

Imagining Animal Rights as a Civil Rights Movement

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A big march can be tolerated. But there is no form of protest, expressing real rage and demanding real change, that will not be smeared and dismissed. For being too disruptive or too destructive; too incoherent or too orchestrated. It's a power struggle and power fights back.

– Naomi Klein¹

Robert Meeropol has dedicated his life to supporting political activists who have been targeted by the government. It is a calling one might say was inevitable; as a child his parents, Julius and Ethel Rosenberg, were convicted of spying for the Soviet Union and executed by the United States at the height of McCarthyism and the Red Scare.²

In 1990, Meeropol created the Rosenberg Fund for Children to aid the families of progressive activists who have faced political repression related to their advocacy. The group has provided more than \$7.5 million in small grants to help families pay for expenses such as school tuition, therapy, and travel costs related to visiting family members in prison.³

His organization functions much like a nondenominational church shelter for social justice struggles, opening its doors wide to those under attack, regardless of the social movement from which they come. “When people turn their backs on those they feel have been imprisoned for being too militant, it reminds me of my parents’ case,” Meeropol says.⁴

¹ Naomi Klein (@NaomiAKlein), TWITTER (June 1, 2020 7:23 AM), <https://twitter.com/naomiaklein/status/1267446792888692737>.

² Robert D. McFadden, *David Greenglass, the Brother Who Doomed Ethel Rosenberg, Dies at 92*, N.Y. TIMES (Oct. 14, 2014), <https://www.nytimes.com/2014/10/15/us/david-greenglass-spy-who-helped-seal-the-rosenbergs-doom-dies-at-92.html>.

³ Rosenberg Fund for Children, Inc., *Granting*, ROSENBERG FUND FOR CHILD., INC. (2015), <https://www.rfc.org/granting>.

⁴ Robert Meeropol, *Green Is the New Red?*, ROSENBERG FUND FOR CHILD., INC.: EXEC. DIR.’S BLOG (Dec. 1, 2011), www.rfc.org/blog/article/1067.

In the early 2000s, Meeropol went to his members as he had so many times before, to enlist their support for a new wave of activists under attack. “They are attempting to intimidate this movement just as they attacked the communists, anti-war, civil rights. . . and other movements before them,” he argued. “This is part of a larger corporate strategy to have law enforcement treat all progressive activism as a form of terrorism.”⁵ If we allow these activists to be treated as terrorists, he argued, then any other cause could be next. When Meeropol told his members *who* he wanted to support – animal rights and environmental activists – he says he was often met with a “blank look.”⁶

Some of his members said they were afraid to align the organization, and Meeropol’s parents, with those labeled “eco-terrorists.” “Others on the Left, although not necessarily members of the RFC community, have characterized environmental and animal rights activists as self-indulgent, well-off white kids who seem more concerned with trees, birds, and puppies than they are with worldwide human suffering.”

Whether it was because of their tactics or their beliefs, many longtime progressive activists felt these animal rights and environmental activists just did not belong. “I’ve had difficulty convincing left-wing friends to support targeted animal rights activists,” Meeropol says. “One friend responded, ‘aren’t they the people who think animals are more important than people?’”⁷

20.1 CARCERAL LOGIC AND SOCIAL MOVEMENTS

For more than 50 years, the animal rights and environmental movements have been targeted with increasingly draconian campaign of political repression. As I documented in my book *Green Is the New Red: An Insider’s Account of a Social Movement under Siege*, the term “eco-terrorism” was itself created by anti-environmental groups to smear their opponents in the 1980s, and over subsequent decades a coalition of corporations and trade associations successfully lobbied both lawmakers and the FBI to criminalize animal rights and environmental activists as “domestic terrorists.” In the wake of the attacks of September 11, 2001, these anti-activist campaigns intensified dramatically. By 2005, the FBI was publicly declaring that animal rights and environmental activists were their “number one” domestic terrorism priority.⁸

⁵ Robert Meeropol, *Freeing Mink not Terrorism; Corporate Contributions Not Speech*, ROBERT MEEROPOL: STILL OUT ON A LIMB (July 24, 2014), <http://www.robertmeeropol.com/blog/archives/2014-07>.

⁶ Meeropol, *supra* note 5

⁷ *Id.*

⁸ Henry Schuster, *Domestic Terror: Who’s Most Dangerous? Eco-Terrorists Are Now above Ultra-right Extremists on the FBI Charts*, CNN (Aug. 24, 2005), <https://www.cnn.com/2005/US/08/24/schuster.column/>.

No other contemporary social struggle has been as targeted by state and corporate power as “terrorists,” as we will explore further in this article. And yet for decades, these precedent-setting expansions of police, surveillance, and prison powers have gone largely unnoticed, ignored, and even *approved* by civil rights and civil liberties organizations.

Alongside colleagues in this volume who are exploring connections between what might loosely be described as the caging of humans and animals, I am interested in similar questions in relation to the study of political repression – the caging of social movements.

20.1.1 *Imagine a Movement*

Imagine a civil rights movement. Any civil rights movement. It can be centered on the struggles of women, people of color, children, immigrants, refugees, the LGBTQ community, workers. Imagine protests, marches, and civil disobedience. Like all social movements, activists employ a variety of tactics, both lawful and unlawful, and that is the case in this one too. Finally, as part of this imaginary David versus Goliath struggle for justice, do not forget to imagine the Goliaths. Even in a hypothetical struggle for justice, remember that power, as Naomi Klein said, fights back.

Now imagine this movement in the crosshairs of the FBI, lawmakers, and multiple industries:

- The FBI has classified this movement, which has never harmed a human being, as the “number one domestic terrorism threat.”⁹
- Prosecutors have applied “terrorism enhancement” penalties,¹⁰ which were approved by Congress in the wake of the Oklahoma City bombing, to members of this movement who have burned vehicles and empty buildings, torn open cages, and spray-painted slogans like “liberation is love.”¹¹
- Corporations have lobbied for sweeping new laws against these protesters locally, nationally, and internationally.¹² States have passed new laws

⁹ Kristen Philipkoski, *Eco-Terror Cited as Top Threat*, WIRED (June 16, 2004), www.wired.com/2004/06/eco-terror-cited-as-top-threat/.

¹⁰ Shane Harris, *The Terrorism Enhancement: An Obscure Law Stretches the Definition of Terrorism, and Metes Out Severe Punishments*, NAT’L J. (July 13, 2007), <http://shaneharris.com/magazinestories/terrorism-enhancement-obscure-law-stretches-the-definition-of-terrorism-and-metes-out-severe-punishments/>.

¹¹ F.B.I., *Animal Rights Extremists: Pair Took Law into Their Own Hands*, F.B.I.: NEWS (June 10, 2016), <https://www.fbi.gov/news/stories/animal-rights-extremists>.

¹² Will Potter, *Australia Risks Copying US ‘Ag-Gag’ Laws to Turn Animal Activists into Terrorists*, SYDNEY MORNING HERALD (May 1, 2014 4:19 PM), <https://www.smh.com.au/environment/conservation/australia-risks-copying-us-ag-gag-laws-to-turn-animal-activists-into-terrorists-20140501-37k8i.html>.

against making it illegal for activists to photograph or video-record workplace abuses.¹³ Activists have been charged under this legislation for filming a business from the public street.¹⁴

- Imprisoned activists have been confined to experimental Communications Management Units, radically restricting their contact with their family, supporters, and social movement.¹⁵ The US Bureau of Prisons said it is because of these activists' "inspirational significance."¹⁶ Internal government documents say it is due to their "anti-government and anti-corporate" beliefs.¹⁷
- The repression of these movements in the United States has already become a model for corporations criminalizing advocacy against other social movements and in other countries. EUROPOL has issued terrorism warnings to law enforcement throughout Europe about activists documenting abuse to use with the media and in campaigns.

If this were taking place against the social movement you imagined, or seemingly *any* progressive cause, one would not only expect for the diehard Leftist groups like the Rosenberg Fund for Children to be enraged, but for wide swaths of civil society to be as well. Would we not expect, at minimum, civil rights groups to assist in criminal defense, and to oppose any new laws that could be used against other progressive social movements?

It would be unconscionable for any credible free speech or civil rights organization in the world to ignore.

20.1.2 Not Worth Defending

Yet for decades, civil rights and civil liberties organization have repeatedly declined to assist targeted animal rights and environmental activists. The American Civil Liberties Union has famously defended even the rights of the white supremacists to

¹³ Ctr. for Const. Rts. & Def. Rts. & Dissent, *Ag-Gag across America: Corporate-Backed Attacks on Activists and Whistleblowers*, CTR. FOR CONST. RTS. (Sept. 6, 2017), <https://ccrjustice.org/AgGagAcrossAmericaReport>.

¹⁴ Amy Meyer, 'Ag-Gag' Laws Will Deter Reporting on Animal Abuse, WASH. POST: OPINIONS (June 7, 2013), www.washingtonpost.com/opinions/ag-gag-laws-will-deter-reporting-on-animal-abuse/2013/06/07/f93e8876-ca42-11e2-9245-773c0123c027_story.html.

¹⁵ Ctr. for Const. Rts., *CMUs: The Federal Prison System's Experiment in Social Isolation*, CTR. FOR CONST. RTS. (Mar. 31, 2010), <https://ccrjustice.org/home/get-involved/tools-resources/fact-sheets-and-faqs/cmus-federal-prison-system-s-experiment>.

¹⁶ Dep't of Just., Bureau of Prisons, *Communications Management Units*, FED. REG. (Jan. 22, 2015), <https://www.federalregister.gov/documents/2015/01/22/2015-01024/communications-management-units>.

¹⁷ A Counter terrorism Unit memorandum about Andy Stepanian's transfer to the CMU, dated March 27, 2008, noted his protest activity, advocacy of "direct action" and civil disobedience, and espoused antigovernment belief. <http://willpotter.com/wp-content/uploads/2015/08/2008.03.27-stepanian-designation.pdf>

speak and protest.¹⁸ However, the national organization seems to have drawn a line at defending speech by animal rights activists.

For example, Lauren Gazzola, an aspiring civil rights lawyer, repeatedly begged for their assistance as she and other animal rights activists with Stop Huntingdon Animal Cruelty faced federal terrorism prosecutions for their campaigns to shut down a notorious animal testing lab in New Jersey.¹⁹ Gazzola doggedly pursued the ACLU at their national conference, and via phone, email, and letters for years “without even the courtesy of a return phone call.”²⁰

In a 2005 letter to ACLU leaders, Gazzola noted that the government’s case against Stop Huntingdon Animal Cruelty was “the FBI’s largest investigation of 2003.”

The government collected more than 600 90-minute audio tapes from wiretaps of Gazzola and codefendants, along with more than 100 videotapes, and 24,000 pages of discovery materials. The four-year investigation involved more than 100 FBI agents and 12 US attorneys.²¹ “After all this we are not accused of hurting anyone, attempting to hurt anyone, vandalizing anything, trying to vandalizing anything, stealing anything, attempting to steal anything, trespassing, or any other physical act,” she wrote. “We are accused only of posting words on a website (by and large, words composed by other individuals, who are not defendants). Yet we are ‘terrorists,’ facing 23 years in Federal prison.”²²

Gazzola warned that the ACLU and others were ignoring not just her case, but an entire movement under attack. “In just the past two months, 17 activists have been subpoenaed to grand juries in California, three homes have been raided, and one activist was detained by the FBI threatening to take DNA samples, right there, on the street corner,” Gazzola said.

I know of no activist who can travel internationally without being interrogated upon reentering the U.S. The FBI even contacted our landlord, just to inform her who her tenants were. This is just a fraction of the harassment this movement has endured. How the ACLU can ignore it is beyond me.²³

It’s not just the ACLU. Civil rights groups have said “no” so often and so loudly to such pleas that animal rights and environmental activists have created new civil rights groups to fill the void. For example, the Civil Liberties Defense Center in

¹⁸ David Cole, *The ACLU’s Longstanding Commitment to Defending Speech We Hate*, AM. CIV. LIBERTIES UNION: SPEAK FREELY (June 23, 2018), <https://www.aclu.org/blog/free-speech/aclus-longstanding-commitment-defending-speech-we-hate>.

¹⁹ Lauren Gazzola, *Bad Things Happened: Metaphorical Fingerprints, Constellations of Evidence, and “Guilt for Association”*, 40 VT. L. REV. 813, (2016), <https://lawreview.vermontlaw.edu/wp-content/uploads/2016/08/40VtLRev813-Gazzola.pdf>.

²⁰ Personal letter, copy given to author.

²¹ *Id.*

²² Gazzola Letter, *supra* note 20.

²³ *Id.*

Eugene, Oregon, was created by Lauren Regan, longtime environmentalist and criminal defense lawyer, to defend prosecuted tree-sitters and Earth Firsters.²⁴ In the animal rights movement, the Equal Justice Alliance was created to oppose sweeping new laws targeting animal rights activists. The founder, Odette Wilkins, was dismayed that the New York City Bar Association and the broader legal community had not already facilitated such a defense.²⁵

Civil rights groups have even cheered on the FBI,²⁶ and created lengthy dossiers on the the animal rights and environmental movements, marked “for law enforcement,” to aid in the prosecution and imprisonment of these activists.²⁷

The Southern Poverty Law Center created a listing of “Eco-violence” as a resource for media and lawmakers.²⁸ The page begins with an acknowledgment that “these extremists have yet to kill anyone in America.” Yet SPLC has gone so far as to compare animal rights activists with the Army of God²⁹ – an anti-abortion group that used a website to coordinate assassinations of doctors – and environmentalists to “the radical right, with its racist and fascist appeals.”³⁰

Respected civil rights leaders have actually been champions of anti-terrorism legislation criminalizing a wide range of protest activity. US Representative Bobby Scott, for example, led the campaign for the Animal Enterprise Terrorism Act in the House alongside Republican Representative Tom Petri.³¹

In response to criticism from animal activists that the law was vague and overly broad, Scott acknowledged on the House floor that yes, the legislation could be used

²⁴ Artin Kaste, *Critics Say Federal Prosecutors Are Pushing the Envelope with Protest Charges*, WXXI NEWS (Sept. 27, 2020), <https://www.wxxinews.org/post/critics-say-federal-prosecutors-are-pushing-envelope-protest-charges>.

²⁵ Comm.on Legal Issues Pertaining to Animals & Comm. on Civ. Rts., Re: The Animal Enterprise Terrorism Act, 18 U.S.C. § 43 (N.Y.C. Bar Ass’n 2009), https://www.nycbar.org/pdf/report/AETA_Animal&CivilRights_Lettero721o9.pdf.

²⁶ S. Poverty L. Ctr., *Feds across Country Move to Smash “Eco-terrorists”*, INTELLIGENCE REP. (Apr. 19, 2006), <https://www.splcenter.org/fighting-hate/intelligence-report/2006/feds-across-country-move-smash-eco-terrorists>.

²⁷ ANTI-DEFAMATION LEAGUE, ECOTERRORISM: EXTREMISM IN THE ANIMAL RIGHTS AND ENVIRONMENTALIST MOVEMENTS (Anti-Defamation League), https://www.adl.org/education/resources/reports/ecoterrorism?gclid=CjwKCAiAxeX_BRASEiwAcIQdkSrPtpcVRUZ5qLL53_oUicXAaRkBWtngFkcs9k5m4SourNv5s1-t6hoCnj4QAvD_BwE.

²⁸ S. Poverty L. Ctr., *Ecoterrorism: Extremism in the Animal Rights and Environmentalist Movements*, INTELLIGENCE REP. (2002?), <https://www.splcenter.org/fighting-hate/intelligence-report/2015/eco-violence-record>.

²⁹ S. Poverty L. Ctr., *Stop Huntingdon Animal Cruelty Threatens Terrorist-Style Attack*, INTELLIGENCE REP. (Sept. 20, 2002), <https://www.splcenter.org/fighting-hate/intelligence-report/2002/stop-huntingdon-animal-cruelty-threatens-terrorist-style-attack>.

³⁰ S. Poverty L. Ctr., *Left Wing Earth Liberation Front Advocates Extremist Agenda*, INTELLIGENCE REP. (May 8, 2001), www.splcenter.org/fighting-hate/intelligence-report/2001/left-wing-earth-liberation-front-advocates-extremist-agenda.

³¹ Adam Klasfeld, *Freeing Minks Triggers Anti-terror Statute*, COURTHOUSE NEWS SERV. (Mar. 6, 2015), <https://www.courthousenews.com/freeing-minks-triggers-anti-terror-statute/>.

to prosecute nonviolent civil disobedience as terrorism, but only if it intended to cause a loss of profits to the “animal enterprise.”³²

As the legislation was being fast-tracked through Congress, with bipartisan support, civil liberties and privacy groups remained silent. The ACLU, which had been vocal of its opposition to expansion of domestic terrorism powers post-9/11, sent a letter to Congress saying, “the ACLU does not oppose this bill.”³³

If this were any other social movement, Scott and fellow Democrats would have likely opposed this legislation. Civil liberties and privacy groups would have been up in arms.

Instead, they did not even show up for the vote in the House; most lawmakers were absent because they attended a groundbreaking ceremony for the new memorial honoring Dr. Martin Luther King.³⁴ They were honoring the legacy of Dr. King as they approved legislation that would classify King’s tactics as “terrorism,” if directed against an “animal enterprise.”

20.1.3 *Exceptionalism*

To be clear, there have been many inspiring exceptions to this dynamic. The Center for Constitutional Rights and the National Lawyers Guild are established progressive organizations – going back to the Red Scare – and they have spoken up early, and often, in defense of these activists. Robert Meeropol and the Rosenberg Fund for Children have come to the defense of animal rights and environmental groups, despite any initial hesitations, and they still do. Lauren Gazzola’s phone calls were not returned by the ACLU national office, but ACLU affiliates have assisted her and other activists under attack.

But how are we to explain that for decades now, a white nationalist has had an inarguably greater chance of being defended by leading civil liberties groups than an animal rights activist or environmentalist? Why have some of the most sweeping expansions of counterterrorism policy post-9/11 been not just ignored, not just permitted, but actively championed and institutionalized by segments of the civil rights and civil liberties community?

How have we arrived at such a dystopian moment?

There have been plenty of offensive animal rights campaigns, and offensive animal rights activists. Groups like PETA have been called racist, sexist, and

³² Congressional Record House Articles (2006), <https://www.congress.gov/congressional-record/2006/11/13/house-section/article/H8590-1>.

³³ Caroline Fredrickson & Marvin J. Johnson, RE: ACLU Urges Needed Minor Changes to AETA, but Does Not Oppose Bill (S. 3880, the “Animal Enterprise Terrorism Act”) AMERICAN CIVIL LIBERTIES UNION 2006, https://www.aclu.org/sites/default/files/images/general/asset_upload_file809_27356.pdf.

³⁴ W. Koch, *Memorial Groundbreaking Honors MLK’s Legacy*, USA TODAY (Nov. 13, 2006) (last visited Apr. 11, 2007), <http://www.usatoday.com>.

anti-human for media campaigns that compare the mistreatment of animals to human slavery, rape, the beheading of journalists, and the Holocaust.

It's a mistake to assume that the intentionally controversial campaigns of a polarizing, media-savvy organization are the beliefs of entire communities of activists. But even if we assume the absolute *worst* intentions about every animal rights and environmental activist, though – that they all hate humans and only mention human struggles to “bootstrap” their cause – it still doesn't explain such an extreme disconnect. After all, the most important free speech and civil liberties cases have often come from the most offensive, even vile speech.

Moreover, these animal rights and environmental activists have been vocal that *they view themselves* as connected to broader progressive struggles. For example, when Robert Meeropol first learned about Daniel McGowan and other “eco-terrorists,” it wasn't because they came knocking on his door for support. McGowan had approached the organization to enlist their support for another (nonanimal or environmental) activist.³⁵ For years, the animal rights movement has resisted discussing the repression it faced, because activists felt it was not as important as what civil rights activists have endured.

The members of Stop Huntingdon Animal Cruelty repeatedly noted their inspiration – publicly, and in their trial – was anti-apartheid struggles in South Africa. When SHAC activists in the Oakland, California area began receiving grand jury subpoenas – used to force them to testify about their political beliefs and political affiliations or face jail time – they turned to activists they respected for advice: the Black Panther Party. The only reason they even knew what a grand jury was was because of the Panthers, they said. This wasn't bootstrapping; if anything, it was hero worship.

If animal rights and environmental activists abandon these beliefs, and veer to the far right, there is no tolerance or sympathy from others in the movement. For example, the Animal Liberation Front and Earth Liberation Front are uncompromising in their policies of supporting political prisoners: If any activist aligns themselves with white supremacists in prison, even if it is a misguided attempt at self-preservation, they are removed from prisoner support groups entirely.³⁶ Cut off from letters, commissary money, they are no longer mentioned in interviews or publications, and there are no support concerts or benefits. They are gone. For a radical

³⁵ Robert Meeropol, *Daniel McGowan*, ROSENBERG FUND FOR CHILDREN, INC.: EXEC. DIR.'S BLOG (Apr. 5, 2010), <https://www.rfc.org/blog/article/478>.

³⁶ Break the Chains, *ELP Public Statement on Christopher 'Dirt' McIntosh*, BREAK THE CHAINS: ELP INFO. BULL. (Feb. 18, 2008), <https://breakallchains.blogspot.com/2008/02/elp-public-statement-on-christopher.html>; Edelweiss Pirates, *A Field Guide to Straw Men: Sadie and Exile, Esoteric Fascism, and Olympia's Little White Lies*, PUGET SOUND ANARCHISTS (DATE), <https://pugetsoundanarchists.org/a-field-guide-to-straw-men-sadie-and-exile-esoteric-fascism-and-olympias-little-white-lies/>.

social movement, this is the equivalent of sending your comrade into the desert with no boots and no water.

And it's not just the most radical elements that are making connections between these movements. Indeed, there appears to be positive correlation between advocacy for human rights and advocacy for animal rights. That was the conclusion of researchers at Harvard University and Dartmouth College after conducting a study of individual attitudes regarding the suffering of animals and humans.

As researchers Yon Soo Park and Benjamin Valentino discussed in *Human Rights Quarterly*: "Our results demonstrate that support for animal rights strongly links to support for disadvantaged or marginalized human populations, including LGBT groups, racial minorities, undocumented immigrants, and the poor."³⁷

For example, Americans who were more politically conservative and more religious were much less likely to support animal rights. And Americans who said they strongly support governmental programs to aid the sick were significantly *more* likely, by 80 percent, to support animal rights than those who strongly opposed it.

"In other words, people who supported an expansive conception of human rights and welfare were also more likely to support animal rights," Park and Valentino wrote in the *Washington Post*.³⁸

So what is it that prevents us from imagining animal rights as a civil rights movement? How do we explain that, for decades, the animal rights and environmental movements have been the top target of an increasingly dystopian campaign of political repression that has gone virtually untouched and unnoticed by the broader left, the legal community, and scholars of authoritarianism and political repression globally?

20.1.4 *The Animal*

There is only one factor distinguishing the animal rights movement and environmental movements from the loose constellation of causes we point to and declare "social justice." It's the idea of the movement itself. Unlike every other contemporary social justice movement, these are the only activists who have placed nonhumans (animals and the natural world) at their center.

This absence of the human marks animal rights as an outsider in the history of social movements. Our ever-expanding conception of morality, and legal systems ostensibly designed to reflect those norms, is rooted in a shared humanity. The animal rights and environmental movements challenge this by making the nonhuman the focus of their inquiry and activism.

³⁷ Yon Soo Park & Benjamin Valentino, *Animals Are People Too: Explaining Variation in Respect for Animal Rights*, 41 ANIMAL RTS. Q. 39, XX (2019), <https://cpb-us-e1.wpmucdn.com/sites.dartmouth.edu/dist/b/1324/files/2019/06/Park-and-Valentino-HRQ-Animals-are-People-Too.pdf>.

³⁸ *Id.*

At best, this has been viewed as an anomaly, a strange new creature in the world of social movements. The movement isn't right-wing, but it's not left-wing either. The term most frequently used by the FBI and national security think tanks to describe animal rights and environmental activists are "single issue extremism" and "special interest terrorism."³⁹ The language is replicated in databases of terrorism crimes, congressional reports, and legislation. These movements are something different, according to leftists and the FBI alike, and we as a culture haven't figure out how to categorize them yet.

At worst, the very existence of the animal rights movement has been viewed as antagonistic to the merit of civil rights struggles. "We have human problems to deal with" is a line that every animal rights activist has heard at some point in their efforts, as Meeropol's experiences reflect. A focus on nonhuman animals equates, in this framework, to a devaluation of humans.

Theoretically, I think there is a connection between the concept of human exceptionalism⁴⁰ – which argues animals are so different from us that they are not worthy of ethical consideration – with what has occurred at the social movement level. These movements have been excluded from the broader progressive movement, and shared defenses of civil liberties, because the subject of these movements is viewed, as we discussed, as either removed from or standing in opposition to human struggles.

If animals are not worthy of our consideration, then these activists, by extension, aren't worthy of defense; their focus on animals delegitimizes them as social activists. And if these aren't legitimate activists, then what they are experiencing is not treated as "state repression," or a threat to shared civil liberties, at all.

In this way "animal" functions as a social marker. It is used to separate animals, and their advocates, from human-oriented considerations. The effects of this animal marker are dangerous in our culture; they delegitimize the subject and remove it from the moral framework.

"Animal" is *such* a powerful social marker, such a delegitimizing presence, that it can actually transform the identities of people who would otherwise unquestionably be regarded as civil rights activists. We see this clearly with those discussions between Meeropol and members of the Rosenberg Fund for Children, and we see it in the decades of silence from the civil rights community.

To illustrate this further, let us look at two examples of what happens when "civil rights" activists disrupt the paradigm, and connect their struggles to animals.

³⁹ James F. Jarboe, *Testimony: The Threat of Eco-terrorism*, F.B.I. (Feb. 12, 2002), <https://archives.fbi.gov/archives/news/testimony/the-threat-of-eco-terrorism>.

⁴⁰ Gregg Henriques, *On Human Exceptionalism*, PSYCH. TODAY (Jan. 2, 2013), <https://www.psychologytoday.com/us/blog/theory-knowledge/201301/human-exceptionalism> (responding to Marc Beckoff, *Animal Minds and the Foible of Human Exceptionalism*, PSYCH. TODAY (July 30, 2011), <https://www.psychologytoday.com/us/blog/animal-emotions/201107/animal-minds-and-the-foible-human-exceptionalism>).

20.1.5 MOVE

First, consider MOVE, a Black-liberation collective founded in Philadelphia in the 1970s.⁴¹ The group was created by John Africa, whose teachings combined the revolutionary ideology of groups like the Black Panther Party with protests for animal rights at zoos and a raw food vegetarian diet.

The group believes, “Each individual life is dependent on every other life, and all life has a purpose, so all living beings, things that move, are equally important, whether they are human beings, dogs, birds, fish, trees, ants, weeds, rivers, wind or rain.”⁴² Or as *The Guardian* said: “Black liberation, animal liberation – the two are as one with MOVE.”⁴³

MOVE lived as a commune, grew their own food, wore their hair in dreadlocks, and lived like hippies. They were social outcasts, and their neighbors wanted them evicted. The police department loathed them. Philadelphia Mayor Frank Rizzo said: “You are dealing with criminals, barbarians, you are safer in the jungle!”⁴⁴ There had been several violent encounters with the police, culminating in an eviction siege.

On May 14, 1985, the police department dropped a bomb from a helicopter on the group’s home, killing eleven people in the MOVE commune, four of them children.⁴⁵ “You could see the flames, 20, 30 feet above the rooftops, reaching over like blazing fingers, igniting houses first on Osage, then adjacent houses on Pine. Soon a solid wave of flame was sweeping down the street,” a neighbor told *Time Magazine*.⁴⁶

A US police department dropped a bomb on a dissident group, killing children and setting an entire neighborhood ablaze, and yet this remains largely unknown and undiscussed.⁴⁷ It is one of the most vile, egregious abuses of police power against social movements in US history. In 2000, the Philadelphia City Council

⁴¹ John Africa, *Timeline of the MOVE Organization Leading to May 13, 1985*, PHILA. TRIB. (May 9, 2015), https://www.phillytrib.com/news/timeline-of-the-move-organization-leading-to-may-13-1985/article_91170189-7446-5a6b-97cc-dbc4660d69a6.html.

⁴² MOVE Org., *About MOVE*, MOVE ORG. (2021), <http://onamove.com/about/>.

⁴³ Ed Pilkington, *A Siege. A Bomb. 48 Dogs. And the Black Commune That Would Not Surrender*, GUARDIAN (July 31, 2018), <https://www.theguardian.com/world/2018/jul/31/a-siege-a-bomb-48-dogs-and-the-black-commune-that-would-not-surrender>.

⁴⁴ *Id.*

⁴⁵ William K. Stevens, *Police Drop Bombs on Radicals’ Home in Philadelphia*, N.Y. TIMES (May 14, 1985), <https://www.nytimes.com/1985/05/14/us/police-drop-bomb-on-radicals-home-in-philadelphia.html>.

⁴⁶ Frank Trippett, “*It Looks Just Like a War Zone*,” TIME (June 24, 2001), <http://content.time.com/time/magazine/article/0,9171,141842,00.html>.

⁴⁷ Gene Demby, *Why Have So Many People Never Heard of the MOVE Bombing?*, NPR: CODE SW!TCH (May 18, 2015), <https://www.npr.org/sections/codeswitch/2015/05/18/407665820/why-did-we-forget-the-move-bombing>.

formally apologized for the bombing.⁴⁸ But outside of the West Philadelphia neighborhood where it occurred, the bombing remains largely omitted from discussions of political repression and police violence.

“You got to think about how they were portrayed in the ’70s,” said Tommy Oliver, the creator of a documentary about the fallout of the MOVE attack. “They were dehumanized. And when you dehumanize a people, it becomes really easy to justify whatever happens to them. And so, of course, whatever happened to them was their fault.”⁴⁹

20.1.6 Dick Gregory

This dehumanization seems to occur whenever the animal is invoked, even when the speaker has long established themselves as a civil rights leader. Consider comedian and social justice advocate Dick Gregory, for example. Gregory, a long-time civil rights activist, grew increasingly vocal about the connections he felt between civil rights and animal rights.

I had been a participant in all of the “major” and most of the “minor” civil rights demonstrations of the early sixties. Under the leadership of Dr. King, I became convinced that nonviolence meant opposition to killing in any form. I felt the commandment “Thou Shalt Not Kill” applied to human beings not only in their dealings with each other – war, lynching, assassination, murder, and the like – but in their practice of killing animals for food and sport. Animals and humans suffer and die alike. Violence causes the same pain, the same spilling of blood, the same stench of death, the same arrogant, cruel, and brutal taking of life.⁵⁰

This was not a fleeting concept for Gregory. It guided his life, into old age. He created a health empire around his vegetarianism, and created cookbooks like *Dick Gregory’s Natural Diet for Folks Who Eat: Cookin’ with Mother Nature*.⁵¹ He remained a tireless advocate of both human and animal rights till his death.⁵²

⁴⁸ Laura McCrystal, *Philly City Council Has Formally Apologized for the Deadly 1985 MOVE Bombing*, PHILA. INQUIRER (Nov. 16, 2020), <https://www.inquirer.com/news/philadelphia/move-bombing-apology-philadelphia-walter-wallace-20201112.html>.

⁴⁹ All Things Considered, *Tommy Oliver on His Documentary about 1978 MOVE Standoff in Philadelphia*, NAT’L PUB. RADIO (Dec. 21, 2020, 3:44 PM), <https://www.npr.org/2020/12/21/948873778/tommy-oliver-on-his-documentary-about-1978-move-standoff-in-philadelphia>.

⁵⁰ Tracey McQuirter, *This Civil Rights Activist Is the Reason I’ve Been Vegan for 30 Years*, BON APPETIT: HEALTHYISH (Sept. 1, 2017), <https://www.bonappetit.com/story/dick-gregory-vegan-civil-rights>.

⁵¹ Studs Terkel Radio, *Dick Gregory Discusses His Book “Dick Gregory’s Natural Diet for Folks Who Eat: Cookin’ with Mother Nature,” WFMT RADIO NETWORK* (May 30, 1973), <https://studsterkel.wfmt.com/programs/dick-gregory-discusses-his-book-dick-gregorys-natural-diet-folks-who-eat-cookin-mother>.

⁵² Dennis McLellan, *Dick Gregory, Groundbreaking Comedian and Activist Who Ran for Chicago Mayor, Dies at 84*, CHI. TRIB. (Aug. 19, 2017, 10:52 PM), <https://www.chicagotribune.com/news/obituaries/ct-dick-gregory-dead-20170819-story.html>.

His public eulogies by the civil rights community and Hollywood made no mention of this, though. A glowing obituary in the *New York Times* said Gregory developed an interest in “fasting” and “health-food,” and omitted his ethical concerns.⁵³ The *Chicago Sun-Times* said he was “fried chicken for the soul.”⁵⁴

When Dick Gregory urged Black civil rights activists to go vegetarian, he did so as both a civil rights activist and an animal rights activist; Gregory integrated the “health, politics, economics, and culture of what we ate.”⁵⁵ Our present vocabulary of intersectionality didn’t exist at the time, but Gregory was a living example of it.⁵⁶

When he is praised, though, anything about Gregory related to animals must be either omitted entirely or reframed as an interest in health. The animal marker is so delegitimizing that it would presumably tarnish the reputation of someone otherwise seen as a civil rights hero.

20.2 SOLITARY CONFINEMENT

Humans are a social species. When placed in isolation, we suffer in extreme ways both physically and psychologically.

In prison, placing someone in solitary confinement is often described with a variety of euphemisms to mask its cruelty: “segregation,” “the hole,” “lockdown,” “social exclusion.” The practice is rampant in US prisons. The UN Special Rapporteur on torture noted in alarm that US prisons “routinely resort to repressive measures, such as prolonged or indefinite isolation.”⁵⁷

A 2020 report from UN Human Rights said that the use of solitary confinement is so pervasive in prisons that it could amount to torture. Being placed in solitary confinement for long periods of time, its authors noted, can have “severe and often irreparable psychological and physical consequences.”⁵⁸

When we are removed from each other, we lose our ability to make sense of the world, process information, and function. Isolation can sicken social movements in similar ways.

⁵³ Clyde Harberman, *Dick Gregory Dies at 84, Found Humor in the Civil Rights Struggle*, N.Y. TIMES (Aug. 19, 2017), <https://www.nytimes.com/2017/08/19/arts/dick-gregory-dies-at-84.html>.

⁵⁴ Laura Washington, *Dick Gregory Was Fried Chicken for the Soul*, CHI. SUN TIMES (Aug. 28, 2017), <https://chicago.suntimes.com/2017/8/28/18341857/washington-dick-gregory-was-fried-chicken-for-the-soul>.

⁵⁵ McQuirter, *supra* note 50.

⁵⁶ Arica L. Coleman, *What’s Intersectionality? Let These Scholars Explain the Theory and Its History*, TIME (Mar. 29, 2019), <https://time.com/5560575/intersectionality-theory/>.

⁵⁷ Nils Melzer, *United States: Prolonged Solitary Confinement Amounts to Psychological Torture, Says UN Expert*, U.N. COMM’N ON HUM. RTS. (Feb. 28, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25633&LangID=E>.

⁵⁸ United Nations Commission on Human Rights, *Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, U.N. COMM’N ON HUM. RTS. (2021), <https://ohchr.org/EN/Issues/Torture/SRTorture/Pages/SRTortureIndex.aspx>.

The separation of the animal rights and environmental movements from the broader civil rights and civil liberties community has facilitated government repression, and left generations of new political activists unaware of post-9/11 mechanisms used by corporations and law enforcement to silence protest.

The rapid emergence of Black Lives Matter as an international movement, for example, was met with an equally swift clampdown on the movement. The militarizations of police, restrictions on protest, counterterrorism rhetoric, civil lawsuits, and other repressive measures framing these activists as “domestic extremists” and “terrorists” was shocking for many activists. However, none of this should have been a surprise. It should have been expected.

The suite of repressive measures used against animal rights and environmental activists have become the new playbook for the criminalization of dissent. Activists of all social movements, globally, need to understand these counterattacks, and be prepared to face them.

What would it look like, then, to end this “social exclusion”? The collaboration involved in creating this volume is one example of what that process might entail. Human rights and animal rights advocates discussing their fields in tandem find common ground not only in their research findings and cruelty inflicted upon their clients, but in the institutional opposition they face.

A trove of leaked documents from Amazon’s Global Security Operations Center, for instance, revealed widespread spying and disinformation campaigns against both labor and environmental groups.⁵⁹ FBI training materials and PowerPoint presentations have been updated to routinely describe “eco-terrorists” alongside a more recent threat: “black identity extremists.”⁶⁰

Whether or not we view animal rights activists as civil rights activists, and regardless of how we characterize the divisions within and between social justice movements, at minimum we must acknowledge that our opponents rarely make such distinctions.

Historically speaking, when social movements emphasize their differences and disagreements, rather than shared values, it has repeatedly been used as a tool to accelerate state repression.

As Robert Meeropol of the Rosenberg Fund for Children noted:

Few alive today remember that A.J. Muste, the pacifist mainstay of the War Resisters’ League, refused to get involved in the effort to save my parents’ lives because they had been accused of aiding the Soviet military. Fellow pacifist, Dave

⁵⁹ Lauren K. Gurley, *Secret Amazon Reports Expose the Company’s Surveillance of Labor and Environmental Groups*, VICE (Nov. 23, 2020, 10:16 AM), <https://www.vice.com/en/article/5dp3yn/amazon-leaked-reports-expose-spying-warehouse-workers-labor-union-environmental-groups-social-movements>.

⁶⁰ Michael German, *The FBI Targets a New Generation of Black Activists*, BRENNAN CTR. FOR JUST. (June 26, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/fbi-targets-new-generation-black-activists>.

Dellinger, disagreed. He argued that regardless of what my parents might have done, all progressives should stand in solidarity with them because they were being subjected to violent, right-wing political repression.

20.3 “STEROIDS FOR FASCISM”

This is a conversation we can no longer afford to ignore. Two global crises will soon force us to confront this disconnect, whether we agree or not. Authoritarianism is on the rise, globally, and the increasing threat of climate change and ecological collapse is already being used to close borders and accelerate concentrations of power. As Gizmodo noted, the “climate crisis will be steroids for fascism.”⁶¹ Meanwhile, far-right groups have begun using environmentalism and “eco-fascism” to promote white nationalism.⁶²

As I write this, fascists – including well-documented white supremacists and Neo-Nazis – have stormed the US Capitol. In the wake of this failed coup attempt, the incoming Democratic administration has vowed to make “domestic terrorism” a priority. Biden’s pick to lead the Justice Department, Merrick Garland, has pledged to fight “violent extremism” as US attorney general.⁶³

“Don’t dare call them protesters,” incoming president Joe Biden said. “They were a riotous mob. Insurrectionists. Domestic terrorists. It’s that basic. It’s that simple.”⁶⁴

The Biden administration has vowed to create a new “domestic terrorism” law and is considering a new White House post to oversee the fight against “overseeing the fight against ideologically inspired violent extremists and increasing funding to combat them,” according to the *Wall Street Journal*.⁶⁵

Incredibly, the widespread failures of law enforcement to prevent a white nationalist mob – which had been promising to do exactly this for months – are being attributed to miscommunication and inadequate resources. The FBI has told the

⁶¹ Brian Kahn, *The Climate Crisis Will Be Steroids for Fascism*, G/O MEDIA INC. (Jan. 7, 2021, 2:05 PM), <https://earthier.gizmodo.com/the-climate-crisis-will-be-steroids-for-fascism-1846009446>.

⁶² Stateside Staff, *How “Eco-fascists” Are Using Environmentalism to Promote White Nationalism*, MICH. RADIO (Sept. 12, 2019), <https://www.michiganradio.org/post/how-eco-fascists-are-using-environmentalism-promote-white-nationalism>.

⁶³ Harper Neidig, *Garland Vows to Fight “Violent Extremism” as Attorney General*, HILL (Jan. 7, 2021), <https://thehill.com/homenews/administration/533200-garland-vows-to-fight-violent-extremism-as-attorney-general>.

⁶⁴ Ken Thomas & Sabrina Siddiqui, *Biden Says Rioters Who Stormed Capitol Were Domestic Terrorists*, WALL ST. J. (Jan. 7, 2021, 8:40 PM), <https://www.wsj.com/articles/biden-says-mob-that-stormed-capitol-were-domestic-terrorists-11610046962?redirect=amp>.

⁶⁵ *Id.*

incoming administration that it needs more FBI and Homeland Security officers, and more domestic terrorism authority.⁶⁶

It may be tempting for progressives to support an expansion of domestic terrorism policy in response to the far right. However, we must remember that the FBI has had these powers and abused them for decades. It has repeatedly ignored warnings about right-wing violence and instead defended its focus on nonviolent social protesters, namely, animal rights and environmental activists.

Historically, the FBI was founded as an institution to target the left and has been at the forefront of efforts to oppose every major progressive social movement of our time.

More broadly we need to understand that the very nature of political repression, “counterterrorism,” or any coordinated campaign by the state and industry will *always* be used disproportionately against the left.

Carceral logic will never be used by the state to advance social justice, and it certainly will not be used to target the far right. A carceral civil rights movement – one that calls for more police, more prisons, more terrorism powers, all the while trusting the state to *only* use its powers to target *others*, whether it is the animal rights movement or the far right – is only building its own gallows.

Imagining animal and environmental activists as a civil rights movement is not just a theoretical discussion of the nature of social change, and it is not a plea for assistance or ideological cohesion. This is a warning.

If we continue to ignore the precedent-setting draconian attacks on the animal rights and environment movements, and how they are sentinel species for other social movements challenging state and corporate power, then it will be at the shared peril of human and animal rights alike.

⁶⁶ Mike Levine, *Domestic Terrorism and Hate Exploded in 2020. Here's What the Biden Administration Must Do*, ABC NEWS (Dec. 29, 2020, 4:00 AM), <https://abcnews.go.com/US/domestic-terrorism-hate-exploded-2020-biden-administration/story?id=74604589>.