

# Obama Administration Targets Environmental and Animal Rights Activists as Eco-Terrorists

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What began under George Bush continues under Barack Obama – targeting dedicated activists with “one of today’s most serious domestic terrorism threats,” according former FBI Deputy Assistant Director of Counterterrorism John Lewis before a Senate panel in May 2005. Called “eco-terrorism,” it grew out of the 2001 USA Patriot Act that created the federal crime of “domestic terrorism” and applied it to US citizens as well as aliens.

In his February 2002 testimony before the House Resources Committee, Subcommittee on Forests and Forest Health, the FBI’s Domestic Terrorism Section Chief, Counterterrorism Division, James Jarboe defined 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.”

As a result, innocent people are targeted, accused, convicted and sentenced to hard time for constitutionally protected non-violent environmental activism or supporting animal rights. The so-called AETA 4 are four recent ones and face prosecution under U.S.A. v. Buddenberg for conspiracy to commit animal enterprise terrorism.

On February 19 and 20, the FBI’s Joint Terrorism Task Force arrested Joseph Buddenberg, Maryam Khajavi, Nathan Pope, and Adriana Stumpo and charged them with conduct relating to protesting, chalking the sidewalk, chanting, and leafleting – constitutionally protected rights under the First Amendment, but no matter.

In a February 20 press release, the FBI called the four “animal rights extremists suspected of terrorizing University of California researchers (and said they) used force, violence, or threats to interfere with the operation of the (U of C) in violation of the Animal Enterprise Terrorism Act.” More on that below.

The FBI cited specific “threatening incidents” beginning in October 2007:

— on October 21, 2007, demonstrating outside a U of C professor’s residence in El Cerrito, CA; wearing bandanas to hide their faces; trespassing on his front yard; chanting slogans; and accusing him “of being a murderer because of his use of animals in research;”

— on January 2008, demonstrating outside the private residences of several U of C researchers; dressed in black and wearing bandanas to hide their faces; marched, chanted,

and chalked “defamatory” comments on sidewalks outside their residences;

— on February 24, 2008, “attempted to forcibly enter the private home of a Santa Cruz U of C researcher; when her husband opened the door, a struggle ensued and he was hit by an object;” one of the individuals charged then yelled, “We’re gonna get you;” and

— on July 29, 2008, “a stack of flyers titled ‘Murderers and torturers alive & well in Santa Cruz July 2008 edition’ was found at the Cafe Pergolesi in Santa Cruz;” they contained names, addresses, and telephone numbers of several U of C researchers and said “animal abusers everywhere beware we know where you live we know where you work we will never back down until you end your abuse;” the defendants were charged with producing and distributing the fliers after which “two firebomb attacks outside researchers’ Santa Cruz homes (occurred), both of which are still under investigation by the FBI.”

Most often, what the FBI and DOJ charge and what, in fact, is true is highly divergent. In this case, the AETA 4 did nothing more “criminal” than exercise their First Amendments rights, and, in so doing, neither threatened nor terrorized anyone. Like many other instances in a post-9/11 environment, and often earlier, the FBI and criminal justice system targets innocent victims, portrays them as criminals, manipulates evidence against them, prevents defense attorneys from access to any called “classified,” uses dubious paid informants, and scares juries to convict. As a result, numerous victims of injustice languish behind bars as political prisoners, some serving life sentences despite having committed no crime.

That was true under George Bush and a Republican Congress and is no different under Barack Obama and a Democrat one. Enough police state laws were enacted to convict the most saintly if authorities wish to do so. And it’s happening with greater frequency by manufacturing terror threats. The dominant media trumpet them. Both parties use them for political advantage and try to silence dissent. They also make false claims to convince the public that dangerous “terrorists” are being arrested, charged, tried and convicted.

Nearly always, those affected are innocent victims of police state injustice at a time we’re all as vulnerable as the AETA 4.

Indictment of AETA 4 – United States of America v. Buddenberg et al – Filed March 12, 2009 in US District Court for the Northern District of California (San Jose)

#### Count One – Conspiracy

From about October 2007 – July 2008, “the defendants conspired to use and caused to be used a facility of interstate commerce for the purpose of damaging and interfering with the operations of an animal enterprise (and) did intentionally place a person in reasonable fear of death of, and serious bodily injury to that person, a member of the immediate family of that person, and a spouse and intimate partner of that person by a course of conduct involving threats, acts of vandalism, property damage, criminal trespass, harassment, and intimidation....”

#### Count Two – Force, Violence, and Threats Involving Animal Enterprises

....defendants used and caused to be used a facility of interstate commerce, for the purpose of damaging and interfering with the operations of an animal enterprise, and in connection with that purpose did intentionally” commit the same acts described above.

## Status of the Case

On May 22, 2009, the Center for Constitutional Rights (CCR) joined with defense counsel from the Civil Liberties Defense Center (CLDC) in a motion to dismiss the indictment and asked the Court to strike down the Animal Enterprise Terrorism Act (AETA) as unconstitutional on grounds of “overbreadth (and) vagueness.” CCR stated:

“These are doctrines that allow individuals to challenge laws that chill speech and advocacy and require people to guess at a statute’s meaning and scope.”

CCR attorney Matthew Strugar said:

“To characterize protest and speech as terrorist activities is ludicrous. And it is not just animal rights activists who are in danger here. The AETA is so broad and unclear it could be used to suppress lawful protests and boycotts by any activists across the spectrum, no matter what the issue. The law must be struck down.”

CCR said the AETA 4 “actions are clearly and traditionally protected by the First Amendment (yet) The Department of Justice brazenly calls these young activists ‘terrorists....’ ”

### The Animal Enterprise Terrorism Act (AETA)

On November 27, 2006, AETA became law, replacing the 1992 Animal Enterprise Protection Act. Using broad and vague language, the new law criminalized First Amendment activities advocating for animal rights like peaceful protests, leafleting, undercover investigations, whistleblowing, and boycotts. These legal acts are now crimes under AETA. It equates peaceful protest-related activities with violence and terrorism.

Its proponents include prominent industries that exploit animals for profit. They argued that animal rights activism was increasing, their facilities were being targeted, and tough laws were needed for protection. They claimed:

- existing federal and state laws were inadequate; and
- activist “attacks” disrupted “vital services” that millions of Americans require.

AETA expands the 1992 law by imposing far harsher penalties than for comparable offenses under other laws and defines “disruptive” activities to include peaceful protests for consumer boycotts, advocating harmful practice reforms, and whistleblowing that results in “losses and increased losses” exceeding \$10,000.

It goes further as well. It legalizes expanded surveillance of animal rights organizations, including criminal wiretapping. It also lets courts find probable cause for the vague crime of economic damage or disruption without requiring hard evidence that a person or group planned to commit these acts.

AETA exempts “lawful public, governmental or business reaction to the disclosure of information about an animal enterprise,” but that provision only applies to economic disruption claims, not damage, so it makes it hard to distinguish between the two.

The law also:

- covers facilities that use or sell animals or animal products;
- includes any person, entity, or organization connected to an animal enterprise;
- applies to any form of advocacy;
- criminalizes claimed threatening conduct and protected speech as well as communication with others who engage in these practices;
- potentially includes any form of communication such as emailing, telephoning, or distributing materials across state lines in support of abusive animal activity boycotts; and
- protects corporate animal abusers with a vested interest in silencing dissent.

Overall and in deliberately vague language, it equates legal protests and civil disobedience with terrorism even when no violence is involved and no physical harm caused. It claims First Amendment rights don't apply in support of animals or when advocating against abusive animal practices. It places profits above constitutionally protected rights.

#### The Coalition to Abolish AETA

It calls itself "a national grassroots network of activists, lawyers, independent journalists and concerned citizens. (They) work collaboratively to more strategically coordinate grassroots education and outreach, legislative advocacy, media, litigation and public pressure to more effectively reverse the erosion of rights enshrined in the AETA. (It) also works to support animal protection advocates and other progressive activists to continue their work despite the chilling effect of the AETA and other repressive legislation."

The Coalition is a joint project of CLDC and CCR and urges people nationwide to join with them in their effort to "undermine (destructive) corporate interests."

It calls AETA unconstitutional by criminalizing protected activities in support of profits. It believes it's part of a larger corporate - government conspiracy to stifle dissent, constrain social activism, and exploit public fear of peaceful acts called "terrorism." It strives to build grassroots activism to challenge the law and all other forms of oppression. It supports open dialogue, mutual trust, patience, transparency, respect, and a determination to achieve justice. It asks all those who agree to join with them for a common purpose.

CCR calls AETA a "dangerous, Sedition Act like law." It says it will be used to criminalize lawful protests and turn petty offenses into major ones. It believes it's critically important that the AETA 4 indictment be dropped and AETA repealed to protect our constitutional right to dissent.

On June 8, the defendants have a status hearing in US District Court for the Northern District of California (San Jose). If convicted, they face up to 10 years in prison for exercising their First Amendment rights.

#### Another Criminal Injustice Witch-Hunt Prosecution

On December 1, 2008, this writer wrote about the Texas-based Holy Land Foundation Charity (HLF), the largest US Muslim one until the Bush administration declared it a terrorist organization, froze its assets, shut it down, and falsely claimed it was funneling millions of

dollars to Hamas.

In fact, HLF provided essential relief to Palestinian refugees in Occupied Palestine, Lebanon and Jordan as well as aid for the needy in various other countries, including Bosnia, Albania, Chechnya, Turkey and America. Its major activities included:

- financial aid to needy and impoverished families;
- a sponsorship program for orphaned children;
- various social services;
- educational services;
- medical and other emergency work; and
- community development, including help to rebuild Palestinian homes – ones Israel willfully and illegally demolished.

Five HLF leaders were arrested, indicted, tried, and on November 24, 2008 convicted on 108 counts, including supporting a terrorist organization, money laundering, and tax fraud. It was a retrial after a jury in October remained deadlocked on 197 counts against four defendants and acquitted the fifth on all but one charge.

Sentencing was on May 27 and harsh:

- for Chairman Ghassan Elashi – 65 years
- President and CEO Shukri Abu Baker – 65 years
- volunteer Mufid Abdulqader – 20 years,
- New Jersey office director Abdulrahman Odeh – 15 years, and
- California office director Mohammad El-Mezain – 15 years.

The Court reaffirmed the jury's \$12.4 million money judgment against all the defendants, except El Mezain not convicted of money laundering.

From inception, HLF and its principals were unjustly targeted for their charity and prominence as the largest Muslim charity in America. Nancy Hollander, representing Abu-Baker, said the defendants will appeal on a number of issues, including an anonymous testimony of an expert, that she said was a first.

"Our clients were not even allowed to review their own statements because they were classified – statements that they made over the course of many years that the government (illegally) wiretapped. They were not allowed to go back and review them. They were statements from alleged co-conspirators that included handwritten notes. Nobody knew who wrote them; nobody knew when they were written. There are a plethora of issues."

Clearly it's the wrong time to be Muslim in America as well as an environmental or animal rights activist. It was true under George Bush and no different under Barack Obama.

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