tree spiking" (insertion of metal or ceramic spikes in trees in an effort to damage saws) as a tactic to thwart logging. In 1992, the ELF was founded in Brighton, England, by Earth First! members who refused to abandon criminal acts as a tactic when others wished to mainstream Earth First!. In 1993, the ELF was listed for the first time along with the ALF in a communique declaring solidarity in actions between the two groups. This unity continues today with a crossover of leadership and membership. It is not uncommon for the ALF and the ELF to post joint declarations of responsibility for criminal actions on their web-sites. In 1994, founders of the San Francisco branch of Earth First! published in The Earth First! Journal a recommendation that Earth First! mainstream itself in the United States, leaving criminal acts other than unlawful protests to the ELF.

The ELF advocates "monkeywrenching," a euphemism for acts of sabotage and property destruction against industries and other entities perceived to be damaging to the natural environment. "Monkeywrenching" includes tree spiking, arson, sabotage of logging or construction equipment, and other types of property destruction. Speeches given by Jonathan Paul and Craig Rosebraugh at the 1998 National Animal Rights Conference held at the University of Oregon, promoted the unity of both the ELF and the ALF movements. The ELF posted information on the ALF website until it began its own website in January 2001, and is listed in the same underground activist publications as the ALF.

The most destructive practice of the ALF/ELF is arson. The ALF/ELF members consistently use improvised incendiary devices equipped with crude but effective timing mechanisms. These incendiary devices are often constructed based upon instructions found on the ALF/ELF websites. The ALF/ELF criminal incidents often involve pre-activity surveillance and well-planned operations. Members are

believed to engage in significant intelligence gathering against potential targets, including the review of industry/trade publications, photographic/video surveillance of potential targets, and posting details about potential targets on the internet.

The ALF and the ELF have jointly claimed credit for several raids including a November 1997 attack of the Bureau of Land Management wild horse corrals near Burns, Oregon, where arson destroyed the entire complex resulting in damages in excess of four hundred and fifty thousand dollars and the June 1998 arson attack of a U.S. Department of Agriculture Animal Damage Control Building near Olympia, Washington, in which damages exceeded two million dollars. The ELF claimed sole credit for the October 1998, arson of a Vail, Colorado, ski facility in which four ski lifts, a restaurant, a picnic facility and a utility building were destroyed. Damage exceeded \$12 million. On 12/27/1998, the ELF claimed responsibility for the arson at the U.S. Forest Industries Office in Medford, Oregon, where damages exceeded five hundred thousand dollars.

Other arsons in Oregon, New York, Washington, Michigan, and Indiana have been claimed by the ELF. Recently, the ELF has also claimed attacks on genetically engineered crops and trees. The ELF claims these attacks have totaled close to \$40 million in damages.

The name of a group called the Coalition to Save the Preserves (CSP), surfaced in relation to a series of arsons that occurred in the Phoenix, Arizona, area. These arsons targeted several new homes under construction near the North Phoenix Mountain Preserves. No direct connection was established between the CSP and ALF/ELF. However, the stated goal of CSP to stop development of previously undeveloped lands, is similar to that of the ELF. The property damage associated with the arsons has been estimated to be in excess of \$5 million.

The FBI has developed a strong response to the threats posed by domestic and international terrorism. Between fiscal years 1993 and 2003, the number of Special Agents dedicated to the FBI's counterterrorism programs grew by approximately 224 percent to 1,669 -- nearly 16 percent of all FBI Special Agents. In recent years, the FBI has strengthened its counterterrorism program to enhance its abilities to carry out these objectives.

Cooperation among law enforcement agencies at all levels represents an important component of a comprehensive response to terrorism. This cooperation assumes its most tangible operational form in the Joint Terrorism Task Forces (JTTFs) that are established in 44 cities across the nation. These task forces are particularly well-suited to responding to terrorism because they combine the national and international investigative resources of the FBI with the street-level expertise of local law enforcement agencies. Given the success of the JTTF concept, the FBI has established 15 new JTTFs since the end of 1999. By the end of 2003 the FBI plans to have established JTTFs in each of its 56 field offices. By integrating the investigative abilities of the FBI and local law enforcement agencies, these task forces represent an effective response to the threats posed to U.S. communities by domestic and international terrorists.

The FBI and our law enforcement partners have made a number of arrests of individuals alleged to have perpetrated acts of eco-terrorism. Several of these individuals have been successfully prosecuted. Following the investigation of the Phoenix, Arizona, arsons noted earlier, Mark Warren Sands was indicted and arrested on 6/14/2001. On 11/07/2001, Sands pleaded guilty to ten counts of extortion and using fire in the commission of a federal felony.

In February 2001, teenagers Jared McIntyre, Matthew Rammelkamp, and George Mashkow all pleaded guilty, as adults, to title 18 U.S.C. 844(i), Arson, and 844(n), Arson Conspiracy. These charges pertain to a series of arsons and attempted arsons of new home construction sites in Long Island, New York. An adult, Connor Cash, was also arrested on February 15, 2001, and charged under the same federal statutes. Jared McIntyre stated that these acts were committed in sympathy of the ELF movement. The New York Joint Terrorism Task Force played a significant role in the arrest and

prosecution of these individuals.

On 1/23/2001, Frank Ambrose was arrested by officers of the Department of Natural Resources with assistance from the Indianapolis JTTF, on a local warrant out of Monroe County Circuit Court, Bloomington, Indiana, charging Ambrose with timber spiking. Ambrose is suspected of involvement in the spiking of approximately 150 trees in Indiana state forests. The ELF claimed responsibility for these incidents.

On September 16, 1998, a federal grand jury in the Western District of Wisconsin indicted Peter Young and Justin Samuel for Hobbs Act violations as well as for animal enterprise terrorism. Samuel was apprehended in Belgium, and was subsequently extradited to the United States. On August 30, 2000, Samuel pleaded guilty to two counts of animal enterprise terrorism and was sentenced on November 3, 2000, to two years in prison, two years probation, and ordered to pay \$364,106 in restitution.

Samuel's prosecution arose out of his involvement in mink releases in Wisconsin in 1997. This incident was claimed by the ALF. The investigation and arrest of Justin Samuel were the result of a joint effort by federal, state, and local agencies.

On April 20, 1997, Douglas Joshua Ellerman turned himself in and admitted on videotape to purchasing, constructing, and transporting five pipe bombs to the scene of the March 11, 1997, arson at the Fur Breeders Agricultural co-op in Sandy, Utah. Ellerman also admitted setting fire to the facility. Ellerman was indicted on June 19, 1997 on 16 counts, and eventually pleaded guilty to three. He was sentenced to seven years in prison and restitution of approximately \$750,000. Though this incident was not officially claimed by ALF, Ellerman indicated during an interview subsequent to his arrest that he was a member of ALF. This incident was investigated jointly by the FBI and the Bureau of Alcohol, Tobacco and Firearms (ATF).

Rodney Adam Coronado was convicted for his role in the February 2, 1992, arson at an animal research laboratory on the campus of Michigan State University. Damage estimates, according to public sources, approached \$200,000 and included the destruction of research records. On July 3, 1995, Coronado pled guilty for his role in the arson and was sentenced to 57 months in federal prison, three years probation, and restitution of more than \$2 million. This incident was claimed by ALF. The FBI, ATF, and the Michigan State University police played a significant role in the investigation, arrest, and prosecution.

Marc Leslie Davis, Margaret Katherine Millet, Marc Andre Baker, and Ilse Washington Asplund were all members of the self-proclaimed "Evan Mecham Eco-Terrorist International Conspiracy" (EMETIC). EMETIC was formed to engage in eco-terrorism against nuclear power plants and ski resorts in the southwestern United States. In November 1987, the group claimed responsibility for damage to a chairlift at the Fairfield Snow Bowl Ski Resort near Flagstaff, Arizona. Davis, Millet, and Baker were arrested in May 1989 on charges relating to the Fairfield Snow Bowl incident and planned incidents at the Central Arizona Project and Palo Verde nuclear generating stations in Arizona; the Diablo Canyon Nuclear Facility in California; and the Rocky Flats Nuclear Facility in Colorado. All pleaded guilty and were sentenced in September 1991. Davis was sentenced to six years in federal prison, and restitution to the Fairfield Snow Bowl Ski Resort in the amount of \$19,821. Millet was sentenced to three years in federal prison, and restitution to Fairfield in the amount of \$19,821. Baker was sentenced to one year in federal prison, five months probation, a \$5,000 fine, and 100 hours of community service. Asplund was also charged and was sentenced to one year in federal prison, five years probation, a \$2,000 fine, and 100 hours of community service.

Currently, more than 26 FBI field offices have pending investigations associated with ALF/ELF activities. Despite all of our efforts (increased resources allocated, JTTFs, successful arrests and prosecutions), law enforcement has a long way to go to adequately address the problem of eco-terrorism. Groups such as the ALF and the ELF present unique challenges. There is little if any hierarchal structure to such entities. Eco-terrorists are unlike traditional criminal enterprises which are often structured and

organized.

The difficulty investigating such groups is demonstrated by the fact that law enforcement has thus far been unable to effect the arrests of anyone for some recent criminal activity directed at federal land managers or their offices. However, there are several ongoing investigations regarding such acts. Current investigations include the 10/14/2001 arson at the Bureau of Land Management Wild Horse and Burro Corral in Litchfield, California, the 7/20/2000 destruction of trees and damage to vehicles at the U.S. Forestry Science Laboratory in Rhinelander, Wisconsin, and the 11/29/1997 arson at the Bureau of Land Management Corral in Burns, Oregon.

Before closing, I would like to acknowledge the cooperation and assistance rendered by the U.S. Forest Service in investigating incidents of eco-terrorism. Specifically, I would like to recognize the assistance that the Forest Service is providing with regard to the ongoing investigation of the 7/20/2000 incident of vandalism and destruction that occurred at the U.S. Forestry Science Laboratory in Rhinelander, Wisconsin.

The FBI and all of our federal, state, and local law enforcement partners will continue to strive to address the difficult and unique challenges posed by eco-terrorists. Despite the recent focus on international terrorism, we remain fully cognizant of the full range of threats that confront the United States.

Chairman McInnis and Members of the Subcommittee, this concludes my prepared remarks. I would like to express appreciation for your concentration on the issue of eco-terrorism and I look forward to responding to any questions.

REPORT OF THE TASK FORCE ON ECO- AND ANIMAL RIGHTS TERRORISM
For the National Association of State Universities and Land-Grant
Colleges

Robert Hoover, Task Force Chair
Approved by the NASULGC Board of Directors
NOVEMBER 2002

Introduction and Background

One common thread that brings the institutions of the National Association of State Universities and Land-Grant Colleges (NASULGC) together is our collective involvement in promoting the interests of our universities in the discovery of new knowledge. We are now faced with an unprecedented challenge to the traditional autonomy of the academy to educate, to discover, and to use new knowledge in service to our external communities. Eco- and animal rights activist groups seek to curtail research (at universities and elsewhere) that relies on the use of animals, biotechnology, and genetically modified organisms and thus to curtail the development of new knowledge that can be used to improve the human condition. Some of these groups are prone to use violence to achieve their goals, and as such they pose real threats to universities and other research facilities. We in higher education are also faced with the prospect that international terrorists may seek to use our research activities in such a manner as to produce a disaster causing catastrophic loss of life. In responding to these threats, we are facing significant management and financial issues, as well as new difficulties associated with maintaining the openness and free exchange of information that is so central to our academic tradition and the scientific method.

At its November 2001 Annual Meeting in Washington, D.C., the NASULGC Board of Directors formed a task force on eco- and animal rights terrorism to explore these issues and to make recommendations to the NASULGC presidents. Members of the task force are listed at the end of this report. We have conducted several telephone conference meetings over the last several months, and convened a two-day workshop in Washington, D.C. in June.

Definition of Terrorism and the Increasing Eco-Terrorist Threat

The classic definition of terrorism is "the use of violence to separate a people from their government or organization." Governments unable to secure their population in the face of terrorism crumble. Today, successful violence against our laboratories has the potential of separating our scientists from the university and ultimately our scientists from their research careers.

Until September 11, 2001 (9-11), most of America thought of terrorism as something that occurs only in other parts of the world. In fact, American universities and other organizations have been the targets of domestic terrorism for over 20 years. Unfortunately, the events of 9-11 seem to have intensified eco- and animal rights terrorist activities. Increasingly, university research facilities in the United States are the targets of their actions.

I 8 of 17

The FBI defines eco-terrorism as "the use or threatened use of violence of a criminal nature against innocent victims or property by environmentally oriented, sub-national groups for environmental-political reasons, aimed at an audience beyond the target, often of a symbolic nature." The Attorney General of the United States has formally designated organizations such as the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF) as domestic terrorists. The FBI has named them as the two most dangerous domestic terrorist groups in America, and has stepped up its investigative activities in this area.

The FBI has expressed serious concerns about the growing impact that eco- and animal rights terrorist activities may have on the university research community. The agency's concerns include our knowledge of the people who work in our laboratories, especially students, American as well as international; our management and security controls; the possible training for terrorist actions on campus; and the lack of tough federal laws that might deter eco- and animal rights terrorists.

While many university research facilities are located on large urban campuses and can be secured from potential attacks, others are located in isolated areas that are far more difficult to secure. Moreover, the FBI believes, and we have confirmed, that our faculty are worried about losing their research, often a life's work, in attacks by domestic terrorists. Faculty also express concerns about the potential threat of terrorism to their own well-being and to that of our students. These concerns are heightened at land grant universities with genetic research interests and rural agricultural research facilities.

Eco- and Animal Rights Terrorism on Campus

So what is the record of ELF and ALF? Eco- and animal rights terrorists have claimed credit for a large number of attacks on university facilities across the United States, ranging from the burning of a University of California, Davis research facility nearly 20 years ago to the recent destruction of the University of Washington's Center for Urban Horticulture. In the latter case, the fire damage to the university facility was estimated at \$5.4 million and faculty member Toby Bradshaw was named as the specific researcher whose work the groups were intent on destroying. Other recent incidents include:

At Michigan State University, arsonists poured gasoline throughout the offices of researcher Catherine Ives, resulting in an estimated \$900,000 in fire damage.

Windows, computers and laboratory equipment were destroyed at Washington State University's poultry laboratory.

At Western Washington University, a psychology laboratory was raided, offices trashed, acid poured on the floor, slogans painted on the walls and rats and rabbits removed from the laboratory.

At Michigan Tech, ELF claimed responsibility for a bomb that was found outside a research facility before it detonated.

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ELF also took credit for attacks on the new Ag-Biotechnology Building at the University of Idaho even before it opened. Eco- and animal rights terrorists have also targeted numerous research facilities owned by the U.S. Department of Agriculture and private corporations that partner with universities in research activities. In a report entitled "Illegal Incidents Summary," the Foundation for Biomedical Research summarizes over 400 acts of terrorism by ELF, ALF, Stop Huntington Animal Cruelty (SHAC), and other organizations since 1981. Since our universities are the training ground for future generations of researchers, the loss of a single researcher and/or laboratory has far-reaching implications for the future of the research enterprise. One recent case illustrates how harassment and the threat of violence can affect America's experimental researchers. Until recently, Dr. Michael Podell of Ohio State University was one of the leading American HIV virus researchers. His research could provide important insights into how HIV and FIV penetrate the brain. Funded by a \$1.68 million NIH grant, Dr. Podell's research was published in the Journal of NeuroVirology. Ohio State announced in June 2001 "Podell's team had found exposing cells infected with feline immunodeficiency virus - a surrogate for HIV - to methamphetamine increases those cells' ability to replicate the virus as much as 15-fold." Ohio State notes "That [this] knowledge is vital in slowing or lessening the dementia that often accompanies AIDS and similar diseases."

Dr. Podell was harassed and threatened by both People for Ethical Treatment of Animals (PETA) and ALF for several years. Shortly after both organizations published his office phone number and e-mail address on their web pages with descriptions of his research, he began receiving death threats. In February 2001, the Physicians Committee for Responsible Medicine (PCRM) filed three separate complaints against Podell's lab with USDA, NIDA, and Ohio State University asking for an independent review of the project. In December 2001, PCRM filed a "Freedom of Information" lawsuit against NIH for "concealing crucial data." A USDA surprise visit to Ohio State University and Podell's laboratory found them in compliance with experimental animal policy. Even so, the harassment continued and eventually achieved its goal as Dr. Podell resigned from Ohio State University, left the project and quit his profession as a researcher. Federation of American Societies for Experimental Biology President Bob Rich stated that "the scientific research community [was] deeply alarmed at the precedent set by the abandonment of important, peer reviewed research in the face of insufferable persecution. It is disturbing to learn that the pace of research discovery can be dictated by the destructive tactics of a group of extremists, rather than by the scientific community or the federal agencies charged with overseeing the care of animal subjects." Frankie Trull, President of the Foundation for Biomedical Research, argued in a June 12, 2002 letter to NIH Director Elias Zerhouni that the long-term implications "of such valuable peer-reviewed research being abandoned as a result of unbearable harassment" were "frightening." Trull expressed the research community's alarm "that a small, vocal, and often violent segment of the animal rights movement, rather than the scientific research community, is increasingly being allowed to define the parameters of medical research expertise." She wrote, "We fear that the loss of Dr. Podell and his research project is merely the beginning of an ever-escalating campaign against research discovery and medical advancement."

Congressional Response

Executive Branch and Congressional interest in this internal threat of eco- and animal rights terrorism has grown significantly since 9-11. Congressman Scott McInnis from Colorado is leading the charge in exploring measures to confront ELF and ALF. He and his colleagues are looking at ways to disconnect the financial assistance between main line groups and ELF/ALF. They are also discussing standardization of controls and regulations for research facilities, such as training for campus security, employee education, information sharing among universities, and background checks for interns, graduate students and others working in research laboratories. It is important to note that, to date, they are not discussing in real detail federal financial support to meet the potential costs of their likely mandates. There is also some interest in strengthening legislation for stiffer financial and incarceration penalties for violent eco- and animal rights terrorist actions. Homeland Defense promises greater sharing of information among agencies in addressing terrorism, whether it is international or domestic in origin.

Other Organizations Addressing This Problem

A number of other organizations are focusing on the threat of eco- and animal rights terrorism on university researchers. As many in the NASULGC community know, ESCOP has just released the draft report on Initiatives in Agricultural Security that provides recommendations for security against terrorism, both domestic and international in inspiration. ESCOP is recommending the establishment of an Institute for Agricultural Security with a vision to be "efficient, effective, relevant, proactive and responsive in carrying out its responsibilities for coordinating and promoting homeland agro-security and promoting homeland agro-security assurances for U.S. agricultural production and food systems." They are recommending a mission that provides rapid access to the best information and services for preventing, eliminating, avoiding or mitigating domestic and foreign threats to U.S. agricultural production and food systems.

The National Association for Biomedical Research has become an important source of information and is conducting significant governmental lobbying efforts on the threat of animal rights terrorism. Stop Eco-Violence, a Portland, Oregon based organization, was recently established to focus on these issues as well.

Recommendations

1. Education of the University Community

Our first concern is the issue of university vulnerability. It was our judgment that our university communities, by in large, are not aware of our potential vulnerability to terrorist attacks. Thus, if we are to be successful, we will need to mount an educational effort concerning the threat, our vulnerability, and steps we need to take to counter the threat. It was stressed to us over and over in our various conversations that if we are to be successful, university presidents and senior university leadership must make this a priority on our campuses. Thus we recommend that the initial target for the educational effort should be university leadership.

2. Addressing the Threat

We recommend that threat assessment teams composed of university and community officials be established to address eco- and animal rights terrorism. The present concern about terrorism provides university officials with an opportunity to enhance security while addressing current requirements for improved accountability for sensitive materials. The assessment teams will allow universities to determine vulnerabilities and address capabilities to prevent and respond to acts of terrorism. To conduct the required assessments of threat, vulnerability and capability, we encourage universities to convene multi-disciplinary teams that include university administrators, faculty, researchers, university security, local police, fire and rescue, federal agency representatives, and other officials from the private and public sectors as appropriate. It is imperative that community partners be included with university officials on these assessment teams. The threat assessment team should include state and federal law enforcement officials. This team can identify individuals and/or groups of concern and develop mechanisms for sharing information on these groups. Threat assessment will also help to identify information requirements and investigative strategies. The vulnerability assessment group can identify potential targets and assess the level of security of each. They can also review the adequacy of emergency response planning and the capability of the response agencies. In this process, personnel, training and equipment requirements for the local jurisdiction response are identified.

3. Report on Security

Conducting animal research places universities at the center of controversy between research sponsors and animal rights activists. One of our challenges is maintaining an atmosphere of openness, which encourages debate and dissent on the issue, while enhancing security of personnel and facilities and protecting them from terrorism. The university community has the responsibility to provide a secure environment for its researchers and appropriate security for research materials, including chemical, biological and radiological substances. We recommend that this task force further explore how to best manage these goals and submit our findings to the NASULGC community in a later report.

4. The Legal Challenge

There is also a looming legal challenge. The example of Stop Huntington's Animal Cruelty (SHAC) toward the Huntington Center and SHAC's virtual destruction of the largest CRO in Europe is instructive. Their legal and apparently not-so-legal threats against Huntington's leaders, suppliers and foundation research support left that organization without leadership or financial resources to continue its operation in Britain. This approach has significant implications for American research universities. Thus, we will need to understand the dynamics of this new threat and how best to respond.

5. Education of Our Publics and Students

As we address issues of laboratory security, it is equally important that we consider the role of universities in educating our students and the public about the importance of molecular biology, biotechnology and genetic research. Universities provide the best forum for presenting factual information concerning the full scope of issues relating to this research and its implications for the environment and humankind. We should be providing better education about science and technology issues for our undergraduate and graduate students so that they will be better informed and able to engage in reasoned debate. We will need special attention in K-12 teacher preparation and in-service teacher preparation curriculum. Our researchers need to become more pro-active in their community outreach about these issues. And we need to target educational activities with local and national media and political leaders.

6. The Financial Challenge and Congress

We recommend that NASULGC engage the Congress and state legislatures to address the financial challenges we will face in implementing the actions recommended above. Without increased financial support for these measures, we will not be successful in reducing our vulnerability.

7. Tougher Penalties

We recommend that NASULGC engage other higher education organizations and Congress in calling for tougher penalties for violent eco- and animal rights terrorist actions. These should entail both greater financial and incarceration penalties.

CONCLUSION

The ultimate goal of the eco- and animal rights terrorists is to use the threat of violence, including threats to human life and safety, to limit scholarly inquiry. The use of violence to further their goal should be abhorrent to all who are against the use of violence and especially to the entire academic community. If we are to protect ourselves from such terrorism, we will need to forge partnerships among ourselves and with industry, our local communities, and federal and state governments. If we fail to do so, we will undermine the viability of our research and, thus, the future of our research and our ability to provide better opportunities for improved health and life for those we serve in America and elsewhere.

Members of the NASULGC Task Force on Eco- and Animal Rights Terrorism

Robert Hoover, Chair President University of Idaho

Kermit L. Hall President, Utah State University

Richard L. Wallace Chancellor, University of Missouri

David C. Hardesty President, West Virginia University

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Animal Enterprise Protection Act of 1992.

Public Law 102-346--Aug. 26, 1992

102nd Congress

An Act To protect animal enterprises.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Enterprise Protection Act of 1992".

SEC. 2. ANIMAL ENTERPRISE TERRORISM.

(a) IN GENERAL.--Title 18, United States Code, is amended by inserting after section 42 the following:

"§ 43. Animal enterprise terrorism

"(a) OFFENSE.--Whoever--

"(1) travels in interstate or foreign commerce, or uses or causes to be used the mail or any facility in interstate or foreign commerce, for the purpose of causing physical disruption to the functioning of an animal enterprise; and

"(2) intentionally causes physical disruption to the functioning of an animal enterprise by intentionally stealing, damaging, or causing the loss of, any property (including animals or records) used by the animal enterprise, and thereby causes economic damage exceeding \$10,000 to that enterprise, or conspires to do so; shall be fined under this title or imprisoned not more than one year, or both.

"(b) AGGRAVATED OFFENSE.--

"(1) SERIOUS BODILY INJURY.-- Whoever in the course of a violation of subsection (a) causes serious bodily injury to another individual shall be fined under this title or imprisoned not more than 10 years, or both.

"(2) DEATH.--Whoever in the course of a violation of subsection (a) causes the death of an individual shall be fined under this title and imprisoned for life or for any term of years.

"(c) RESTITUTION.-- An order of restitution under section 3663 of this title with respect to a violation of this section may also include restitution--

"(1) for the reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense; and

"(2) the loss of food production or farm income reasonably attributable to the offense.

"d) DEFINITIONS.-- As used in this section--

"(1) the term 'animal enterprise' means--

"(A) a commercial or academic enterprise that uses animals for food or fiber production, agriculture, research, or testing;

"(B) a zoo, aquarium, circus, rodeo, or lawful competitive animal event; or

"(C) any fair or similar event intended to advance agricultural arts and sciences;

"(2) the term 'physical disruption' does not include any lawful disruption that results from lawful public, governmental, or animal enterprise employee reaction to the disclosure of information about an animal enterprise;

"(3) the term 'economic damage' means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, or the loss of profits; and

"(4) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.

"9e) NON-PREEMPTION.--Nothing in this section preempts any State law."

(b) CLERICAL AMENDMENT.--The item relating to section 43 in table of sections at the beginning of chapter 3 of title, United States Code, is amended to read as follows:

"43. Animal enterprise terrorism."

SEC. 3. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL ENTERPRISES.

(a) STUDY.-- The Attorney General and the Secretary of Agriculture shall jointly conduct a study on the extent and effects of domestic and international terrorism on enterprises using animals for food or fiber production, agriculture, research, or testing.

(b) SUBMISSION OF STUDY.-- Not later than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Agriculture shall submit a report that describes the results of the study conducted under subsection (a) together with any appropriate recommendations and legislation to the Congress.

Approved August 26, 1992.

LEGISLATIVE HISTORY--S. 544 (H.R. 2407):

HOUSE REPORTS: No. 102-498. Pt. 1 (Comm. on Agriculture) and Pt. 2 (Comm. on the Judiciary), both accompanying H.R. 2407. CONGRESSIONAL RECORD:

Vol. 137 (1991): Oct. 16, considered and passed Senate. Vol. 138 (1992): Aug. 4, H.R. 2407 considered and passed

House; S. 544, amended, passed in lieu.

Aug. 7, Senate concurred in House amendments.

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June 1998

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