

BloombergBusinessweek

AP News

US seeks to block challenge by animal rights group

By Denise Lavoie on August 30, 2012

BOSTON (AP) — The federal government asked a judge Wednesday to dismiss a lawsuit filed by a group of animal rights activists who say a rarely used 2006 law has a chilling effect on lawful protest activities.

Five activists represented by the Center for Constitutional Rights sued the U.S. government last year, asking that the Animal Enterprise Terrorism Act be struck down as unconstitutional.

A Justice Department attorney on Wednesday argued that the law is not aimed at constitutionally protected activities such as leafleting, writing letters to newspaper editors or peaceful protests.

"It is not aimed at speech. Rather, it is aimed at violent, destructive conduct," said Deanna Durrett, an attorney in the Justice Department's civil division.

But the activists say the law is vague and has left them afraid to participate in public protests.

The law can be used against a person who "intentionally damages or causes the loss of any real or personal property used by an animal enterprise." The activists say personal property can include a loss of profits for a business, meaning that a fur protester who persuades a consumer not to shop at a particular store could face a terrorism charge.

The law also can be used to prosecute anyone who "intentionally places a person in reasonable fear of death or serious bodily injury" through threats, vandalism, harassment or intimidation.

"The fear of prosecution is not hypothetical and the chill is not hypothetical," said Alex Reinert, a lawyer for the activists.

U.S. District Judge Joseph Tauro did not immediately rule on the government's motion to dismiss the lawsuit.

Sarahjane Blum, of Minneapolis, one of the plaintiffs in the lawsuit, said she has been an animal rights activist for more than two decades, but she has turned down public speaking offers and is afraid to show an undercover video she made at a foie gras farm because she is afraid she could be prosecuted under the law.

"Every single time I am asked to speak, I have to do a calculus in my head about whether it can be construed as illegal speech and illegal action," she said after the hearing.

The law has been rarely used since it was enacted in 2006.

In 2009, two activists in Utah were indicted for releasing hundreds of animals from a mink farm. Both pleaded guilty to animal enterprise terrorism and were sentenced to 21 months and 24 months in prison.

The same year, four activists were charged for allegedly participating in threatening demonstrations at the homes of University of California scientists who did animal research. A judge eventually dismissed the charges.