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Economic sabotage a form of free speech?

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*On June 10 AFP Greenpeace was fined 4,000 Euros Under a new Danish Anti-Terror Law for using an anti-GMO protest as a means of public intimidation. Some, including the author of this piece, **Lawrence A. Kogan**, believe other countries should follow Denmark's example to discourage what UK Prime Minister Tony Blair's previous government called 'economic sabotage'.*

The UK government has been desperately trying to keep life science and biotechnology company jobs and investments in the UK.

The five-year plan released earlier this year by the UK Department of Trade and Investment (DTI) suggests two possible reasons why such companies may be considering relocation - over-regulation and economic sabotage. According to UK trade and industry secretary Patricia Hewitt, the single biggest threat to the UK's "position as number two in the world on biotechnology is the threat of animal rights extremists, animal rights terrorists". And, a spokesman for the Association of the British Pharmaceutical Industry (ABPI) previously remarked how extremist campaigns were having an increasingly negative impact on R&D investment in the UK and thereby ruining the industry.

According to ABPI figures, more than 100 abusive or threatening phone calls and other communications were made to companies engaged in animal research last year, almost three times the 38 for 2003. There were 177 cases of damage to company, personal and private property in 2004, up from 146 the previous year. A recent report appearing in the Daily Mail further corroborates this trend. It found that, during the three months ended October 2004, forty-eight attacks were committed

on property belonging to pharmaceutical companies and their employees, along with countless acts of abuse and intimidation (e.g., blockades) against these companies' suppliers. In addition, such groups have engaged in personal harassment of life sciences company investors, including threats to publish their names and home addresses on the web unless they sell their shares. In fact, "abuse from animal rights militants has prompted almost 5000 directors of medical research firms and their customers to seek Government protection."

Unfortunately, as a recent BBC radio broadcast has revealed, illegal vigilante acts such as these increasingly reflect the modus operandi as well as the raison d'etre of political pressure groups once more "sophisticated" attempts at legal or public "persuasion" have failed. As emphasised by one animal rights group protestor, "You don't pick a company unless you can close it down because otherwise you just make those companies stronger. So when they are chosen - they are finished."

What is most disturbing about these activities, however, is that they do not reflect the aberrant behavior of only a small band of miscreants, as UK officials and the UK media would have the world believe. It is common knowledge that ideological extremism and criminal conduct are not entirely the province of animal rights advocates. Environmental extremism is also particularly well entrenched in UK and European daily life, where it has historically been the mainstay of such internationally recognised environmental groups as Greenpeace, Friends of the Earth, World Wildlife Fund and other more locally focused groups. Environmental extremists within these groups have widely disseminated misinformation to induce consumer fears and distrust of European regulators to gain credibility with the broader European public. They have employed strong lobbying pressure to shape national and regional precautionary principle-based environmental policies. And they have threatened business and personal reputations, engaged in personal harassment and physical intimidation and caused destruction of personal and business property in order to influence industry conduct. Each of the acts within this latter category of wrongs arguably constitutes a type of criminally actionable economic sabotage or economic terrorism no less severe than the acts committed by the animal rights extremists and targeted by Tony Blair's proposed criminal legislation. That UK Ministers are still debating whether the offence should cover all extremists, not just the animal rights activists who are its principal target, is nothing less than an acknowledgement of this sad but true fact.

A good example of the type of economic sabotage engaged in by environmental extremists in the UK during the past five years involves genetically modified (GM) food, feed and seed. Extremist efforts have focused, since at least 1999, on terrorizing and causing economic loss to industry (biotech and pharmaceutical companies), farmers and scientists that dared to go forward with outdoor government-planned GM trials. Their ultimate goal was to stop the trials altogether, hamper government GM research efforts, and to block industry's development and distribution of GM products to British supermarkets and retail stores. The intended effect of such conduct was to deny the British public a potentially useful, and perhaps, essential new technology. The UK government had planned to conduct trials in 55 fields by the end of 2000 - 25 fields for maize and oilseed rape and 30 fields for either sugar or fodder beets. Additional farm-scale trials were planned for 2001 and 2002. While government estimates had suggested that a total of 75 participating farms were needed to conduct a viable study, mounting Greenpeace pressure during this three-year period made it difficult to recruit enough farms. As the Guardian reported in September 2000, of the 31 English and Scottish farms that had originally signed up for the trials, 26 were placed on a Greenpeace hit list, and two others pulled out due to local pressure.

The trials had been facilitated by the Supply Chain Initiative on Modified Agricultural Crops (SCIMAC), an industry group drawn from the plant breeding, agrochemical and farming sectors, whose objective was to ensure that the commercial introduction of GM crops in the UK is managed openly and responsibly. SCIMAC had drawn up a code of practice on the transfer of information about GM products along the supply chain and guidelines on the management of herbicide tolerant crops. While the UK government (DEFRA) initially welcomed this 4-year initiative, it did not, for political reasons, endorse outright SCIMAC's risk management guidelines.

Greenpeace-driven economic sabotage was catapulted into the public limelight following the non-guilty jury verdict rendered on September 20, 2000, at the criminal trial of Greenpeace UK executive director, Peter Melchett. Melchett and 27 other members of Greenpeace had been criminally charged on July 26, 1999, with raiding (trespass), damaging (vandalism) and trying to remove (theft) six acres of a GM maize crop that were being grown by local Norfolk farmers for seed company Agr-Evo Ltd (now the agrochemical company Aventis). At trial, Melchett successfully invoked the subjective facts-intensive defense known in Britain as "the Tommy Archer defense" which, as the Independent wrote, "relied on the jury accepting that the defendant genuinely believed that the action would prevent greater damage being done."

In other words, the group's otherwise illegal actions were justified because the group "honestly" believed that it was responding to an even greater potential threat posed to the environment by the pollination of GM crops. As a result, environmental extremists believed they were given the green light to destroy the UK's GM crop research program, and along with it the crops themselves. This mindset was reflected in the remarks of Charles Secrett, director of Friends of the Earth UK: "As far as I can see this throws the door open for people to legitimately destroy GM crops that are about to go to pollen".

A number of additional attacks against GM crop trials followed the issuance of this verdict. The irony of these events was plain for all to see. Individual farmers had willingly participated in UK government planned GM crop trials facilitated by a cautious industry, which were intended to provide more information to the public about the potential scientific risks and benefits associated with herbicide-resistant crops. This was precisely the kind of information environmental extremists such as Greenpeace and Friends of the Earth had demanded all along but chose to ignore for political reasons. These environmental extremists, however, were not satisfied until they could also disrupt and destroy the business relationships that existed along the British food supply chain. As early as the fall of 2000, the US Department of Agriculture had noted how Greenpeace-induced "hysteria surrounding genetically engineered (GE) food" had prompted pledges from a number of British supermarkets to phase out meat, eggs and dairy products from animals fed GM crops. In other words, Greenpeace was able to successfully shape consumer demand for GM products as well as influence producer and retailer supply of such products. This was achieved by promoting consumer misinformation and fear and by engaging in guerilla-type military tactics against companies, their employees and their suppliers. The goal was plainly and simply economic sabotage, at both a micro and macro level.

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