

# PRINCIPLE

## USE THE LAW, DON'T BE AFRAID OF IT

So you've received a threatening letter from a corporate lawyer. Congratulations!

### CONTRIBUTED BY

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Andy Bichlbaum (AKA Jacques Servin) got his start as an activist when, as a computer programmer, he inserted a swarm of kissing boys in a shoot-'em-up video game just before it shipped to store shelves, and found himself fired, famous, and hugely amused. Now, Andy helps run the Yes Lab for Creative Activism as part of his job as professor of subversion at New York University.

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## "DON'T BE AFRAID OF SUITS, LAW- OR OTHERWISE."

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The law is a funny thing. Sometimes the Yes Men ask lawyers before we do anything particularly dangerous. We get one of two answers: "Don't do it! It's illegal. You'll get sued!" or "Awesome! It's probably legal, and besides, you're righteous in the court of public opinion." The "awesomes" are almost always right for two reasons: 1) In the US at least, the law does in fact protect freedom of speech to a very high degree (which is not always a good thing: corporate lobbying is also considered free speech), and 2) corporations don't sue you because they know how it can blow back on them and they want to avoid having yet more egg on their big, blank, mechanical faces. In the Yes Men's many years of activism, we've only been sued once.

Corporations won't sue you, but they may send you a cease-and-desist letter. Rather than a cause for worry, this can be a great boon. C&D letters are letters from lawyers that threaten you with a lawsuit, usually in highfalutin' legal language. They carry absolutely no legal weight and can be ignored — though of course you then take the risk that the lawyers will follow through. Almost always, however, the C&D letter, while not exactly a bluff, is a formality. For example, companies have trademarks, and in order to keep them they have to demonstrate that they're making efforts to defend them — and a C&D letter qualifies as evidence of such an effort.

If you receive a C&D letter, it's a tremendous opportunity to stretch out the story and get an additional wave of news coverage for your action. First thing we do when we receive a C&D letter is reach out to a lawyer we trust and see what she thinks (though we're always prepared to ignore her advice). Then, we consider whether there's

### POTENTIAL RISKS

Sometimes corporations do sue activists, especially those with limited resources to defend themselves. That's called a SLAPP (Strategic Litigation Against Public Participation) suit. However, usually, all you really need to do to avoid any such corporate shenanigans is be ready to widely publicize the brouhaha, and hurl the aforementioned egg smack dab onto the corporate face.

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anything funny we can do with the letter. For example, after we put up the coalcares.org site, we received a C&D letter from Peabody Energy, the largest coal producer in the US. Instead of taking down the site, we responded in a way that enlarged the issue. It's not just Peabody that's giving kids asthma, we noted, but all American coal companies. So we removed Peabody's name from the site and added the names of all the other coal companies. We subsequently received three more C&D letters, which we also ignored.

Lawyers are not to be feared, though the same can't always be said for the law. If you are, for example, pretending to be ExxonMobil at a petroleum conference, there is no need to break character when the conference's private security lock you in a small room and cross-examine you (trust us on this one). But when the real police arrive, you may as well tell them honestly what you are up to. They may even turn out to be on your side, especially if you seem reasonable in contrast to the exasperated conference organizer or private security goon. In general, you should avoid lying to the police unless you have a *really really* good reason.

Don't be afraid of suits, law- or otherwise.

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Know Your Rights for Activists  
Civil Liberties Defence Center, 2014  
<https://cldc.org/know-your-rights-for-activists/>

Resources  
Black Movement Law Project  
<https://bmlp.org/#resources>

Resources  
Community Activism Law Alliance  
<http://www.calachicago.org/>

## Tactics

- Citizen's arrest
- Electoral guerrilla theatre
- Hoax
- Identity correction
- Infiltration
- Light Brigade
- Occupation

## Principles

- Activate international mechanisms
- Everyone has balls/ovaries of steel
- Put your target in a decision dilemma
- Take risks, but take care
- The real action is your target's reaction
- Use humour to undermine authority
- Use the Jedi mind trick

## Theories

- Environmental justice
- Ethical spectacle

## TAGS

Action design, Campaign strategy, Direct action, Humour, Media, Pranks