

<sup>24</sup> Id.

<sup>25</sup> Id.

<sup>26</sup> Id.; See Kaiser, *supra* note 4.

<sup>27</sup> Kaiser, *supra* note 4; See Thau, *supra* note 1, at 8.

<sup>28</sup> Kaiser, *supra* note 4.

<sup>29</sup> Id.

<sup>30</sup> Id.

authority for private discrimination in public accommodations such as inns, theatres, and railcars.<sup>2</sup>

Challenging the law, however, often exacts a heavy price on society and the challengers. The Civil War cost approximately 600,000 lives and, furthermore, it is arguable that one-

earth's oldest and richest ecosystems, suffering substantially greater depletion.<sup>7</sup> Few people argue that these examples of both shrinking natural resources and biodiversity are not overwhelmingly caused by human activities.

The only question among citizens who feel that the state of the environment is of paramount concern is what should be done. There are some who believe we should work within the system and some who feel that extra-legal means are needed. Local conservation groups and organizations like the Sierra Club are examples of the former.

These groups use more mainstream methods to bring about change, such as purchasing land to set aside or trying to effect change through the political process. Other organizations, however, feel that these more mainstream methods are not accomplishing enough or, at least in some areas, not accomplishing anything at all. The Earth Liberation Front (ELF) and its sister organization, the Animal Liberation Front (ALF), are two groups using extra-legal means to effect change.

The ELF was founded in Brighton, England in 1992 by more activist members of the environmental group Earth First!<sup>8</sup> Biocentrism is at the core of ELF philosophy. This belief holds that all organisms are equal and deserving of moral rights and consideration.<sup>9</sup> Thus, biodiversity and wilderness are the ideals.<sup>10</sup>

The ELF describes itself as "an underground movement with no leadership, membership, or official spokesperson."<sup>11</sup> The ELF goals are to inflict economic damage on those exploiting the environment and to educate the public about crimes against nature while at the same time taking precautions not to harm "human or nonhuman" animals.<sup>12</sup> The ELF further states that individuals

# Eco-Terrorists or Civil Rights Pioneers

*By Mike Kaiser*

Theoretically the "rule of law" is what binds a society together in an essentially cohesive and peaceful manner. Globally, the United States represents one of the most successful manifestations of this principle for the past several centuries. At times, however, the United States has had to decide what to do when the law does not adequately address a societal concern.

The Civil War is a past example of how the United States has addressed the inability of laws to fashion an appropriate remedy for a societal defect. In fact, scholars argue that the law itself, in the form of *Dred Scott v. Sandford*, was a leading cause of the Civil War.<sup>1</sup> Only after fighting the war was the United States able to reverse the reasoning of *Dred Scott*, that African-Americans were property, and pass the Thirteenth Amendment abolishing slavery.

The civil rights battles that took place a century later are additional examples of society's response to the law's inability to remedy societal defects. Furthermore, as with *Dred Scott*, the law itself was a leading source of the problem. The Civil Rights Cases, although decided almost a century earlier, were still sanctioning

hundred and fifty years later relations between the North and the South still have not fully recovered.<sup>3</sup> The way in which the civil rights activists of the mid-twentieth century were harassed, jailed, and killed are further examples of the price of challenge.

Because of these high costs, the use of extra-legal means in the pursuit of justice is supportable in only the most limited instances. Only where the issue is of paramount importance and the law's ability to fashion a remedy appears lacking can the possible legitimacy of extra-legal means be considered.

Currently, there are citizens and groups who feel that the state of the environment is a paramount concern. In fact, sixty percent of United States citizens rate the condition of the environment as fair to poor.<sup>4</sup> Areas of environmental concern are multiple and varied. For example, most estimates put the current rate of extinctions at 1,000 times or greater the normal rate.<sup>5</sup> Furthermore, just one-quarter of the world's marine fish populations are at sustainable levels.<sup>6</sup> In addition, forests cover less than one-half of the area they originally did, with losses in areas of old-growth timber and tropical rainforests, the

who commit illegal acts under the ELF name do so under the ELF banner, and are motivated only by their own conscience.<sup>13</sup>

ELF acts are carried out by small groups or cells.<sup>14</sup> Within these cells there are no leaders and information is dispersed on a need to know basis.<sup>15</sup> Often the cells commit only one act. The lack of organizational structure, the size and duration of the cells, and the tight control on information invariably place law enforcement in a reactive mode.<sup>16</sup>

The ELF's primary tool is arson. In fact, The ELF's first act of note in the United States occurred in 1996 when a US Forest Service truck was destroyed by arson in Oregon's Willamette National Forest to protest the logging of old-growth timber.<sup>17</sup>

However, between 1996 and 2001 simple acts of vandalism by ELF members outnumbered acts of arson.<sup>18</sup> This vandalism includes spray-painting ELF slogans and breaking windows.<sup>19</sup> The ELF also commits acts of sabotage which include damaging equipment, crops, buildings, and vehicles.<sup>20</sup>

Property and financial losses from ELF activities have been substantial. The ELF claimed responsibility for the 1997 fire near the ski resort of Vail, Colorado, in which damage to housing developments was estimated at \$12-24 million dollars.<sup>21</sup> The ELF has also claimed responsibility for a \$1 million dollar fire at a Department of Agriculture facility in Olympia, Washington; another \$1 million dollar fire at the Boise Cascade lumber company in Monmouth, Oregon; and a \$5.4 million dollar fire at the University of Washington's Center for Urban Horticulture.<sup>22</sup> These are just some of the largest examples.

Like the ELF, the Animal Liberation Front (ALF) believes that extra-

legal methods are necessary to effect change. In fact, the ELF and ALF's aims and methodology are so similar that they often work together as evidenced by joint communiqués.<sup>23</sup> The ALF traces its roots to 1960's England where animal-rights activists began sabotaging hunts by laying false scents, blowing horns, and destroying hunter's vehicles.<sup>24</sup> After two activists

animals from places of abuse such as laboratories or farms and place them in good homes where they can live free from suffering. The second guideline is to inflict economic damage on those who profit from the exploitation and misery of animals. The third guideline is to reveal the horrors and atrocities committed against animals behind closed doors by performing non-violent direct actions and liberations. The fourth guideline is to take all necessary precautions against harming animals, human or nonhuman. The last guideline is to analyze the ramifications of all proposed actions, and never apply generalizations when specific information is available.<sup>26</sup>

ALF cells are very similar in structure to ELF cells. The cells usually consist of two to five individuals as the ALF stresses keeping teams as small as possible because having extra people puts them unnecessarily at risk.<sup>27</sup> The ALF suggests that each team have a leader because often times split-second decisions must be made in the heat of the moment.<sup>28</sup>

Like the ELF, ALF activism has led to substantial losses. In July of 1989 the ALF entered a laboratory at Texas Tech's Health Sciences Center in Lubbock, Texas that specialized in research on sleeping disorders.<sup>29</sup> The ALF damaged and disabled equipment, spray-painted slogans on the walls, and removed five cats being used to conduct experiments on.<sup>30</sup> The laboratory was shut down for 45 days and damage, both direct and indirect, was estimated at over \$1 million dollars.<sup>31</sup> In November of 1996 the ALF firebombed an Alaskan Fur warehouse in Bloomington, Minnesota, causing damage in excess of \$2 million dollars.<sup>32</sup> The ALF itself states that in 2004 the group committed 554 acts of sabotage, vandalism, and arson and that; furthermore, 17,262 animals

---

## *The ALF*

*traces its roots to 1960's*

*England where*

*animal-rights activists*

*began sabotaging hunts*

*by laying false scents,*

*blowing horns, and*

*destroying*

*hunter's vehicles.*

---

were jailed in 1975, support grew and the ALF was born. The ALF defines itself as consisting of small autonomous groups who carry out actions according to ALF guidelines.<sup>25</sup> The ALF further states that "any group of people who are vegans or vegetarians and who carry out direct action according to ALF guidelines have the right to regard themselves as part of the ALF"

There are five ALF guidelines. The first guideline is to liberate

were "liberated."<sup>33</sup>

In the end, it certainly can be argued that ELF and ALF methodology is wrong. Our legal system is designed, at least in theory, to provide the proper venue for change. Furthermore, if everyone broke the law there would be no society at all and the ecosystem would probably fare even worse. Additionally, instead of helping the cause, there are many people who are turned off by the actions of the ELF and ALF.

Lastly, on a much simpler platform, there are some who feel that the earth, and by extension the ecosystem, exists for the benefit of humans. Some cite Bible passages such as Genesis 1:28 as justification for this school of thought. This passage says "Fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing."

While the arguments against the actions of the ELF and ALF carry substantial weight, there are counter-arguments as well. Certainly the Civil War and civil rights struggles are instances in which extra-legal methods were needed. It can also be argued that people who are turned off by the actions of the ELF and ALF are people who were neutral, at best, toward the causes championed by the ELF and ALF.

Furthermore, it is difficult to determine where to draw the line between "humans" and "animals," a line obviously used as justification for humans' activities toward the ecosystem. In some instances the genetic difference between humans and animals, such as chimpanzees, is roughly 1%.<sup>34</sup> Additionally, a moral argument can be made that if there really is a substantial difference between humans and animals then humans should be the subject of experiments that are conducted solely for the benefit of humans.

Lastly, even the biblical arguments cut both ways. Some argue that

Genesis 1:28 places a special responsibility on humans to act as stewards of the planet, not masters. Furthermore, there are those who liken the actions of the ELF and ALF to Mathew 21:12 where Jesus threw the money changers out of the temple.

Ultimately, as with most things, history will be the final judge. Will the ELF and ALF be looked at as common criminals or civil rights pioneers, perhaps even akin to the "Minutemen" of yore? The decision is obviously an individual one based on a person's belief as to the importance of the cause, whether our system can properly address the cause, and what behavior is ultimately justified to effect change.

#### ENDNOTES

<sup>1</sup> Mark W. Janis, *Dred Scott and International Law*, 43 *Colum. J. Transnat'L* 763, 782 (2005).

Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics*, 3 (Oxford University Press 1978).

<sup>2</sup> See *Civil Rights Cases*, 109 U.S. 314, S. Ct. 18, 27 L.Ed. 835 (1883).

<sup>3</sup> See Michael P. O'Connor, *Time Out of Mind: Our Collective Amnesia about the History of the*

*Privileges and Immunities Clause*, 93 *K.Y. L. J.* 659, 682. (2004-2005).

<sup>4</sup> Yale Center for Environmental Law & Policy. *Environmental Poll: May 2005*. <http://www.yale.edu/envirocenter/eab.htm>. (Last visited on February 25, 2006).

<sup>5</sup> James Rasband, James Salzman, and Mark Squillace, *Natural Resources Law and Policy*, 313

(Foundation Press 2004).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Stefan H. Leader & Peter Probst, *The Earth Liberation Front and Environmental Terrorism*.

<http://www1.umn.edu/dcs/earthliberationfront3pub.htm> (Last visited February 28, 2006).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> <http://earthliberationfront.com/> (Last visited February 28, 2006).

<sup>12</sup> *Id.*

<sup>13</sup> <http://earthliberationfront.com/> (Last visited February 28, 2006).

<sup>14</sup> Joshua K. Marquis & Danielle M. Weiss, *Eco-Terror: Special Interest Terrorism*, 39-*FEB Prosecutor* 30, 31 (2005).

<sup>15</sup> Bryan Denson & James Long, *Eco-Terrorism Sweeps the American West* (Sept. 26, 1999) at <http://oregonlive.com>.

<sup>16</sup> See Robert Gehrke, *FBI Names Most-Active Terrorists; Environmental Group at Top of List with 600*

*Attacks Since 1996*, *Charlotte Observer*, Feb. 13, 2002 at 17A.

<sup>17</sup> <http://www1.umn.edu/dcs/earthliberationfront3pub.htm> (Last visited January 30, 2006).

<sup>18</sup> Stefan H. Leader & Peter Probst, *The Earth Liberation Front and Environmental Terrorism*.

<http://www1.umn.edu/dcs/earthliberationfront3pub.htm> (Last visited January 28, 2006).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Stefan H. Leader & Peter Probst, *The Earth Liberation Front and Environmental Terrorism* (Last visited February 28, 2006).

<sup>22</sup> *Id.*

<sup>23</sup> Bryan Denson & James Long, *Eco-Terrorism Sweeps the American West* (Sept. 26, 1999) at <http://oregonlive.com>

<sup>24</sup> *The ALF Primer*, <http://www.animalliberationfront.com/ALFront/ALFprime.htm>

(Last visited on February 28, 2006).

<sup>25</sup> *The ALF Credo*, [http://www.animalliberationfront.us/ALFront/alf\\_credo.htm](http://www.animalliberationfront.us/ALFront/alf_credo.htm)

<sup>26</sup> *Id.*

<sup>27</sup> *The ALF Primer*, <http://www.animalliberationfront.com/ALFront/ALFprime.htm> (Last visited March 1, 2006).

<sup>28</sup> *Id.*

<sup>29</sup> *Report on ALF*, [http://www.animalliberationfront.com/ALFront/Premise\\_History/ALFTXTer.htm](http://www.animalliberationfront.com/ALFront/Premise_History/ALFTXTer.htm) (Last visited March 1, 2006).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Sarah McKenzie, *Animal Liberation Front takes credit for destruction* (April 7, 1999) [www.mndaily.com/articles/1999/04/07/10127](http://www.mndaily.com/articles/1999/04/07/10127)

<sup>33</sup> [http://www.animalliberationfront.com/ALFront/Premise\\_History2004%20Direct%20Action%20Report.htm](http://www.animalliberationfront.com/ALFront/Premise_History2004%20Direct%20Action%20Report.htm) (Last visited March 2, 2006).

<sup>34</sup> <http://www.janegoodall.org/chimpanzees/similarities.default.asp> (Last visited January 30, 2006)