

Testimony of Congressman George R. Nethercutt, Jr.

Resources Subcommittee on Forests and Forest Health

Eco-terrorism and Lawlessness on the National Forests

February 12, 2002

Mr. Chairman, I would like to thank you and the ranking member for taking the initiative to conduct this hearing today. Agroterrorism and the reprehensible actions of radical environmentalists have for too long been perceived as local concerns, concentrated in particular geographic regions. The sheer scope of this criminal activity escapes the focus it deserves, with arson, vandalism and intimidation often occurring in rural areas, with limited press coverage. We are left with anecdotal evidence and little sense of the vast criminal conspiracy that connects the members of organizations such as the Animal and Earth Liberation Fronts.

I would ask to include in the record three items which I believe may be helpful to the Subcommittee in considering this issue. The first item is a letter to me from the National Center for Public Policy Research, along with copies of correspondence exchanged with national environmental groups about their positions on violent activism. Second, I am providing a Department of Agriculture report on the extent of animal and plant terrorism incidents at USDA funded facilities, with recommendations for improving security. This report responds to a requirement I sponsored in FY01, and represents only the very first tentative efforts by Federal agencies to grapple with this problem. Third, I am providing the 2001 Year-End Direct Action Report from the Animal Liberation Front.

I represent Washington state, which is blessed with rich natural resources and a vibrant biotechnology industry. Agriculture, forestry and science have been under assault by radicals for years in our state, and constituents have long expressed their concerns with criminal activity that threatens both their lives and their livelihood.

I met with one scientist who told me that she has been physically threatened by radicals and fears for her safety. "Yet, all I want to do is cure breast cancer," she says. Another scientist, from my district, fled with his family to Australia for a year after receiving death threats. These are people who want to make our lives better, cure diseases, make agriculture more sustainable and less ecologically damaging. But organizations like the Earth Liberation Front have put a bulls-eye on them.

In May of 2001, I finally had enough. At 3am on May 21, 2001, the University of Washington Center for Urban Horticulture was burned to the ground. In the twisted logic of the eco-terrorists, the Horticulture Center had done wrong by seeking to advance the protection and hardiness of urban forests and wetlands. The results of that crime are evident in this display. This facility suffered \$5.3 million in physical damage -- some faculty members lost a lifetime of work that day, and that cost is inestimable. That same day, a poplar tree farm in Oregon was firebombed with almost identical incendiary devices. The interstate connections were made perfectly clear by that simultaneous action, and persuaded me that a strong federal response was required to contain this terrorism.

I will be eager to hear from Mr. Rosebraugh later this afternoon. Too many members of his organization lurk in the shadows, unwilling to engage in honest debate, but all too willing to resort to arson. I suspect that

the purported intellectual underpinnings of this radicalism are insufficiently developed to weather the public condemnation that must accompany the associated violence. But before we go further, it may be helpful to have at least some sense of the ALF/ELF mind set.

In recent and telling magazine interview, Mr. Rosebraugh showed his sympathy with the victims of September 11, noting: "Anyone in their right mind would realize the United States had it coming." One of his ELF associates was more direct: "I cheered when the plan hit the Pentagon. Those people are in the business of killing people. It was like, Sorry, [expletive] happens." The connection with September 11 is not unwarranted, for like the murders in New York and Pennsylvania, members of these shadowy organizations have no respect for human life and will stop at nothing in pursuit of their dark vision of the future.

How best to deal with this home-grown brand of Al Qaeda? I propose that we use the model that has worked so well in Afghanistan. Improve our intelligence. Free the hands of law enforcement authorities. Isolate terrorists from allies and assistance. Cut off their funding. Give them no rest and no quarter.

National environmental groups need to know, you are either with us or against us. You need to choose which side you are on, and know we will be watching. Financing and harboring terrorists is no different from directly committing the acts. These dangerous and misguided zealots must be left without aid or comfort. This is the moral framework.

I have introduced legislation, H.R. 2795, the Agroterrorism Prevention Act, which would provide the necessary legal framework. I must here acknowledge the unflinching support of the lead cosponsors on this bill, Duke Cunningham and Saxby Chambliss. Our bill would broaden current definitions to protect all plant and animal research, enhance penalties for animal or plant enterprise terrorism, allow the FBI to investigate crimes under the Racketeer Influenced Corrupt Organizations Act, and establish an incident clearinghouse to strengthen local law enforcement efforts. The bill would also establish a research security program to extend technical assistance, threat and risk assessments to research universities.

Current law provides federal protection for some animal research, but H.R. 2795 would also include all plant research, including advanced genetic techniques, increasingly the targets of terror. We seek to broaden protection for facilities presently covered by the Animal Enterprise Terrorism Act, to include any commercial or academic enterprise that uses plants or animals. The ALF would now violate this section of federal law by bombing a livestock research lab, but not the Cattlemen's Association office down the street. We seek to end that inconsistency and would also expand the threshold for triggering violation of the act by recognizing ancillary economic damages.

Penalties for violations would be increased from one year to five years, and a new penalty is added for the use of explosives or arson, recognizing that firebombing is the preferred tactic of these groups. We expand restitution requirements and allow a possible death penalty sentence for violations resulting in a death. Firebombing is not a precise science, and I fear it is only a matter of time before a botanist is in the wrong place at the wrong time. This activity should be made a RICO predicate to give the FBI the tools it needs to unravel the web of criminal conspiracy. A information clearinghouse, administered by the FBI, would enhance Federal, state and local law enforcement efforts to draw connections from fragmentary evidence.

For too long, agroterrorism has been the stuff of anecdotes - short stories in the local paper, with no clear pattern or sense of the true scope of the activity. Yet, as this next chart makes clear, agroterrorism is a vast national problem. Each dot on this map represents one self-reported incident by the ALF/ELF during 2001.

Finally, H.R. 2795 would provide authorization for the National Science Foundation to provide competitively awarded grants to colleges and universities. We have a responsibility to protect our public investment in research, and this authorization would provide some initial "lessons learned" to educate the hardening of public research facilities.

Ultimately, the physical damage is secondary to the threat to innovation and scientific discovery. The academic disciplines that seek to improve human health, our food supply, and the environment are at greatest risk. Intimidation and violence have a predictable and unwelcome result, a chilling effect on scientific investigation and an impediment to discoveries that will improve our lives.

I would like to close with a few select words attributed to the ALF, following an attack on the property of a Michigan veterinarian working with fur farmers:

"We must all act our consciousness and inflict economic harm upon all of those who are responsible for the destruction of the earth and its inhabitants. We encourage others to find a local Earth raper and make them pay . . . The only language these people understand is money. We must inflict economic sabotage on all Earth rapers if we are ever to stop the madness we live in. To do so is not a crime, it is a necessity."

Mr. Chairman, thank you again for holding this hearing and for supporting efforts to drain this fetid swamp of extremism.

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