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1-1-2011

### Activism as terrorism: the green scare, radical environmentalism and governmentality

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## Abstract

In the wake of events of September 11, 2001, State and corporate attempts to suppress and repress dissent have increased, taking a more preemptive turn. Sources of specific types of dissent, as opposed to specific types of dissent, are openly targeted. A number of progressive groups were labeled domestic terrorists in the U.S. A significant implication of the ideological rhetoric of terrorism, patriotism and national (in)security is the self-regulation it has fostered: a form of "regulated freedom." This paper explores the implications of governmentality, focusing on radical and revolutionary dissent which seeks to delegitimize capitalism, the property status of nonhuman animals and the environment more broadly.

## Keywords

governmentality, environmentalism, radical, terrorism, scare, activism, green

## Disciplines

Arts and Humanities | Social and Behavioral Sciences

## Publication Details

Salter, C. (2011). Activism as terrorism: the green scare, radical environmentalism and governmentality. *Anarchist Developments in Cultural Studies*, 1 211-238.

# Activism as Terrorism: The Green Scare, Radical Environmentalism and Governmentality

Colin Salter<sup>\*</sup>

## Abstract

In the wake of events of September 11, 2001, State and corporate attempts to suppress and repress dissent have increased, taking a more preemptive turn. Sources of specific types of dissent, as opposed to specific types of dissent, are openly targeted. A number of progressive groups were labeled *domestic terrorists* in the U.S. A significant implication of the ideological rhetoric of *terrorism*, patriotism and national (in)security is the self-regulation it has fostered: a form of “regulated freedom.” This paper explores the implications of governmentality, focusing on radical and revolutionary dissent which seeks to delegitimize capitalism, the property status of nonhuman animals and the environment more broadly.

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*Activists should address the inconvenient truth without overtly inconveniencing anybody. Anyone who believes otherwise, or refuses to condemn those who believe otherwise, is “against us” and will be punished accordingly.*

WILL POTTER, 2011

*Meanwhile, because animal exploitation is both a leading source of value under capitalist relations and a source of national power (both symbolically and economically), the state has set out to defend animal capital by repressing the social movements that threaten it.*

JOHN SAMBONMATSU, 2011

The events of September 11, 2001 (herein 9/11) have had a profound and often underestimated, State mobilized and intentional, impact on dissent and counter-hegemonic ideas in contemporary Western societies. Within six weeks of 9/11 the term “domestic terrorism” came into law in the USA PATRIOT Act, with similar legislation passed in a number of countries across the globe.<sup>1</sup> Alongside increasing penalties and other sweeping legislative changes, including “enhanced” surveillance powers with limited judicial review, use of the term *terrorism* continues to lend itself to specific discursive functioning. The frame-bridging of actively criticizing the State and “terrorism” has sought to construct a social boundary around what is acceptable democratic dissent, manifested in and by the asymmetrical targeting of sources of dissent (i.e., social-environmental justice activists), as opposed to specific tactics of dissent (i.e., causing physical injury). By dissent I am referring to public discourse that challenges the State and corporate interests in the sociopolitical arena, in the forms of speech and collective action (i.e., it is explicitly performative) — be this printed or electronic media, and broader participatory activities such as marches and other forms of protest.<sup>2</sup> Sources of dissent considered here are situated counter to

<sup>1</sup> The term *domestic terrorism* was defined by the FBI’s Terrorist Research and Analytical Center as early as 1994, and was widely used in a 1996 report on domestic incidents (unknown, 1996). The PATRIOT Act “created a new definition of ‘domestic terrorism,’ in order to correspond to the existing definition of ‘international terrorism.’” (unknown, 2004, p. 31). The “ecoterrorist” label is accredited to Ron Arnold, used in a 1983 article in Reason magazine. Arnold has held the position of Vice President of Center for the Defense of Free Enterprise (CDFE) since 1984. CDFE is a right-wing think tank which pioneered the “wise use” movement and has attacked the environmental movement since its inception in 1974. In June 1998, a Congressional subcommittee was convened under the title of *Acts of Ecoterrorism by Radical Environmental Organizations*, in which Ron Arnold testified (see Smith, 2008).

hegemonic discourse (pre- and) post-9/11, which is manifested in signifiers of a renewed patriotic (shared, nationalist) identity and what were constructed as normative notions of (national) (in)security and freedom that were the foundations of sweeping legislation including the USA PATRIOT Act (Nabers, 2009). Hegemony, as used here, drawing from Rose and Miller's influential analysis of political power and the State, "is not so much a matter of imposing constraints upon citizens as of 'making up' citizens capable of bearing a kind of regulated freedom" (Rose & Miller, 2010, p. 272).<sup>3</sup> A key element and characteristic of State hegemony post-9/11 is *action at a distance*: the management of dissent without always needing direct, overt forms of influence. The outcome is a perception of autonomy, which is betrayed by self-regulation (at the individual level in line with the social context).<sup>4</sup> It is here that the perception of action at a distance rests. The foundations of self-regulation are located in (contested) hegemonic discourse (Rose & Miller, 2010, pp. 277–9).

The active, and increasingly pre-emptive, repression of dissent in the West after 9/11 has significant and far-reaching implications. Directly visible effects include a reduced willingness of some to criticize the State and (openly) participate in certain types of political activity. Less visible implications include one's own reflections on what ideas and actions are suitable in a normative and socially acceptable sense. To put it simply, the social costs of dissent have increased (Gillham & Edwards, 2003). Notions of democratic tolerance in a Marcusean sense, directly influenced by the context of 9/11 and bourgeois capitalist hegemony, continue to influence what is positioned as socially acceptable.<sup>5</sup> How tolerance is manifested is two-fold. Broadly, perspectives on the protection of certain liberties have changed, with an increasing number of people willing to accommodate a number of

<sup>2</sup> Drawing from Rose and Miller, engagement with political discourse enables illumination of "systems of thought," and "systems of action" through which specific ideas of *reality* are mobilized, reinforced and perpetuated (Rose & Miller, 2010, pp. 275–9). Rose also refers to language constitutive of governance, making it *possible* (Rose, 1999, p. 29). See also Bleiker (2000, p. 35), for a discussion of agency, discourse and dissent.

<sup>3</sup> Rose marks a distinction between "freedom as a formula of resistance from freedom as a formula of power." The former being that "deployed in contestation" and the latter defined/represented by the State (Rose, 1999, pp. 65, 96).

<sup>4</sup> I am not implying overall effectiveness here. Dissent is a very clear locale of contention: what form (and content) of dissent is considered acceptable locates the exercise of power.

<sup>5</sup> See Brown (2006) for an exploration of offensive uses of tolerance, which incorporate dissent, such as that (partly) illustrated in the actions of HSUS referred to herein.

restrictions under the guise and rhetoric of increased safety and security (Schneiderman & Cossman, 2001, p. 173). The aim of producing a pliable, disciplined populace, Foucault's *docile bodies*, continues to be broadly achieved in this sense (Foucault, 1995).

Paralleling such willingness to sacrifice civil liberties, certain types of dissent, specifically those that challenge normative ideals in a radical sense, are relationally positioned as deviant and socially unacceptable. Those who seek to expose and undermine the exploitation of all animals, laying the foundations for "a revolutionary society based on critiques of the multiple fronts of systemic oppression," find themselves routinely positioned as *domestic terrorists*, despite not having harmed a single person and having a stated tenet of eschewing physical harm (Kahn, 2005, p. 2).<sup>6</sup> For example, those who take such actions under the banner of the Animal Liberation Front (ALF) and the Earth Liberation Front (ELF) have been labeled as the "most serious domestic terrorism threats" in the US, after more than a decade of lobbying by corporate agribusiness seeking such an outcome, yet not a single person has been harmed by anyone from these groups (Lewis, 2005).<sup>7</sup> Actions under these banners are criminalized based on a direct threat to "animal capital" (Sanbonmatsu, 2011, p. 26). Steven Best describes "the animal liberation movement . . . [as] one of the most dynamic and important political forces on the planet," with its importance to radical social movements emerging from an anarchist politics of total liberation in which all forms of oppression are targeted, keeping "radical resistance alive" (Best, 2009, p. 19).

This paper explores the increased State and corporate focus on those who take actions seeking to foster an essential and critical dialogue in exposing and challenging the exploitation of all animals, focusing on specific aspects of the far-reaching implications of targeted and pre-emptive repression. Beyond exposing asymmetrical targeting, this paper reflects on manifestations and implications of self-censorship in individuals and the broader collective of those taking action in a post-9/11 context. The State and corporate interests' subversive and repressive tolerance of reformist organizations (i.e., regulated freedom), such as the Humane Society of the United States (HSUS), have constructed a false dualism in which certain reforms are tolerated as "good" dissent while direct action is demonized as "bad" (directly paralleling nationalist discourse of good and evil to justify

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<sup>6</sup> See also Rosebraugh (2004) and Pickering (2002).

<sup>7</sup> See also Best and Nocella (2004).

the Bush *war on terror*). Following past approaches to the suppression and repression of dissent, a social boundary has been erected between what are positioned as acceptable mainstream reform-based organizations and the more radical grassroots ideals of those who directly challenge the State and corporate interests (Gibson, 2010). State attempts to demarcate and conflate differences between radical grassroots and mainstream reformist organizations are obvious forms of wedge politics. Indicative of the efficacy of this approach and building on forms of strategic ignorance, the “terrible new menace” of those exposing and challenging the exploitation of all animals has faced attack from both the Left and the Right (Sorenson, 2011, p. 220). Attacks from the Left are rooted in an inability to escape human chauvinist and speciesist attitudes towards nonhuman animals, “from Kropotkin and Marx, to Bookchin and beyond” (Best, 2009, pp. 190–3).<sup>8</sup> The wedge politics have manifested in forms of self-regulation, shaped in part by the politics of fear in the post-9/11 climate, with the rhetoric of radical activism demarcated as terrorism in the Manichean worldview of the Bush Administration (see DeBrix & Barder, 2009). Self-censorship is panoptic, in the Foucaultian sense, with opinions withheld, falling along a scale of risk: threat of persecution, being labeled a *terrorist*, and the social boundary between what are framed normative-democratic speech acts and those marginalized as unacceptable.

Contemporary approaches to the suppression of dissent in post-9/11 Western societies have historical precedent. The politically motivated nature of current McCarthy-esque attempts to criminalize “nearly every form of dissent” can be traced back to the period known as the second “Red Scare” of the 1940s and 50s, and subsequent covert

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<sup>8</sup> Use of the term human chauvinism here refers to the groundbreaking ecological philosophy of Richard Routley (later Sylvan) and Val Routley (later Plumwood) (Routley, 1973; Routley & Routley, 1979). Simply, human chauvinism labels and identifies the socially and politically constructed notion of human separateness and superiority to the natural world. In many ways, the left has adopted a neo-Cartesian, or what Best describes as a “Cartesian-Marxist mechanistic view of [nonhuman] animals” to rationalize continued non-consideration. He goes further to describe “leftist theory and practice [a]s merely *Stalinism towards [nonhuman] animals*” (Best, 2009, p. 193). See also *Critical theory and animal liberation* (2011), particularly chapters by Boggs and Benton. The latter directly explores the animal question in Marx’s writings.

<sup>9</sup> As early as 1906, direct linkages between the exploitation of workers and nonhuman animals, from a left perspective, were made. See Upton Sinclair’s (2003) *The Jungle*, a portrayal of the life of immigrant workers in the USA, through the example of the Chicago Stockyards.

State apparatuses including the Federal Bureau of Investigation's (FBI) "actions program" COINTELPRO, which provided the foundations for covert activities and legislation aimed at suppressing certain dissenters (Best, 2004, p. 305). The N30 mass demonstrations in Seattle in November 1999 provided a more recent visible example of increasing attempts to manage and manipulate public opinion in the West. The broadly supported protest actions were organized to coincide with a World Trade Organization (WTO) meeting taking place in the downtown area, and "went beyond demanding change . . . , rather using protest to deligitimate capital itself" (Gordon, 2009, p. 253). The overtly coercive actions of the police, alongside a number of acts of property damage by protestors, provided numerous images in which those demonstrating were framed as violent, anti-social and *un-American*.

In Seattle, and in the post-9/11 period, police preparedness and responses were positioned as justified, and provided a foundation for future events and actions, based on the constructed image of the threat posed (Churchill, 2001). What 9/11 enabled, and had been sought for some time by those specifically promoting corporate interests, was "frame bridging": the linking of specific ideas behind dissent with a master narrative of the threat of terrorism (Fernandez, 2008; Panitch, 2002). Simply, the potential threat (to the State, cultural hegemony and the status quo) of radical and revolutionary ideas was intentionally equated with perceived threats emergent in feelings of fear and insecurity in the wake of 9/11: revolutionary ideas comprise a threat to freedom, liberty and the American way of life. Building on earlier attempts to position specific activist movements as *terrorist-like*, the alter-globalization movement became a convenient target for corporate interests, in part given the potential threat posed by a mass re-orientation of values and associated actions, and laid the foundations to focus more specifically on ideas that were starting to have an impact.<sup>10</sup> For example, ALF and ELF, considered as at the forefront of the radical environmental movement, are considered *domestic terrorist* organizations by the FBI.<sup>11</sup>

<sup>10</sup> See Chalk, Hoffman, Reville, and Kasupski for a predication that the alter-globalization movement would embrace radical social-environmental ideas potentially leading "to the emergence of a new radical left-wing fringe" (2005, p. 51).

<sup>11</sup> A ski resort at Veil, Colorado, was destroyed by fire in October 1998, causing \$12M damage. A communique released claimed responsibility for the ELF. A photograph of the fire adorned the cover of the joint U.S. Department of Justice and FBI *Terrorism in the United States 1998* report (unknown, 1998). Photographs of another action claimed

The suppression of certain dissenting voices was and is asymmetrical and inconsistent. The foci continue to be specific individuals, movements and groupings based on ideological constructions of threat to the cultural hegemony of neoliberalism, mobilized within the context of a politics of fear and insecurity. Drawing on the similarities with the Red Scare, the term “Green Scare” has been adopted to describe targeted suppression of radical eco-social activists (Potter, 2011; Rosenfeld, 2006; Smith, 2008). An awareness of the manifestations and implications of the Red Scare and selected targeting of groups such as the Black Panthers facilitates a greater strategic understanding of the types of attacks being waged currently and a greater ability to effectively respond. This paper seeks to move beyond an exposure of the visible impacts of (pre-emptive) repression on those considering and offering radical critiques of the State and neoliberalism, highlighting how this has manifested in self-censorship and self-regulation of certain behaviors beyond direct physical intervention from the State.

### Chilling Effects: Self-censorship and Self-regulation

Attempts to facilitate self-regulation can be traced back to Jeremy Bentham’s 18<sup>th</sup> Century architectural model for a prison, the panopticon, in which those incarcerated can be observed without knowing if they are being observed. The ability to observe as a one-way relationship is specifically designed into the structure of the prison itself. The aim is to foster a form of self-social regulation built on the potential of being surveilled: the idea is that those surveilled would alter their behavior as the odds of being caught — specifically the perception of this, the apparent risks — appear too high. Panoptic, as it is used here, refers to the self-regulation of one’s own behavior in what Foucault describes as disciplinary society: societies in which observance and judgment are normalised (Foucault, 1995).<sup>12</sup> The self-regulatory nature of one’s own behavior directly locates power as

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by the ELF was on the cover of the 1999 report. The 1996 report included specific reference to actions of the Animal Liberation Front (ALF), with the 2000–2001 report referring to the “first recorded ALF attack” taking place in April 1987 (unknown, 1996; unknown, 2004).

<sup>12</sup> See Simon (2005) for a broader reflection on the Foucault’s concept of panopticism post-9/11.

existing in relationships, a pluralistic and decentered conception of power.<sup>13</sup>

Acts of self-regulation are everywhere in society and not inherently negative. We make choices every day, from the micro- to the macro-level, and often against our own self-interest.<sup>14</sup> Visible regulatory mechanisms consist of responses to active suppression through State crackdowns on public dissent: the specific targeting of the promoting of certain ideas, including through targeted legislative change. Individuals self-regulate based on the potential sanctions faced through forms of incarceration and the implications of being labeled in a certain way (i.e., social boundaries). Examples here include the proliferation of the asymmetric use of ideologically and politically orchestrated terms such as *domestic terrorist*. For example, the broad application of the term *eco-terrorist*, without any accompanying interrogation of ecocidal practices in industrial capitalism, provides a means to facilitate public support for legal prosecution of specific individuals and groups through the mobilization of post-9/11 security discourses.<sup>15</sup> The targeted segmentation of populations, or “social sorting,” is illustrated in the wealth of “graduated forms of surveillance” in contemporary society. Whereas segmentation is designed to facilitate differential treatment, potentially including socially constructive ends, post-9/11 security discourse is a clear example of surveillance as governance (Henman, 2004, pp. 174–7). Governance is used here, drawing on Foucault’s ideas, as action, as (ways of) acting, relationally: “the invention and assemblage of particular apparatuses and devices for exercising power and intervening on particular problems” (Rose, 1999, p. 19). Not solely the domain of the State, governance exists where there are relations of (political) power, which, in turn, only exist where there are resisting

<sup>13</sup> Gene Sharp’s (1973) work on nonviolent resistance provides an interesting exploration of power relations in the context of dissent.

<sup>14</sup> Foucault explores responses to the plague as an early example of the discourse of social management, from which some positive self-regulatory measures, in the sense of sanitary practices, emerged.

<sup>15</sup> Slavoj Žižek addressed the asymmetrical use of the term *terrorist* to describe Julian Assange and Wikileaks, in that the idea behind Wikileaks — the shift in power relations it facilitates, is a threat to the State (and corporate interests) in the way the Gandhi was to the British Empire, and as such could be described as a *terrorist*. If this description was to be accepted, it would require an open and full embrace that the State routinely acts in a *terrorist* manner (“Julian Assange in conversation with Slavoj Žižek moderated by Democracy Now!’s Amy Goodman,” 2011). The recording can be viewed online at <http://wcentral.org/node/1976>

activities. Used as a rhetorical device, the *terrorist* label associates the promotion of certain ideas as socially and ethically deviant. The term is utilized to segment ideas, without engagement with the socio-political basis for the actions of those targeted. As an extension, the implication of this is (State) governance at a distance. Techniques of governance are mobilized by individuals effectively acting, in part, as agents of the State (i.e., self-regulation), in line with the achievement of certain ends (Rose & Miller, 2010, p. 279).

The threat of being labeled in such a way, directly or through association, continues to have an impact on self-censorship. Drawing from Noelle-Nuemann's (1974; 1993) influential work on the "spiral of silence," Hayes, Glynn and Shanahan (2005) distinguish self-censorship, the withholding of one's opinion based on active consideration of normative discourse from those perceived to disagree, with "opinion expression inhibition," a general reticence to express one's opinion publicly. Central to this distinction is the intersection of one's willingness to withhold an opinion, to self-censor and to resist, and how this is differentiated between different people.<sup>16</sup> Self-censorship can be difficult to identify. Research on the spiral of silence continues to grapple with this challenge, often explored in reference to the use of hypothetical situations to gather quantitative data (see Hayes et al., 2005, p. 453). In the wake of 9/11, the crack-down on dissent continues to foster individual and collective self-regulation and self-censorship. Self-regulatory mechanisms are the mechanisms through which governance is manifested (Rose, 1999, p. 17).

The self-questioning of one's (potential) actions is a form of self-censorship (repression) in a pre-emptive sense, paralleling the focus on pre-emption which dominates post-9/11 State rhetoric and discourse. What is important here is more than surveillance. It is the discourse in which this surveillance is situated (i.e., governance). By way of a simple example, we can see this in the fragmentation of the electoral-political "left."<sup>17</sup> There were a number of vocal opponents

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<sup>16</sup> Class and social standing play specific roles in shaping self-censorship and willingness to speak out (which is very different to opinion expression inhibition), shaping differentiation beyond that explored by Hayes, Glynn and Shanahan (2005). The routinely non-considered role of strategic resisting practices, also differentiated by class and social standing, may be misinterpreted as self-censorship in a negative sense, or as opinion expression inhibition (see Hoagland, 2007).

<sup>17</sup> The left also intentionally fragments itself, at times based on left ideologies. Women's equality was considered a secondary issue for some time, in much the same way as the

to military action including the invasions of Iraq and Afghanistan, as well as tentative supporters (some who later spoke out against the actions taken). Along similar lines, some spoke out against legislative changes that diminished or repealed civil liberties. Many others were caught between concern for the use and implications of legislation such as the USA PATRIOT Act, and in not wanting to appear to support actions in which (Western) civilians were targeted. The full title of this legislation — *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* — and the acronym more directly, were designed to invoke specific discursive-ideological notions. In the wake of 9/11 and the spectacular mass killing often far removed from everyday life in the West, the “war on terror” entered popular discourse alongside normative notions of what was right and just (i.e., hegemonic notions of freedom and liberty).

What emerges is a perception that to speak out against any military action or laws that infringe on civil liberties, both of which are framed as being about (national) security, has the implication of being positioned as opposing that which is right and just. One example of the former is the notion of *saving* Muslim women, which was mobilized as a means to justify intervention in Afghanistan. Framed as a (perceived) social good, any critical discussion of the culturally imperialist implications of saving the racialized *other* (i.e., saving someone *from* something, requires saving them *to* something, in this example based on notions of *West is best*) were effectively sidelined (see Abu-Lughod, 2002). An example of the latter is the terminology used in an American Civil Liberties Union (ACLU) report which attempted to expose the crackdown of dissent post-9/11: “In separate but related attempts to squelch dissent, the government has attacked the *patriotism* of its critics. . . .” (emphasis added, Anthony D. Romero, Executive Director, ACLU, in unknown, 2003, p. i). What is positioned as important is one’s *patriotism*, without any engagement of the implications of the term for dissenting voices, specifically how it has been mobilized in a post-9/11 context (i.e. *with us or against us*).

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exploitation of animals is today. Addressing these issues was and is inconvenient and threatens vested interests (Sorenson, 2011, p. 232). For the former, it was men’s roles and the benefits afforded them by patriarchy. For the latter, it is strategic ignorance of one’s own complicity at the whim of certain desires (*Race and Epistemologies of Ignorance*, 2007).

### Historical Precedents: The Red Scare and COINTELPRO

There is a direct parallel between the use of the term *domestic terrorism* today with the Red Scare of the 1940s and 1950s. The term *terrorist* has today replaced *communist* as the foremost rhetorical wedge for contemporary Western states.<sup>18</sup> The selective and asymmetric targeting of individuals, groups and groupings indicate that “green” has effectively become the new “red” (Potter, 2011). Publications of the Ayn Rand Institute and right-wing Christian organizations express this clearly:

Did you ever wonder what happened to the left wing “intelligentsia” following the humiliating collapse of the Soviet Union and its Communist puppet states? Well, they are alive and well, and they are continuing to promote the Communist ideals of state control over resources. The only things that have changed are the terminology they use, and the names of the organizations they belong to. Roll over Marx and Lenin! Today’s trendy and leftist causes are animal rights and radical environmentalism. (Dave Matheson, quoted in Sorenson, 2011, p. 223)

U.S. Senator Joseph McCarthy is widely considered as being the spearhead and figurehead of the Red Scare, an ideological attack on progressive ideals in which thousands of people in the U.S. were subjected to intense public scrutiny and paraded before extra-judicial panels and hearings for aggressive questioning of their activities. The most famous of these were the hearings, not directly linked to McCarthy, conducted by the House Committee on Un-American Activities (HUAC) in the late 1950s. During this period, progressive individuals who exposed and challenged normative ideals were labeled as *communists* or *communist sympathizers*, with the implication that they were disloyal, subversive, or treasonous (i.e., unpatriotic) in their actions. These politically loaded terms were utilized to position individuals as a threat to what were rhetorically identified as common sense: the positioning of capitalist and bourgeoisie values as socially desirable and normative (Gramsci & Buttigieg, 1992).

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<sup>18</sup> Whereas use of the term *domestic terrorist* is mobilized in similar ways to that of *communist*, it is important to note, its application is not as far reaching.

The overall intent was to discard any criticism (valid or not) of capitalism and imperialism in the wake of the influence of the Communist Party of the United States of America (CPUSA), and to foster self-regulation based on the threat of surveillance and risk of exposure as being un-American. Policing would be undertaken by the populace in the sense of the social boundary created, and by individuals based on perceptions of risk and not wanting to be labeled as unpatriotic. In essence, the status quo and the interests served were rendered unquestioned, with the actions of individuals, as unpatriotic, becoming the focus of public debate.<sup>19</sup> The potential for discussions of overt and more structurally exploitative State actions were sidelined. By structural exploitation, I am referring to the exploitation embedded in the very fabric of a society, where systems, institutions, policies or cultural beliefs can and do meet the needs and rights of some at the expense of others (Schirch, 2004).<sup>20</sup>

Alongside the public actions of Senator McCarthy, emanating from his February 1950 speech in which he referred to a blacklist of *communist sympathizers* working in the State Department, were those of Federal Bureau of Investigation (FBI) director J. Edgar Hoover. Hoover was a fervent anti-communist, and drew on the broad reach of the FBI to implement his agenda. His approach to prosecuting, under the guise of investigating, those accused of being *communists* or *communist sympathizers* included keeping the identity of the accuser secret. Being labeled as a *communist* or a *sympathizer* was a de-facto conviction in the public arena. Once labeled, one was guilty until proven otherwise. The striking parallels between the Red Scare and the mass hysteria surrounding the 1692–3 Salem witch trials were most notably exposed by Arthur Miller, himself a target of Senator McCarthy's campaign, in his 1953 play *The Crucible*. The arbitrary ability to convict based on little or no reputable evidence was considered too limiting for Hoover, and led to the establishment of the FBI's covert and at times illegal counter intelligence program known as COINTELPRO.

<sup>19</sup> See Ayers (2004) for a broader discussion of the centrality of meaning, the constructing of frames, to dissent.

<sup>20</sup> Following Brian Martin, I use the term structural exploitation in place of Johan Galtung's notion of structural violence: "The main problem with the expression 'structural violence' is that it adds an enormous burden onto the term violence. Most people think of violence as direct physical violence. For much communication, terms such as exploitation and oppression may be clearer than 'structural violence'" (Martin, 1993, p. 43).

COINTELPRO, an umbrella for covert actions and other programs targeting domestic groups, was established in the 1950s. Moving beyond the use of the *communist* label to imply individuals were disloyal, subversive, or treasonous in their actions, this “actions program” sought to *disrupt* and *neutralize* target groups and individuals (Blackstock, 1976; Hilliard, 2007). Documents from a 1975–6 United States Senate Select Committee to Study Governmental Operations, chaired by Senator Frank Church (the “Church Committee”), provide details of attempts by the FBI to foster friction between different leftist groups, often seeking to encourage violent acts between them and a subsequent spiral into retributive violence. Individuals and groups considered “subversive” were specifically targeted. Those covertly, and often illegally, surveilled included Martin Luther King Jr., Malcolm X, Fred Hampton and Bill Ayers, alongside groups such as the National Association for the Advancement of Colored People (NAACP), the American Indian Movement (AIM), the Black Panther Party, the Student Nonviolent Coordinating Committee (SNCC), and Students for a Democratic Society (SDS). King and others were targeted based on their potential to “unify and electrify” movements for peace and justice, which were seen to threaten certain ideological and corporate interests. In seeking out such an aim, the FBI program sought to prevent targeted individuals and groups from achieving “respectability” in any societal circles (Bloom & Breines, 2003, pp. 319–24).<sup>21</sup> Some of those targeted, such as Dr King, are seen today as pioneers of justice — including by many who supported their prosecution.

The activities undertaken under the COINTELPRO banner were exposed after the “Citizen’s Committee to Expose the FBI” seized over 1000 classified documents from a Pennsylvania field office. Following publication of these documents, exposing the directives and actions undertaken, COINTELPRO officially ceased to exist in 1971. The Church Committee, following a year-long investigation, proposed specific legislation to set limits on FBI surveillance of political activities protected by the First Amendment to the US Constitution. Congress did not pass the legislation. Internal guidelines were established by Attorney General (AG) Edward Levi in 1976, and subsequently wa-

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<sup>21</sup> Hoover was also involved in enabling the violence perpetrated on the *Freedom Riders* in the early 1960s (see *Freedom Riders*, 2009).

tered down by successive AGs (see Chang, 2002, pp. 30–37; Chomsky, 1999). The watering down of the guidelines reflects the continuation and re-emergence of tactics adopted under the COINTELPRO banner.

### (More Than) Rhetorical Criminalization

A rise in the positioning of grass roots activism as a threat within, drawing on the lessons of COINTELPRO, became broadly visible in the criminalization of dissent surrounding social movements of the mid-late 1990s including Reclaim the Streets Festivals, Carnivals Against Capitalism, and what has since become known as the alter-globalization movement. The turning point was the preparation for, and direct response to, the N30 demonstrations in Seattle coinciding with the World Trade Organization (WTO) meeting.<sup>22</sup> The selective mass media portrayals of protestor violence during the Seattle and other demonstrations have been routinely, posthumously, used to justify the actions of the police in the use of chemical and other weaponry (i.e., capsicum spray, tear gas, concussion grenades and rubber bullets), overt physical force and mass arrest. Ward Churchill has clearly identified this in referring to the weapons technologies mobilized by the Seattle Police Department:

All of a sudden the Police Chief and the Mayor . . . ran out and bought themselves a SWAT [Special Weapons And Tactics] team, a couple Armored Personal Carriers, a whole inventory of tear gas. Got everybody trained and equipped and coordinated to get out there in the street. That all happened in about 28 minutes . . . (Churchill, 2001)

Churchill's sarcastic comments draw attention to the preparedness of the police forces well before the WTO meeting and demonstrations. The preparedness, specifically the possession of such weaponry and the completion of training required for their use, contrasts directly with circularly justified arguments of such weaponry as being necessary as a result of the protest.

The framing of protests against the World Economic Forum in Mel-

<sup>22</sup> The actions, and the police response, received widespread international mainstream media coverage, in substantive part based on the emergence of the Indymedia model of open source citizen journalism (see Mieke, 2002).

bourne (WEF) in Melbourne, Australia on September 11, 2000, a year after the N30 events in Seattle and days prior to the international spectacle of the Summer Olympic Games in Sydney, enabled the passing of specific legislation. The *Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2000* was introduced three months prior with the stated and very broad purpose of “establishing a regime for the use of Defence Forces to protect the States and self-governing Territories and Commonwealth interests from ‘domestic violence,’ expanding upon a more limited existing regime in the *Defence Act 1903*.” Selectively citing an act of political violence more than 20 years prior, the amendments reduced restrictions on the deployment of the Australian Military domestically and removed the need to consult with state government requests. The Bill explicitly provided increased powers of search, seizure and detention without a warrant or formal arrest, including the use of deadly force against civilians.<sup>23</sup> Of specific note was the absence of the terminology of terrorism, in a pre-9/11 context.

Post-9/11 it is the potential, constructed or otherwise, of perceived “threats” to the state-capitalist order that justify the mobilization of large numbers of police and anti-personnel weapons against civilians. The pre-emption of the *Defence Legislation Amendment (Aid to Civilian Authorities) Bill* has effectively become the standard response of capitalist states around the world, with circular reasoning mobilized to justify such an approach — *ex post facto*.<sup>24</sup> Such an approach was adopted during the June 2010 G20 March for Justice in Toronto, Canada, with the juxtaposition of a handful of people smashing windows and damaging vehicles in Toronto to the actions of the 10,000-strong police contingent, which included arbitrary kettling (also known as corralling) of anyone on the street into a confined space surrounded by armed police for hours (including those in the designated “protest zone”), beatings, snatch squads and mass arrests.<sup>25</sup> The passing of laws (including misinformation) designed to restrict civil liberties and mass mobilization of State resources from several

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<sup>23</sup> The new powers given to the military exceeded police powers, and included the right to: shoot to kill “where necessary” without fear of prosecution; detain people without a formal arrest or charge; and seize and search persons, places, vehicles or personal belongings without a warrant.

<sup>24</sup> See, for example, David Carlin’s describing that he need not proof of activists being *dangerous*, rather a feeling that their intent is (quoted in Sorenson, 2011, pp. 221–2).

<sup>25</sup> These actions were mirrored in the response to student protests in opposition to funding for public education and other “austerity” measures in the UK in early 2011.

provinces, with *security* cost estimates of over \$1 billion prior to the scheduled meetings and mass demonstrations, required political justification (Freeze, 2010). Some have argued *agents provocateur* were used to incite acts of violence as a precursor to the police state tactics used during the protest, and to legitimize the pre-emptive actions of the State.<sup>26</sup> Pre-emptive action (arrests, curtails of civil liberties) prior to summit protests acutely resemble the tactics mobilized in the “war on terror” (see Fernandez, 2008, p. 149).

### Constructing the Green Menace

The USA *Animal Enterprise Protection Act* (AEPA) was passed in 1992. The Bill created the crime of animal enterprise terrorism, seeking to label those who acted under the banner of the ALF as *terrorists* (Black & Black, 2004). Established in England in the 1970s, ALF is based on anarchist and anarcho-feminist ideals of decentralization, without leadership, and comprised of autonomous and anonymous collectives, or cells (Jones, 2004).<sup>27</sup> Actions that fall within the guidelines of ALF abide by principles including: the liberation of animals, the exposure and infliction of economic damage on exploitative industries, and the operational dedication to do no harm.

The constructed need for the legislation did not materialize into prosecutions. Soon after its passage, front groups who had lobbied for its passing sought to expand its scope and penalties (see Potter, 2011, pp. 122–4). The events of 9/11 were specifically seized upon, seeking to utilize the emergent and promoted fear to serve neoconservative interests. A 24-page, 2003 report prepared by the American Legislative Exchange Council (ALEC), titled *Animal & Ecological Terrorism in America*, specifically positioned “radical” ecological-en-

<sup>26</sup> The use of Agents provocateur is not without precedent in Canada. For example, Dave Coles, president of the Communications, Energy and Paperworkers Union, noted three undercover police officers inciting violence at the Security and Prosperity Partnership Summit in Montebello (“Quebec police admit they went undercover at Montebello protest,” 2007). This incident received mainstream press coverage as it was captured on video and uploaded to the internet, forcing a formal admission by Quebec Police (see CanadiansNanaimo, 2007).

<sup>27</sup> Jones (2004) and Kheel (2006) engage with the need to reflect on the appeal and implications of the *heroic ideal* seen in some ALF actions, including the potential attractiveness of macho posturing, for young men seeking out destructive behavior. Kahn (2005) has similarly noted “a risk of (the ALF and ELF) devolving into both a sort of vanguard elitism and despondent nihilism without a stronger theoretical basis”.

vironmental and animal rights activists alongside “other terrorist groups like al-Qaeda” (*Animal & Ecological Terrorism in America*, 2003, p. 4). The report also suggested the roots of such “domestic terrorism” emerged and “migrated from the personal quarters and inquisitive considerations of collegiate academia . . . [who] are hell-bent on revolutionizing a system of perceived abuse into one that abides by deeply rooted philosophies of fundamental animal equity and environmental preservation” (*Animal & Ecological Terrorism in America*, 2003, p. 5). This shift from an anthropocentric and human chauvinist notion of welfare towards one of “rights” for other species is specifically considered a threat to the corporate interests ALEC was founded to promote and protect. The roots of changing perceptions away from a Cartesian notion of animals as machines was identified as founded in Darwin’s (1871) *The Descent of Man* (incorrectly cited in the ALEC report as published in 1859). A very selective chronological history of legislation seeking to reduce the suffering of animals exploited for human use and protect endangered species, academic debates and publications, alongside specific actions of animal rescues and property damage, is presented as a timeline of “sustained struggle” to support the claimed need for a crackdown.

The ALEC report broadened the threat to include ELF, which emerged in the early 1990s and is modeled on the decentralized and leaderless ALF, as another source of domestic terrorism. The report links formal registered organizations such as People for the Ethical Treatment of Animals (PETA) with ALF. The clear intent was to drive a wedge between more mainstream and broadly supported organizations (the good) and radical grassroots activists (the bad), seeking to ferment disagreement on one level, and movement-splintering on another. What we can locate here is an attempt to manage dissent, to regulate freedom in the sense of entertaining certain dissent (i.e., reformist ideas) and not others (radical and revolutionary thought) through the use of the rhetoric of terrorism, specifically, the management of (acceptable) ideas in a post-9/11 context as an element of the complex assemblage through which governance is mobilized. A specific definition of terrorism was developed to represent a particular reality and facilitate the promotion of certain interests (Rose, 1999, p. 280). These interests were then directly tied to precise notions (i.e. patriotism) in seeking to align public choices (in the way of actions) with State and corporate interests (Rose, 1999, p. 286). There are direct parallels to the COINTELPRO approaches in seeking to undermine the efficacy and effectiveness

of solidarity amongst groups. The dualistic construction of good/bad forms of dissent, the construction of social boundaries, intentionally positions those who challenge State and corporate interests as separate from “acceptable” reformist organizations. Such boundary work comes with incentives and risks for the more mainstream groups to distance themselves, based on perceptions of self-protection, from the more radical groups (i.e., those labeled as *terrorist* or *terrorist-like*) (see Gibson, 2010, p. 10).

In providing a selective history of ALF and ELF, constructing a path between Darwin’s research and what is framed as the inevitable violent turn of activists, the ALEC report explicitly and dishonestly neglects to mention the principle of *do no harm*, a cornerstone of activities that fall under ALF and ELF banners. Building on this selective misrepresentation, it is implied that “cutting throats” of anyone who exploits nonhuman animal and the environment is the logical evolution of actions taken, directly constructing a (false) *terrorist-like* menace in the post-9/11 context. There is no mention that not a single person has been injured in an action attributed to an ALF or ELF underground cell. ALF and ELF target property used to directly facilitate the exploitation of the environment and nonhuman animals, which is a direct threat to corporate agribusiness, pharmaceutical and related industries. The aim is to create economic costs for continued exploitation of nonhuman animals, not to physically harm any being.

The (repressive) tolerance mobilized in positioning reform-based ideals as part of a democratic society (see Kahn, 2006, pp. 397–8), with more radical critiques seeking revolutionary change positioned outside acceptable social boundaries, has produced some of the outcomes desired by State and corporate interests. For example, mainstream groups such as the Humane Society of the United States (HSUS) have gone beyond self-censorship, explicitly speaking out against grassroots activism and seeking to distance themselves from being labeled as a supporter of anyone positioned as domestic *terrorists* by neoconservative groups such as ALEC. We could consider this example as the pinnacle manifestation of State governance facilitating “action at a distance” (Rose & Miller, 2010, p. 278). The foreseen sanctions (i.e., being publicly associated with those labeled *terrorist-like*) were enough to facilitate the bearing of a form of regulated freedom. A broader, and intentional, implication has been individuals and groups — including those promoting veganism and an end to all exploitation — becoming unwilling to be seen associating with

those surveilled or investigated under The USA PATRIOT Act, AETA and other provisions (Potter, 2011, pp. 198–9). Here we see the manifestation of the overall intent of self-regulatory governmentality. The perception is that risks are too high, and those previously willing to speak out against the State and corporate interests shift towards Foucault's docile bodies, of citizens being molded into a pliable form "that may be subjected, used, transformed, and improved" (Foucault, 1995, pp. 135–6). Such pliability is evidenced in the self-censorship of actions in line with the interests of the neoliberal State: in this instance, of being unwilling to be seen as associating with those positioned as outside social boundaries of acceptable State critique and forms of democratic dissent. The mobilization of political power, in which such regulation is policed amongst the populace, is a key feature of the contemporary attempts to manage, suppress and preemptively repress dissent (Rose & Miller, 2010, p. 272).

### Living and Resisting in a Repressive Society

Will Potter's detailed journalistic account of the persecution of grassroots activists under the banner of *domestic terrorism* provides a clear indication of the self-regulatory effects of the Green Scare. He was visited by the FBI in 2003, after being associated with activists being monitored. After explicit threats were made (including being added to the *domestic terrorists watch list*), he was reflexively aware of the implications of this visit, of how he would be perceived by others at this workplace, the newsroom of the *Chicago Tribune*. In 2006, he was invited to give a presentation to a *Congress Subcommittee on Crime, Terrorism and Homeland Security* hearing on the AETA. After initially seeing the invitation as recognition of his investigative journalism, Potter began to question the implications of testifying, of his describing the AETA as reminiscent of the Red Scare, with *terrorist* replacing *communist* as the most powerful political term: "Would I be smeared as an 'animal rights terrorist'?" (Potter, 2011, p. 117). The fear instilled by the initial FBI visit, the rhetoric and discourse surrounding the PATRIOT Act, and the politics of fear mobilized in a post-9/11 environment to serve specific ends had stayed with him. The intended implications are clear. Not only would he question his actions, his decisions would also be shaped (disciplined) by the memory of the FBI visit and the threats, both actual and perceived. His willingness to report on radical activities that challenge the State

and corporate interests under the banner of journalistic freedom was shaken.

The implications were clearer in the actions of HSUS. Whereas there was an awareness of the erosion of civil liberties (HSUS had privately raised concerns about the content of the AETA and how this would impact on its own work), the organization declined to publicly present their concerns as they did not want to be seen as opposing a bill about terrorism. This is governance in the sense that the actions of HSUS (and others, as sought) were “reshaped . . . in a space of regulated freedom” (Rose, 1999, p. 22). HSUS waited until after the bill passed before sending out an email to supporters indicating some concerns. In this way the organization could safely express concerns about the implications of the AETA without being seen to oppose passage of the Bill — or be associated with groups and individuals labeled as *terrorists* or supporters of *terrorist* organizations. The concerns raised by HSUS were explicitly juxtaposed with condemnations of direct action tactics, and unidentified individuals and groups, by adopting the same ideological terminology and rhetoric mobilized by front groups such as ALEC (Rimmer, 2006). HSUS acted as a docile body in the Foucaultian sense, and in a tolerable way, by not rocking the boat (too hard). The broad implication was to assist in the frame-bridging engaged in by State and corporate interests: the linking of certain ideas behind dissent within a master narrative of the threat of terrorism.

The actions of HSUS and Will Potter’s reflections are indicative of the broader implications of pre-emptive repression mobilized in the wake of the events of 9/11. The politics of fear, (in)security and the proliferation of “an aggressive right-wing patriotic correctness” continue to foster self-censorship and self-regulation in the interest of the State (Giroux, 2010, p. 661). In reflecting on the manifestations of contemporary suppression of dissent, we can draw from historical examples such as the Red Scare and COINTELPRO eras, and note that current approaches are not as far-reaching. The perceived and real threats of militant groups that target human life are quite different from those of the Cold War period.

Constructing a pretense of fear requires sustained ideological and politic rhetoric to ferment insecurity and mobilize signifiers of a specific, constructed, patriotic identity. We have already witnessed a litany of distortions utilized to justify the “war on terror,” the crack-down on civil liberties, and the asymmetrical targeting of radical ideas that challenge State and corporate interests. In such contexts,

there is also potential for radical and revolutionary change. Delegitimation, alongside direct action and networking, are key elements of anarchist praxis. Revolutionary and radical struggle pose a real *threat* to State and corporate interests. For example, actions that fall under the banner of ALF (and ELF) directly challenge the legitimacy of capitalism, in that the property status of animals is rejected (rather than a focus on the treatment, such as those of reform-based organizations).<sup>28</sup> This is how the State, in line with corporate lobby groups pushing for the criminalization of such dissent, has set out to “defend animal capital” through sustained and pre-emptive approaches to repression (Sanbonmatsu, 2011, p. 26).

It is in this context of renewed attempts to repress and suppress that the potential for challenge is also visible. At times, those seeking to manipulate discourse and debate (not always intentionally) show their hands. This can take the form of the extent of political donations being directly linked to policy and more overt statements (see Berry, 2011). While seeking the Republican nomination for the 2012 US Presidential Election, Newt Gingrich indicated the ideological aims of a backlash on critical pedagogy in reference to the attack on outspoken academic Ward Churchill: “We are going to nail this guy and send the dominos tumbling. And everybody who has an opinion out there and entire disciplines like ethnic studies and women’s studies and cultural studies and queer studies that we don’t like won’t be there anymore” (cited in Giroux, 2010, p. 102). Critical Animal Studies, Peace Studies and other disciplines that critically challenge neoliberal ideas and ideology are similarly targeted.<sup>29</sup>

Being aware and prepared for the overt, alongside the more subtle, approaches of the State and their implications is a foundational element of effectively living and resisting in a repressive society. Another effective approach is to build and maintain strong networks (Martin, 2005). There are numerous examples of effective resistance during the COINTELPRO era.<sup>30</sup> The maintenance of strong networks undermines attempts to foment differences and disagreements, such as the (at times successful) targeted, murderous attacks on the Black

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<sup>28</sup> Gary Francione’s (2000) criticism of animal *use* centers on the property status of animals.

<sup>29</sup> We need not look further than the inane ramblings of David Horowitz for a wealth of examples.

<sup>30</sup> The Black Panther Party initiated a number of social justice programs that continue (in some form) today, including the Free Breakfast for School Children Program. For an insider’s broader perspective, see Acoli (1995).

Panthers and others including MOVE. Such linkages are potentially more possible today, given the rise of new media technologies. This does not mean that there should be complete agreement across the spectrum of ideas. Rather, attempts to pit individuals, groupings and organizations against each other, to link radical and revolutionary direct action with *terrorism*, should be seen as a fundamental tool utilized to reduce the effectiveness of dissent and facilitate suppression.

In the wake of increasing repression and attempts to stifle dissent, there are also positives. Will Potter chose to not to hold back at the Congressional Hearing. Some of those prosecuted under the AETA have not succumbed to legal and extra-judicial threat, refusing to cooperate and testify against others (Potter, 2011, pp. 197–8). Some have chosen not to appear before Grand Juries. Many have made direct criticisms of the mass mobilization of police, such as those during the 2010 G20 Summit in Toronto. Such actions indicate that repression can be resisted in a number of different ways. Politically expedient reincarnations including the Green Scare can be challenged and delegitimized. Resisting and actively undermining the rhetoric of terrorism, the associating and framing of dissent as *terrorist-like*, limits the ability of the State and corporate interests to label activists in such ways, enabling dissent and the renewal of revolutionary efforts aimed at moving society towards an existence free from multiple fronts of systemic oppression: a society embracing total liberation and a true liberatory politics. Such actions are an essential element of living and resisting, justly, in a repressive society.

### Acknowledgments

Brian Martin, Dylan Powell, Steve Romanin and Michael Truscello provided valuable comments on a draft of this paper.

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ISSN: 1923-5615