

**Oppose the Animal Enterprise Terrorism Act (AETA)  
H.R. 4239 and S. 3880 (as amended and passed by Senate)**

The Humane Society of the United States has no tolerance for individuals and groups who resort to intimidation, vandalism, or violence supposedly in the name of animal advocacy, and we have spoken out repeatedly against violence in any form. We believe harassment, violence, and other illegal tactics are wholly unacceptable and inconsistent with a core ethic of promoting compassion and respect, and also undermine the credibility and effectiveness of mainstream, law-abiding organizations and individuals. However, the Animal Enterprise Terrorism Act (AETA) threatens to sweep up – criminalizing as “terrorism” or otherwise chilling – a broad range of lawful, constitutionally protected, and valuable activity undertaken by citizens and organizations seeking change. Even with changes that have been incorporated into the current version of the legislation, it is still seriously flawed.

**The AETA threatens legitimate advocacy.** The legislation uses vague, overbroad terms such as “interfering with” which could be interpreted to include legitimate, peaceful conduct. For example, someone who uses the Internet to encourage people not to buy eggs from a company producing eggs with battery cages could be charged with terrorism for causing the company a loss of profits. Likewise, someone who videotapes the cruel treatment of horses at a slaughter plant, potentially causing loss of profits if that footage is used in legislative or media efforts, could be labeled a terrorist. The bill that passed the Senate – S. 3880, with amendments – did include some minor changes that seem to have been intended to help protect lawful activities. But the bill has never had the benefit of a mark-up in Committee, and still suffers from numerous drafting errors, inconsistencies, and fundamental flaws. Even if a zealous prosecutor might not be able to win a conviction against someone for participating in a protest, boycott, or email campaign directed at a corporation, for example, the very risk of being charged as a terrorist will almost certainly have a chilling effect on legitimate activism.

**The AETA is a solution in search of a problem.** Under the current federal law, the Animal Enterprise Protection Act of 1992, which the AETA seeks to amend, there have recently been several successful convictions, yielding sentences of 3-5 years for activities such as running a web site to incite vandalism and violence. (According to the Department of Justice, the national average sentence for a violent assault is 5 years.) Given that, it’s not clear that existing law even needs to be strengthened. Law enforcement agencies already have the tools they need to successfully prosecute and convict people who engage in campaigns of harassment and intimidation.

**The AETA could protect unlawful animal enterprises such as animal fighting.** Nothing in the current definition of “animal enterprise” requires that an enterprise be lawful. As a result, enterprises that violate state and federal animal protection laws, like criminal animal fighting organizations or illegal puppy mills, could be protected from investigation and prosecution. Even the potential for such protections could deter law enforcement actions against illegal activities such as animal fighting.

**Passing the AETA reflects misplaced priorities in Congress.** It is particularly disheartening to think Congress may rush forward with this ill-advised bill, yet not enact reasonable and long-overdue reform, such as the Animal Fighting Prohibition Enforcement Act (H.R. 817/S. 382). Purportedly, the AETA sponsors want not only to penalize, but also to prevent, extremist conduct that endangers animal enterprises and the people associated with them. When Congress fails to act on modest animal welfare reforms like the animal fighting bill – and may in turn hastily pass a bill that could protect animal fighting – it makes it more difficult for organizations like The HSUS to make the case to activists that meaningful change is possible working through the system – and that they should pursue legal channels rather than taking matters into their own hands.