TARGETED

THE ANATOMY OF AN ANIMAL RIGHTS ATTACK

BY **Lorenz Otto Lutherer**
AND **Margaret Sheffield Simon**

Foreword by John M. Orem



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TARGETED

In the last ten years, animal rights activists have broken into more than eighty research and educational institutions across the United States, stealing research animals and destroying millions of dollars' worth of property. These break-ins are part of a fierce misinformation campaign designed to discredit all scientific use of animals—despite the meticulous regulation of such research and the monumental benefits it has yielded. Preying on society's unfamiliarity with scientific procedures, many animal rights groups advocate an end to all human use of animals: for food and clothing, in research, and even as pets (as pet status implies human dominion over animals).

Targeted provides an in-depth look at the goals and tactics of the animal rights movement. After surveying the movement's history and organization, Lorenz Otto Lutherer and Margaret Sheffield Simon present detailed examples of various break-ins and the events that surrounded them. By recognizing this pattern of attack, an institution can anticipate and guard against an incident and, if a break-in does occur, respond effectively to the extensive media campaign that is likely to follow. Crisis management procedures, the role of institutional animal care and use committees, ways to build community support for an institution and its research, security measures, and legal aspects such as litigation strategies and open meeting requirements are thoroughly discussed.

(Continued on back flap)

A unique feature of the volume is its focus on the targeted researcher. Unfortunately, the severe emotional and professional costs to that individual are often overlooked as the institution scrambles to control damage to its own image.

Animal rights activism has been escalating steadily in recent years, and every institution involved in animal use is a potential target. This book argues that the time has come for a proactive response that safeguards scientific inquiry and informs the public about the value and legitimacy of animal-based research.

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by Lorenz Otto Lutherer
and Margaret Sheffield Simon

Foreword by John M. Orem

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This book is lovingly dedicated to our parents,
Doris and Otto Lutherer and Bette and Roy Sheffield, and children,
Brian Allen, Benjamin Simon, and Scott Simon.

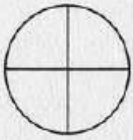
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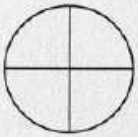
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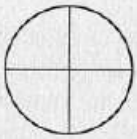
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Foreword

SEVERAL plaques and framed documents, all expressing support for me and my research, hang on the wall of my bedroom. These exhibits of support date from February 1, 1990, to January 4, 1991. That is, from about six months to a year and a half after the break-in. They are out of sight of visitors because I don't know how to feel about them: it is clearly not an honor to have been the victim of a massive propaganda campaign, or even to have acknowledgments of that fact; however, it is gratifying that sensible people take stands against the intellectual dishonesty and criminal behavior of the animal rightists. No matter that these stands came late, after many investigations, when it was safer to take them. I hung these tokens so I would think about them, which I do a little every day—some days checking for a name in case a response is expected. They are little puzzles and reminders of people who have touched my life and of a need to make sense of an experience that revealed a confounding and hostile world.

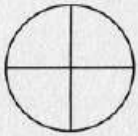
My experience with others who have been targeted (there are relatively few of us) suggests that our reactions are diverse and include a bewildering enjoyment of the opportunity to be in the public eye, a pathetic state of fright, and a consuming and insane preoccupation with the problem and one's response to it. The severity of the experience has been different for each of us, and I make no judgments about these different reactions.

For my part, my broodings were alleviated by reading Primo Levi's *The Drowned and the Saved* and Bruno Bettelheim's *The Informed Heart.* The perspective obtained from

these authors' attempts to understand their experiences in the German concentration camps showed me, on the one hand, that my burden is small and insignificant and, on the other hand, that there are parallels between the techniques of Nazi Germany and those of the animal rights movement. This movement uses propaganda to accomplish its goals; it cares nothing about the truth and is even attempting to rewrite the history of science to discount the role of animal research. The movement has infiltrated our schools; it condones terroristic acts as a means to its end; it uses legal bullying to silence its critics; it is anti-intellectual and antihuman.

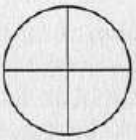
My conviction from this experience is that this movement can be stopped by doubt. Propaganda works because of the absence of doubt. Doubt is critical thinking, and, with it, although we may not arrive at the truth, we can ferret out many lies.

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Introduction

TERRORIST acts by radical elements of the animal rights movement are an international phenomenon. In the last ten years, animal rights activists have broken into more than eighty different research and educational institutions across the United States, stealing research animals and documents and vandalizing or destroying millions of dollars' worth of property. Arsonists did in excess of three million dollars in damage at each of two targeted institutions. Additional attacks have been directed against agricultural facilities.

Is any research facility likely to be a target for an attack by animal rights activists, can it be prepared, and, if so, will it really make a difference? The answer to these three questions is emphatically yes. As the initial successes of the animal rights movement in the national legislative arena began to plateau and even wane, the number of terrorist attacks on research instituitions increased markedly. At this point, no institution is immune on the basis of size, geographic location, or even type of research begin conducted. The purposes of these attacks are multiple: to intimidate the research community; to divert funds from actual research; and, foremost, to provide the basis for a national propaganda campaign to garner additional donated funds for the movement by convincing an uninformed public that animal research is cruel, noncontributory to human or animal health, and a waste of taxpayers' dollars.

With this agenda, the activists need only to allege cruelty; it is unnecessary for them to document it. Because the campaign is national, the location of the target is more a function

of demographic criteria than of the nature of the targeted research or the stature of the institution. The major campaign against a targeted institution, in fact, will be waged miles away from that institution in regions where it is less well known and not represented. A pattern is developing which suggests that future targets may be selected in new regions to portray the image that problems pervade all of biomedical research. Allegations of cruelty have also been made against agricultural facilities, zoos, circuses, leather goods stores, and other operations involving the use of animals.

Being prepared does not guarantee immunity from such an attack, but certainly being unprepared invites an attack. Even if an institution is not the direct target, the claims against one institution can be brought to bear against another. Being prepared to answer the attack is the responsibility of every research institution in the country. Research is the means by which we obtain knowledge; legitimate application of that knowledge is the basis of progress, and those privileged to participate in this process have an obligation to share that knowledge. It is the uninformed public, suspicious of the scientific method it does not understand, that is prone to believe the claims of the activists. Thus, the targeted investigator and institution, the victims, actually become vilified as people pay more attention to the activists' claims than to the criminality of the break-in.

What steps an institution or organization can take to become prepared and how it assesses its state of preparedness can be addressed by asking a series of questions.

What Do You Know about the Animal Rights Movement?

A review of the multiple attacks that have taken place across the United States over the past several years reveals a pattern which can be useful in planning a strategy to deal with the initial attack before the fact, as well as the events likely to follow an attack.

Most institutions and organizations are well-versed in the

process of disseminating knowledge but have little experience in dealing with a disinformation or propaganda campaign. Actually, being accustomed to dealing with facts with a free exchange in an open forum may prove to be a handicap in this instance. Dealing with this campaign requires a thorough knowledge of the background of the animal rights movement, its tenets, and its players.

Does Your Institution or Organization Have a Crisis Management Plan?

University administrators, for example, by the very nature of their positions, instinctively feel that crisis management is one of the talents they have had to develop most rapidly. However, after experiencing an attack by animal rights activists, institutional officials quickly come to the conclusion that this is like no other crisis they have dealt with previously. It involves a subject about which both the general public and most members of a crisis management team will know very little. It involves many more components that most crises, including security, public relations, legal, and scientific staff, animal care and use program personnel, and administrators at the highest level. All must be educated about the problem and prepared for a cohesive response before an attack, so that an efficient response can be initiated rapidly.

How Effective Is Your Animal Care Program?

The attack will be made for the purpose of "exposing" some project which can be claimed to be cruel and without merit. The animal care and use program is the mechanism by which the research institution monitors its research internally, ensuring that projects conducted are meritorious, that their design does not involve unnecessary discomfort for the animals, and that the animals are maintained and used in an optimal manner while in the institution. It is to the institutional animal care and use committee, and the records of its deliberations, that institutional officials can turn for immediate information about the targeted project and assurance that no prob-

lems exist. If the program is running effectively, no problems should exist. Having a model program will not make you immune from attack, but it represents a critical factor in your ability to make a proper initial response and to deal with what will come later.

What Is the Level of Community Awareness about This Problem?

The attack itself is merely the first of many media events designed to provide an avenue for the animal rights activists to win the minds of the general public and to elicit their dollars and active support. This effort involves a campaign built on an emotional appeal: creation of an impression of cruelty is in itself sufficient when the targeted audience is uninformed. Trying to educate the public after the fact is a formidable if not impossible task. Even if you never are attacked directly, increasingly large segments in your community will receive information about what is purported to be cruel, unnecesary research being done elsewhere, and they will extrapolate this to your institution. Such extrapolations are the basis of efforts to eliminate public animal shelters as a source of research animals in communities often far removed from the location of the institutions which will use them. Education of the public on this matter is difficult not only because most people know little about the process of research and the regulations governing use of animals in research, but also because people inherently tend to sympathize with the stated, immediate objectives of the activists without being aware of their total complex agenda.

How Adequate Is Your Campus Security?

Design of research buildings quite logically is focused on accommodating the research activities for which they were intended. In some institutions, research units are built in close proximity to clinic and diagnostic areas to make access easy for persons involved in both activities. Few of those buildings, old or new, were designed with security as a major

concern. The cost of installing security devices to meet the threat of an attack is astronomical and in some areas almost impractical because of existing building design. Additionally, the underground groups which carry out the actual break-ins are sophisticated enough at forced entry to bypass most modern security systems. This puts the burden on security personnel. Often the number of personnel is marginal for conducting routine duties, and the cost of adding sufficient additional personnel to provide high-level security capable of dealing with trained, sophisticated terrorists is also very high. The burden of investigating an actual break-in or dealing with a bomb threat is outside of normal operations. It requires a totally different type of training, and often is complicated by the fact that some of the perpetrators may cross state borders to participate in the attack and then flee quickly. Cooperation from law enforcement agencies with jurisdiction across state lines is difficult to obtain. Even if a protest march is the worst scenario with which security personnel have to deal, this too has the potential of involving violence and civil disobedience.

Is Legal Counsel Ready to Deal with This Issue?

The role of legal counsel can begin with advising security officials on questions related to dealing with demonstrators and progress to defending a targeted investigator and/or the institution against a suit. The institution will receive formal requests from persons wishing to attend meetings under open meetings laws and wanting information released under open records statutes. The latter may require continuing interpretation. The misrepresentations made by activists will raise questions as to whether the statements constitute libel and whether the institution should seek legal redress.

Is Your Public Relations Office Knowledgeable and Involved?

Because this is, in fact, a propaganda campaign, the public relations office serves a primary role in combatting it. In order

to be effective at any level, the staff must be knowledgeable about the question and must understand how a propaganda campaign is waged. In addition, the public relations office must begin a proactive campaign to educate not only the community but also personnel within the institution, and the institution's benefactors and alumni. If an attack does occur, the public relations office must be completely involved in developing the counterattack.

Are You Prepared to Support the Targeted Investigator?

As the institution deals with an attack, there is a tendency to forget about the targeted investigator as an individual; there is even a tendency to worry more about protecting the institution than the investigator. One of the techniques used by the activists is to isolate the investigator from possible support groups. This type of attack has the potential to devastate not only the research but also the researcher as an individual.

Do You Have the Necessary Contacts Outside Your Institution?

Animal rights activists clearly recognize the potential value of the notion "divide and conquer." Research institutions and researchers are competitive and often insular. This is true especially when research and operating funds are limited. Both reseachers and administrators have been heard to remark that if the activists are busy attacking another institution, they probably will leave us alone for the immediate future. In reality, a campaign against one institution is against all institutions. Successful opposition requires a united front. Most likely, the scientists in the best position to defend your targeted investigator work at other institutions. Umbrella organizations, involving representation from many institutions, are best suited for this effort. Even with a well-developed crisis management plan, when a crisis occurs, those who have dealt with the same problem previously become an invaluable resource. Cohesive institutional response must include ready access to multi-institutional support.

Additionally, the various industry groups that use animals—for research, food and clothing production, entertainment—must learn to communicate with each other and to understand each other's missions, goals, and problems related to the animal rights movement. They must all realize that they are facing a common adversary. Isolation of the researcher from the institution is a concern throughout this volume; isolation of one industry group from another is a potential problem that will only add fuel to the animal rights fire.

Targeted



The History and Philosophy of the Animal Rights Movement

OVER the past several decades, a new movement has evolved which has attempted to redefine the relationship between people and animals. A major increase in interest in the movement has occurred since the publication in 1975 of the first edition of Peter Singer's book *Animal Liberation*, which has come to serve as the bible for what is known as the animal rights movement. Discussion of the likenesses and differences between animals and humans probably began with Aristotle, but Singer's book made the concept of animal rights a popular issue for philosophical and ethical debate (Derr 1992).

Singer put forth the idea that all sentient beings—that is, any living organism that has a nervous system and can sense discomfort—has the *right* not to sense discomfort. The leadership of this movement does not differentiate among beings in terms of the extent of development of the nervous system, or the capacity of a brain to process sensory information, relate it to previous experience, and have it recognized at a conscious level as discomfort or pain. Thus, the movement considers the cockroach equivalent to the human, deserving of the right not to suffer, and any attempt to ascribe any difference has been termed "speciesism" (Singer [1975] 1990, 6). The implication made by the movement is that people can violate an animal's rights in the same way that humans violate the rights of other humans. The fight for the rights of animals has been called equivalent to the fight for rights for

women or minorities, except that the cause for animals is even greater in that they cannot speak for themselves (Singer [1975] 1990, 9). This philosophy ignores the reality that nonhuman animals impose discomfort and pain on other nonhuman animals and humans. For Singer, a "love" of animals is immaterial and even dangerous in that pet ownership represents domination over animals and, therefore, a violation of their rights.

Thus, the primary objective of this movement is to end all human use of animals, which is a goal very different from the long-established tradition of concern for animal welfare, particularly in Western civilization. However, the leadership of the movement has gained mainstream support by projecting an apparent concern for animal welfare. Multiple new organizations whose leadership holds with the tenets of the animal rights movement have arisen over the past few years and now receive the bulk of the money and support formerly given to animal welfare groups by those concerned about animals. Animal rights activists have made a concerted effort to gain influential positions in the traditional animal welfare organizations in order to have access to resources and membership of these organizations, with the objective of reshaping their orientation. Young people involved in the animal rights movement have little appreciation of classical animal welfare programs. Other segments of the population are unaware that the objectives have changed, and the welfare organizations have yet to admit and publicize the differences.

Animals and people always have had a special relationship. Throughout history, we have depended on other animals for survival. We have needed and used them for food, clothing, and transportation. Through long and close association, people developed a high level of respect for animal life and a concern for animal welfare. With the coming of the industrial revolution, the closing of the frontier, and the urbanization of society, the nature of human interaction with animals changed for most of society. The companion role for animals increased, and the connection between agricultural

production and animal products in stores became obscure as only a very small segment of the population was involved directly with animals in other than a companion role. People began to attribute human characteristics to animals (anthropomorphism) and increasingly popularized and romanticized them in books, movies, and comic strips.

Few people today consciously consider the real world of nondomestic animals in which predators, starvation, and climatic stress prevail. Many people in the animal rights movement seem to view humanity as the only predator, denying or choosing not to believe that there is a predator chain in nature. The killing of animals as part of medical research and in agriculture seems foreign to many people. It is in this climate that fraudulent claims that such research involves cruelty and torture can be accepted readily by an uninformed public.

Origins of the Movement in England

Efforts to protect animals and promote their humane treatment were at the foundation of the animal welfare movement. This movement began on an organized basis in Great Britain early in the nineteenth century with the Society for the Prevention of Cruelty to Animals, founded in 1824. This subsequently became the Royal Society for the Prevention of Cruelty to Animals (RSPCA). Most members of this and other animal welfare groups recognized the need for legitimate use of animals and sought only to improve the way in which they were used.

Extensive use of animals in biomedical research began shortly thereafter with the development of experimental physiology in continental Europe during the middle of the nineteenth century. Animal experiments were considered a legitimate use of animals by most animal welfare groups, and they mounted no opposition to it. However, some members who were opposed broke away to form their own organizations which began the "anti-vivisection" movement. The term "vivisection" referred to the cutting of living tissue,

and those who opposed this practice became known as "anti-vivisectionists." The first such organization in Great Britain was the Society for the Protection of Animals Liable to Vivisection, founded in 1875. The anti-vivisection movement had several periods of increased activity which correlated with other social movements or the emergence of a charismatic leader such as George Bernard Shaw, who had gained public recognition and support in another venue. These periods were usually short and the number of people involved was always very small. However, the movement had its impact because its supporters were vocal and often well-known.

In 1865, during a period of heightened activity of the anti-vivisectionist movement, the British Physiological Society was formed—not to foster the exchange of scientific information as is true of such societies today, but to oppose efforts by anti-vivisectionists to have restrictive legislation passed in the Parliament. Interestingly, spokespersons for the anti-vivisectionists used some of the same claims that are made today: that research involving animals would not contribute anything toward our ability to treat and cure disease. Speaking before the British Parliament in 1875, Sir George Duckett of the Society for the Abolition of Vivisection stated that "vivisection is monstrous. Medical science has little to learn, and nothing can be gained by repetition of experiments on living animals" (Hubbell 1990).

In the next few years, the whole nature of medicine changed. The American Association of Physicians was founded in 1886, and the scientific basis of medical practice began to be established under the leadership of physicians such as William Osler. Several landmark observations had been made using animals, and these in part provided the impetus for the change in the nature of medicine. In 1876, Joseph Lister reported to the Royal Commission on Vivisection that his discovery of the sterile, absorbable, catgut suture could never have occurred without animal experiments. In 1878, Robert Koch published his experiments with mice and rabbits that documented how infections occur, leading to techniques for iden-

tifying specific infecting organisms. Elie Metchnikoff's studies provided the basis for the theory of cellular immunity. In the early 1880s, Louis Pasteur successfully protected sheep from anthrax and, in 1885, after studies using dogs and rabbits, successfully treated a boy with rabies. Studies using dogs demonstrated that removal of the thyroid produced the symptoms of myxedema, a disease now also known as hypothyroidism. In 1896, the effects of adrenaline were first demonstrated using animals; and, in 1889, Hermann Minkowski reproduced the symptoms of diabetes mellitus by removing the pancreas from a dog. Indeed, almost all medical advances since Duckett issued that statement, and there have been many, have been dependent on animal research at some point in their development.

In the late nineteenth century, the anti-vivisection movement was directed specifically at stopping biomedical research. During the twentieth century, it began to gain more momentum as it came to be embraced by many who had been condemning British society in general and for whom this cause became another avenue in which to mount a protest.

Significant to the momentum of the anti-vivisectionist movement was the ongoing British class struggle. Even by the twentieth century, most of British wealth was still controlled by landowners or "landed gentry." Even though a middle class developed during the industrial revolution, some people still made it their cause to embarrass the wealthy to protest the unequal distribution of wealth. Fox hunting was a sport in which only the wealthy could engage and, therefore, was a visible image symbolic of the landed gentry. It was, perhaps, only natural that some of the more radical members of the anti-vivisection groups would link their cause with that of people attacking the upper class through hunting. The hunted fox was the uniting factor for these two groups and the Hunt Saboteur movement began in 1962. The association between class struggle and a cause related to animals continues today as animal rights groups mount campaigns against the wearing of furs, considered a representation of wealth.

The Movement Turns Violent

As the British animal rights movement grew, new, more radical groups emerged (Henshaw 1989, 12). In 1971, Ronnie Lee formed a local chapter of the Hunt Saboteurs Association in Luton. Although actively interfering with the fox hunts, the Hunt Saboteurs projected a nonviolent image, indeed being careful not to fight back when struck by angered fox hunters. On one occasion in 1972, Lee's friend Cliff Goodman suffered an eye injury, and this incident cemented Lee's conviction that a more violent form of protest should be mounted. He had been impressed with the publicity received by an anti-establishment group called the Angry Brigade. That same year, Lee and Goodman formed the Band of Mercy. The name sounded respectable and was suggestive of an organization of high ideals. However, their activities became increasingly destructive and violent, and in 1973 they committed two acts of arson at a Hoechst pharmaceutical plant, causing an estimated forty-six thousand pounds sterling in damage (Henshaw 1989, 14).

In 1975, Lee and Goodman were apprehended when they returned to the scene of a break-in, and, after a sensational trial, they were convicted and sent to prison. During the trial and afterward, sympathizers advanced a theory which has been used many times since, that their actions—certainly criminal—were justified because they were used in an effort to stop activities which they claimed to be much more criminal in nature.

By the time of his release from prison in 1976, Ronnie Lee had obtained the status of a martyr in the minds of many, and, encouraged by this recognition, he formed the Animal Liberation Front, or ALF, which now operates throughout the world. There was nothing lofty-sounding in this name, and a war had clearly started. In its first year of operation with approximately thirty members, the ALF claimed to have inflicted over a quarter of a million pounds in damage. Ten years later, the membership was estimated at over fifteen

hundred and the annual damage estimate was close to six million pounds (Henshaw 1989, 52).

According to Lee, the ALF's goals were "to inflict an economic loss on people who exploit animals, resulting in less profit for them to plough back into their animal exploitation business. . . . The long-term aim is to increase activities, to escalate events to a point where all of these industries are under threat and can't operate" (The Maldon Institute 1991, 14).

A group calling itself the Band of Mercy has claimed credit for some terrorist acts in the United States over the past few years, but it is the ALF which has claimed responsibility for most of the acts of violence associated with the animal rights movement today. The ALF is an underground organization. In Great Britain, multiple regional cells developed, mostly without any formal, identifiable connection to each other. Occasionally, a "press officer" is identifiable through public statements, but care is taken to shield that person from any traceable connection with the acts themselves. Any hierarchical structure that does exist is designed to prevent discovery. Several British members have been apprehended and sent to prison including Ronnie Lee, who is currently serving a ten-year sentence for conspiracy to commit arson, to commit criminal damage, and to incite others to commit criminal damage (Henshaw 1989, 180). However, in the United States, no members of the ALF have been apprehended. Law enforcement agencies in both countries have listed the ALF as a terrorist organization. In Britain, Scotland Yard established in 1986 the Animal Rights National Index (ARNI) unit to operate a database of intelligence on the animal rights movement. During 1989, the unit documented 422 reported crimes linked to the animal rights movement, including the planting of fourteen explosive devices (*Baltimore Sun* June 12, 1990 p. 2).

Prominent animal rights groups in the United States claim repeatedly that they are nonviolent, that they have no ties with the ALF, in this country, and they they do not condone its actions. However, after most terrorist acts, these groups

wage a major propaganda campaign based on material they say was provided to them anonymously by the ALF. The very fact that they act as the public relations agencies for persons committing criminal acts puts them in the position of actively condoning such acts. As a result of the U.S. animal rights groups propaganda campaign, many persons write letters in support of the terrorist acts to targeted investigators and institutions. Further, many publications by animal rights organizations regularly carry advertisements asking for contributions to the ALF Support Group.

Animal Rights vs. Animal Welfare

The basic premise of the animal rights movement is that people do not have the prerogative to assume that we are in any way different from other "sentient" beings—that is, other organisms that have a nervous system and the capacity to feel pain. Thus, all such organisms have the "right" not to experience pain. It is this concept of suffering that led Ingrid Newkirk, national director of the People for the Ethical Treatment of Animals (PETA), to state, "Animal liberationists do not separate out the human animal. A rat is a pig is a dog is a boy" (McCabe 1986).

According to the philosophy of the animal rights movement, humanity does not have the right to use any animal for any purpose. Thus, the scope of the movement's agenda extends far beyond the restricted opposition to use of animals in biomedical research that was at the heart of the anti-vivisection movement. It also is quite different from the agenda of the traditional animal welfare movement, which sought to improve all conditions under which animals were used. Relative to use of animals in research, centrist animal welfare organizations sought to ensure that research techniques were continually refined to minimize potential pain and discomfort. These bodies wanted research to be designed to reduce as much as possible the number of animals used and, whenever feasible, to replace the use of animals by nonanimal techniques.

In contrast, many of the leaders of the animal rights movement are at best abolitionists but in several cases anarchists when it comes to human use of animals. They advocate cessation of all use of animals, not only that related to biomedical research. For example, meat and dairy production for food, as well as wool and leather production for clothing, are unacceptable. The vegetarian diet must be produced without resorting to killing insects which might threaten the crops. Even killing of rats, mice, mosquitoes, and cockroaches should be eliminated, despite the important disease-prevention aspects of their control. Hunting and fishing are primary targets of the movement.

Many supporters of this movement fail to realize that the essence of the animal rights philosophy precludes pet ownership because it is a condition under which humans exert dominion over animals. However, the term "animal companion" is commonly used as a positive ideal in animal rights literature. How animals live in domestic society as companions to humans without humans exerting dominion over the animals is not addressed.

Several prominent animal welfare organizations, such as the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals (ASPCA), with chapters at the state and local level, were established long ago. They dedicated their efforts toward improving the way in which animals were treated on many fronts and their campaigns were clearly identified. They operated from the premise that man has the moral obligation to treat animals "humanely." That very word, coming from the Latin word *humanus*, refers by definition to qualities considered to be exclusively human such as being kind, tender, merciful, and sympathetic. In contrast, the animal rights movement operates on the premise that animals have inherent moral rights. That is a very different concept with far different implications. However, the transition from the welfare movement to the rights movement has evolved without most people being aware of the vast difference.

With the progression of the animal rights movement, there has been a tremendous proliferation of new groups on all levels. Some of these new groups were formed by members of more traditional groups who had pushed for the adoption of the animal rights agenda and, not meeting their full objective, moved away to form a splinter group. This had the initial effect of diluting the original groups and adversely affected the financial base they had available for operating. Animal rights activists have made efforts to take over the boards of directors of some of the traditional welfare organizations because of the financial and membership bases already established within them. In several instances, such as with the Toronto Humane Society, this has resulted in court proceedings in an attempt to resist the takeover.

The Movement in the United States

The American Society for the Prevention of Cruelty to Animals (ASPCA) was founded in 1867 and the Humane Society of the United States (HSUS) almost one hundred years later in 1954. Originally, the activities and philosophies of both of these organizations were oriented primarily toward animal welfare. Several state societies for the prevention of cruelty to animals (New York, Pennsylvania, and Massachusetts) were founded in 1866–67. The founder of the Pennsylvania SPCA became more interested in opposing the use of animals in biomedical research than in supporting general animal welfare issues, and so, in 1883, started the American Anti-Vivisection Society in Philadelphia. The anti-vivisection movement grew with the formation of other groups and maintained a steady campaign against use of animals in research, including attempts to have restrictive legislation passed.

The welfare and the anti-vivisection movements maintained separate paths for a long time. However, with the origin of the animal rights movement, everything began to change. A natural alliance was formed between the anti-vivisectionists and the animal rights movement. Further, as the animal rights movement gained momentum, differences between its phi-

losophy and that of the welfare movement often became blurred. The membership ranks of welfare organizations swelled, with the new members espousing the rights philosophy. Thus, during the early 1980s, the position of many of the more established organizations moved away from the traditional approach toward one supporting the animal rights movement. This shift was in many ways schizoid, with the organizations denying the shift, even hiding the shift, while at the same time hiring staff who clearly were anti-vivisectionists or animal rights advocates. These staffers occasionally issued statements espousing their philosophy as representatives of these organizations. For example, John McArdle, the director of laboratory animal medicine for the HSUS during this time, told attendees at an HSUS convention, "Never appear to be opposed to animal research. Claim that your only concern is the source of animals" (McCabe 1986). Later, the HSUS hired Brandon Reines, who had published extensively his anti-vivisectionist views and his convictions that animal-based research was totally invalid and noncontributory.

John F. Kuhlberg, president of the American Society for the Prevention of Cruelty to Animals, stated in a letter to a syndicated columnist that the ASPCA "was founded on an animal rights philosophy that recognized an animal's right to be neither harmed nor abused when in our care or under our control" (Landers January 16, 1991). His critics have pointed out, however, that he knows that the animal rights philosophy precludes people having any control over animals, and that this is inconsistent with the welfare premise upon which the ASPCA was founded. They also note that the ASPCA was founded over 110 years before the animal rights philosophy was first advanced. The general public, unaware of these inconsistencies, cannot recognize how great a shift in direction this implies for the activities of the ASPCA.

As David Hardy has noted in a monograph on the movement, "only recently was the view . . . that all species are created equal revealed to its followers." Hardy points out that, even though the animal rights movement often quotes

such revered scholars as Plato, Aristotle, Immanuel Kant, Jeremy Bentham, and Arthur Schopenhauer as supporting animal rights, the fact is that these scholars favored the humane treatment of animals by humans. It was never mentioned in their writings that animals had rights anything like human rights. Hardy concludes that once it embraced the idea of equal rights for all species, the movement elevated the concept to a fundamental truth, "a moral absolute in an otherwise shifting and relativist world" (Hardy 1990, 14).

People for the Ethical Treatment of Animals (PETA) is now the largest, best-financed, most active animal rights organization in the United States. The PETA 1990 annual report lists revenues for that fiscal year as over $9,200,000; staff number 120, and membership is estimated at in excess of 350,000. This is an organization which started with under twenty members in the spring of 1980 under the leadership of Ingrid Newkirk and Alex Pacheco.

Ingrid Ward Newkirk was raised by a British family in India where she first remembers observing cruelty to animals. She has lived in the Washington, D.C., area since 1967, serving in various animal control positions until 1978, when she became director of a pound in Washington, D.C. Her first action in that position was to end the sale of pound animals to laboratories. While working as a cruelty investigator for the Washington Humane Society, Newkirk met Alex Pacheco, a twenty-two-year-old student and animal rights activist who volunteered at the Humane Society. In 1980, Pacheco gave her a copy of Singer's *Animal Liberation.* Almost immediately, PETA was born (Maldon Institute 1991, 10).

Pacheco received initial attention as the person who exposed supposed cruelty to monkeys in a laboratory in Silver Spring, Maryland (see chapter 3). Pacheco and PETA made the monkeys a celebrated cause by repeatedly using pictures of a monkey Pacheco claims was mistreated in the lab. Pacheco apparently was drawn to the animal rights movement after a visit to a slaughterhouse. During his travels over the

next few years, he participated in protests against whaling and became a member of the Hunt Saboteurs Association in Great Britain. Years later, Newkirk and Pacheco hired Kim Stallwood at PETA. Stallwood had previously been one of the leaders of the British Union for the Abolition of Vivisection (Henshaw 1989, 159).

PETA activities, such as the "Save the Whales" campaign, seemed to follow traditional welfare lines and drew a great deal of public interest and support. Perhaps few of those contributing to this campaign knew how or even whether PETA used the money to protect whales, but people saw this as a legitimate concern, made contributions, and became members of PETA. As a result, PETA began to accumulate large resources and to develop its mailing list. The contributors received other literature from PETA and were exposed to claims about biomedical research. The air of legitimacy given by the whale issue in many cases promoted ready acceptance of PETA's stance on other issues. Campaigns against the fur industry, the use of animals in product testing, in agricultural production, and in biomedical research are now PETA's major emphases.

Neal Barnard, PETA's chief medical advisor, also serves on the board of directors for the New England Anti-Vivisectionist Society and is a committed animal rights activist. Although his training is in the area of psychiatry, he writes columns for both *PETA News* and *Animals' Agenda* which relate to nutrition. These articles routinely espouse vegetarian diets and claim that most diseases can be prevented by eliminating meat from the diet.

Barnard also is the founder of the Physicians Committee for Responsible Medicine (PCRM). Major positions taken by this organization are that preventive health care (primarily avoiding meat) is the best approach to the control of disease and that animal-based research has not contributed to the treatment and prevention of disease, and will not. On April 8, 1991, PCRM issued a press release to announce its plan for the "new four food groups" to include grains, le-

gumes, vegetables, and fruits. In an April 13 story, the *Washington Post* quoted Barnard as stating that "these foods [meat and dairy] are simply not necessary in the human diet." A related story in the same issue of the *Post* stated that the U.S. Department of Agriculture considered eating meat and dairy products an important part of a balanced diet and would include them in the "eating right pyramid," which they were developing for publication at that time. PCRM actively speaks out against individual research projects and has been active in U.S. courts to stop certain research-related activities (see chapter 8).

PCRM is a group that appears to suggest physician support of the animal rights movement and apparent legitimization of its condemnation of animal-based research. However, it represents the position of only a very small minority of physicians, and a recent resolution passed by the American Medical Association condemned PCRM both for its stand on use of animals and for implying that it spoke for a significant number of U.S. physicians (see chapter 2). The public relations efforts of PETA, PCRM, and other animal rights groups are directed toward the media, legislators, and the general public. Significant efforts are also directed at school-age children because they can influence their parents and will be the public of tomorrow.

As the leaders of the animal rights movement wage their propaganda war to elicit support, the extent of their overall agenda is seldom cited. Many people active in the movement are essentially single-issue activists, who are unaware of or uninvolved in the total program. For the most part, they have become involved in a particular issue because of propaganda which has influenced them negatively in an area in which they were sensitive and uninformed. For example many people who might otherwise support the use of animals in research have been convinced to oppose it, not on the merits of the question, but because their strong emotional attachment to their own pets is brought to mind when they hear stories of supposed cruelty to animals in research labs. The

argument that the research is also unnecessary is then easier to accept. Opposition to hunting attracts another single-issue group, who may not object use of animals in research but are offended by hunting for sport. Only a small segment of the population actively engages in hunting; however, there is another segment that strongly opposes hunting, and these people are being mobilized to support antihunting legislation and even go out into the field to try to stop hunters physically. Most people in this country—even most antihunters—still eat meat, but some can be induced into joining selective campaigns against agriculture because they have been convinced that some traditional agricultural production practices are unusually cruel.

As outlined above, some form of anti-vivisection sentiment has existed for many years. The animal rights movement in the United States currently is enjoying popularity like no other anti-vivisection movement has previously. This has happened for several important reasons having little to do with the concept that animals have inherent rights. First, the leadership of the movement is skilled in using highly sophisticated propaganda techniques. Second, the advances in communication techniques make it easier to reach the public by multiple means. Third, some aspects of the mindset of the public makes many segments susceptible to misinformation.

Science in general is not well appreciated in today's society. Many recent studies have concluded that science education in this country is inadequate, and science literacy is extremely low. The public has little understanding of research in general and in particular of how medical advances are made, and the medical community has not communicated this information broadly. Thus, by effectively using the propaganda techniques and multiple communications avenues available, it has been relatively easy for animal rights activists to convince people that use of animals in research is routinely cruel and often, if not always, unnecessary.

The animal rights movement is a complex entity, made up

of people with different levels of involvement and different reasons for involvement. Some may be casual supporters, sending in their donations in response to a television advertisement, while others carry their involvement to the extent of committing violence. Some may be single-issue adherents, supporting a ban on wearing fur or hunting, while others embrace the movement on all fronts. Some may support the movement because they support other "rights" issues while others do so because they see a parallel with groups such as those in the environmental movement.

This diversity has led to splits within the movement. Gary Francione, director of the Rutgers University Animal Rights Law Clinic who supported PETA's actions for many years, now contends that PETA emphasizes "animal rights over human rights." Francione says, "Animal rights makes sense only if you accept a very broad notion of human rights" (Rosenberg 1992, 24). James M. Jasper, coauthor of *The Animal Rights Crusade: The Growth of a Moral Protest,* cites the "formation of a spate of groups championing the rights of animals just as earlier movements had championed those of women, minorities and gays. Because animal rights 'really grabs' people emotionally, it has attracted people who otherwise are not politically active, along with the liberal activists who are also drawn to environmentalism, feminism and the anti-nuclear movement" (Rosenberg 1992, 22). PETA's Ingrid Newkirk also believes that the animal rights movement is a natural outgrowth of other protest movements that have sprung up since the 1960s. "The environmental movement was helpful because it got us thinking about the universe as our home and about our relationship with other species. All the movements that have come along in the last ten years, including animal rights, are part of our newly awakened sense of fair play," she said (Rosenberg 1992, 21).

Writing in *Audubon,* Richard Conniff cites a line in an animal rights pamphlet that states, "the various species of sentient creatures on Earth constitute a single, complex, interconnected, and mutually dependent web of life, and humans

are part of, not apart from, this biological network" (1990, 124). To Conniff, this type of thinking represents a group of people who have been able to live all their lives "under the delusion that nature is essentially benign, and that death is the exception rather than the rule. [They] long not for protection from nature but for some fleeting oneness with it." Conniff concludes, "In reality, the animal rights movement has elevated ignorance about the natural world almost to the level of a philosophical principle."

Most dangerous in the movement are those who can justify violence to achieve the goal of rights for animals. In 1987 Tom Daley, associated with the ALF in England, advocated assassination of researchers in a BBC interview. "In a war," he said, "you have to take up arms and people will be killed. I will totally defend petrol bombings and shootings." Daley went on to mark one researcher, saying, "the sooner he is killed, the better" (Horton 1988, 8).

Such violence is still only a threat in the United States, but researchers are looking to the future with caution. Richard Simmonds, director of laboratory animal medicine at the University of Nevada at Reno, predicts that "as the true message of the animal rights activists is understood, the public will accept their message less readily. I think this will cause them to become even more frustrated. And I predict that we're going to see more violence" (Royte 1992, 86).



Truth and Fiction: The Propaganda War

THE object of any attack by animal rights activists, no matter what form it takes, is to create an initial media event and set the stage for an active, protracted propaganda campaign to follow. Obviously, the initial event will be well planned and designed to have a spectacular and effective hook to attract the media. In order to capitalize on this event, the activists will stage a well-orchestrated series of media events scheduled to follow rapidly and establish the basis for a long-term campaign. It is for this reason that an institutional public relations department must be knowledgeable about the area and prepare a plan for dealing with such a crisis. Because neither the timing of the attack nor the research project to be targeted will be known beforehand, the task of responding will be formidable enough without having to try to develop a strategy *de novo*.

Perhaps the most important aspect of preparation is the clear understanding that it will be a propaganda campaign, and, thus, the antithesis of what a public relations department is accustomed to dealing with. Optimally, the institution is disseminating "good news" to sympathetic media. It is the job of the public relations office to present the facts and answer the questions. But when there is an attack by animal rights activists, the facts are immaterial. Reporters are at your doorstep with what will be the lead story, and each outlet is vying for the most graphic, sensational claim. The questions

are accusatory, and most likely neither the reporter nor the audience will understand your answers.

This chapter seeks to identify the strategies of a propaganda war, illustrate how propaganda is used by the animal rights movement, and suggest ways in which an institution can respond. Propaganda strategies to be investigated in this chapter include the following: (1) gaining media and public attention by means of a criminal act made to appear justifiable; (2) directing claims against an institution and more particularly an individual, rather than against medical research in general; (3) using invective, misstatements of fact, and items taken out of context; (4) eliciting emotional responses with graphic visual images; (5) using sympathizers with professional degrees in the role of medical experts to lend credibility; and (6) sustaining media coverage by using highly inflammatory publicity vehicles such as protest marches and other forms of harassment.

The Hook

The emerging pattern of animal rights break-ins at research institutions reveals that these attacks now are occurring in regions where such activity has not taken place previously. As a result, this type of event is novel to the local reporters, who, at the same time, are anxious to report that their region is part of a national phenomenon. An animal rights attack is reported as part of a national trend rather than as a criminal activity. In most instances, the media report on a criminal act by highlighting its criminality, painting a sympathetic picture of the victim, and concentrating in the initial and follow-up stories on the search for the perpetrators. However, in this case, because of a well-orchestrated propaganda campaign, the targeted investigator and institution are no longer the victims but the vilified; the criminal act has lost its criminality and is instead painted as justified. This poses a nightmare for the public relations department to deal with, let along try to prevent.

Long before the attack, extensive planning has led to se-

lection of the institution, the project or investigator to be targeted, the statements to be made, and the "evidence" to be released on various occasions immediately following the attack. Most likely, activists have determined that the institution is unprepared and that there are animal rights sympathizers in the immediate and surrounding locale. Researchers may have been selected on the basis that they are not accustomed to interacting with the press or public, or that they project the image of the "mad scientist."

Activists have claims ready for release to the press which are full of complex layers of misinformation and nonsequiturs, reinforced with testimony from activists labeled experts by the movement. The press and the public are ill-equipped on a first reading to assess the claims and recognize their propagandistic content.

The attack often will be staged during nonwork hours, making it difficult for the institution to break the story in its own manner before activists have made their claims to the media. Finally, the perpetrators are skilled terrorists, unlikely to be apprehended during the act. By the time the story hits, they have left not only the immediate scene but also the state.

An animal rights group had formed on the campus at Texas Tech, and others were located in surrounding towns and across the state of Texas prior to the break-in at Lubbock on July 4, 1989. This small core of people already believed that atrocities were being committed in all research institutions, including Texas Tech, and were just hoping that evidence would surface to support their beliefs. Because Texas Tech had never entered into a public discourse on the benefits of animal research, news of the break-in, and even the fact that Texas Tech used animals in research, came as a surprise to many members of the community.

The attack came on a holiday, delaying the scheduling of a press conference by the institution. This lack of institutional preparedness gave the activists plenty of time to preempt Texas Tech's press conference with their own news release

and then follow two days later with their own press conference in Lubbock, staged to obliterate any positive effects of the institution's initial statement. The supposed evidence—photographs and a videotape obtained in the break-in—was presented at their news conference to justify the action. Invective was used against the investigator, and so-called experts delivered their statements. In addition, PETA distributed a listing of "American animal liberation actions" at the press conference, including the Texas Tech break-in. The activists created a sensational story for the media, and the chorus was in place to cement the impression that unspeakable horrors were taking place at Texas Tech. In three short days, the hook had been set and the tide appeared irreversible.

Targeting the Individual Rather than Biomedical Research

In the current era, a large segment of the public is very concerned with health and fitness, to the extent that a whole range of products and business entities have arisen as a result, and "news from medicine" features are prominent in the media. The AIDS epidemic has spurred public desire for greater efforts to achieve new cures. Given this setting, a direct attack on the medical community in order to stop use of animals in research might seem to have limited appeal. However, when an individual is attacked on the basis of presumed cruelty, people can easily become indignant without thinking that the attack represents any threat to their current or future health. This process is made easier if people can be convinced that the research done by this investigator is worthless and is done for ulterior motives. Further, by attacking a single individual, an activist group ensures that other members of the scientific community, and even institutions and organizations employing or supporting the individual concerned, will be less likely to take an active stance in the defense. This isolation of the individual has profound significance relative to the long-term aspects of the propaganda campaign.

The initial press release by PETA (see figure 1) concern-

PETA
PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
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WASHINGTON DC 20015
(202) 726-0156
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For Immediate Release
July 5, 1989

Contact: Carol L. Burnett
(301) 770-7444

NEWS
RELEASE

Cats Liberated From Gruesome Experiments In First ALF Action In Texas

In the first action of its kind in Texas, members of the underground liberationist group Animal Liberation Front (ALF) broke into laboratories at Texas Tech in Lubbock on July 4 and "removed to safety the only cats ever to survive gruesome, despicable, wasteful and barbarously cruel experiments conducted by psychology professor John Orem," People for the Ethical Treatment of Animals learned today (July 5).

A statement issued by the ALF today explained that "for the past 15 years, Orem has tortured more than a thousand lost and abandoned cats obtained from pounds and shelters around Midland/Odessa, Texas, removing the frontal portions of the live animals' skulls, exposing the bones around their eyes, threading screws through holes drilled in their orbits, cutting holes in their windpipes (into which he plants electrodes) and forcing them to stay awake for fear of drowning by keeping them on pedestals in a dark, water-filled drum.

"Orem restrains the sleep-deprived cats by bolting their heads into a steel clamp device, putting metal rods into their ears and mouths so they cannot move their heads. ALF members destroyed the electronic equipment and stereotaxic restraint devices during the raid. Orem punishes cats if they fail to learn to hold their breath, while their heads are bolted into a restraint device, by blasting them with NH4OH vapor (ammonium hydroxide) which makes them salivate and burns their eyes and makes them water profusely. In a study in which Orem killed 76 cats, he placed electrical wires into cats' tongues. As well as the live cats, the ALF removed the stored brains of cats named Fluffy, Alfalfa, Pepe, Lady and two dozen others for burial.

"The ALF believes there should be easier ways to expose animal-Nazis, but there are not. Orem is a career animal experimenter with no medical training. He abuses, mutilates and kills animals as part of the federal grant gravy train. The National Institutes of Health (NIH), currently under fire for mismanagement for failure to impose oversight on researchers, for whitewashing its investigations of cruelty in the labs, and for research fraud and waste, has given Orem $800,000.

"The ALF believes that those who profit from cruelty and bloodshed must be exposed. We are committed to destroying the instruments of pain and death to save lives and to bring out the truth of what is going on. We ask anyone who believes that what was being done to these animals is wrong, to speak out. If you choose not to break into these chambers of horrors, we beg of you — do something. If you could hear them, the screams from the animals in labs in our country would drown out the July 4 fireworks and destroy the idea that we are a civilized nation.

"The experimenters defend every atrocity. They will say AIDS and children, when it has nothing to do with AIDS or children. They will give assurances of humane care that aren't worth a grain of salt. They will call us terrorists. Don't let them silence you, the taxpayer. For the animals who have no voice, Frankenstein lives."

Editor's Note: The statement received by PETA said that photos and videotape may become available.

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FIG. 1. Press release issued by PETA on the ALF break-in at the Texas Tech University Health Sciences Center

ing the vandalism at Texas Tech was issued on the morning of July 5, 1989. The release contained a clear attempt to dissociate PETA from the break-in by using quotes attributed to the ALF and indicating that the information had come to PETA just that morning. There was no attack on biomedical research in general anywhere in the press release. The primary emphasis of this statement was directed at the targeted investigator, John M. Orem, Ph.D., attempting to create the impression that his research was cruel and worthless, and that he was a cruel animal abuser. It made no mention of what Orem studied or the possible implications of his research for understanding of disease. The absence of such mention served to imply that there was no reason for his studies. Indeed, the statement that he "abuses, mutilates and kills animals as part of the federal grant gravy train" not only suggested that he was cruel, but that he did cruel things for the grant money. This press release used statements out of context, half-truths, and inflammatory description of some of his techniques for the specific purpose of creating the image of cruelty.

Both the title "Dr." and any reference to John Orem's Ph.D. degree were missing from the press release. Rather, there was a statement that he "has no medical training," implying a lack of qualifications to do his research. Actually, during his graduate studies at the University of New Mexico and his postdoctoral work in the Sleep Disorders Center in the Stanford University School of Medicine, he had received extensive specialized training in neurophysiology, the neural control of breathing, and sleep disorders. The first sentence of the press release was filled with emotive adjectives such as "gruesome" and "despicable" in order to create an immediate judgment about him in people's minds and make it easy to hate him.

By now, no one was questioning whether the charges were true, but rather how anyone could possibly do these things. This is the question asked in most of the letters sent to him as a result of the ensuing propaganda campaign. Obviously,

only a monster could do these things, so he must be a monster. Orem as an individual, and not biomedical research using animals, has become the target. However, those who have come to hate him also have come to hate biomedical research in the process.

It is easy to hate the investigator, even when you consider biomedical research important. It is easy to hate the investigator, even when you love your alma mater, which employs him or her. It is easy to suspect the investigator, even when you are involved in research or practicing medicine yourself. It is easy to wonder about the investigator, even if you have funded or employed the individual for many years. The process of isolation has begun, making the investigator even more vulnerable and the potential success of the attack even greater. It is now possible that a once supportive administration could respond to future appeals to investigate, stop funding, remove the investigator from research, and not support any legal action the investigator might wish to take.

The Use of Secondary Arguments

The ultimate objective of the animal rights campaign is to end all use of animals by humans. One portion of this campaign is directed at stopping the use of animals in biomedical research. This requires extensive or at least vocal public support. Such support would not be obtained if the real question of the merits of using animals in biomedical research were openly debated. Even today, legitimate polls indicate that almost eighty percent of the public supports such usage, in spite of the efforts of animal rights activists and the fact that the medical community has done essentially nothing to inform the public about this issue (Gallup Survey 1989, Texas Poll 1991). Thus, the activist groups are faced with having to obtain additional support on another basis. Hence, as has been described by Dr. Frederick Goodwin, they resort to using secondary arguments that have nothing to do with the real question (Goodwin 1990). It is nearly impossible to deal with such arguments by trying to argue the actual question.

Few among the general public recognize the connection between claims of atrocities and the animal rights movement's total agenda. We must highlight this agenda, because the public now deals only with the issue of the supposed torture of animals.

Cruelty, worthlessness, and waste of taxpayers' money are common themes in the secondary arguments. The primary charge against John Orem, the individual, was cruelty. The aura of cruelty becomes even more significant if it is related to a project which is worthless. Additionally, the reference to the "federal grant gravy train" implies that researchers use grant money to increase their personal wealth, that this is their motivation for torturing animals, and that they get rich by wasting tax dollars on worthless projects. The element of class struggle, seen three decades ago in connection with opposition to fox hunting in Britain, is being used again as part of the appeal. Many people feel a strong, underlying antagonism because of a sense that their taxes are high because the rich do not pay enough. This antagonism surfaces and is directed at reseachers, based on the notion that they are getting rich off tax dollars. Also, by attacking funding mechanisms for research, one can attack research itself indirectly.

The Use of Invective

The first paragraph of the initial PETA press release stated that the ALF "removed to safety the only cats ever to survive gruesome, despicable, wasteful and barbarously cruel experiments conducted by . . . John Orem." Later in the release, PETA implied that Orem was an "animal-Nazi." Using the term "Nazi" helps to establish the desired image; the statement that he "abuses, mutilates and kills animals" solidifies the image in the mind of anyone who likes animals. Such invective immediately puts the claims on an emotional level, leaving no room for considering whether or not the claims are true. Arbitrarily calling anyone a Nazi has the clear intent of drawing an association with a group that most

people consider evil. It is worth noting that Hitler was an anti-vivisectionist and Nazi Germany the only country ever to ban the use of animals in biomedical research (Horton 1989). The first set of adjectives are used to make implications about the experiments, but, subconsciously, they are immediately applied to the experimenter. The subsequent verbs form a direct accusation of the experimenter.

Use of invective in itself constitutes a type of secondary argument. The object is to establish negative impressions about the targeted investigator without ever having to debate the facts about the research. When the investigator, institution, or other support groups want to talk to the media and the public about the merits of research in general and the merits of the targeted research in particular, or to show how the claims of cruelty are false, or to discuss the broader objectives of the animal rights movement, the subject will always be brought back to the personality of the investigator. This is a character assassination, designed to draw attention away from the substantive issue. It is a way of gaining support from people who actually have no interest in the issue and would not participate in a discussion of the principles under attack. Use of invective serves to make people overlook these principles.

Misstated and Out of Context

Although most people have had some direct or indirect exposure to hospitals and medical procedures, this exposure is usually very limited. Being in an operating room while under anesthesia hardly permits gaining an appreciation of what was involved in the procedure. Many people even fail to realize that the anesthesia prevented their own sensation of pain when they expound on anesthetized animals suffering in biomedical research. Relatively few people have been observers in a medical, surgical, or neonatal intensive care unit. Thus, they have no real concept of the techniques used in treatment of humans in these settings. Consider that some medical and nursing students pass out during their first day in an operat-

ing room with their initial exposure to blood, the cutting of tissue, an open abdomen, tubes inserted in airways and blood vessels, and equipment all around.

Further, most people are unfamiliar with medical terminology. Thus, it is comparatively easy to take portions of descriptions of techniques used in experimental procedures as published in the medical literature and have them seem monstrous to the uninformed public. The effect becomes even greater when these descriptions are taken out of context or "translated" erroneously. Defenders of the research are tempted to address each such misstatement in order to give the public the correct information. However, given the image that has been created initially, explanations can further confuse an uninformed audience, or sound like a justification.

Although such explanations are initially ill-advised, it is important for several reasons to dissect carefully each claim made by the activists. Documentation of the facts related to procedures will be essential when responding to an investigation. These are the claims which are filed when the request for an investigation is submitted, and these are the claims which the investigation must address. Also, on occasion, a story will be written by a reporter who has sufficient background and openness of mind for it to be worthwhile to cite some examples of how descriptions have been manipulated.

PETA's first press release on the break-in at Texas Tech is similar to literature circulated later by numerous animal rights groups in that descriptions of Orem's techniques were inaccurate. As an example, PETA plated considerable emphasis on one procedure that Orem had not used in many years. His studies are directed at the changes in breathing which occur during sleep. Although cats naturally sleep mostly during the day, the periods of deep sleep can be increased if, as is true for the human, the cat gets less than their usual amount of sleep the night before. PETA referred to the cats in Orem's study as "sleep-deprived," as if they had not been permitted to sleep for very extended periods. There are techniques which can be used to delay deep sleep for several hours. The

technique in question involves putting a cat on a small platform in a fifty-five-gallon drum containing a half-inch of water in the bottom. Cats do not like to get their feet wet, so they stay on the platform during the night. They nap rather than sleep soundly because the size of the platform does not permit them to lie down fully. The PETA news release described this setup as a "dark, water-filled drum" in which the cats would "stay awake for fear of drowning." The drum was described as "full" of water to convey the image that the cat could drown, though clearly a cat would not drown in a half-inch of water. One of PETA's expert witnesses complained about it being dark in the drum. Who in the public when hearing this stopped to think that the cat was in the drum at night, a time when even a cat in the wild is exposed to darkness?

Subsequent stories about Orem's experiments published by animal rights groups even used pictures and diagrams from unrelated sources to augment the notion of torture with lurid visual images.

The Use of Visual Images

The importance of radio as a broadcast medium has diminished in part because it carries no visual impact. Most large newspapers, competing for circulation, emphasize photojournalism. Magazines and outdoor advertising depend on the visual image. *Life* magazine was the most popular magazine for decades before television because it was dedicated to an abundance of excellent photographs and a minimum of text. Television has become the leading media outlet because it supplies constant visual stimulation. Some people even turn off the sound when they watch television. The concept that a picture is worth a thousand words should not be underestimated.

Animal rights activists are expert at using visual images. With any attack, they assemble a series of pictures which create the image they desire to use at the center of their propaganda campaign. These are displayed at news conferences,

used in their publications, provided to anyone doing a story on the attack, and printed on posters, handbills, and billboards. The pictures are selected to represent something with which the public is unfamiliar, and which can be portrayed as sinister. The associated text will direct the public's impression of this image, and the impression projected has no bounds, given the novelty of the image or the perceived similarity of it to something imagined as bad. Again, this creates a powerful, immediate impression which is difficult to dispel with any amount of explanation.

At Texas Tech, Orem's experiments require that he place a small "headcap" on the top of the cats' heads. Obviously, this makes the cats look strange, and pictures of cats with headcaps were used to establish negative visual images of his research. The headcaps are mounted while the cats are under anesthesia, so it is a painless procedure. Screws in the cap extend into the underlying skull to pick up signals for recording the electroencephalogram (EEG), used to monitor the sleep-wake state. This cap is used to immobilize the head atraumatically during recording sessions. It also protects a small opening in the skull through which recording electrodes are passed. This procedure is painless because the dura (or covering) over this area of the brain, which contains all the sensory nerve endings, was removed during a previous procedure under anesthesia. Such recordings sometimes are done in unanesthetized humans (for other reasons) and they are totally unaware of the presence of the electrode. Orem's cats ignore the headcaps and often sleep during the recording sessions.

When the break-in occurred at Texas Tech, none of the animals which were stolen were being used in the experiments. Because of the need to repair equipment, Orem was unable to conduct experiments and did not prepare any other cats until considerably after the break-in. Had he been able to do so, media representatives could have had the opportunity to see for themselves that these animals were well cared for and that the headcaps did not alter their normal behavior.

Pictures had been taken of other cats with headcaps during a reconnaissance raid (see chapter 3), and these pictures were used in the PETA media campaign as though they were pictures of the animals said to have been "liberated" during the attack. At the PETA news conference in Lubbock on July 7, Ingrid Newkirk stated that Orem "implants electrodes into the brains of cats and turns them into electrical appliances that one can plug into the wall." After this statement, widely circulated in animal rights publications, anyone looking at a picture of a cat with a headcap could easily conclude that the cap was actually an electrode and picture the cat with hair standing on end from the shock received as some extension cord was plugged into a wall socket. Most people think of an electric shock as unpleasant, even potentially fatal. How easy to assume that this is what the cats experience, even though, in fact, they never receive any electrical stimulation.

"Expert" Testimony

One well-established propaganda technique is transference, the practice of making a statement appear to be credible merely on the basis of the title, position, or degree of the person making it. In this case, if a statement is made by someone with an M.D. or D.V.M. degree, people often believe it without checking further. There is a very small cadre of physicians and veterinarians who are actively associated with the animal rights movement and regularly speak on its behalf. Regardless of the research project involved, these physicians and veterinarians make the same claims: that the project is an embarrassment to science, that the researcher is unspeakably cruel, and that the project's findings are worthless. Many members of the public who are not entirely convinced by the initial claims or who withhold judgment in case the studies might be important can be convinced to join the bandwagon by seemingly authoritative statements. Quotations by these "experts" are referred to many times in publications by animal rights groups, are cited in letters to newspaper editors, form the basis for formal complaints to government agen-

cies, and appear again and again in the hate mail. Some of these "experts" even testify at congressional hearings. Media representatives routinely contact these individuals for statements to be quoted in their stories.

Most of the so-called experts testifying for the animal rights groups have no research training or research experience, and there is no evidence of their having any expertise in areas related to the research about which they speak. Unfortunately, those who are the real experts with knowledge and experience in the immediate area are seldom heard. In the case of the research targeted at Texas Tech, many other professionals internationally recognized for their work in areas directly related to John Orem's research issued very strong statements in support of his work. These included a Nobel laureate in physiology and medicine, who was president of the Society for Neuroscience, and the presidents of the Sleep Research Society and the American Sleep Disorders Association. When representatives of the media cover an international incident, they often solicit the opinion of a former secretary of state because they recognize his qualifications as an expert in that area. Unfortunately, neither they nor the public are readily able to identify appropriate commentators when it comes to the medical community. Again, it is the fault of that community for not having provided the necessary information beforehand.

A 1988 poll conducted by the Roper organization (American Medical Association 1989) found that ninety-nine percent of all licensed physicians in the United States feel that use of animals in research has contributed to medical progress, and ninety-seven percent feel that use of animals must be continued in this research. Clearly, those physicians who oppose the use of animals represent a very small percentage. However, they are extremely vocal, leading the public to believe that they represent the views of many physicians. Thus their statements have considerable impact.

Some of these individuals have formed organizations and, in speaking for an organization, are perceived as having even

more leverage for their statements, even though the actual number of members with professional degrees is very small. The choice of the names for these organizations is interesting in itself. The Physicians Committee for Responsible Medicine (PCRM) and the Medical Research Modernization Committee are names that imply broad and lofty agendas which few people would associate with the animal rights movement. Yet, their primary objective is to serve as professional advocates for the animal rights movement. Specifically, they try to convince the public that animal research was not important for past advances in medicine, that there are suitable alternatives which can be used for any research necessary in the future, and that most diseases can be prevented by a suitable diet, especially one free of meat. These groups also try to create the impression that the majority of physicians oppose animal-based research. In June 1990, the American Medical Association House of Delegates approved a resolution expressing

> strong objections to the Physicians Committee for Responsible Medicine for implying that physicians who support the use of animals in biomedical research are irresponsible, for misrepresenting the critical role animals play in research and teaching, and for obscuring the overwhelming support for such research which exists among practicing physicians in the United States.

Animal rights activists attempt to discredit supporting statements made by other scientists on the basis that scientists will support any and all research because of their vested interest. Unfortunately, the public has little apreciation of the fact that scientists are highly critical of each other for the very reason that their training makes them inherently skeptical. They are always on the line to defend their findings to their peers—and to do so on the basis of complete documentation to support their position, not on the basis of preconceived ideas. Evaluation of the work by others when reviewing research proposals, manuscripts for publication, or experi-

mental protocols submitted to an animal care and use committee requires the same degree of objectivity. Conclusions drawn will range from approval to disapproval. In contrast, the "experts" for the animal rights groups who criticize individual scientific projects start from the perspective of being opposed to all research involving animals and have yet to state approval of any project they have evaluated.

Statements by such individuals were quoted after the break-in in stories attacking Texas Tech in animal rights publications. They also constituted a significant portion of the complaint filed by PETA with the Office for Protection from Research Risks (OPRR) at the National Institutes of Health (NIH) against Texas Tech. It became important to rebut them as part of the response to the investigation by OPRR (see chapter 3).

Posters, Handbills, and Videos

The animal rights movement uses a sophisticated program for mass distribution of the material which, in addition to their own publications, includes the use of posters, handbills, billboards, and videotapes. While an institution is concerned about fighting the campaign locally, the movement is distributing defamatory information in many other regions where that institution has no representation.

Circulation of this material is intended to influence more people and galvanize them into several specific actions, some of which are designed to be almost self-perpetuating. The circulated material calls for protest marches to dramatize the claims about the research and to draw attention to the proclaimed waste of taxpayers' dollars. Protest marches may not influence many of those who witness them, but they provide an opportunity to pass out literature, and serve as media events. Protest marches also serve to stir up letter-writing campaigns.

These letter-writing campaigns are designed to accomplish several purposes. The material circulated may contain suggested form letters addressed to specific individuals. Some-

times, animal rights literature asks that you merely sign a form letter and return it with a contribution to the sponsoring group, which will distribute all the letters in one package as if it were a petition. The fundraising potential should not be overlooked and is one more reason that attacks are staged. "Surveys" and "referenda" are sent to people on purchased address lists for the purpose of spreading propaganda and raising money. The questions themselves, which violate all principals of legitimate opinion surveys, are written so as to bias the reader. Typically, they read: "Before reading this mailing, were you aware that . . . ? Did you realize that . . . ? Did you know that . . . ? Given the fact that . . . ?" The final question is the request for money: "Would you be willing to make a small financial contribution . . . ?" (PETA 1990; National Humane Education Society 1990).

Letters to the researcher are intended to intimidate. Letters to the president of an institution, threatening to cut off donations, are another form of intimidation, intended to scare the administration into abandoning the investigator. Checking the names of those who wrote to Texas Tech shows that some of these individuals never have been associated with the institution and never have contributed anything to it. Inexcusably, some institutions have actually returned an investigator's funds to the granting agency because of this type of pressure. Letters to the funding agency are intended to instigate an investigation and to have funding suspended or cancelled.

Finally, letters to Congress also are intended to force investigations, force suspension or cancellation of funding, or to leave an image which results in a member of Congress supporting some type of restrictive legislation (see chapter 9). The average legislator knows little about the process of research, is uninformed about existing regulations pertaining to the use of animals, and has little understanding of the animal rights movement or the motives behind it. Legislators do know, however, that the amount of mail they receive complaining about presumed cruelty in research is greater than

on any other subject except Social Security and the budget deficit (*NABR Update* February 5, 1988). They receive almost no mail supporting use of animals in research, and few visits from researchers, because researchers are otherwise occupied and unaware of the threat. A legislator's assumption will be that this mail represents the majority view in the district or state and that this may play a part in any reelection bid.

In the case of Texas Tech, the picture of the cat with the headcap was featured prominently in all distributions. It was even used on billboards erected in several large cities in Texas. The letter-writing campaign led to over twelve thousand letters being received at the institution in the first two years after the break-in. How many went to congressmen and NIH is unknown, but obviously they were sufficient to prompt the director of the National Heart Lung and Blood Institute to take the unprecedented action of having an institute of the NIH conduct its own investigation (see chapter 3).

More than a year after the break-in, the activists launched another intense campaign of letter-writing to Congress, perhaps intended to instigate additional investigations. The institution became aware of this because of inquiries from several congressmen. Some institutional officials might view this effort to provoke new investigations as superfluous, given the results of the previous investigations. However, this undoubtedly was part of the original plan for several reasons. First, it served to keep the activists' supporters energized. Many really were convinced that previous investigations had been whitewashes and that an investigation by another organization, not related to the scientific community, would finally reveal the "truth." Second, animal rights groups can increase their funding by soliciting contributions to support such an effort. Third, it created another series of media events which could be fully utilized, no matter what the findings of such an investigation might be. The claim of a whitewash is a media event in itself. Fourth, the activists know that each contact with Congress in which claims of cruelty can be

made helps to solidify current support and may add new support. Finally, if an investigation does take place, it places new financial, time, and emotional burdens on the targeted investigator and the institution. It is even possible that there could be an order to suspend funding during the investigation—which could drag out over years. Thus, an effort to spark an investigation by a federal agency or Congress is not as superfluous as it might appear on the surface. It is critical to maintain open lines of communication with Congress members who can inform the institution of such efforts. They can act as your agent in Washington should an investigation be threatened.

During the break-in, the ALF stole a videotape which Orem had made and had shown at a scientific meeting at which media representatives were present (annual meeting of the Federation of American Societies of Biology, Washington, D.C., 1987). The purpose of the videotape was to help illustrate to other researchers what he was doing and what he was finding. The original footage of the videotape was produced as a split-screen presentation, showing both the cat and a display of the electrical activity being recorded. It was directed toward a scientific audience who could understand what they were seeing because of their familiarity with the techniques and subject matter. Further, the researcher was able to describe events on the tape as the audience viewed them. PETA extracted sections of this tape, as well as segments from a local newscast used without the station's permission, to construct its own videotape for propaganda purposes. The narrator of the videotape is a Broadway actor, illustrating another use of the transference technique.

Of course, most people in the audience watching PETA's version do not have the scientific background to understand what they are observing. PETA amplified a tone present on the original tape in order to create the impression that it was stressful to the cat. They also conveniently edited out segments showing the cat happily playing with the technician after the recording session had been completed. The dia-

logue dubbed over the video contained the same invective and misstatements that PETA had used previously concerning Orem's research. This dialogue shaped the impression the video made and very few viewers would bother to note the appearance of the cat, the quality of its fur, the fact that its ears were up and forward, typical of an unthreatened, happy cat. Those within the institution who have seen the cats and the experiments recognized the potential power of this videotape. It is being circulated by PETA for showing at universities, in schools, at PTA meetings, at church meetings, and to local officials.

Animal rights activists had shown a similar videotape to the media, local citizens, and local officials as part of their efforts to stop the sale of animals for research from the local shelter in Amarillo, Texas, in 1987 (see chapter 3). That tape claimed to include clips taken clandestinely to demonstrate cruelty in the research laboratory. Audiences shuddered at clips showing incisions being made in an animal, never stopping to realize that the absence of bleeding meant that the animal was already dead and the pictures were staged.

Continuing Media Events

The original attack is the initial event designed to attract the media. The first press release and the early news conference ensure adequate media follow-up and represent the launching of the propaganda campaign. Local supporters and officials of animal rights organizations follow quickly with letters to editors. A series of orchestrated protest marches brings out the media again, and the continuing coverage makes it appear that there is sufficient public interest to warrant feature stories in out-of-town newspapers and state and national media. Posters and the stories in animal rights publications reach new audiences and stir up new protest marches.

It is noteworthy that the feature story on the Texas Tech break-in in *PETA News* was published in the November/December 1989 issue rather than soon after the break-in in July. By delaying publication of this story, PETA was able to

stir up a whole new round of protest activities at a time when attention to the issue appeared to be dying down. Also, it followed by less than two months the formal filing of a demand for an investigation. The letter-writing campaign that followed the story in *PETA News* was intended to convey the impression to the investigating body that the public knew that these experiments were cruel and worthless, putting pressure on that body to come up with the same conclusions. PETA issues press releases each time it calls for investigations or files formal complaints, and these in themselves are additional media opportunities. Local animal rights groups schedule nationally known animal rights activists to speak periodically, each address serving as a media event to obtain further coverage of their claims.

In summary, multiple techniques are used to portray an immediate image of cruelty associated with the use of animals. An uninformed and/or sympathetic public is often quick to accept the cleverly presented claims at face value. Once convinced, many will never again question the initial conclusion they drew, and they may even refuse to listen to the truth. This is why repetition of claims over a long period in many locations serves the purpose of the movement.

There are countless types of events which can be scheduled over time, made to appear like something new and newsworthy, so that media coverage continues to keep the flames fanned. The basic objectives are to reach more people, obtain more converts to the movement, and receive more contributions to support further operations. These long-term goals are more important to the organization's continued vitality than is succeeding in stopping the targeted research. However, should the research be stopped, this represents a major coup in the propaganda war. The greater the pressure and the longer it lasts, the greater is the likelihood that the project might be shut down. Even if it is not, the basic objectives of the propaganda campaign are being met.



The Anatomy of an Attack

AN attack by animal rights activists can assume one of several different forms. The break-in is the most common, but "revelations" by a laboratory technician serving as a plant or simply a press conference to denounce a specific research project have been common in the last decade. In any case, many aspects of the initial attack and actions that follow will be common to all forms. In the confusion that results from an attack, it is easy to forget that this is a very complex scenario that has been carefully planned by experts down to the last detail. Confusion can impede an effective response and timing of the response is critical, so it is important to start with a clear idea of what may happen.

The process begins with the animal rights activists making a careful selection of the target and planning the attack in detail. Choice of a target involves consideration of investigator, project, species used, institution, and location. Infiltration of the laboratory, reports from sympathizers within the institution, or a reconnaissance raid will provide the information necessary to plan the timing, conduct the raid, and formulate the initial media releases. Pictures may be taken during this reconnaissance period so that they can be ready for immediate release, often with misleading captions. Activists peruse scientific publications by the targeted investigator, looking for photographs, drawings, descriptions of experimental methods, and other statements which could be

used—most likely in an altered form or presented out of context—to support their claims. This material is then circulated to supporters who have professional degrees and can prepare "testimonials" to bolster the claims, even though these individuals may have no expertise in the specific area under study and probably no research experience whatsoever. The planning will include developing a series of events and possible alternatives to take place after the attack, because the attack itself serves as the prelude for these events.

The immediate aftermath and the long-term events are centered on an extensive, well-planned, and effective propaganda campaign which convinces many concerned but for the most part uninformed citizens that the claims of cruelty are accurate. As a result, many become unwittingly involved in the planned, purposeful harassment of the researcher and the institution. Timing of the raid and subsequent media events is carefully arranged to maximize the chances of success, the exposure, and the impact. Eventually, the activists will demand investigations which will endure for many months and cost the institution much time and money.

Calls for investigations provide additional media opportunities. If investigation results indicate that there is no substance to the claims, a new claim of the investigation being a whitewash again draws the interest of the media. The fact that the original claims were unsubstantiated draws little media attention.

The final step will involve legal action such as freedom of information requests to obtain information to use as the basis of a suit against the institution. The actual attack is but the opening volley in a long, extended siege which can only be dealt with successfully through careful preparation.

The "Informer" in the Industrial Sector

The planted laboratory worker scenario often is used in industrial settings, targeting a small, commercial research company. In July 1988, PETA held a press conference in which an employee of Biosearch Inc. of Philadelphia, wear-

ing a disguise, presented supposed documentation to support over one hundred allegations of fraud, animal cruelty, and general misconduct. The alleged violations included falsification of records and test results; subjecting unanesthetized animals to painful and unnecesary procedures; cutting up animals that were still alive; and failure to provide adequate food and water. The ensuing propaganda campaign led to multiple incidents of harassment. Employees were threatened and their cars were subjected to vandalism. Company phone lines were completely blocked by programmed, multiple calls, and then phone service was disconnected by the telephone company responding to a request from a caller identifying himself as the company president. Having stopped service in respose to a fraudulent call, the telephone company at first refused to resume it until the president appeared in person with proper identification.

Multiple investigations were initiated, all of which concluded that there was no basis for any of the charges. An investigation conducted by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture was initiated "in response to a Congressional inquiry . . . requesting an investigation into allegations of fraud, animal cruelty and general misconduct submitted in written text . . . to the U.S. Congress. The basis of these allegations stem from statements made by two [PETA] representatives who were employed for a time at the firm" (FDA 1988). The FDA report stated that "the allegations were found replete with inaccuracies, misinterpretation and false accusations." In investigating one of the charges, the inspectors could document that the entries in the informant's log describing misdeeds were actually entered sixteen days before the alledged violations were supposed to have occurred.

Investigations like this are routinely labeled as whitewashes by animal rights groups. It should be noted that in this instance, the inspectors were in the laboratory animal area within six minutes of their unannounced arrival at the company. Their investigation included extensive questioning

of former employees. In order to investigate the charge of shaving animals with dull clippers, the investigators did not only check the clippers in use and the past invoices for sharpening and maintenance; they also accompanied an employee to the outside repair shop to observe whether he was recognized as a regular customer.

The American Association for Accreditation of Laboratory Animal Care continued their accreditation of Biosearch after conducting their own investigation. The district attorney of Philadelphia deliberated over a period of two years about possibly conducting an investigation, apparently convinced by the publicity that criminal charges against Biosearch might be warranted. However, he concluded that there was not sufficient evidence to proceed with an indictment.

Although all investigations concluded that there was no basis for the charges, Biosearch needlessly suffered extensive harassment by persons incited by the propaganda campaign and had to divert substantial financial resources to deal with the attack. Biosearch officials suffered considerable emotional trauma during the many months of harassment as they dealt with the investigations and were subjected to character assassination in the media. Many members of the general public believed the charges, given the well-planned and well-developed nature of the attack. Many contractors strongly considered withdrawing their projects from Biosearch, purely on the basis of the fraudulent charges that had been made.

Biosearch survived a situation which clearly had the potential to put it out of business. One might consider its survival a victory, but this would be a short-sighted conclusion, considering the lasting trauma to the individuals concerned and the media mileage obtained by the activists. Most of the public will remember the nature of the charges, but only a few will remember that they were unfounded.

The Informer in the Academic Sector

One of the earliest and most publicized incidents of an animal rights attack in the academic sector took place in 1981 at

the Institute for Behavioral Research in Silver Spring, Maryland. One of PETA's founders, Alex Pacheco, took a position as a volunteer worker in the laboratory of Edward Taub, Ph.D., who was using monkeys to study paralysis. Taub was excited about the apparent interest of this young college student who even asked to work at night. Little did he know that Pacheco was a confirmed animal rights activist who had started a campus animal rights organization, had been a member of the Hunt Saboteurs Association during a brief stay in Great Britain, and a year earlier had been a cofounder of PETA. Neither did he know that one month earlier, Pacheco had led an animal rights demonstration at NIH. While working in Taub's laboratory, Pacheco contacted prominent animal rights activists, some of whom he brought into the lab clandestinely, and took pictures and videotape footage to be used later in an attack against Taub and his research [Carlson 1991]. Pacheco was, in fact, conducting a long-term reconnaissance mission, and Taub was about to become a target.

Five months after Pacheco started to work, he used the photographs, video, and affidavits from the activists he had brought into the lab to convince the local police (Montgomery County) to issue a search and seizure order. Several days later, they raided Taub's laboratory and confiscated the monkeys. The activists had alerted the media about this supposedly secret raid, and local television station crews were present to record the raid. The activists were on hand to distribute previously prepared literature and monkey pictures taken during the reconnaissance period.

For weeks following the raid, pictures of the monkeys were prominent on newscasts in the Washington, D.C., area and around the country. Subsequently, they were featured in publications by PETA and other animal rights organizations. These photographs presented images that effectively projected the impression of extreme cruelty to animals, and the "Silver Spring monkeys" soon became the celebrated cause of the movement.

Pacheco's photos plus others taken by the police at the time

of the raid also created a strong impression of slovenly housing conditions for the monkeys, and this made more believable the impression of inadequate veterinary care. All of these images were key factors in the police decision to raid the laboratory. The publicity connected with the raid made the 119 charges originally filed against Taub easily believable, and the impression that he had mistreated the monkeys hung over him from the day of the raid. The publicity led to extensive pressure on the NIH, resulting in their first suspending and then terminating funding for the project.

The sensation created by the photos, videotapes, statements by animal rights activists, and the number of charges certainly took attention away from those who were questioning their validity. The raid on Taub's laboratory took place just after he had returned from vacation. Curiously, the animal caretakers, who previously had had excellent attendance records, apparently did not show up for work for seven of the fifteen days Taub was gone. This clearly would have led to a short-term deterioration of husbandry conditions immediately prior to the raid. Other staff persons testified under oath that the conditions normally were not as depicted. The USDA veterinarian who had conducted an unannounced inspection gave similar testimony.

Taub originally was charged with 119 counts of cruelty resulting from claims made by Pacheco. During the first trial, 113 of the counts were dismissed, but Taub was convicted on six, one each relating to his decision not to bandage self-inflicted wounds on six monkeys. This basically was a decision that he had provided inadequate veterinary care.

After working with similar experimental procedures in monkeys for twenty-five years, Taub was an expert in dealing with problems that might develop in these animals. The experiments involved surgically cutting the sensory nerves (deafferentation) from a limb to duplicate the paralysis situation being studied. In the absence of any pain sensation, the animals occasionally chewed on their own limbs. These wounds were kept clean but Taub elected not to bandage them

on the theory that the bandages might encourage further self-mutilation. At his trial, veterinarians familiar with this type of situation concurred with his decision. Several others, who had no such expertise and were sympathetic to the activists, testified that bandages should have been used. At a second trial, conviction on only one of the counts was upheld. The prosecution alleged that because of inadequate veterinary care, a bone infection developed which forced amputation of a limb seven weeks after the raid. According to Taub, the pathology report which was not presented at the trial explicitly ruled out the presence of any infection. This final charge was subsequently dismissed, but the dismissal has been attributed to a technicality because the Court of Appeals ruled that his research involving federal funding did not come under Maryland statutes. By the time the conviction was overturned, Taub had spent five years in court, his research program had been destroyed and his career inexorably altered (Taub 1991).

The attack on Edward Taub continued all the elements of future attacks. His research involved a species which evokes human sympathy, namely monkeys. The experimental objectives were difficult for the public to understand. The wounds on the monkeys and some of the experimental apparatus provided excellent visual images which could be parlayed into almost immediate emotional sympathetic responses. The studies were conducted at a small institute. There was an extensive reconnaissance. The investigator had been out of town just prior to the time of the attack, the media had been notified of the event, and the activists were there and ready with their prepared claims, photographs, and information for release. An intensive propaganda campaign was unleashed and legal battles continued.

Denunciation of a Researcher Without a Break-in

Michael Carey, M.D., is a professor of neurosurgery at the Louisiana State University (LSU) Medical Center. He served in Vietnam and performed surgery on many soldiers who

had received gunshot wounds to the head. He was dismayed subsequently to see statistics that showed that postoperative recovery rates from this type of wound were no better in Vietnam than they had been during the Korean War or World War II, in contrast to the improvement that had occurred in treating other types of wounds. He found that there were very few experiments reported in the literature dealing with this problem. Based on his experience and the previous literature, Dr. Carey proposed experiments using anesthetized cats to study the problem, and his proposal was funded by the Department of Defense. The research has potential significance not only for the military but also for the civilian population in which gunshot wounds to the head represent a serious medical problem.

In August 1988, a number of animal rights activists picketed at the LSU Medical Center, protesting Carey's work. There was no prior break-in. Pamphlets were distributed containing misinformation, including statements that no anesthesia was used when, in fact, the cats were always anesthetized during procedures. The distribution of information about this project was intense, including "testimony" from PETA's so-called experts. This study was selected as a target because merely stating that cats were being shot in the head, regardless of the fact that they were anesthetized, created a powerful visual image which implied suffering. Dissemination of the propaganda about Carey's project was so effective that even many other investigators began to believe that the animals were not anesthetized.

The resulting write-in campaign against this research succeeded in initiating investigations. A report from an internal investigation commissioned by the president of the LSU system was very supportive of Dr. Carey's program. An investigation by the General Accounting Office (GAO) was initiated on the request of Representative Robert Livingston (R-La.) and over two years elapsed before that report was released in December 1990. Additionally, members of the conference committee meeting to finalize the Department of

Defense appropriations bill for 1990 managed to include wording that suspended Carey's funding until after completion of this investigation, even though such wording had not been present in either the Senate or House version. The GAO commissioned a panel of experts to review Carey's studies. As reported in *Science*, that panel considered the research goals to be "valid," the model "unique and suitable," and, contrary to the impression promulgated by animal rights activists, they confirmed that the animals experienced no pain (Holden 1991).

Inexplicably, the GAO forbade the review panel from talking to Carey or visiting his laboratory. Instead, they referred questions to another panel they assembled, of which none of the members had expertise related to the special problems of anesthesia which occur with this type of injury.

When the preliminary report was issued, the American Medical Association, along with other scientific and medical groups, spoke out harshly against the GAO investigation. According to Jerod M. Loeb, AMA's assistant vice president for science and technology, "the GAO investigation of Carey's research was egregiously unfair and denied him due process. The GAO's abrogation of the traditional peer-review process poses a grave threat to all of science" (Skolnick July 24/31 1991).

Richard Traystman, a professor of anesthesiology at Johns Hopkins University School of Medicine and a member of the original panel, noted after the release of the GAO report that he believed the appointing of a scientific panel was just for show and that the whole investigation was orchestrated by animal activists. "I was shocked and angered by the extraordinary bias and the many false accusations in the preliminary report," he said (Skolnick July 23/31 1991).

As a result of Carey's treatment by the GAO, the AMA House of Delegates passed a unanimous resolution calling for the AMA to work with Congress to establish an acceptable method for reviewing federally funded research projects before grants or contracts can be withheld from any investigator or institution.

In April 1991, the secretary of the army announced that Dr. Carey's research would be completed, but further work would only involve final analysis and publication without any additional animal experimentation. In the meantime, Carey had been called to active duty in the Persian Gulf, serving at an evacuation hospital near the Kuwait-Iraq border. In a letter dated April 4, 1991, to the National Association for Biomedical Research, he wrote,

> Fortunately, casualties were light . . . we were told to expect 200–300 wounded Americans per day per 'evac' hospital for 15–30 days. That would have been terrible! But you can see that there is a definite need for wound research—our troops may not be so lucky next time! . . . Lately our hospitals have been inundated with Iraqi women and children. . . . Many of these children have brain wounds from missiles. They are pathetic and I feel so angry and helpless that Representative Livingston and the animal activists have stopped my research. (*NABR Update* May 2, 1991)

An ALF Attack

The attack against Texas Tech has emerged as the prototype for this type of activity. It was obviously intended to be the centerpiece for the most massive propaganda campaign yet staged by the animal rights activists. They have pursued this campaign vigorously in spite of the fact that the science is valid, the potential application of the experiments has clinical importance, the review process was rigorous, review can continuing monitoring involve community animal welfare people, the animal care program is methodical and thorough, and the animals are not subject to pain or discomfort. A recapitulation of the events associated with the attack against Texas Tech provides what could be a blueprint for such a scenario.

The Planning of an Attack

When the informant scenario is used in a commercial setting, the attack is directed against the entire company. How-

ever, with the other approaches, as with Taub, Carey, Orem at Texas Tech, the attack is directed against a specific project and a particular individual. By targeting an individual, the attackers can isolate the researcher from peers and the institution. At first, both the administration of the institution and the researcher's peers will wonder if there is some truth to the initial charges, and subsequently, as the media campaign continues, they will tire of the fight and somehow begin to view the targeted investigator—rather than the animal rights activists—as the cause of their misery.

It is important to emphasize that in almost all instances, the charges that are made are totally baseless. If an institution has a first-rate animal care and use program and its animal care and use committee is functioning in the proper manner, then the obligatory first assumption that the charges are baseless can be checked completely and rapidly through that committee and its records. However, a first impression that this will be sufficient would be a mistake.

The attack will have been meticulously planned, not only in terms of its actual conduct but also as regards selection of the institution and the targeted investigator. Although early attacks were limited to the east and west coasts, other areas across the country are now being targeted in order to increase the scope of coverage and create the impression that the entire biomedical research community is involved in torturing animals. A chosen institution may not be the most prominent in a state or located in a metropolitan area. If the propaganda campaign is to be waged in large metropolitan areas, it is potentially more effective to conduct the attack elsewhere so that the attacked institution is not available to refute charges on a daily basis.

Typically, the researcher will have been targeted because he or she works alone, has been outspoken against the animal rights movement, or even because that researcher can be photographed in a manner which conveys a sinister apearance. It can be assumed, although it is not always the case, that the project involves animals which are commonly pets, such as

dogs or cats, or some type of animal for which there is great concern, such as monkeys. Further, there will be some aspect to the study which can be dramatized to convey an image that cruelty exists. The mention of shooting cats in the head without stating why it was done and that it was done under anesthesia conveys such an image. This also applied in the case of Texas Tech. Although none of the cats stolen during the ALF attack was being used in experiments at the time, pictures taken during a reconnaissance raid were circulated to the press and distributed through mailings and other means as if they were pictures of the stolen cats. Descriptions of techniques taken out of context or misrepresented as half-truths were used to reinforce the impression of cruelty.

During the planning stages of the attack scenario, non-scientists calling themselves "researchers" and working for an animal rights organization have gone through the publications of the targeted investigator and picked out items which they feel can serve as effective propaganda tools when presented out of context or misrepresented. These then are passed along to animal rights spokespersons with professional degrees who develop their prepared statements in support of the misrepresentations.

In the meantime, the people to be involved in an actual attack are conducting reconnaissance and practice missions. This planning is done in a very professional manner because the perpetrators are highly skilled in terrorism (as is described in chapters 2 and 7).

The Reconnaissance Raid

Although no informant came forward with a public statement at Texas Tech, it is likely that someone within the institution was providing information during the planning phase. At least one reconnaissance raid took place, and the time of that raid was determined later by the police. The picture most widely circulated by PETA was taken during that raid and shows a cat with one eye larger than the other (see figures 5 and 7). This was the result of a transient Horner's Syndrome which

was carefully documented in daily health records maintained by veterinarians and laboratory personnel to have been present only between the last week of March and the first week of April in 1989; by coincidence or not, this corresponded with Animal Rights Week activities held by the campus animal rights organization. When the attack came in July, only those facilities used by the targeted investigator, John Orem, were broken into. Further, the immediate statements by PETA and its so-called experts indicated that a great deal of time had been spent previously in reviewing Orem's scientific publications and selecting items that might appear damning when presented out of context or as half-truths.

The Texas Tech Story

The story of the Texas Tech break-in actually starts with animal rights activities in Amarillo, Texas, in June–July 1987. Amarillo is the site of a Texas Tech Regional Academic Health Center. Local animal rights activists mounted a campaign to stop sale of animals for research from the city animal shelter. Letters to the editor had been written advocating a ban, and the activists presented a petition containing several thousand supporting signatures. This petition, offered in support of a ban, had asked the misleading question of whether people would want their pets tortured in research. Many activists appeared at the Animal Control Board and the City Commission hearings. They submitted the petitions, gave emotional speeches, and showed a videotape purporting to reveal atrocities in research laboratories. Although only a few speakers represented the scientific community, both the board and the commission voted to continue sales.

Afterward, the activists threatened to vote the commissioners out of office. Eighteen months later, when the issue reappeared, activist representation at the commission hearings was reduced while that of the scientific community was markedly increased. However, the commissioners, facing what was predicted to be a close election (because of another issue) the following week, responded to the threat of losing

support and voted to suspend sales. Interestingly, they all lost their bids for reelection.

This decision made in Amarillo represented the first success of the animal rights movement in West Texas. After the break-in, some of the leaders of the campaign to close the pound there staged protest marches both in Amarillo and in Lubbock. It is known that they communicated with people in Lubbock, but the full extent of their activities in Lubbock is not known.

Activism in Lubbock started officially in Septembr 1988, when an animal rights group was formed on the Texas Tech campus there. This group, known as the Animal Rights Coalition (ARC), was sponsored by several faculty members from the Department of Philosophy and was the focus of campus animal rights activities in a community where no such activities had surfaced previously. Local appearances by prominent persons in the animal rights movement signal an increase in activism in that community or region and should increase the level of suspicion that an attack may be imminent. Such an increase has been a harbinger of an impending attack in many locales.

The ARC sponsored several activities during their Animal Rights Week, including a speech by Tom Regan, a professor of philosophy who has been a primary national spokesperson for those advocating complete abolition of the use of animals in research. On April 24, 1989, several weeks after his talk at Texas Tech but before the break-in, Regan delivered a speech at a protest march at the NIH. In this speech, he parodied a series of nationally publicized telephone conversations in which George Bush had inquired of a prominent supporter in Lubbock how people in that area were assessing his performance thus far as president. Lubbock was touted in the media as "the new Peoria," a city representative of national public opinion. In Regan's version, the president had inquired about how things were in Lubbock and had been told that everything was fine, but that all the cages in the labs were empty. This speech was recorded and transcribed. Those

who saw that transcription did not deliver a copy to Lubbock or Texas Tech until after the break-in.

The Break-in

The actual break-in apparently occurred during the early hours of July 4, 1989. At 8:30 A.M., an institutional veterinarian, making her daily rounds, discovered that five cats had been stolen. She notified security personnel who determined that entry had been made into Orem's office, his two laboratories, and his animal holding facility. Approximately fifty thousand dollars' worth of damage had been done to equipment and several items—a videotape, teaching slides, pictures, and a copy of his last will and testament—had been stolen from his office in addition to the cats stolen from the holding facility.

That the attack occurred on a holiday was significant for several reasons and further reflects the extent of planning. First, few people associated with the institution were in the building, and security was less than normal. Second, many people knowledgable in the area or holding responsible positions were out of town. The targeted investigator was away on vacation, but returned by chance that afternoon. The new president of the university had been in office for only four days. Third, the activists, in their subsequent media presentations, played on the Independence Day theme to declare that there should be a celebration for the "liberation" of the stolen animals, thus glorifying a criminal act. Another element of timing that cannot be dismissed is the fact that the targeted investigator had recently been awarded a five-year renewal of his grant from the NIH.

Although a sophisticated crisis management plan to deal with this eventuality was not in place at the time of the break-in, appropriate administrators were called together that evening to formulate an institutional response. With input from faculty knowledgeable about the work, some of whom were out of town but had been contacted during the day by telephone, the decision was made to hold a news conference the

next morning. Again because of the holiday, contact with support groups around the country was deferred until the next day. The American Physiological Society was unique among these groups in issuing a press release in support of Orem and the institution within two hours after being contacted on July 5.

Dueling News Conferences

By the time the news conference was held at 10:00 A.M. central standard time on July 5, reporters covering the conference already had received a press release from PETA. The press conference, which had been designed to be preemptive, turned out to be an occasion at which the institution was being asked to respond to the charges made by PETA. In addition to charges of cruelty, there were charges that the research was worthless and had no possible application for clinical medicine. This put the investigator in the position of being asked to justify his basic research in terms of clinical applicability: a double-edged sword because of lack of understanding by the public of the very nature and importance of basic research. Orem's research on the neural control of breathing during sleep already had provided information which was essential to the current understanding of Sudden Infant Death Syndrome (SIDS), though he was not specifically studying this syndrome.

Members of the Texas Tech Institutional Animal Care and Use Committee (IACUC) had maintained frequent contact with the Office for Protection from Research Risks (OPRR) at the NIH to seek guidance on difficult issues in order to ensure that the institution was in compliance. Therefore, they recognized the importance of informing OPRR of the attack and made this contact on July 6.

On July 7, just three days after the attack, Ingrid Newkirk, cofounder and national director of PETA, held a news conference at a hotel in Lubbock. Persons who were not members of the press were excluded, with the exception of the Texas Tech philosophy professor who was serving as advisor to the campus animal rights group. Items stolen during the

raid and pictures taken during the reconnaissance and actual raids were displayed. A doctored version of the stolen videotape was shown, accompanied by very misleading commentary by Newkirk. It should be noted that the original videotape had been made by the targeted investigator and shown several months earlier during an invited presentation at a scientific meeting (see chapter 2). Newkirk claimed that PETA had no involvement with the break-in and that the material had been left anonymously by members of the ALF (and received on a holiday). Also present at this press conference was Kenneth Stoller, M.D., who delivered a short statement attacking Orem's work. Interestingly, he had published an article attacking the use of animals in research in the previous month's edition of the *Animals' Voice*, a radical animal rights publication distributed at the press conference (Stoller 1989).

The Continued Propaganda Campaign

Press coverage of the break-in and the PETA news conference on July 7 was extensive throughout the state of Texas. The mail brought hate letters by July 8. Over ten thousand letters addressed to Orem, the University president, and the chairman of the IACUC were received at Texas Tech during the first eighteen months after the break-in. On July 7, 1989, the first of many bomb threats was received by the university police. Over the next several weeks, many letters to the editor were printed in the local newspaper. Although some were supportive, the vast majority were highly critical. Even early on, many of the writers indicated that they were also writing to Congress and to the director of the NIH to call for an immediate investigation of Orem's research and the institutional animal program and for revocation of Orem's funding. Most letters included some of the stock phrases used in PETA press releases, indicating the complete acceptance by a segment of the population of whatever PETA claimed. Some were written by officials of animal rights groups such as PETA, PCRM, and the Voice for Animals in San Antonio. Some letters from outside the Lubbock area attacked specific

letters of support in the local paper, indicating close monitoring of the editorial pages of that paper by groups headquartered well outside of Lubbock.

On July 15, the institution was contacted for interviews by local reporters because they had been notified that there would be a protest march later that day in front of the federal building. About seventeen protestors showed up carrying colored posters using the picture of the cat taken in the reconnaissance raid. The group called themselves "Lubbock Citizens Concerned about Animals and Our Tax Dollars." Videotape of the march filmed by university police confirmed that the marchers were prominent members of the ARC who had been joined by several persons from out of the city and out of the state.

The August 1989 issue of the *Voice* published by Voice for Animals featured the claims made against Orem. It also contained a form letter to be signed and sent to the president of the university, the secretary of health and human services, and the director of the NIH. A statewide protest march scheduled for August 18 was announced in this and other publications by animal rights groups and on posters put up in most of the metropolitan areas in Texas. Marches were held in San Antonio, Dallas, Austin, Houston, Corpus Christi, and Amarillo. None was held in Lubbock, demonstrating the technique of using a nonlocal target to gain support for the animal rights movement in other major metropolitan areas. In some of these cities in which other medical schools were located, students and faculty who were members of a cFAAR group (Coalition for Animals and Animal Research) and members of local iiFAR groups (incurably ill For Animal Research) staged countermarches. These groups passed out literature in support of biomedical research. The result was that they obtained essentially equal coverage by the media.

The Investigations Begin

In response to the letter-writing campaign, congressional pressure on the NIH led the director of the National Heart

Lung and Blood Institute (NHLBI), the institute at the NIH which funded Orem's research, to initiate an investigation. Orem protested the intent to hold this investigation for several reasons. First, the Office for Protection from Research Risks (OPRR) is the duly constituted organ within the NIH to conduct such investigations, whereas individual institutes have no such authority. Second, NHLBI refused to specify the charges which had provoked the investigation and presumably would form the basis of the inquiry. If the intent were to review his science and his techniques, this was a violation of normal procedures, because his past and proposed work had just gone through a peer review. The score he had received on that evaluation of his proposal was one of the best given by that peer review body and had resulted in renewal of his funding for a five-year period. If the intent were to investigate the institutional animal care and use program, this fell under jurisdiction of OPRR; NHLBI could have obtained information from OPRR without initiating an investigation. If the intent were to placate the animal rights activists, this was being done at the expense of the investigator by an agency that should have been lending him active support. The only answer forthcoming was that he should submit to the investigation or risk losing funding. Again, this demonstrated a lack of sophistication on the part of the scientific community.

The site-visit team conducted its investigation on September 18, 1989. Four distinguished scientists from outside the NIH reviewed the study, the techniques used, the facility, and the animal care and use program. Representing the institution were Orem, his animal caretaker, the vice president for research, the director of the vivarium (animal care and holding facility), and three members of the IACUC, including a veterinarian who served in one of the community-member slots on the committee. The report of the site-visit team to the NHLBI was released by the NIH to Texas Tech and members of Congress on October 25, but the NIH itself made no statement. The report stated that "the research is

important and of the highest quality," and that "charges made against Dr. Orem and Texas Tech University are unfounded." There was "no basis for recommending modification of any procedures used in the experimental protocol . . . [and] the Texas Tech review process that assures protection of animals used in research is a model of excellence" (NIH, NHLBI 1989).

PETA labeled the report a whitewash. This should not have been surprising, as in their original press release and in letters to the editor by PETA officials demanding an investigation, the organization had indicated that it would consider any investigation that was held to be a whitewash. Thus, in the anatomy of an attack, the institution should expect the animal rights movement not only to call for investigations, but also to dismiss the findings as a cover-up.

On the day of the site visit by the NHLBI, PETA filed a formal complaint with the OPRR and announced this action with another press release. The complaint was based upon three sources of information: first, the written opinions of their professional "experts"; second, "evidence" obtained during the break-in; and third, on USDA inspection reports obtained under freedom of information provisions. None of the "experts" had any qualifications related to the area of research, no "evidence" had been obtained during the break-in, and the citations extracted from the USDA reports were presented completely out of context. After months of evaluation, the OPRR released its report in March, 1990 (NIH, OPRR, 1990). The report concluded:

> The purported evidence provided by PETA consists almost entirely of stolen copies of published scientific papers and USDA inspection reports. All of these materials were readily available through legal means. . . . The only evidence not available through legal means consisted of the photographs of the stolen cats and the stolen videotape of Dr. Orem's standard laboratory preparation, neither of which revealed any violations of the [Public Health Service] Policy. . . .
>
> OPRR concludes that there has been no substantive evidence

presented or found that would support the contention of noncompliance with the PHS Policy on the part of Dr. Orem or the University. To the contrary, a consistent pattern has emerged that demonstrates that University officials, veterinary and animal care staff and investigators at [Texas Tech University Health Sciences Center] have a clear understanding of the intent of the PHS Policy and a dedication to appropriate care and use of laboratory animals.

However, PETA's distribution to the public of the statements by its "experts" and the misrepresentations of the USDA citations received substantial press coverage and had greater influence on that segment of the public interested in believing the worst about animal research than did the clearing report by OPRR.

In September, five days after PETA filed its complaint with OPRR, the president of the university initiated his own internal investigation. That investigation also found no basis for any of the claims, but, coming when it did, close behind the two previous investigations, it proved to be one more traumatic experience for the investigator. It was perceived by the investigator as evidence that he was being isolated by the administration—that even they still had some doubts about him and his research.

From a strategic perspective, activists know well that the longer their pressure is maintained, the greater the chance of internal frictions developing under these siege conditions. Under a good crisis management plan, the administration should do its internal investigative work immediately and use the information sources available to it. If the investigation reveals no basis for the allegations, the administration should openly support the investigator throughout the process. It is entirely appropriate for the institution to request OPRR to conduct an investigation if this is done early. This has the advantage of preempting something that the activists will do anyway at a later time, and it will allow the institution to use the report in a more effective manner. The investigation commissioned by the NHLBI respresents an example of an agency bowing to pressure from animal rights activists. It is

unclear why NHLBI administrators did not recogize OPRR as NIH's investigative body. An early request by the university for an OPRR investigation might have prevented NHLBI's unprecedented investigation.

The Propaganda Campaign Continues

On November 1, 1989, Neal Barnard, head of the Physician's Committee for Responsible Medicine (PCRM), gave a talk on the Texas Tech campus on invitation from the ARC. At this same time, a feature article appeared in *PETA News* (*PETA News* Nov./Dec. 1989). It provided a new impetus nationally, and the amount of hate mail received went up accordingly.

Texas Tech received several formal requests between November 3 and December 4 and again on February 25, 1990, for names of members of the IACUC, IACUC records, and permission to attend IACUC meetings. These were submitted to the office of the state attorney general for rulings. Such a request for minutes and records of the IACUC strongly suggests that PETA or another such organization will file a suit against an institution on the basis of what will be claimed to be procedural errors (see chapter 8). This was the strategy used against the University of Oregon after investigations found no evidence supporting the claims made against that institution following a break-in there in 1986.

On January 1, 1990, several protestors marched briefly in front of the Texas Tech Health Sciences Center, demanding that Orem be fired. Again, the demonstration occurred on a holiday. Marches continued to be held sporadically in other cities in Texas, especially during Animal Liberation Week and in conjunction with the June 10, 1990, March for Animals in Washington, D.C.

The campaign against Texas Tech moved to the East Coast as the ALF conducted a break-in on January 13 at the University of Pennsylvania, targeting a researcher who had been a member of the site-visit team sent by NHLBI. A slogan painted on the wall of his office claimed that the attack was in

retaliation for his support of Orem. Following this attack, this researcher received threats against himself and his family. He also had opposed animal rights activities at his institution, and this clearly was another attempt to intimidate a particular researcher while warning peers not to speak out in defense of someone who had been targeted.

On January 28, an attempt was made to reenter Texas Tech facilities and, presumably, Orem's laboratory. Two aspects of this attempt deserve comment. First, Orem had just resumed his studies; it seems probable that someone inside the institution had passed on this information. Second, the amateurish nature of this attempt suggested that the perpetrators were not members of the ALF but rather locals who had been incited to stage their own break-in effort. This, then, was probably a "copy-cat" type of operation. Increased security did succeed in thwarting the intruders' entry, but they were not apprehended. This amateurish attempt was reported only by the local media.

During late February, PETA released a videotape containing footage from a local television station, used without permission, and segments from the videotape stolen from Orem's office. This tape was distributed to animal rights groups around the country to be shown in all possible sectors of the community. Letters from Orem to the presidents of two colleges in Texas where showings had been announced led to cancellation of the showings. The letters indicated that since the videotape contained his intellectual property, used without his permission, legal action was being considered and those institutions could be included if it were shown. Texas Tech legal counsel wrote a similar letter to all television stations in the state, warning against showing the videotape. To date, this proactive approach has been successful. The tape is not being shown on television stations in Texas.

Although expected, no demonstration was held in Lubbock on July 4, 1990. In May, PETA paid for billboard signs in several large cities in Texas. The billboards showed the by then commonplace picture of the cat with a headcap and car-

ried the message "Texas Tech killed this cat. They call it science; we call it cruelty." In Lubbock, the sign company notified Texas Tech of its order and was persuaded by a university official to insist on a different format which did not mention Texas Tech. Additional pressure by one of its major clients led to the altered version being taken down after three days. Similar pressure elsewhere might have produced a similar effect. Billboard denunciations appeared in other parts of Texas in the fall, and the owner of one company stated that he ran the message because he needed something to fill his quota of public service announcements and thought this would qualify.

Texas Tech continues to receive hate mail from as far away as Canada, Great Britain, and Austrialia. Harassment of Orem and the institution continues. A Family Day dinner sponsored by the Texas Tech parents' association and a football game were picketed in the fall of 1990 by an animal rights group from Dallas. Group members later hung posters on lampposts and brochures from doorknobs in Orem's neighborhood, all attacking Orem and the university. This same group filed information requests and tried to set up a debate with Orem or other Texas Tech faculty during Animal Liberation Week, 1991. No Texas Tech faculty participated in the event. In the fall of 1991, the National Anti-Vivisection Society asked readers of its *NAVS Bulletin* to write letters of protest to Texas Tech on another animal-related issue: that Texas Tech used cats unnecessarily in intubation training ("Texas Tech Does It Too" 1991).

The fact that none of the claims made in the case against Texas Tech could be substantiated has made no difference. Officials at most institutions, including Texas Tech, initially assume that when the claims are obviously invalid, the animal rights activists will realistically cease their campaign. In many cases, this naive perspective influences the institution not to respond. However, with each incident, each set of claims, each call for an investigation, the accompanying media attention and even coverage in their own publications

has provided the animal rights activists a vehicle by which they have been able to enlist new backers, raise more money, and remotivate current members. It makes no difference to the movement whether the claims are valid or not.

Beginning with the planning stages prior to an attack, a long-range agenda has been defined and will be followed to the end. Understanding the mentality involved and being able to anticipate the agenda is invaluable in dealing with the situation. Beyond that, there are lessons to be learned by the scientific community from the strategies used by animal rights activists. They understand and use the tactic of intimidation well. However, the experience with the billboard in Lubbock and the cancellation of showings of the PETA videotape demonstrate that intimidation can work both ways. Aggressive use of the media, aggressive approaches toward educating the public, and a preemptive agenda of activities are all essential in dealing with an attack.

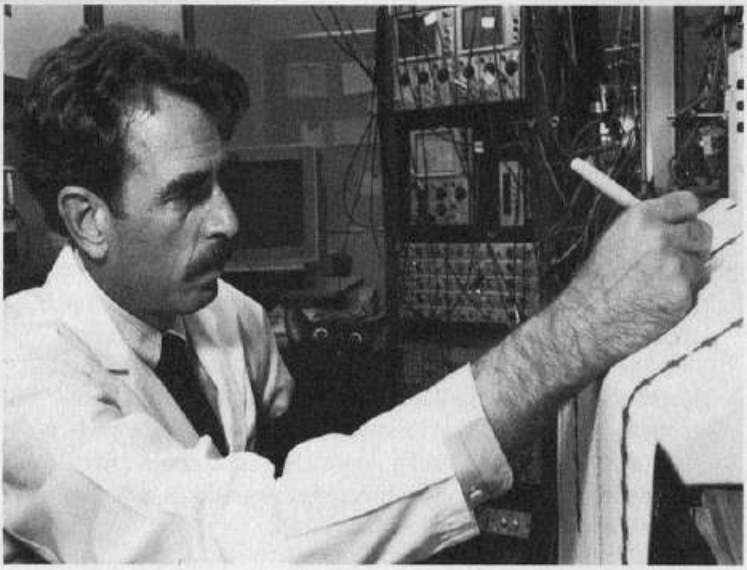


FIG. 2. John M. Orem, Texas Tech University Health Sciences Center. Photograph by Artie Limmer, Texas Tech, Office of News and Publications. Reprinted by permission.



FIG. 3. John Orem's animal holding room, as discovered by Texas Tech University Health Sciences Center police on the morning of July 4, 1989. Photograph by Darrel Thomas, Texas Tech University Student Publications. Reprinted by permission.

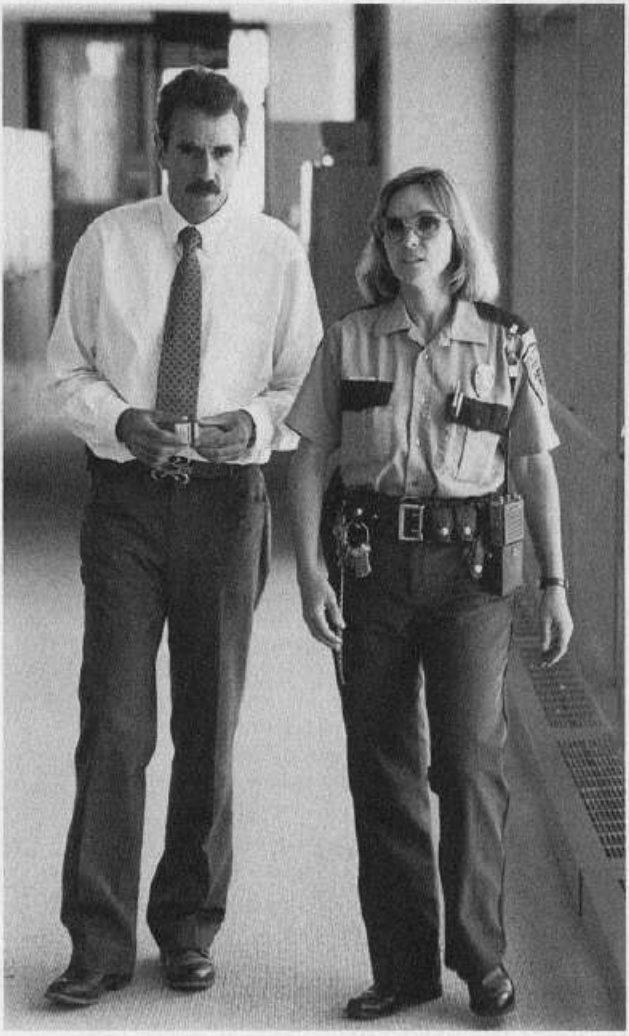


FIG. 4. John Orem discusses security precautions for his research with police at the Texas Tech University Health Sciences Center. Photograph by Artie Limmer, Texas Tech, Office of News and Publications. Reprinted by permission.

TEXAS TECH ANIMAL ABUSE

YOU CAN STOP IT!

CALL: (301)770-PETA AND FIND OUT HOW!



Using nearly one million taxpayer dollars over a period of 13 years, John Orem of Texas Tech University has implanted electrodes into cats' diaphragms without local anesthesia, removed parts of their skulls and cut holes in their windpipes to measure breathing. He has also forced them to stay awake by running them on a treadmill for 16 hours at a time.

To "train" cats not to breathe when a tone sounded, Orem sprayed ammonium hydroxide, a strong irritant, directly into their faces as punishment if they breathed. In one experiment, he put surgical steel stitches in a cat's eyelids and cut off the eyelids of others.

Although Orem mentions in his own publications that results from his cat studies cannot be accurately applied to humans, he now claims that the experiments are aimed at finding a cure for sudden infant death syndrome (SIDS), a claim flatly dismissed by pediatricians.

"Dr. John Orem has been playing with cat brains for over 12 years and has yet to produce a practical application."
Dr. Kenneth Stoller, pediatrician

-WHAT- **YOU** CAN DO

- **If you are a Texas Tech graduate, please withhold contributions to the university until the animals are safe, and let Texas Tech know why you are doing so.**
- **Write Dr. Robert Lawless, president of Texas Tech University, at: P.O. Box 4349 Lubbock, TX 79409-2013**
- **Or call him at (806) 742-2121. Ask him to return John Orem's grant to the National Institutes of Health.**

Please write or call today.

PETA
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS
P.O. BOX 42516
WASHINGTON, DC 20015
(301) 770-PETA

TEXAS TECH ANIMAL ABUSE

YOU CAN STOP IT!

CALL: (301)770-PETA AND FIND OUT HOW!

TEXAS TECH KILLED THIS CAT

THEY CALLED IT SCIENCE

WE CALL IT CRUELTY



HELP STOP IT FROM HAPPENING AGAIN

FIG. 5. PETA literature hung on doors in Lubbock neighborhoods following the Texas Tech break-in

Dear PETA friend,

There is a situation in Lubbock, Texas, that you may have read about in PETA News that I feel we can—and must—do something about.

On July 4, 1989, members of the Animal Liberation Front walked into Texas Tech University in Lubbock and removed to safety the only five surviving cats used in a series of experiments conducted by John Orem. PETA's Research and Investigations Department soon confirmed what the ALF had told us: Orem has spent close to a million taxpayer dollars in experiments inducing sleep deprivation and "punishment" on cats. Orem has removed parts of live cats' skulls, cut holes in their windpipes, caused brain damage using electrodes and, in his early days, forced them to stay awake for fear of drowning by making them balance on a plank in a 55-gallon water-filled drum.

PETA filed a complaint with the National Institutes of Health charging Texas Tech University with more than 15 violations of federal animal protection laws. Also released here U.S. Department of Agriculture reports citing Texas Tech for 43 violations of the Animal Welfare Act. Despite this overwhelming evidence of animal abuse, John Orem continues to be funded with your tax dollars. And Orem has stated that he will "fight to bring them [animal activists] down."

If you would like to express your objection to Orem's cat experiments, you can write Orem and his family directly at this address:

Please remember to keep all comments polite, respectful and factual. Angry letters with personal attacks would be used publicly against us by Orem.

Thanks so much for taking a moment to help protect animals. Together we can end cruelty to cats at Texas Tech.

For the animals,

Ann Cypreowith
Researcher

PETA
PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS
P.O. BOX 42516
WASHINGTON DC 20015
(301) 770-7444

Non Profit Organization
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PAID
People for the Ethical Treatment of Animals

I object!
End your cruelty
now. Please. You
are torturing God's
creatures.

A concerned
Texas animal lover

FIG. 6. Postcard printed and distributed by PETA



FIG. 7. This billboard appeared in Dallas, Austin, and Houston in the months following the Texas Tech break-in. Courtesy of Texas Tech, Office of News and Publications.



FIG. 8. *Center,* Dr. Lorenz Lutherer discusses the benefits of animal-based research with animal rights activists at a campus demonstration as Texas Tech medical students look on. Photograph by Mark Mamawal, Texas Tech, Office of News and Publications. Reprinted by permission.

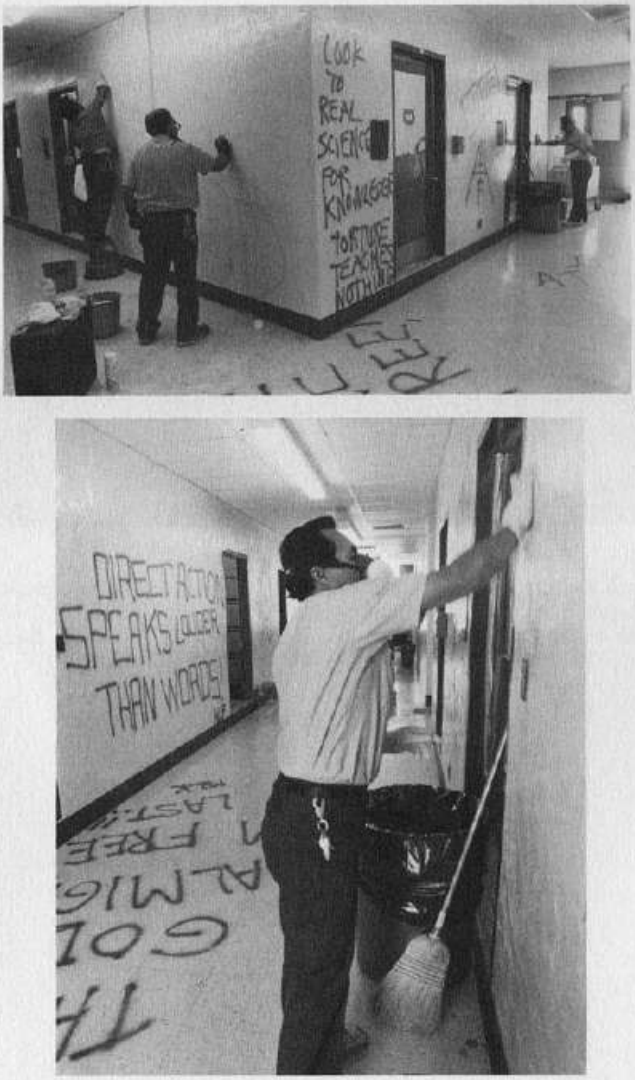


FIG. 9. Graffiti removal following the ALF break-in at the University of Arizona. Photographs by Lori Stiles. Reprinted by permission of the Universty of Arizona, Office of Public Information.



FIG. 10. Debris from vandalism at the University of Arizona ALF break-in. Photograph by Lori Stiles, reprinted by permission of the University of Arizona, Office of Public Information.



Effects on a Targeted Investigator

IN the immediate aftermath of an attack, when the claims of cruelty are made through the media, the institution's administration will feel compelled to tell its side of the story and to set the record straight with supporters, students, faculty, and community. Although the institution is under attack and its spokespersons on occasion may become subject to strong verbal barrages, there is little that is personal about this aspect of the attack. Damage to the physical plant can be repaired and soon forgotten, and few scars will remain for the institution. However, the attack on the targeted investigator is personal, frightening, and can have long-term effects. It is designed by the perpetrators to be just that way. Administrators must constantly keep in mind that the effect on the investigator is much different and much more dramatic than the effect on the institution, and that, at times, the institution itself will appear to the investigator to be the worst enemy.

This sense will be engendered when the administration asks the initial question as to whether there is anything the targeted investigator has done or is doing in the laboratory that has justified the attention leading to the attack. This question must be asked, because the institution cannot risk taking a supporting stance and then having to make public retractions, should problems be discovered later. Unfortunately, the very process of asking questions and obtaining answers sets a theme which is not well suited for addressing

this particular type of crisis. It puts the institution in the position of dealing with an issue in a logical, factual manner while the opposition is assaulting the investigator and institution with misrepresentations of fact and blatant emotionalism. Normal institutional processes take time, and in this situation there is no time. When the institution delays its response, it has lost the first major battle.

The way in which the information is obtained is important both in terms of the morale of the investigator and the time required to obtain that information. If the institution has a well-functioning animal care and use program, it can learn all it needs to know about the targeted project within an hour or less, even on a holiday. This is a critical step that is often ignored by many institutions. The initial assumption should be that any charges made by animal rights activists will be false, because the members of the crisis management team should be well informed about the movement and how it operates.

It will be inevitable, however, that institutional officials, in spite of their awareness, will—even if only subconsciously—blame the targeted investigator for their having to deal with this problem. They will wonder whether the institution would have been attacked had that investigator not been at the institution. It should be remembered that the answer is probably yes, because selection of the project may have related more to the institution and its geographical location than to the project itself.

If even those within the institution best informed about the animal rights movement can wonder subconsciously about whether the attack was directed against this particular investigator for a reason, it should be obvious that other investigators within and outside the institution will raise this question at a higher level. What then will be the level of suspicion on the part of nonresearchers within and outside the institution? The attack itself, without any charges as yet having been made, has achieved the first objective of the activists, to isolate the targeted investigator.

Isolation of the investigator is critical in the plan of attack, and the consequences of such isolation, likewise, must be a critical element of the institution's response. The administration must realize that when initial suspicion is directed at an investigator, the effect will be to center attention on the scientist rather than on the attackers. The scientist, in essence, becomes the object of blame for the attack, because human nature requires that there be someone to blame, and the terrorists who perpetrated the attack remain faceless, not identified or apprehended.

The investigator can remain subject to blame for an extended period. The administration will begin to recognize that the attack is an evolving propaganda campaign that will continue for a protracted period. If the investigator left, would the situation continue? If the investigator and the institution had not made an effort to defend themselves, would the activists still be so aggressive? At this stage, some administrators and colleagues develop a feeling close to resentment. After all, everyone has many more important things to do than worry about this individual. Administrators begin making statements such as, "How long do we have to keep holding his hand?" Beyond the developing resentment, there are feelings among the faculty and administration that they might become stigmatized and even targeted themselves through too close an association with the investigator.

Animal rights activists consistently target individual investigators. This inevitably results in the isolation of the investigator. This isolation is important for several reasons. First, they are using secondary arguments. They are not choosing to discuss logically the merits of research involving animals; they are obliquely attacking such research by attacking an individual and, by inference, trying to convince the public to oppose such research. It is much easier and much more effective to attack an individual than to attack an institution or a concept. Second, other researchers and even colleagues tend not to be supportive, saying to themselves that they "really do not know for certain about these particu-

lar studies or this particular investigator." Thus, although they might have been ready to stand up and speak to the importance of biomedical research, they have been silenced because the issue has been made to revolve around an individual and not the merits of biomedical research. Third, because an individual has been attacked, other potential supporters keep quiet for fear of being attacked themselves. Finally, even the institutional support can be eroded as administrators actually begin evaluating the possibility of disassociating the institution from the situation when they are asked to make public comments and take up legal challenges.

The reactions and feelings of the investigator change frequently as time and events pass. The longer the situation continues, the greater the urge to go into isolation. At the same time, the investigator senses a deepening involuntary isolation and begins to resent colleagues and the institution for real or imagined neglect. Thus, the investigator and the institution actually become unwitting contributors to the process fostered by the activists. The amount and type of support provided to the victim have a pronounced impact on this sequence and the long-term prospects for recovery from this traumatic event.

On July 1, 1989, John Orem felt good about life, the world, and himself. His recent research proposal to the NIH had received an excellent priority score during the peer review process, and he had been notified that he would be funded for an additional five years. Even though he had been funded for the previous eleven consecutive years, this was a tremendous relief given the shortage of funds and the small number of people being funded. A number of very satisfying, novel observations had resulted from his research over the past year, and he had been invited to present these findings at an international symposium in Japan scheduled later in the year. Although his intellectual curiosity made him anxious to pursue these observations as soon as possible, he had decided that it would do him good to take a few days off, something he seldom did. On July 1 he was hiking in the Colorado

Rockies at twelve thousand feet and watching wild animals in their natural habitat. Three days later, he returned home to find the note that told him that the ALF had broken into his laboratory earlier that day.

His responses throughout the subsequent scenario were both emotional and intellectual. Having worked as a research scientist for most of his adult life, Orem's initial reaction was purely intellectual: what really happened, what was taken, was anything damaged, and who did it? At that stage, many of the facts were not as yet clear. In addition, an inevitable question was, Why me? Could I have done something different so that I would not have been attacked? Already, his training was leading him astray. He was relying on the learned behavior of a scientist to deal rationally with a situation that had no rational basis.

As a humane scientist concerned about the welfare of his animals, he had hired an extra technician solely for the purpose of providing daily care and social well-being for the cats. His experiments require that his animals be in superb condition, accustomed to the investigators, surroundings, and procedures, and free of fear of pain and mistreatment. It is logical that animals, like humans, do not sleep normally if they are being mistreated or experiencing pain. A health check on each animal was done every day and careful records were maintained. The cats were kept in a large room with windows providing access to sunlight and were free to roam in that room uncaged unless they were sick or recovering from surgery. A scratching pad and toys were available in the room, and members of the research team spent time daily playing with the cats. John Orem was not targeted because his animals were mistreated. But he was forced to evaluate his animal care program, looking for a rational cause for the attack, unable immediately after the break-in to accept the fact that someone would do this just to stage a media event.

The second stage of his reaction came quickly. Anger flared when Orem first surveyed the damage to his lab and office in the late afternoon of July 4, 1989. Fear and anxiety

developed with the recognition that personal items such as a copy of his will had been removed from his office. Grief and sadness followed the recognition that cats he had grown to know had been stolen and most likely he would never see them again. The emotions evoked were equivalent to those of the victim of any violent crime.

The third stage came with the news conference held at the Texas Tech Health Sciences Center the morning after the break-in had been discovered. There was some consolation in the fact that university officials were appearing in public with him. However, this was tempered by the recognition that they knew very little about either his research or the animal rights movement. Additionally, he became nervous as he realized that this was a totally new experience he was about to face. He was accustomed to talking to students in the classroom and other researchers at national meetings, and being challenged with difficult questions in both situations, but somehow he knew that this would be different. And it was. Just before the news conference, the members of the press had received a press release from PETA. The lead sentence of this release stated that the ALF had "removed to safety the only cats ever to survive gruesome, despicable, wasteful and barbarously cruel experiments conducted by psychology [*sic*] professor John Orem."

The emotive opening of the PETA news release had shifted the emphasis from the criminality of the break-in to the apparently horrible behavior of John Orem. Ignored was the fact that a recognized terrorist group had committed forced entry, theft, and fifty thousand dollars worth of vandalism and destruction of equipment. In secret interviews published later, persons claiming to have participated in the break-in stated that they had been armed (Patowski October 1989). Orem and Texas Tech were on the defensive; the real victims had become the accused and the criminal act had become heroic. Administrators must recognize early the unique aspects of this type of criminal activity and deal with it on a basis different from other crises.

For Orem as well as for the institution, this was a phase of frustration, a state of intellectual and emotional confusion. The first press release by PETA was filled with misrepresentations, half-truths, erroneous statements, and statements taken out of context. Reporters demanded that he answer the claims against him. But how do you explain the facts when the listeners lack the scientific background to understand what you are saying and are not listening anyway?

Emotionally, John Orem was enraged at being called an "animal-Nazi" and by statements that he had "no medical training" and was a person who "abuses, mutilates and kills animals as part of the federal grant gravy train." Could he possibly win on either the intellectual or emotional front? Almost subconsciously, his frustration and anger were subjugated by an ingrained behavior calling for a scientific explanation of the specifics in a civil manner. In retrospect, attacking with controlled indignation the more obvious and easily understood absurdities of the claims (e.g., "How could a cat drown in a half-inch of water?") would have been far more effective than relying on scientific discourse. Orem's frustration was to rise severalfold with the news conference held by PETA on July 7 in Lubbock. When he read that Ingrid Newkirk had stated at this news conference that he "turns cats into electrical appliances you can plug into the wall," he knew that this was something for which he was not prepared. There was no intellectual framework within which he could respond to such a statement. The continuing discourse was bewildering and, although he tried to make honest responses, these were ineffective and often obfuscated the situation to the advantage of the attackers. This was a propaganda war that neither he nor those around him were prepared to fight.

That news conference highlighted another technique that PETA was to use very effectively against Orem. A physician, Kenneth Stoller, took the podium as PETA's "expert" witness to proclaim, "Extensive review of two decades of published works by . . . John Orem reveals that he and his

colleagues have produced mountains of esoteric neurological information . . . which I, as a pediatrician, can safely state has absolutely no relevance to the treatment of any sleep disorder." Note that he was able to review extensively two decades of published scientific work (more than six hundred pages) in the three days after the break-in. One might ask if he had been sent this material to review before the break-in and by whom. If he did not know about or suspect the break-in beforehand, it would seem that his appearance at this news conference indicated that he at least condoned it.

Although Orem and Texas Tech received letters of support from many real experts, these were balanced and intelligent—not sensational or outrageous—and failed to convince the press that the really sensational story was the malignancy of the attack on the researcher. Needless to say, neither the activists nor their advisors were dissuaded by these letters.

Requests for interviews continued because every writer felt that this would be the "big story." Most, although quoting Orem, carried more quotes from the activists. Thus, giving an interview only served to provide one more vehicle for the animal rights propaganda. Unsuspecting reporters wrote their "balanced" stories by printing the misrepresentations right next to the truth. However, not granting an interview gave Orem the appearance of guilt.

Defending his research in terms of its potential clinical significance was also frustrating. Its significance had been referred to in response to a question at the first press conference and disputed by PETA's "expert" at its news conference three days later. This posed a fundamental problem for John Orem. He had no doubt about the possible relevance of his work to sleep disorders, but as a basic scientist, he knew very well that basic research cannot be directed at producing an immediate clinical application and that one often cannot know the final impact of basic research on clinical medicine for decades and more. He was a scientist who did research for the purpose of advancing knowledge.

The debate about whether his research was "worthwhile"

highlighted how little the general public understands and appreciates research. Extensive thought about this question led Orem to write an editorial piece on basic research which was published in the *Chronicle of Higher Education* (Orem 1990). This intellectual activity provided a brief respite from the emotional roller coaster that he was experiencing.

But, for Orem, the feeling of helplessness became pervasive. Other researchers were asking him why he was not forgetting about the whole thing and returning to the lab. Many institutional officials had not spoken to him since the initial press conference. His only feeling of support came from a small group of colleagues within the institution who were concerned about the potential damage that could be done by the animal rights movement and from several administrators and researchers at other institutions in Texas who were reacting to the propaganda campaign against him in their locales.

Each day more hate mail arrived, including envelopes containing condoms supposedly contaminated with the HIV virus. Bomb threats against the institution and negative articles in the media continued. Driving home every evening, he worried about whether his house would still be standing or whether it had been burned down, as had been threatened in numerous letters he had received. His fears were reinforced in February 1990 when the dean of the University of Tennessee College of Veterinary Medicine was killed and police issued a national warning that a militant animal rights group had threatened to kill one scientist per month for a year (*USA Today* Feb 27, 1990, 4D.). (No substantiation of any animal rights connection to the murder has since been made.) John Orem faced his future in a state of panic. Helplessness, isolation, loneliness, and fear are not conducive to scientific thought and effort.

Support seemed to be waning. The attack on John Orem was in fact an attack on the NIH and all biomedical research, yet the investigations by the NIH into his research continued. It was this institution, considerably larger than John Orem

and Texas Tech and the symbol of biomedical research worldwide, that should have come to his defense long ago, he reasoned.

When the extremely positive report of the investigation commissioned by the NHLBI was submitted to them, they released it with no mention of their support for Orem's findings. Orem, like many of his colleagues, felt that after the investigation the NIH should have been at the forefront of organizations denouncing the spurious attacks against him.

Another haunting question frequently asked Dr. Orem was why he or the institution did not file some type of legal action related to the misstatements contained in press releases, printed stories, and the videotape released by PETA. Legal action had some appeal for Orem because of his desire to clear his name and go on the offensive. However, he dismissed suggestions of possible legal action because of a stronger desire to put the situation behind him.

With time, his damaged equipment was repaired, more cats were trained, and Orem was able slowly to begin work in the lab again. His self-confidence was buoyed by an invitation to speak at a meeting of the National Association for Biomedical Research in January 1990 and at a symposium held at Texas Tech in March 1990. Having been a target, he felt a responsibility to the scientific community to speak out against the animal rights movement and to act as a spokesperson for biomedical research. He felt that, as a symbol of the terrorism against science, he needed to educate both the general public and other researchers.

After each presentation, Orem was bothered by having become the "celebrated victim." With the wide circulation of his picture, he could not escape the feeling that everywhere he went, people recognized him and made some comment to themselves and to people around him. Some even asked him if indeed he were John Orem. Some who knew him casually seemed to consider him as sort of a hero. This also evoked mixed emotions. He was being recognized, spo-

ken to, and essentially asked to perform because of what had happened to him.

In short, John Orem will never be the same person. Before the attack, he was quiet, reflective, and tended to his own business. He had moved out to the country to restore an old house. He enjoyed the solitude and the natural surroundings. He was serious about his work, set high standards, and interacted primarily with his colleagues. Previous students and investigators working in his area came from other parts of the country and from abroad to spend time with him in his laboratory. He did not divert time from his work to spend on committees unless asked to serve. He avoided socializing at the medical school. He made few judgments of others unless required to do so. When he was faced with something or someone he did not like, he suppressed his anger and his response. He appeared unemotional. He was a serious scientist who kept to himself, but within his circle of friends, he was a humane, sensitive, and intelligent colleague. However, to most who did not know him, he may have seemed an arrogant loner. The animal rights activists thought they had the perfect target: someone who would not fight back and whom no one would want to defend. An early statement by another faculty member in the institution that "he probably got what he deserved" suggested that the activists' assumptions were not entirely mistaken.

However, John Orem did become emotional. He fought back and spoke out in an arena in which he was totally unfamiliar, in spite of his misgivings. Except for transient periods, he suppressed his anger over this episode for over a year after the attack. That probably was positive in terms of his role in the institutional response, but undoubtedly made it harder for him as an individual to deal completely with the situation.

Moreover, others did come to his defense. His cadre of supporters at Texas Tech and around the world encouraged him to stand up to his attackers. His bitterness toward his protagonists will never dissipate totally, but he came away

from the experience determined that his research must continue. Although support by Texas Tech and some other institutions was at times less than he had hoped for, it was sufficient to allow him to make the adjustments that he in the long run had to make for himself.



Strategic Planning and Crisis Management

THE traditional function of a public relations department is woefully inadequate in dealing with an animal rights attack. Key additional strategic planning in advance and a crisis management plan that involves all players, from the president to the police chief, are vital. Once an attack has occurred, the institution will be involved in a propaganda battle with the animal rights movement for an extended period, and the public relations office will be command central for the institution.

Strategic Planning

Perhaps the most important lesson for the chief public relations officer to learn in preparing for animal rights activity is that this movement does not play by the rules. Adherence to the facts is seldom an element involved in its long-term strategy after a break-in. The aim is to turn the break-in into an heroic rather than an illegal act, and to turn the institution into the accused instead of the victim.

In spite of the fact that the publicity strategy of the movement is not grounded in the ethics taught in public relations school, it is still a powerful force to be dealt with. The power behind the movement is a professional, sophisticated public relations machine. Influencing public opinion is its major mission, and to date the movement has been very successful in outmaneuvering the mostly unprepared traditional public relations offices of universities and medical schools.

Once an animal rights attack or break-in occurs, it is too late for the public relations office to gear up on the animal rights movement. Thus, the natural first step in planning for animal rights activity is to know the opposition. Background reading by the public relations staff is an absolute necessity. Copies of excellent, fairly brief articles can be obtained from many of the support groups listed in the Sources section of this book, and a library of such material should be established for future reference. The background information should cover several important areas: (1) the nature of the research process and the difference between basic and applied research; (2) the ways in which animals are used in biomedical research and the benefits that have accrued both to humans and animals as a result of such research; (3) the existing regulations covering use of animals in research; (4) the traditional relationship between humans and animals; (5) the difference between animal welfare and animal rights; (6) the real agenda of the animal rights movement; (7) an explanation of how the animal rights movement operates; and (8) the history of attacks on research institutions.

The movement is best understood by delving into its own publications, from philosophical tracts such as Peter Singer's *Animal Liberation* to periodicals such as the *Animals' Agenda*, subscribed to by the movement's members. The zeal of the activist is highlighted through the movement's message expressed in its own words. In addition, the movement has a stragegic plan, and it is often explained in monthly periodicals. For example, hardly an issue of the *Animals' Agenda* is published without an article suggesting a new strategy for future success.

Once public relations officers have digested sufficient background material, they should distill it into a brief for key administrators. Those include the institution's president, police chief, vice president for research, legal counsel, and chairman of the institutional animal care and use committee (IACUC). The IACUC may also be a source of good background information. Letting these administrators know the

key issues involved and the history of the movement will help crystalize the message that an animal rights siege is a serious matter deserving careful attention by the administration. This will often be an uphill battle; the common experience has been that the uninformed administrator will believe that by doing nothing the institution will not attract attention and this will be the safest way to proceed. Making a case to the administration for strategic planning and a proactive campaign to educate the public about the benefits of biomedical research may be one of the most difficult tasks for the public relations officer.

To update those involved in strategic planning, a public relations staff member should be assigned the task of keeping up with the issue through the various newsletters published by both sides. The movement is a popular feature topic in magazines and newspapers, and the public relations staff should monitor clips in order to measure the pulse of what is happening and what type of information is being presented to the public.

The National Association for Biomedical Research (see listing in the Sources section) publishes *NABR Alert* and *NABR Update*. Both supply excellent overviews of the national scene and pending legislation.

The Support Network

Biomedical research societies have been organized in many states to act as support organizations for biomedical researchers and their institutions and to educate the public about biomedical research. They all publish newsletters and distribute clips to member institutions, and are excellent resource organizations.

Another key element in a successful campaign to counter an animal rights attack is the national network of organizations such as the American Association of Medical Colleges, the American Medical Association, and NABR. In addition, national professional societies involved in biomedical research are valuable resources. These organizations have developed material to educate the public about the benefits of and need for animal-based research and represent an impor-

tant communications link for the dissemination of new material and exchange of information. It is essential to establish communication with these groups before a crisis arrives; attendance at some of their programs can provide a rapid education for public relations staff and establish contacts on a personal basis. The Council for Advancement and Support of Education (CASE) is also becoming involved in this issue.

Should an attack occur, the public relations officer should immediately make personal contact with counterparts in these support organizations. They can provide up-to-the minute information immediately after a break-in and can give counsel as to what to expect next. In addition to these support organizations, institutions that have experienced animal rights activity previously are also members of the network. Know that the network exists to help other bodies enact a strategic plan; rely upon the network should the institution become an animal rights target.

Finally, the patient advocacy group called the incurably ill For Animal Research (iiFAR) and medical student groups from around the country are becoming strong voices in support of animal research and important sources of information in the network.

The Local Scene

Knowing the local scene is also critical to a successful strategy. If a community has an animal welfare group (as opposed to an animal rights group), the public relations office should contact the officers. Make sure that they know that procedures are in place at the institution to ensure safe and humane treatment of all laboratory animals. The support of a local animal welfare group can be extremely important to an institution under attack. Often animal welfare groups are in no way supportive of the radical philosophies and tactics of animal rights groups. However, in recent years, there has been a national trend toward infiltration of the more moderate groups by radical activists. Every institution must have a public relations office that knows the situation in its community. Uni-

versity student animal rights groups are often more radical than welfare groups made up of local citizens. As mentioned earlier, one key sign that hostile animal rights activity may occur at an institution is a sudden burst of publicity, fundraising events, or letters to the editor in the local newspaper by the local animal rights group.

A common tactic of an active local animal rights group is to approach local government officials and civic leaders, urging them to pass antiresearch ordinances or publicly condemn your institution's research program. Across the country in the past decade, many local groups have led campaigns to prohibit sale of pound animals for research purposes. Pound closure campaigns are highly emotional and almost always are aimed at pet owners with the terrifying message that researchers are waiting at the pound to claim Fido and "torture" him in their laboratories. Each institution should send an official to meet with local government leaders and explain the benefits of biomedical research as well as the source of laboratory animals. The possibility always exists that activists will seek legislation that will affect research in many institutions. Do not make the mistake of communicating with local officials only when a capital campaign is under way or when the football team is experiencing a winning season. Work aggressively to inform local leaders, invite them to the institution, allow them to interact with researchers, and keep an open dialogue on the subject of animal research. Above all, dispel the myth of the ivory tower academic and the mad scientist researcher long before the first visit to the city council by an animal rights group. Should there be an increase in animal rights activity, the public relations office should be the first to be aware of it through its monitoring of clippings and contacts with the local media, and should alert the administration to this development and its possible consequences.

The Media Tour

Should an attack occur, local media will almost immediately be contacted by an animal rights group with press releases,

accompanying photographs, and commentary from their so-called medical experts. Since a trained science or medical reporter is common only in the largest media markets, expect that the story will be covered by a general assignment reporter with no scientific training. In smaller markets, the reporter will be young, perhaps even an intern, and perhaps impressionable to the sensationalistic claims made by the activists. The key to a successful strategy is to maintain contact with all local media outlets in times of good news as well as bad news. Select a researcher or institutional veterinarian who deals well with the public and ask that individual to help organize media tours of the vivarium and laboratories. A dress rehearsal of the tour by public relations staff members acting as reporters will allow the researchers to understand the types of questions media representatives may ask and what areas or topics they might find most interesting.

Such tours serve two purposes. First, they are critical to give a general assignment reporter background in this complex topic. Should activists target local labs at a later date, the reporter will not begin an assignment completely uninformed on the issue, and thus will not be quite so ready to believe the misinformation supplied by the movement. Second, establishing an open channel of communications on research topics with the local media will make reporters much less likely to believe that the institution has anything to cover up. Since general assignment reporters change beats frequently, and the turnover of personnel is particularly rapid in smaller media markets, this must be a continuing process.

Printed material for future reference should be distributed to the media after the tour. State biomedical research societies, NABR, and student groups can provide general information brochures. Every institution conducting significant biomedical or agricultural research involving animals should produce a brochure explaining the benefits of the research and addressing the misinformation that is distributed by the animal rights movement.

The Speaker's Bureau

Central to strategic thinking in dealing with the animal rights activists is an understanding that a plan should go into effect whether an institution becomes a target or not. The movement is involved in an assault against all research institutions and science in general. That attack must be countered by all institutions with a long-term plan to educate the public about biomedical research, the reason that animals are used in research, and regulations on humane treatment of animals that govern such research. Every institution has a responsibility to its researchers and to the community to tell the story of biomedical research. The public relations office can put together a speaker's bureau and offer to address civic groups, church groups, and, most important, school groups.

Organizers of the bureau should give careful consideration to selection of speakers. If the institution's vice president for research is a polished speaker, he or she would be a fine choice. Young researchers relate well to school groups because they are seen as recent contemporaries instead of authority figures. Graduate students and medical students are particularly effective speakers before student groups and groups of practicing physicians. A medical student who can explain to a group of physicians how the threat to biomedical research is also a threat to their profession can be a very effective speaker before the local medical society. In Texas, medical students have organized across the state into a group they call Student Organization for Animals and Animal Research (SOFAAR). Their aim is public education and their mission is to speak to as many groups as possible across the state. The chapter at Texas Tech University Health Sciences Center scheduled a three-day training session where the members studied the history of the animal rights movement, learned the art of public speaking, practiced making presentations in front of a camera, and reviewed basic public relations strategy. Thirty students gave up their evenings to participate. Funds to finance the training session, interestingly enough,

came from a donation by a group of local physicians who wanted to assist their young colleagues-to-be in the public education campaign. The Texas Tech SOFAAR group also produced a brochure for physicians' waiting rooms and an organizational and training manual that is published by the Texas Society for Biomedical Research (see Sources section of this book) for distribution to other prospective chapters.

Opinion Pieces

Another effective tool for long-term public education is the op-ed piece in local newspapers. A public relations office can assist a willing faculty member in preparing several opinion pieces to distribute across the state. These articles are also effective in internal publications. Remember that many faculty and staff within an institution will not understand biomedical research and the regulations surrounding it, much less the significance of the animal rights debate. Before an attack occurs, it is critical that the case for biomedical research has been made in internal publications. Of course, immediately following a break-in there is suspicion about the targeted research. If the public relations staff has already made its case before staff and faculty, they will have provided many on campus with a degree of understanding and confidence about their institution that might not otherwise have prevailed.

The Campus Debate

A campus debate featuring locally or nationally prominent animal rights activists pitted against institutional faculty can be a difficult assignment for the public relations office. Even the well-known activist speaking alone in a lecture format can be troubling for an institutional public relations office. But a background on how such events are handled on other campuses and what significance they might have as regards future local animal rights activity is critical.

A common thread that runs through many animal rights

attacks has been the appearance of a nationally known speaker on campus some months before an attack. The more successful these appearances, the larger the new membership of the local animal rights group.

To ensure that the potential class of new zealots hears a balanced debate, the public relations office should attempt to prepare scientists for the upcoming challenge. A scientist accustomed to conducting debate at professional meetings and in scientific literature is hardly prepared to volley with an expert trained in persuasive speaking and well aware of the tenets of propaganda. The scientist may well be overwhelmed before even making one of the many valid points rehearsed before the program because the opposition is skilled in manipulating the audience and the course of the debate. It is for this reason that several institutions have sent their scientists to special public relations training courses specifically designed to prepare speakers to debate extremists. These courses involve several days of role-playing and mock debates, all videotaped for study and review.

The public relations staff can undertake such training of scientific spokespersons locally. The course should stress these basics for the speaker: be ready with numerous examples of the benefits of animal-based research, both to people and to animals; rehearse three to five main points that can be made and repeated; and take the high moral ground, understanding that the debate will hinge upon emotional issues and not upon science. In addition, the scientist-debater should know how to counter sweeping generalizations and misstatements of fact and history made frequently by the other side. (For organizations that can provide useful information, see the Sources section of this book.)

It is also crucial for the public relations office to know the background and qualifications of the movements' speakers and to find previously published articles by them or review material by similar speakers. Several national networks supporting animal-based research keep videotapes of the movement's best-known speakers. These are a must for review

before the lecture or debate. Many of these speakers give variations of the same address for several years. Their points are more easily refuted or questioned if they have been reviewed ahead of time.

The Crisis Management Plan

The steps outlined above will prepare a climate of understanding in the community and the institution. Once the public relations staff has educated key administrators, community leaders, and faculty and staff, they have laid strong ground work for dealing with the long-term reality of the animal rights debate and have made enormous strides toward being prepared, should an attack occur. The crisis management plan will give a framework for dealing with an actual attack.

When the July 4, 1989, break-in occurred at Texas Tech, no crisis communications plan was in effect. The director of public relations, the provost of the health sciences center, the chairman of the IACUC, and the targeted researcher did meet the evening after the break-in to formulate a plan. But the feeling that evening was very much one of uncertainty and doubt. The director of public relations serves both the university and health sciences center, but had no background in the animal rights movement and no firsthand experience in dealing with activists. Although the provost, the IACUC chairman, and the researcher all were well informed, they were also asked to brief a president who had been on the job for only four days. Although a crisis communications plan did not exist, the key players did make an effort to contact the network of support groups for advice before any strategy was developed.

As a result of not having a crisis plan in effect, the institution's efforts were reactive rather than proactive during the first days and weeks after the attack. Mistakes were made, including acting out of ignorance or simply not acting at all. This much is clear in reflection on those early days: the animal rights movement carefully chooses a target that is not

prepared to deal with its propaganda campaign. Formulating a crisis plan and informing the administration and local community about research will not ensure that you will be free of animal rights activity, but without such action the institution will play catch-up for many months while the animal rights movement capitalizes on the lack of preparation by yet another targeted institution.

Responding to the Attack

It may be impossible, in fact, even to achieve a standoff in the early stages after an attack by an animal rights group. The temptation will be to remain quiet under the presumption that the "bad guys" and the media will go away and find a new target. However, silence is always assumed to be an admission of guilt and does not represent a viable option.

A crisis management plan calls for a predetermined group of university administrators to come together immediately upon word of major activity against the institution. That word usually comes from the chief of police, who informs the institution's president, provost, general counsel, vice president for research, chief public relations officer, and scientific spokesperson. The group reviews all information before drafting a plan of response and communicating with the media. The public relations officer acts as spokesperson on the official position of the university. The scientific spokesperson—a researcher or faculty member who is confident before the camera and speaks with authority—answers all media questions about the science involved. The accompanying chart (figure 11) outlines a basic model for a crisis communication plan.

One of the most important factors initially is the rapidity with which the institution responds. It is imperative that the institutional statement reach the press before that of the activists. This means that the institution will have little time to ascertain the facts and develop a statement. In other words, key staff must know the research that is conducted at the institution, and staff must have an emergency plan rehearsed

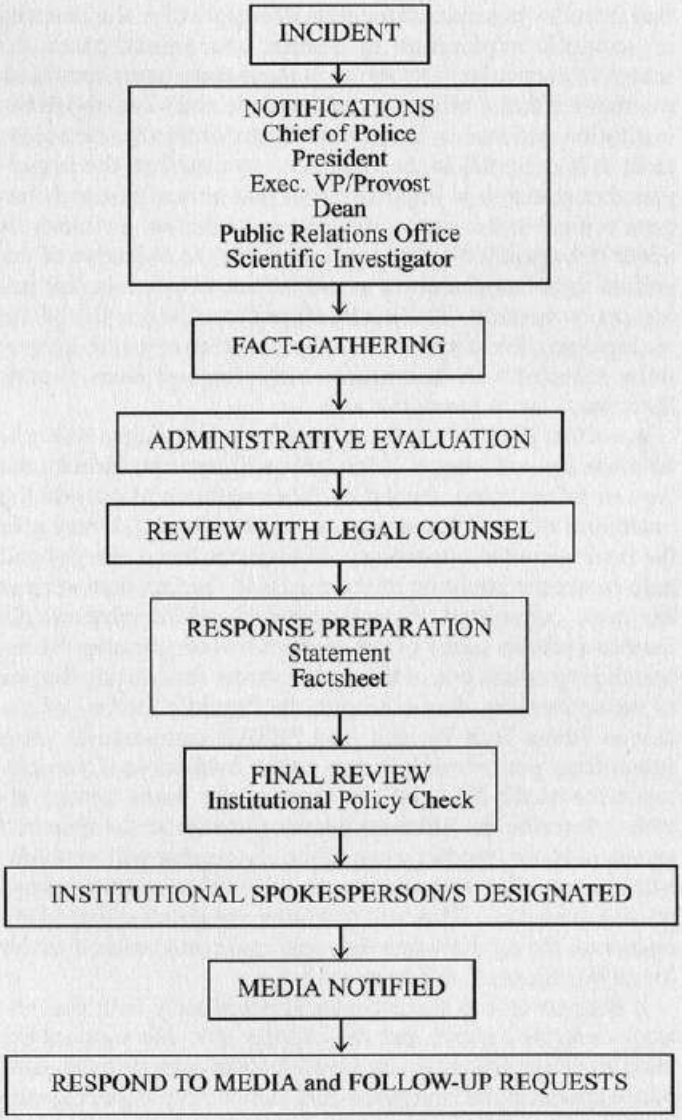


FIG. 11. Crisis procedure. Courtesy of Texas Tech, Office of News and Publications.

that includes possible statements of support for the benefits of scientific exploration in general and animal-based research in particular. The thrust of these statements should be to establish that a crime has taken place and to establish the institution and researcher as the victims of an antiscience attack. It is essential in the beginning to establish the principles that research is important and that animal research has been critical to the many advances in medicine. Similarly, it needs to be pointed out immediately that the objective of the animal rights movement is to stop all use of animals, including pet ownership. The media should be given a list of the multiple previous terrorist acts against other research institutions, together with descriptions of the damage done, to confirm that these are terrorist acts.

An effort should be made to anticipate the claims that will be made against a target. First, this will serve to identify the type of information needed by those within and outside the institution who will act as spokespersons. Second, it may give the institution the opportunity to preempt these charges and help direct the attention of the media to the fact that a crime has been committed. A well-prepared public relations officer can predict many of the charges by categorizing the research project into one of the many current fundraising themes of the movement. For example, the "cuddle factor" of the cats at Texas Tech fit well into PETA's campaign to raise funds from pet owners. It may prove invaluable if you can reach the media first, inform them of the many similar attacks, describe the ultimate purpose, describe the research and its purpose, predict some of the claims that will be made, and indicate that such claims made in other instances have proven to be false. This will minimize the shock effect of the claims on the media when they are made and make it easier for an institution to tell its story.

It is important to make contact immediately with the network described above and the experts who can support the institution's position. Invite a well-known expert to the campus to appear at the first press conference. The expert's pres-

ence in support of a position will create a positive impression in its own right. The institution can expect the attackers to bring forth their own so-called experts to denounce the targeted research.

How an institution uses targeted investigators is a difficult question. They should stand up for themselves, at least initially, even if the public relations office is concerned about their skills in interacting with the media. It is the job of the public relations office to protect employees in general. It is important to note that, while investigators may want to speak to their innocence, they are the ones who will have the least credibility, because the charges are directed against them. How an institution uses an investigator in the wake of an attack must be to some extent predicated on that person's appearance, verbal presentation, knowledge of the issue, and ability to withstand pressure.

An official statement condemning the criminal act from the institution's chief executive should appear with the initial press release. If possible, it should also be delivered live at a press conference. It is important that the statements related to security issues and proprietary information be coordinated through the general counsel's office.

Requests for Interviews

Media requests for interviews with the targeted investigator may last for many years following a break-in. Two years after the Texas Tech break-in, the targeted investigator was fielding several requests a month. He changed his office and home telephone numbers within twenty-four hours of the break-in. That was sufficient time for him to realize that his concept of privacy was quickly changing. He was receiving not only requests for interviews but also death threats.

The investigator or any institutional official would be unwise to schedule an interview on animal research or on possible animal rights activity without first asking the public relations office to do the necessary background work on the interviewer. At Texas Tech one newspaper reporter, not screened

before she arrived on campus, was convinced that the researcher she was interviewing had committed atrocities against animals. She approached the investigator with hostility and hurled accusations at him throughout the interview. The researcher soon knew that the hope of an objective article did not exist. In-depth checking of her previous writing on animal rights would have turned up enough information for the public relations office to suggest that the interview be declined.

A strategy by the PR office that involves an investigation into every media request will alert administrators and scientists alike that some interviews should be declined. Some targeted investigators may be unable to deal with the media and should give no interviews after the initial press conference. In the absence of the investigator, another scientific spokesperson previously trained in interacting with the movement should be ready to speak to the media.

Conclusions

Dealing with the propaganda arm of the animal rights movement is as taxing to a public relations office as dealing with the terrorist element is to a police department. But in both cases, preparation and background work can enable the staff to prevent enormous potential damage. These steps are absolutely necessary to become prepared to deal with animal rights activists:

- know the history of the movement and its current activities;
- know the chronology of a break-in and its expected aftermath from studying the experiences of other institutions;
- prepare a crisis management plan that can be put into effect within hours if necessary;
- outline proactive, educational steps your institution can take to educate the institutional employees, the general public and the press about animal-based research and the animal rights movement.



The Animal Care and Use Program and the IACUC

ENSURING the proper care and use of animals in a research institution is the responsibility of the institutional animal care and use program. Because attacks by animals rights activists are directed at purported improprieties in the care and use of animals, the institution must give this program high priority. Administrators must demonstrate that the program is a high priority through their public and financial support. In turn, investigators and administrators of the program must understand its importance and fully support it.

The Institutional Animal Care and Use Committee (IACUC) is at the center of this program and often is criticized by both researchers and activists. Many researchers resent the added level of bureaucracy and additional paperwork required. They may be concerned that this paperwork represents one more information source that activists can use to attack their work. Futher, some even regard the process as a foolish submission to the demands of activists whose objective is not improvement in animal welfare but the abolition of all animal-based research. Indeed, while the process evolved as an attempt to respond to activist pressures, the extremists in the movement refuse to acknowledge it as a positive move. They mistakenly portray the IACUC to the public as merely a "fox in the henhouse" operation, and, because they want total abolition, they refuse to concede that there are good programs. As has been indicated, having an exemplary program will not in it-

self protect an institution from being attacked, but it will go a long way toward minimizing any damage which may result from an attack and will permit the institution to take the offensive when under attack.

Most members of the research community have always felt that their license to use animals in their work placed on them the responsibility to treat these animals in an exemplary fashion. Moreover, they understand from a scientific perspective the importance of maintaining high housing and treatment standards in order to ensure the validity of experimental results. However, scientists have failed to communicate to the public this concern and their efforts to maintain proper care and use of animals in the laboratory.

Concerns by the Research Community About Animal Care and Use

Early legislation regulating the use of animals in biomedical research resulted from pressure by animal welfare groups. However, the scientific community had earlier taken the initiative in optimizing conditions for animal care and use. As early as 1908, the American Medical Association published a set of "Guidelines for Laboratory Animal Care" (Smith et al. 1988). Although short, they very precisely covered the principles of proper procurement, optimal housing and care, potential significance of the experiments, requirements for anesthesia, use of sterile surgery, and painless euthanasia. As the amount of research using animals increased, institutions recognized the need for a more prominent role for veterinarians, and veterinarians promulgated higher standards. As researchers began to use more species of animals not commonly a part of the normal veterinary practice, laboratory animal medicine evolved as a new branch of veterinary medicine. Postgraduate programs were developed to provide specific training for veterinarians who would specialize in this area.

In 1946, twenty years before passage of the Animal Welfare Act, professionals working in the area and concerned about the care and use of animals in biomedical research

founded the National Society for Medical Research (NSMR). Other similar professional organizations followed over the next twenty years: the American Association for Laboratory Animal Science (AALAS) in 1950, the Institute of Laboratory Animal Resources (ILAR) in 1952, the American College of Laboratory Animal Medicine (ACLAM) in 1957, the American Association for Accreditation of Laboratory Animal Care (AAALAC) in 1965, and the American Society of Laboratory Animal Practitioners (ASLAP) in 1967. AAALAC provided a mechanism for voluntary accreditation of facilities before this was required by regulation.

In 1963, the *Guide for Laboratory Animals and Facilities* was published as a means of providing institutions with some defined standards for caring for and using research animals in a professional and humane manner. It was developed by the Committee on Care and Use of Laboratory Animals of ILAR, for the Commission on Life Sciences, under the auspices of the National Research Council, and was revised in 1965, 1968, and 1972. In 1972, its name was changed to the *Guide for the Care and Use of Laboratory Animals* to reflect better the expanded scope of the recommendations made. Further revisions followed in 1978 and 1985. The *Guide* was distributed by the U.S. Department of Health and Human Services, Public Health Service, NIH. Classically, the NIH required any institution to which it awarded funds to commit itself to operating under the recommendations of the *Guide*. Many other funding agencies had the same requirement.

In order to demonstrate the commitment, the institution filed an "assurance letter," which simply stated that the animal care and use program of the institution was operated according to the recommendations of the *Guide*. The institutional veterinarian served as the humane officer and was responsible for administering the program, maintaining adequate facilities and health standards, and for reviewing grant applications, mostly in terms of proper use of anesthetics and analgesics. Investigators themselves, through their insistence on having access to healthy animals, effectively en-

sured that the veterinary staff performed this function. As reflected by the number of revisions of the *Guide*, standards have continued to be raised as new and better information and equipment became available. Perhaps the weakest link in this process was the fact that institutional administrators, having to prioritize multiple financial demands, often were not able (or elected not) to make the expensive alterations in facilities as rapidly as they were recommended. The discrepancies which sometimes developed provided a basis for complaints by welfare groups about facilities. Unfortunately, the superb health care generally being provided and the superiority of even outdated facilities over animal holding facilities outside of the research arena (such as animal shelters and kennels) often is overlooked to this day.

Regulations Affecting Animal Care and Use

The Animal Welfare Act, passed in 1966 (Public Law 89-544), was the first legislation in this arena (see chapter 9). The main impetus for introduction of this legislation was a concern that pets were being stolen for sale to research institutions, but the final version was a comprehensive package. The U.S. Department of Agriculture (USDA) was given the responsibility of drawing up regulations covering not only registration and licensing of dealers and research institutions, but also setting standards for facilities and for humane handling, care, treatment, and transportation of animals used in research. At the same time, the USDA began an inspection program to ensure that these regulations were being followed. This inspection process has been upgraded continually since then. The number of inspectors has increased as has their knowledge of laboratory animal medicine. With this has come stricter interpretation of regulations and a more intense inspection program. Now each institution receives several unannounced inspections every year as well as follow-up inspections to make sure that any observed deficiencies are corrected within the shortest reasonable period of time. Everything from rusty casters on cages to dust on air-

handling vents in an operating room is noted on an inspection report, which becomes an open record. Animal rights activists capitalized on a citation against Texas Tech in which a cat cage was described as too small. In reality, the cage size was correct, but the square footage of floor space had been reduced below the specified level because a technician had put an oversized litter box in the cage the day before the inspection.

The scope of coverage of the Animal Welfare Act was increased with subsequent revisions, but major changes in the administrative aspects of animal care and use programs were introduced with the passage of two new pieces of legislation in 1985. The first of these involved a series of amendments to the Animal Welfare Act (Public Law 99-198) and the second was the Health Research Extension Act (Public Law 99-158).

The Health Research Extension Act was directed at extra- and intramural research sponsored by the Public Health Service, but most if not all funding organizations made compliance a requirement for funding awards. The requirements of this act were reflected in the revised *Public Health Service (PHS) Policy on Humane Care and Use of Animals.* The revised PHS Policy became effective at the end of 1985. New requirements included submission of an assurance letter which fully describes the animal care and use program; establishment of an institutional animal care and use committee (IACUC) appointed by the chief executive officer of the institution and having a defined composition and role; semiannual evaluation of the program and inspection of facilities by the IACUC; specified reporting requirements for the IACUC, to include minority reports; and development of a training program for all individuals using or caring for animals. Institutions submitted assurance letters to the Office for Protection from Research Risks (OPRR) at the NIH which carefully scrutinized them before approval. No institution was eligible to receive funding without having an approved letter of assurance. Furthermore, the director of the NIH was

given the power to revoke NIH funding at any institution which did not take appropriate corrective action after notification that it was not meeting required guidelines.

The Animal and Plant Health Inspection Service of the USDA developed the regulations to implement the amendments to the Animal Welfare Act. As first proposed, these drew nothing but criticism during periods of public commentary. The scientific community argued that they were much too detailed and were focused on overexacting specifications, or so-called engineering standards. Many of these specifications had no scientific basis and would not have contributed to better care for animals. However, their implementation would have been prohibitively costly, especially since no funding had been appropriated for implementing these new regulations. In contrast, animal rights groups, coming from the perspective that animals should not be used anyway, clamored for even more stringent regulations. After literally years of debate, and interagency conflicts within the government, the first two parts of the USDA regulations came out in August 1989 in a form more nearly compatible with the PHS Policy.

Part three was published in the *Federal Register* on February 15, 1991 (vol. 56, no. 32). Again, the final versions relied more on "performance" standards than on "engineering" standards. In an effort to minimize the cost impact, some of the regulations requiring major capital expenditures, such as those requiring changes in cage size, could be phased in over a three-year period. However, in June 1991, several animal rights groups including the Animal Legal Defense Fund filed suit in the U.S. District Court in Washington, D.C., against the USDA, the Department of Health and Human Services, and the Office of Management and Budget to set aside some provisions of the regulations as released in final form.

The Animal Legal Defense Fund and the HSUS also filed suit in the same court to force the USDA to include rats, mice and birds under the regulations of the Animal Welfare

Act. For many years, the secretary of agriculture used discretionary powers provided by the act not to include them. Animal activist groups claimed that this was a misuse of that discretion. The research community did not oppose the principle of such inclusion, and most institutions operate under the Public Health Service Policy under which rats, mice and birds are included. The USDA, however, resisted their inclusion because they have not been provided the necessary funds to expand their current activities. In January 1992, a federal judge ruled against the USDA and ordered that they reconsider the petition to include rats, mice, and birds. The USDA subsequently requested a protective order which would permit them to appeal the decision after the usual sixty-day limit if they so decided.

Institutional Support of the Animal Care and Use Program

Under both sets of regulations (PHS, USDA), the institutional animal care and use committee (IACUC) is the central component of an institutional animal care and use program. For a program to work successfully, the administration, veterinary staff and investigators in an institution must recognize, accept, and support the important role played by this committee.

Administrations must deal with many other important issues. Most administrators are essentially unaware of the significance of the animal rights movement and the effect it could have on their institution. Thus, proper administrative support often is lacking in areas of animal care and use. It is imperative that the chair of the IACUC seek support from the administration, informing them of potential problems in effective operation of the committee or the program. The IACUC should work through the administration to ensure a commitment to a first-class program with qualified committee members. The IACUC chair should also seek administrative support in legal matters. For example, if a potential legal action surfaces, the IACUC chair should seek access to the legal counsel through proper administrative channels. By

law, it is the chief executive officer of the institution or the CEO's immediate administrative designate who is ultimately responsible for the program.

This program cannot function adequately without sufficient financial support. Adequate monies must be available to update facilities when required and to staff animal resource centers adequately. The IACUC requires staff support and a budget to cover operating expenses and travel of members to national meetings relative to IACUC function. At these meetings, IACUC members and appropriate administrators learn about changes in regulations, exchange ideas with their counterparts for improving programs, and establish contacts which are critical for networking. Without direct communication, few administrations will recognize the size of the workload assumed by members of an IACUC. Probably no other institutional committee demands as much time. To date, a few institutions are providing some compensation to the members for the additional workload.

By law, the veterinary staff must have some representation on the IACUC. Certainly it is important to have input from veterinarians because of their expertise in veterinary medicine. However, it also is critical from the perspectives of running and monitoring the institutional animal care and use program. Whereas oversight of the entire program usually was the responsibility of the director of the vivarium, many of these responsibilities now fall to the IACUC as it contributes to formulation of many policies, conducts inspections, does semiannual evaluations, and makes reports to the administration and to OPRR. It is essential for the veterinary staff to have a full understanding of the program and the working policies adopted by the committee, as well as to participate in the formulation and continuing evolution of policy. Because veterinarians administer many aspects of the program, have contact with the investigators, and monitor the animals, it is essential that they be familiar with individual protocols. Such familiarity comes best from involvement in the committee deliberations related to these proto-

cols. Occasionally, based on their observations, they may feel that further committee discussion of a protocol may be advisable. Finally, they will be major participants in the training and monitoring processes coordinated by the committee.

For investigators, writing more protocols, having them reviewed and approved by an IACUC, increasing record-keeping on use of animals, participating in training programs, and having their laboratories inspected are added burdens which build instant antagonism against the program. It seems like just one more in a series of governmental or institutional intrusions which further erode precious time in the laboratory. Very few investigators are thoroughly aware of the animal rights movement, and those who are conclude that they would never be subject to an attack themselves. Obviously, most are correct, but this reflects a narrow-minded, highly individualistic, and seemingly arrogant stance. Unfortunately, this attitude has contributed significantly to the momentum gained by the animal rights movement.

Few investigators see the IACUC as a mechanism which might someday offer them a measure of protection, either directly or indirectly. Few recognize that a problem anywhere in the institution, even if it is in no way related to their project, has the potential of leading to total suspension of all extramural funds to an institution. When any project is attacked, even without cause, or any potential problem exists and is not corrected, every project is at risk. If an IACUC comes to a negative decision about a protocol, the regulations clearly state that the decision cannot be overridden by an institutional official. That removes the possibility that an individual within the institution can bypass the system simply by having power within the institution. This is an important provision for legitimizing the process, but it also puts a heavy burden on the committee to weigh its decisions carefully and not to act in a capricious manner. There are always some investigators who do not take suggestions easily and whose first response may be to claim to an administrative official that their academic freedom is being violated. That

official must be familiar enough with the regulations and the process to be able to support the committee in those instances. However, committee members, in turn, must keep an open mind and must have an adequate, well-publicized mechanism by which an investigator can provide additional information, in writing or in person, and have the opportunity to convince the committee to change its stance. The scientific members of the committee are researchers themselves, have to submit their own protocols for approval, and are not antagonists of the researchers.

Some researchers, frustrated by the system, have even used the terminology "face of PETA" to refer to IACUCs, feeling that IACUCs would not exist except for the animal rights movement. But the real face of PETA was reflected in the referendum passed recently in Cambridge, Massachusetts, which established a position for a single individual with the power to evaluate and inspect all research projects within the city limits and levee fines up to three hundred dollars per day for anything deemed to be unacceptable.

Fortunately, an IACUC has leeway in making decisions, but increasing regulations tend to impose generalized restrictions, requiring the committees to examine variances on an individual basis and to justify their decisions. This means that they must require more detailed information from the investigator. Investigators resent the intrusive nature of the process so deeply that they tend to reject immediately committee suggestions that a technique be altered or sufficiently justified. These suggestions or requests for additional information are considered further intrusions that border on the invasion of academic freedom. Researchers fail to realize that committee members may actually agree with them, but need written justification for the record in order to issue the variance requested. This problem is minimized when an administration has made clear to the investigative community that there are legal requirements for the process.

Many investigators have found the process beneficial when the IACUC and the training program it is responsible for are

working well. The committee, through its own expertise, can make suggestions which improve proposals, especially those of less experienced investigators. The increased interaction between veterinary staff and investigators, which a good program should foster, also can have great benefit to the investigator in many areas. Because many members of the committee are themselves investigators, they should be able to put themselves in the place of an investigator to whom they are suggesting changes, and be able to deal with that person in a nonconfrontational manner.

The IACUC and its role in the institution will not disappear in the near future. It is, in fact, all that stands in the way of having a system established in which review is done perhaps outside of the institution, by people who have no expertise in research or in medicine and may even lean toward the animal rights perspective (see chapter 9). Thus, it is critical that the IACUC be an integral and accepted fact of life within the institution and that investigators support the system, recognize the need for it, and use it to their benefit whenever possible.

The report of the site-visit team sent by the NHLBI to investigate research at Texas Tech after the 1989 animal rights attack stated that the review process designed to assure protection of animals used in research was "a model of excellence" (NIH, NHLBI 1989). The report released by OPRR after its investigation concluded that "a consistent pattern" demonstrated "clear understanding of the intent of the PHS Policy and a dedication to appropriate care and use of laboratory animals" (NIH, OPRR 1989). While one would hope not to be subjected to such investigations, and a good program cannot protect one against being targeted, it is important to have a good program if an attack occurs. Negative reports by the investigative bodies would have provided the activists with a propaganda bonanza.

Composition of the IACUC

Both the PHS policy and the USDA regulations set minimum requirements for IACUC composition to include scientists,

veterinarians, and community representatives. Determining composition involves much more than simply meeting the requirements of the regulations. The scientific members from within the institution must be sufficiently committed to the program to be willing to undertake a tremendous work load. Each should have a broad-based scientific and research background and they should collectively represent expertise in as many areas as possible. Protocols a committee often has the most trouble addressing are those in areas in which the scientific members have little expertise. In these instances, the problems often are not with the proposed experiments, but with committee members' uncertainty about aspects of the work due to their lack of expertise. The scientific members should be accomplished investigators respected for their research capabilities, breadth of background, scientific judgment, integrity, and fairness. They should represent many different units within the institution so that investigators readily recognize open lines of communication with the committee. All of this contributes to investigators' understanding the necessity for incorporating committee suggestions for protocol modification.

It is also helpful to have several persons with M.D. and D.V.M. degrees on the committee. The M.D.s provide useful input about the clinical problems to which many of the experimental proposals are addressed and can explain these aspects to community members. They also can serve as effective bridges with clinicians who submit proposals that require modification. The D.V.M.s should be able to provide information about techniques, especially related to husbandry, animal models, anesthetics, and analgesics. They also provide a reference source for anyone who would like reassurance that an animal will not experience discomfort from a given procedure.

At Texas Tech, one of the community members who has served on the IACUC since its beginning is a veterinarian in private practice. The other lay members felt comfortable having a veterinarian who had no involvement with research

or the institution as a resource within the committee. There are three other veterinarians on the committee, one of whom also has a Ph.D. and is involved full time in research, while the other two are from the vivarium, the animal care facility.

Community members play an important role on this committee. They must be recognized in the community as having a genuine concern for animals, and they must be seen as people not easily intimidated. While blanket opposition serves no useful purpose, they must be willing to voice their concerns on individual protocols. Institutions may choose to fill lay slots on the committee in many different ways. At Texas Tech, the choices made turned out to be highly fortuitous. In addition to the veterinarian in private practice, there are two people who have long been active in community animal welfare projects and are well recognized locally and in surrounding towns for these efforts. One has served since the IACUC was formed. They accepted service with some reservations because they were uncertain of what they would find and, based on their emotions, preferred that animals not be used in research. It is important to emphasize that although this was how they felt, as people involved in saving the lives of animals, they were not animal rights activists and recognized that some use of animals in biomedical research was necessary. Their concerns related to which animals, how many, under what conditions, and for what. Initially, the chair and one other scientist on the committee met informally with these members to review for them the process, regulations, and the sections related to animal use on grant application and manuscript review forms, and to take them on a tour through the laboratories and animal holding facilities. This went a long way toward assuring them that the institutional members of the IACUC took their responsibility seriously and that they as community representatives would be active participants.

Initially, these lay members had some degree of skepticism and routinely asked the community veterinarian for confirmation of answers they received from institutional mem-

bers. As they became convinced that they were getting legitimate answers, heard institutional members asking the same questions they were planning to ask, found institutional members more negative about some issues than they were, and discovered that their concerns were always addressed, they gained confidence in the system and became invaluable to the process.

Committee members in turn soon discovered that the animal welfare groups have an extensive network for exchange of ideas about common problems. This is especially true for people working to adopt animals out of a local shelter and to arrange low-cost spay and neuter clinics and vaccination programs. In this case, the network extended for several hundred miles, and these lay members were continuously asked about the process. They were conducting our one and only public relations campaign in the community prior to the break-in; it was being directed at a very important segment and was positive. They were asked by the group adopting animals out of the animal shelter from which Texas Tech purchases animals whether they could arrange a tour of the facilities. Five members of that group drove 150 miles on a Saturday to tour the Texas Tech facilities and learn about the program. They left very appreciative of the time spent with them and expressing wonder that they had been allowed in the institution. This reflected a commonly held perception by the general public that no outsiders are permitted to view research facilities. This perceived "veil of secrecy" arouses suspicion and is highlighted in the propaganda of animal rights groups.

Immediately after the story broke about the break-in, the community members were contacted by their local newspaper and asked for comments. They made a strong statement that they had visited the facilities, were very familiar with the Texas Tech animal care and use program and how its IACUC worked, and, as a result, had full confidence that animals bought from that shelter were treated well when used in research at Texas Tech. That was one of the most

favorable newspaper stories printed at that time (*Odessa American* July 6, 1989). Both formal and informal requests for information have been received since then as to the source of the cats used by Orem. This would suggest strongly that there are ongoing attempts to eliminate this source, and having had this informational contact remains important.

The Program Process

With the onset of IACUC review of protocols, every effort was made by the committee at Texas Tech to inform all investigators of why the procedure was being instituted, exactly what was required, why it was required, and that the committee welcomed all suggestions for improvement of procedures. The initial forms were supplemented and modified as experience was gained. An effort was made to obtain all necessary information in the simplest way possible. In addition to the protocol form, there is an amendment form which makes it easy to change a title, procedures, approved laboratory workers, or the number of animals allotted. There is a standard form for use by the reviewer to make comments and recommendations on an original proposal or an amendment. These make it easy to present the proposal to the entire committee and serve as a permanent record of the review.

The number of animals requested by an investigator must be justified on the protocol, and an approval specifies the number of animals which can be purchased or used in one year. Forms were developed for purchases, transfers, or breeding of animals, and all these must be processed through the vivarium which keeps records of the number used relative to the number approved. Additionally, each investigator keeps a daily use record and submits a quarterly report to the vivarium. Each investigator is provided with a notebook containing originals of all forms, and this book also is used to maintain copies of protocols, amendments, and any other correspondence with the committee. These are reviewed by committee members during semiannual inspections.

Each protocol is distributed to one or more scientific mem-

bers of the committee for initial review prior to the meeting of the entire committee. Assignment is by area of expertise whenever possible. When questions arise during this initial review, reveiwers usually ask a second member of the committee to read the protocol. Every effort is made to contact the submitting investigator for needed clarifications, suggested additions, and even modifications prior to the meeting.

During a meeting, each protocol is described by the initial reviewer, who makes a recommendation for action. It is not unusual for many questions to be asked and even a lively debate to ensue. Most of the time, especially if the initial reviewer has done a complete job, questions are answered satisfactorily and it is clear that unanimous approval will be given. Conversely, when some members want more information or continue to feel that some modification is necessary, their concerns are met either by tabling the protocol or by approving it pending receipt of satisfactory responses to committee suggestions.

Especially in the early phases, questions arose about areas not clearly spelled out in the regulations. In these situations, clarification was sought from OPRR. Through this process, the committee avoided making arbitrary decisions subject to possible reversal later and was able to provide investigators with the basis for decisions. An unexpected benefit of having done this was that officials at OPRR were familiar with the Texas Tech program and how it operated long before they received the complaint from PETA following the break-in. OPRR people knew the Texas Tech individuals involved and knew how conscientious those individuals were. Discussions with people at OPRR highlighted the need to contact them after the break-in, and all of this helped in responding to questions and investigations occurring as a result of the break-in.

As new regulations were added and policies changed as a result, it became clear that memos to investigators from the committee were not well received. As part of the education and training program, the IACUC developed a monthly news-

letter which is sent to all investigators as well as to many other institutions by request. This is used to disseminate information about techniques and also to educate investigators about the activities of animals rights groups. It has proven to be an effective and noninflammatory way of disseminating information about policy changes or additions.

Similarly, when semiannual inspections began, they were referred to as "visits," which created much less anxiety. This still permitted detection of problems, and suggestions for improvement could be made without creating animosity. Interestingly, as the community members and investigators met each other as part of this process, it markedly increased the trust on both sides. It actually became difficult to complete inspections in a reasonable time, because the lay members ask many questions out of interest and the investigators want to describe their experiments at length. In developing the inspection process, all IACUC members were notified immediately when the USDA inspector arrived to do inspections. This gave everyone, including the community members, the opportunity to observe one of these inspections and gain an appreciation of the inspection process. Community members, even the veterinarian in private practice, were literally amazed at the stringency of the requirements and the depth of the USDA inspections. As part of the inspection and monitoring process, the veterinary staff visits each laboratory on a periodic basis. Most important, this has served to establish interaction between the investigators and the veterinarians, resulting in a great increase in consultations.

Record Keeping

At the time of the break-in, the IACUC at Texas Tech was very conscientious about keeping complete records and filing complete reports. It was felt that this was important in maintaining a first-class program. Indeed, this was a means of tracking development of policies and maintaining consistency in decisions. It was very helpful when reviewing renewals of protocols or amendments. Investigators were

given extensive information to understand fully why a modification was requested. After the attack, because of the request for records from groups attacking the university and public threats of suit against the committee, written reports became very much less detailed.

This documentation is important when a request to review a specific project is received. Well after the break-in and the start of the propaganda attack against Texas Tech, PETA requested a review of Orem's work. The committee reviewed his work, and a report stating that the claims were false was approved unanimously.

However, as described in chapters 2 and 8, multiple requests have been received from activists for copies of minutes and other records. Portions of the records can, and probably will, be taken out of context as part of the propaganda campaign, making this type of record-keeping a double-edged sword. Animal rights activists also request these records to find supposed procedural errors that they can use as the basis of a suit against the institution and the IACUC. There is no good answer to this dilemma. In Texas, an attorney general's opinion stated that notations in minutes which are actions must be released, while those given as recommendations need not be released. Although untested in court, this opinion has led some institutions to hold deliberations in subcommittee and only to vote yes or no in the full committee meeting. Since the regulations require that all members of the committee must have had "access" to each protocol prior to approval, this type of process might be open to challenge.

Unfortunately, institutions are having to modify a system for the protection of animals that was working openly and well. This is, in itself, very revealing about the true objectives of the animal rights movement. Each institution must make certain that its community IACUC members are in fact advocates for the humane care and use of animals, that they are recognized by the community as being so, and then this must be publicized in the community. A major propaganda

thrust made by the animal rights activists is that there are no regulations, IACUCs are a sham, and there are no community representatives who either care or know what is going on "behind closed doors." After the break-in at Texas Tech, there was feeling within the institution that, although they were willing to speak out, the community members on the IACUC should be protected. The concern was that they might be threatened and harassed. In hindsight, several IACUC members and others in the institution now recognize this as an error. Community members should be told at the beginning of their service on the committee that they may have reason to interact with the media. If an animal rights activity occurs, they should be briefed in the same manner as university officials under the crisis management plan. The names of all members of the committee eventually were revealed through freedom of information avenues, and those requesting the names could have used the fact that Texas Tech had not released them freely as evidence that the institution had something to hide. Once again, this illustrates that proactive, open communication is the most effective—and indeed a necessary—posture.



Questions of Security

IT is extremely difficult to establish a security program to prevent an attack. However, it is far more difficult to deal with the aftermath of an attack, although adequate preparation at each stage certainly makes it easier. The administration must recognize the need to support the security program to the fullest extent possible and the director or chief of the institutional police must appreciate the requirements of such a program. Police personnel must have a thorough understanding of how a break-in and the subsequent events are staged, a profile of the activists, some specialized training, and contacts established for outside assistance as necessary.

The most sophisticated security and surveillance devices, while highly desirable, cannot provide adequate prevention or protection for an institution. Active monitoring by trained personnel is obligatory. Background information on employees is extremely useful. It is also important for the security force to be aware of activities by animal rights activists in the community and to know who the players are.

If a break-in does occur, the investigation must be started immediately and include specialized outside help. In addition to conducting an investigation, personnel will be involved in such things as being on guard for a second attack, screening threatening mail, dealing with protest marches, and responding to bomb threats. These are things which police personnel at most research institutions have not been

trained to do. The task is made worse by the fact that most employees, including researchers, will consider these efforts intrusions.

The Perpetrators

The vast majority of supporters of the animal rights movement are neither philosophers nor terrorists. They are legitimately concerned about the welfare of animals, and many are unaware of the changing agenda which has led to the term "welfare" being replaced by "rights." Most are not marchers or even letter-writers, but they still tend to believe any charges of cruelty. A much smaller group is very much involved, ready to partake in protest activities. They are committed to the animal rights movement, and they are marchers and letter-writers. Although few of these people probably would actually participate in a break-in, many would condone it, provide information which they felt might be useful for the break-in, and protect the perpetrators after the fact. In a survey done among activists at a large animal rights rally on June 10, 1990, in Washington, D.C., 61 percent of the respondents were in favor of laboratory break-ins (Plous 1991). Ingrid Newkirk has been quoted as saying, "When I hear of anyone walking into a lab and walking out with animals, my heart sings" (Rosenberg 1992).

The actual perpetrators of a break-in believe in what they call "direct action." They even hold some disdain for those who only march. Part of their motivation may relate to the challenge and thrill associated with conducting covert operations rather than to any philosophical commitment to animal rights.

Break-ins at research institutions are by definition criminal acts. However, they involve much more than illegal entry. Some participants may be armed, and as part of the break-in, they commit malicious vandalism, larceny, theft, destruction of equipment, and arson. One of the objectives of these actions is to intimidate researchers and research institutions. The break-ins are correctly termed terrorism, and those who commit the break-ins are terrorists.

The group which has claimed credit for the greatest number of terrorists acts in the United States is the Animal Liberation Front (ALF). Between 1977 and the end of 1989, it committed over 80 terrorist acts, stole over 2,400 animals, and did more than six million dollars' worth of damage (Hardy 1990, 32). It is an underground group with a membership estimated at approximately one hundred, scattered around the country. In 1988, the ALF Support Group was founded to provide financing of ALF operations. Animal rights publications such as the *Animals' Agenda* routinely carry advertisements by this group soliciting funds (June 1989, 29).

The ALF's organizational structure is typical of that of terrorist groups: a small leadership cadre, and several tiers below that of people responsible for conducting the raids and for support, with minimal communication between the levels (Grollman 1990). The ALF is modelled after the terrorist groups that operated in this country during the Vietnam War and groups operating internationally over the past two decades (Sweat 1990). The ALF manual, modelled after other terrorist manuals, calls for "direct action" and contains explicit instructions on choosing a target, gathering intelligence, planning an operation, types of actions to be taken, and how to do them. ALF members are skilled at bypassing the most sophisticated security system, and they have stated that some members are armed during an incursion (Patowski 1989, 102). Clearly, preparation for protecting against or dealing with a break-in must anticipate that the perpetrators will be professionals who will have the added advantages of surprise.

After years of break-in activities, law enforcement agencies began to pay attention to the ALF in 1987, when its members committed arson resulting in approximately $3.5 million damage at the University of California, Davis. The fire destroyed a major portion of a nearly completed veterinary diagnostic laboratory building on the campus of the School of Veterinary Medicine. The FBI participated in the investigation and, for the first time, listed the ALF as responsible

for a terrorist act (Grollman 1990). In fact, the 1987 arson was the fourth act of terrorism at the University of California, Davis, for which the ALF claimed responsibility, as reported in a listing of break-ins distributed to the media by PETA at the July 7, 1989, press conference in Lubbock.

Most likely it was the escalation in the degree of violence which finally brought the FBI into the investigation of the arson at Davis. On April 2, 1989, the ALF claimed responsibility for approximately two million dollars of damage at the University of Arizona using incendiary devices. Again, the terrorists damaged buildings in which the projected activities were entirely directed at questions of animal health. In Great Britain, where the ALF originated, there has been a marked increase in violence according to the Animal Rights National Index of Scotland Yard (see chapter 2). In March 1989, the ALF detonated an explosive device in the administration building at Bristol University in Britain. The use of explosive devices increased the potential threat to human life. In June 1990, again in Bristol, unidentified animal rights groups planted bombs in the cars of two researchers. Both escaped without serious injury, but in one of the incidents, a thirteen-month-old child was seriously injured by fragments (*Baltimore Sun* June 12, 1990).

In April 1990, a report in the London *Daily Express* quoted police spokespersons as stating that the ALF members who bombed the university building in Bristol "are now manipulating the poll tax street mobs under the guise of the Class War group . . . we know the ALF and Class War are inextricably bound together" (London *Daily Express* April 15, 1990). In the United States, the press release issued by the ALF soon after the arson at the University of Arizona stated that, in addition to being an "act of mercy and compassion for the individual animal victims," the attack was committed "as part of a larger international campaign against the scientific/medical industry's misguided, anti-human, anti-earth, profit-oriented practices." These two examples suggest links between the terrorist extremists of apparently different movements.

The Modus Operandi

Any attack is carefully planned. Intelligence gathering is an important part of this planning. It is part of the process of picking a target, and local people are recruited to secure the information required to do the planning. The recruits may be employees of the institution or people from the community not associated with the institution who unobtrusively wander through the facilities or take a job as a plant. PETA's Newkirk states that "Our people take undercover jobs in industries and other facilities that use animals. They wear hidden cameras and Xerox documents" (Rosenberg 1992). The informants could be dedicated to the cause or people not associated with the animal rights movement but paid for performing this function. A good example of PETA's intelligence gathering process is its advertisements placed in university newspapers offering two-hundred-dollar cash rewards for photographs revealing cruelty in laboratories (*Paisano*, University of Texas at San Antonio, February 27, 1990).

Each institution will undoubtedly have some dedicated animal rights activists working within it who represent possible sources of information. They may not be plants, but based on something seen or heard, they become convinced that a research project conducted within the institution is cruel. Based on incomplete or inaccurate information, they are ready, and may even feel compelled, to reveal their "findings." This is why the institution must have a mechanism through which employees can have questions answered and concerns addressed in a confidential manner, and all employees must know that this mechanism exists. Former or current employees who are disgruntled are perfect candidates to pass on information that they feel could hurt their boss or the institution. Any internal question-and-answer procedures should be open to janitorial staff and maintenance workers, who have access to many areas and may wonder about the animals they see. Laboratory technicians also have direct access. The technician who works late hours and week-

ends for no pay may be too good to be true. Unfortunately, no one is completely above suspicion, including police and security personnel, students, and physicians. There are a few physicians who are dedicated animal rights activists. Visitors often have free rein in research institutions. These include workers making repairs, salespersons, and job interviewees. If clinic or hospital facilities are in close proximity to laboratories, visitors and patients often end up in the wrong place by mistake. No one knows everyone working in the facility and, therefore, strangers are seldom challenged about their presence.

There now are a multitude of animal rights organizations operating in the United States. There will likely be several groups active within any particular region, and it is important to identify those groups as well as to be familiar with the ones active on a national level. The membership and activities of local groups should be monitored closely. Some members may even hold sensitive positions within the institution.

Informants to the animal rights movement will be instructed to obtain information about specific projects: what is being done, where is it being done, what is the security in the area, and what is the security in the building? As discussed in chapter two, some projects and some investigators can be considered the most likely possible targets. Projects being conducted at satellite facilities may be the most vulnerable because security at these sites is often less extensive. It is important that the police are aware of these so that security precautions can be heightened in these areas. Clearly, personnel profiles, especially of employees with access to these areas, are important to obtain.

Once a target has been selected, a more advanced stage of intelligence gathering will be required. Some of the same people involved in the initial intelligence gathering may be used again. This time there may be a reconnaissance mission to obtain information not otherwise available. Discovery that a lock has been picked or an alarm triggered in a sensitive area should be a warning. However, the reconnaissance may

be done during working hours, with the perpetrators being ignored because they appear to have business in the area. If there is a reconnaissance raid, activists to be involved in the break-in may participate, using this as a practice run.

Perpetrators of a break-in often come from out of state and cross back over state lines rapidly after the attack. Transportation may be provided by members of a lower-level support element. This support element may also be involved in the temporary holding of stolen animals. It is important to know about veterinarians in the immediate vicinity for two reasons. First, a few veterinarians are animal rights activists, and the animals could be in temporary holding with a sympathetic local veterinarian. Second, those holding the animals might take them to a veterinarian for care if a problem develops, and this could provide a lead as to the where abouts of the animals and the people holding them. The break-in will be conducted during off-hours and most likely on a holiday when police and security might be relaxed, normal functions in the building have been suspended, and time to discovery will be maximally delayed. Often the intruders will wear gloves and protective clothing to minimize the chances of leaving evidence behind. These will be discarded before leaving the building. The riskiest aspects for the intruders are the noise made in destroying equipment and the difficulty in carrying animals to transportation vehicles in an unobtrusive manner. Clearly, these will be considerations in selecting the area to be attacked. For these reasons, they often will select a satellite animal facility, if one exists.

The Immediate Aftermath

Immediately after discovery of a break-in, the area must be sealed off so that adequate attempts can be made to recover any physical evidence left behind. Other areas along possible exit routes should be carefully examined and people throughout the building interviewed concerning what they might have observed. Members of the crisis management team should be notified immediately, and the chief of police

and the public relations department should coordinate carefully the statements released to the media. Other local, state, and national law enforcement agencies should be notified as quickly as possible and assistance requested as appropriate.

The perpetrators probably will not leave the area by public conveyance. This may mean that they will use local activists to provide the transportation or a "safe house." Therefore, if any local activists have been identified previously as likely candidates for providing support for an attack, they should be put under surveillance immediately.

It is likely that within two to three days, PETA spokespersons will present a news conference in town. Again, local activists may be providing transportation and housing and making arrangements for the news conference. Security personnel should attend such a press conference, interviewing participants if possible.

The Long-term Aftermath

The first concern from the longer range perspective is that someone may attempt a second break-in. Although the original perpetrators could return (this possibility is outlined in the ALF manual), another attack more likely may be attempted by local activists who become motivated to take up direct action themselves, or others in the community prone to committing copy-cat crimes. In any case, the targeted project will most likely be the same, and this makes it easier to increase security in appropriate locations to thwart such an attempt and perhaps apprehend those involved. Although a break-in clearly signals the need for increased security, requests for additional funding to accomplish this may be met with reluctance on the premise that the activists got all they needed the first time, thereby eliminating the likelihood of additional attempts. However, multiple break-ins have occurred at several institutions. There were three animal rights attacks levelled against the University of California at Davis before the multimillion-dollar fire there in 1987.

Protest marches are common animal rights activities to

consider. They will be held at the institution, in a high-visibility place in the community, or at a location where symbolically they could obtain redress for their grievances. For example, the march might be staged at the local federal building if a targeted research is funded by federal agencies. Although institutional security officers will have no authority outside institutional property, they should attend these marches, even tape them. The tape will be useful in further identification of local activists and may reveal the presence of people from out of town and out of state. Photographing cars parked in the vicinity is important. Some of them may be used in transportation related to a raid, and license plate numbers can be used to identify participants in a march.

If a march is held at the institution, institutional police will be involved directly with crowd control and potential sit-ins. The march will attract the media and possibly even counterdemonstrations from within the institution. Before any such activities take place, the institution must develop a policy related to demonstrations, designating areas similar to the "free speech" areas used for protests during the war in Vietnam. Demonstrators may come with the intent of conducting confrontational acts for the express purpose of being arrested to gain media attention. Plans must be developed in advance as to how to handle such a situation, and police personnel must be trained to deal with it.

As a result of the early publicity, the institution and the targeted investigator will receive various threats. Many telephone threats will come directly to the police department, but a plan must be developed to route all other such calls to this office. Call tracing and recording should be instituted whenever possible. Bomb threats may start soon after an attack. These threats will increase at any time that the institution holds an event related to research and when there is a high-visibility propaganda push in any part of the country. They may all turn out to be idle threats, but the risk is too great to ignore them. Police cars, institutional computers, animal holding areas, research labs, and administrative of-

fices are favorite targets. Conference centers become targets when advertised meetings related to research or the animal issue are being held. Plans must be drawn up for conducting bomb searches. This includes identifying the location of the nearest law enforcement agency that has an explosive-sniffing dog and making prior arrangements for use of this capability if the occasion arises. Some bomb threats may designate an area or a time which forces evacuation of the area while a bomb search is being made. If the institution has patient treatment areas closely adjacent to research areas, this could create a real problem. At Texas Tech, one evacuation forced by a bomb threat led to a potentially serious situation when obtaining blood for a critical patient being treated in the emergency room was delayed by the necessary evacuation of blood bank personnel.

Threats to an investigator also pose several serious problems. They come not only by telephone but also by mail. All mail coming to the investigator, and any other persons determined to be vulnerable—such as the chair of the IACUC—should be screened by trained police personnel, using X-ray and other facilities. The threat also exists for mail delivered to these people's homes, and arrangements can be made with postal authorities to route all mail through the security office. Postal inspectors can provide information about ways in which such screening should be done.

In most cases, the researcher will quickly tire of reading the hate mail which comes. However, someone should screen it for a number of reasons. The character of some of the mail will suggest that the sender might be someone who could possibly carry out a threat; efforts to identify and check on the sender should be attempted, although these probably will be unsuccessful. At the very least, mail screening might give a warning that increased security may be needed for the investigator. As propaganda campaigns intensify in specific regions, this is usually signalled by an increase in the mail from those regions. Activists' plans may be revealed by statements made in these letters: an increase in mail from a region

in which there is another research institution may reflect an increase in animal rights activity in that region, which could signal an impending attack on that institution. Authorities from that institution should be notified. The toll-free lines maintained by animal rights groups also should be monitored for information about their planned activities.

Police must consider the targeted investigator to be at some risk. As discussed in chapter four, the level of violence is escalating and with it the potential for a researcher to be attacked directly. Police can provide researchers with advice about security measures at home and precautions to be taken during travel. Additionally, institutional police can communicate with local law enforcement agencies about the potential danger and can request extra patrols in the investigator's neighborhood when there are indications of an immediate threat. In the same way that animal rights activists may be employed in your institution, some may also be employed with various law enforcement agencies. Most likely, that agency never has had to deal with this problem, knows little about it, and the potential conflict of interest between an activist employee and police business may never have arisen or been considered. Even a trusted employee who has always performed well and has the complete confidence of superiors may be a potential leak, wittingly or unwittingly, for confidential information.

Building Security

The activities of most research institutions are scattered among several buildings. Often, these buildings were not constructed with security in mind. Multiple entries, multiple hallways, convoluted hallways, areas without control doors, and multiple employee traffic patterns all pose problems in controlling access to a particular area. Because of funding limitations, the installation of expensive security devices may have to be limited to select areas in a building where high-profile projects are being conducted.

It is important to remember that there are some standard

security techniques that are cost efficient. These include issuing and enforcing the wearing of identification badges, coding radio messages, and establishing a key control system. The IACUC, office of contracts and grants, office of the dean for research, security office, and individual investigators all have paperwork that could be useful in the intelligence-gathering process conducted by the activists. This material should be stored in secured areas and properly destroyed.

Unfortunately, most employees in any institution have little understanding of the problems faced and dealt with by security and police personnel. They insist on the luxury of leaving their offices unlocked after hours when they are away for a few minutes. They fail to realize what can happen in those few minutes, and resent the fact that security personnel may lock the door in their absence. In turn, security personnel tire of the complaints they receive due to incidents like this and so become lax in locking doors and challenging persons they do not recognize as belonging in the area. Any institution that attempts to increase security will hear many complaints from employees upset with the added inconvenience. The administration must explain to all personnel the reasons for added security.

Finally, it is essential for police personnel to establish contacts with law enforcement agencies in surrounding areas and educate them about the problem so that working relationships with these agencies can be utilized if the need arises. If informed and cooperative, the agencies may be able to provide an institution with information which could help prevent a break-in. Given that even many FBI agents know nothing about this group of terrorists, you can assume that local officers are uninformed also. An issue of a police magazine with national circulation even ran an advertisement for PETA (*Police* 1990, 60).

The apparent success of terrorist break-ins reflects the high level of planning, expertise, and organization of the perpetrators, lack of a good understanding by institutional officials of what is happening, lack of adequate security at most

institutions, and ineffectiveness in mobilizing joint efforts by all the law enforcement bodies needed to deal with solving these crimes. It is extremely difficult to conduct an adequate investigation because these activists operate across institutional, municipal, county, and state borders. Legislation recently passed by Congress may help to provide some national scope to investigations, but its effectiveness is undetermined (see chapter 9).

The challenge of increasing security is a difficult one. Given the relative infrequency of break-ins, administrators may not see this as a high priority item, even though improved security is cost effective compared with having to deal with a break-in after it occurs. Unfortunately, if you do increase security, and by so doing actually avoid a break-in, the value of the preventive measures may go unappreciated by many. Awareness of the problem and the methods by which animal rights terrorists operate will permit you to make a significant improvement in security measures even when funds are limited. Education and communication are paramount in this effort. One of the most effective measures would be the establishment of an active communication network among police departments of all research institutions for the purpose of exchanging information in a rapid manner. Already, some greater communication is beginning to occur, and this process must be extended.



Legal Issues

IN the progression of events that constitute an animal rights attack, from initial planning to the long aftermath following the break-in, the final stage of the pattern is often played out in the courtroom. In the last ten years the animal rights movement has come to rely more and more upon the legal system as a final attack against a targeted investigator or institution.

The movement also uses the legal system as a parallel approach to legislative efforts, as a means of obtaining media attention, as a rallying point for soliciting funds, and as a means of attempting to coerce or intimidate individuals and institutions. The increase in legal activity parallels the increase in the involvement of lawyers in the movement and the formation of such groups as the Animal Legal Defense Fund, Attorneys against Vivisection, and the Rutgers Animal Rights Law Clinic. The objectives of this latter group are "to train [law] students how to litigate using the vehicle of animal rights cases; in effect, teaching students how to be animal rights lawyers" ("Animal Rights and Animal Welfare Directory of Organizations" 1990).

This chapter offers a brief overview of major animal rights court cases in the last ten years. In addition, it assesses the major issues facing institutional legal counsel as they prepare to deal with an animal rights attack.

In the Courts

The celebrated Silver Spring monkey case, which wound its way through the court system for more than ten years, is an excellent example of the success the animal rights groups, particularly PETA, has had in using the courts to enhance fundraising goals and perfect propaganda techniques, even though many decisions have been adverse to the animal rights movement.

Seventeen monkeys were confiscated in September 1981 by the Montgomery County police from Edward Taub's laboratory at the Institute for Behavioral Research in Silver Spring, Maryland. As described in chapter three, Taub was charged with cruelty to animals by the Montgomery County police. The police requested that the NIH provide temporary housing and care for the monkeys during the trial; later the Circuit Court for Maryland served an order naming NIH as the custodian of the monkeys.

Taub was tried and initially convicted on six counts of cruelty to animals; later an appeal was successful in overturning all but one of those convictions. In August 1983 the final conviction was overturned by the Court of Appeals of Maryland.

Several animal rights groups sued the NIH over the future care and housing of the animals. Almost three years after Taub's conviction was overturned, the United States Fourth Circuit Court of Appeals ruled that the animal rights groups did not have standing in the court to sue on behalf of the monkeys. The plaintiffs petitioned to be reheard by the Court of Appeals in October 1986, but this petition was denied. In January 1987, the plaintiffs petitioned the Supreme Court to hear their case; in April, the Supreme Court refused, without comment. These various decisions seem to support earlier court rulings that people cannot sue on behalf of animals.

Caring for these monkeys was a difficult task, so the NIH had transferred them to the Delta Primate Center in Louisiana where they could receive proper care. As some of the monkeys aged, their health began to deteriorate in spite of

the excellent care given. The veterinarian in charge became concerned about the monkeys' deterioration and sought permission to perform euthanasia. This opened the way for a new series of court battles.

In late 1986, a panel of veterinarians and primate behavior experts examined the monkeys still at Delta, concluding that euthanasia was the best possible course for humane treatment of the animals. In 1987, the Louisiana Society for the Prevention of Cruelty to Animals conducted its own study, disagreeing with the original panel's findings in favor of euthanasia. A third panel was convened in 1988; their findings were consistent with those of the first panel and they also noted that the animals could not live safely in any habitat other than individual laboratory enclosures. Thus, in late 1988, euthanasia was scheduled for three of the monkeys in extremely poor health. Animal rights groups quickly sought and received a restraining order from the Louisiana state court to prevent the procedures, thus, in effect, further prolonging the suffering of these animals. The case moved to the Federal District Court and then the Federal Court of Appeals for the Fifth Circuit in Louisiana. In January 1990, the court lifted the restraining order on one monkey, Billy, who appeared to be in pain. Euthanasia was performed immediately. The court allowed the animal rights groups to send a representative to observe the process.

Additional monkeys died of natural causes during the next year. Then, in April 1991, Delta announced their intention to kill two of the remaining four monkeys. These animals were not eating and had lost considerable weight. PETA immediately petitioned for a temporary restraining order. The request was granted by Supreme Court Justice Anthony M. Kennedy, who ordered the NIH to present arguments the next day in support of their proposal. Upon hearing the arguments, the Supreme Court voted eight to zero to allow euthanasia of the animals. Brain mapping on the monkeys was performed by researchers before the animals died, but while they were under deep anesthesia. The results of these brain

mappings have yielded significant data with potential application to how the human brain reorganizes in adaptation to long-term deafferentation (Pons et al. 1991).

PETA has been successful at making enormous news out of the "plight" of the monkeys to its new and growing membership. PETA fundraising literature and articles in the popular press during the various trials referred to each monkey by name and asked for donations to support PETA's efforts in the courts to keep the monkeys alive. The irony of the situation is that PETA's actions were seen as heroic in the minds of those who somehow wanted to end the suffering of these primates. It could be argued that PETA's supporters never considered the possibility that the prolonged court action would impose extended suffering on these animals. The researcher's protocols had originally described experiments in which survival after surgery was limited, but PETA and the courts turned these monkeys into celebrated victims. Perhaps PETA's fundraising program simply could not afford to let the monkeys die.

Other Legal Action Against Animal Research

Five different types of legal action have been employed by various animal rights groups in the last few years. By far the most common action taken by the animal rights movement against research involving animals has been a suit to gain access to state university institutional animal care and use committee (IACUC) meetings and/or records. Since private universities or corporations are not subject to open records and meetings laws, they have not been affected by this sort of legal action.

There has been a lack of uniformity of the court decisions. State laws vary widely on the public's access to governmental records, and each university involved in such a suit has had a different policy dictating how the request was handled. One of the earliest court cases to open animal care and use committees to the public occurred in California when several animal rights groups sued the IACUCs of the University of

California system. The court there ruled that the meetings were not subject to the state's open meetings act. However, the state court in Massachusetts ruled that open meetings laws did apply to IACUC meetings, and thus meetings and records of meetings in that state are open to the public. In other states, courts have ruled to open certain aspects of the IACUC process. In North Carolina, for example, the court ruled on appeal that the public should have access to IACUC documents that did not contain trade secrets. The court also ruled that institutions could redact the records to remove names, addresses, and biographies of researchers.

In Texas, the attorney general was asked to determine whether the state's IACUCs are subject to open records laws before any legal action is filed. The state's public universities asked for the ruling after several institutions received letters indicating possible legal action against IACUCs. In September 1990, the Texas attorney general ruled that IACUC minutes and records of state institutions are subject to the state's open records act. Thus, committee documents are not exempt on their face, but they may be protected to the extent that they contain "opinion, advice or recommendation" or information that may be commercially valuable. At the date of publication of this volume, no animal rights group in Texas has sued to test the attorney general's ruling in court, although the threat of such a suit is currently a popular topic in the fundraising literature of several Texas animal rights groups. In April 1991, one such group—the Society for Texas Animal Rights (STAR)—held a press conference in Lubbock to threaten such a suit against the IACUC at Texas Tech University Health Sciences Center. The local media refused to carry a story about the threat of legal action, and, thus, the press conference did not result in the hoped for statewide publicity.

Alleged Failure to Comply with Federal Law

The Animal Welfare Act, first passed in 1966, has spawned several law suits in the last twenty-five years. Most of these

have alleged that the U.S. Department of Agriculture has failed to enforce the provisions of the act. Often, research facilities have been named as codefendants in these cases. Because the Animal Welfare Act does not provide a cause of action for private individuals to bring suit against the Department of Agriculture, these cases have been dismissed for lack of standing. It is because of these court rulings that animal rights groups have sought federal legislation granting individuals the right to sue for enforcement of the Animal Welfare Act. Representative Charles Rose (D-N.C.) has introduced such legislation repeatedly; to date only one subcommittee of the House Judiciary Committee has scheduled a hearing on the legislation.

The federal Administrative Procedure Act has also provided animal rights groups with a vehicle for suing over matters of policy. The Animal Legal Defense Fund sued the Department of Agriculture, the Department of Health and Human Services, and the Office of Management and Budget in 1989, alleging delay in publication of new animal welfare regulations. One reason for the delay was the extensive public comment that followed initial publication of the proposed rules and the extreme differences in the positions of those making comment. The last of the three parts was published in February 1991, making this particular suit moot. However, in 1990, the Animal Legal Defense Fund together with the Humane Society of the United States filed suit claiming that the secretary of agriculture had arbitrarily excluded some species from coverage by the Animal Welfare Act (see chapter 6). In January 1992, the federal court in Washington, D.C., ruled against the USDA.

Student Suits Against Dissection

Suits by students who refuse to dissect laboratory animals in biology classes have been supported by animal rights groups and have been the focus of popular media events used by these groups. PETA even publishes a toll-free number for students seeking legal advice in quests to be excused from

dissection labs. These cases have not only involved public secondary schools, but also universities, medical schools, and veterinary schools. Many suits have been resolved by compromises between faculty, administrations, and students involving what are stated to be mutually acceptable alternatives. However, the U.S. District Court ruled on February 27, 1992, that a veterinary student has no constitutional right to require curriculum changes at Ohio State University. The judge wrote in his decision that "the court recognizes no right, constitutional or otherwise, of a student that requires an educational institution to tailor its curriculum or method of teaching to that student's personal beliefs" (*NABR Update* March 31, 1992).

Libel and Intimidation

Two libel cases involving PETA deserve mention. In the first, Alex Pacheco sued Peter Gerone of Tulane University in March 1990. Gerone is director of the Tulane Primate Center, previously known as the Delta Primate Center. Gerone elected to countersue for malicious prosecution, and the case was settled out of court. Records of this case have been sealed so that no details of the settlement are available. However, the settlement apparently did not support Pacheco's attempt at silencing an outspoken critic.

The second case involved a court battle between orangutan trainer and Las Vegas showman Bobby Berosini and PETA. In this case, Berosini sued PETA for invasion of privacy; misapropriation of names, likenesses, and characters; and defamation. PETA filed a counter-suit against Berosini, claiming that he abused the animals and that their ownership be transferred to an animal sanctuary. Bobby Berosini won his case against PETA and a sizable judgment. The countersuit was dismissed with prejudice by the judge. PETA has appealed the decision. In addition, PETA and its officers were fined fifty thousand dollars by the court for offenses ranging from manufacturing evidence to stating that the proceedings of the court were corrupt ("Entertainer

Awarded $4.3 Million in Defamation Case" August 11, 1990).

Berosini charged that the defendants in his suit taunted and harassed the orangutans in his show with the intent to upset them so that they would be unsuitable for performance. Berosini disciplined the monkeys before a show on an evening in July 1989. He charged that individuals unlawfully trespassed into the hotel where his show was held, purposefully harassed the animals and then secretly videotaped him disciplining the orangutans. The defendants in the case then distributed the video to a nationally syndicated daytime news-entertainment television program.

Berosini's attorney, Harold P. Gewerter, has discussed the case in public forums several times since its completion. He explains to audiences around the country that the only way to stop the animal rights harassment of research, entertainment, agriculture, and food production is to pursue the movement aggressively in the courts. He believes that PETA has long been able to intimidate its opponents with its own threats of legal action because of the size of its war chest and because PETA officials know that the research establishment is naive in dealing with propaganda attacks (Gewerter 1990).

The Researcher's Legal Recourse

As the scientific community recoils from the storm of propaganda surrounding attacks on individual researchers, many have wondered if there is no legal recourse a scientist can take to stop the propaganda and long-term harassment by the animal rights movement. At a recent symposium on legal matters held by the National Association for Biomedical Research, several attorneys suggested that there is a statute that might allow recourse to the scientific investigator attacked by the animal rights movement.

This statute, the Racketeer Influenced and Corrupt Organizations Act (RICO), essentially forbids the commission of a pattern of crime. As defined by the statute, a pattern of crime is the commission of two or more major crimes, such

as arson, interstate transportation of stolen goods, or interference with commerce through threats. According to David Hardy, at attorney at the symposium, "the RICO statute has obvious application to ALF and, quite likely, to the aboveground parallel groups which aid and finance its activities." As Hardy points out, RICO allows victims to sue for treble damages plus costs (including attorney's fees) and to obtain an injunction barring future violations (Hardy 1990, 39).

Hardy recounts how RICO has been effectively used against antiabortion activists in southeastern Pennsylvania. A trial jury found in that 1989 case that the individual antiabortion activists had harassed an abortion clinic's clients and employees, unlawfully entered the clinic property, and destroyed medical equipment at the clinic. In addition, the jury found the defendants liable under RICO for treble property damages for trespassing and for punitive damages. The Court of Appeals affirmed the judgment and pointed out in its decision that First Amendment rights of freedom of speech and of assembly did not "shield from government scrutiny practices which imperil public safety, peace, or order" (Hardy 1990, 40).

On appeal, the activists argued that their actions could not be deemed extortion under RICO because they did not realize economic gain from those actions. But the court ruled that successful fundraising results were generated by actions in violation of the rights of the abortion clinic. In addition, the salary of one activist, the executive director of the group, might be considered economic gain that resulted from his activities. Perhaps more important, the court ruled that economic gain was not nencessary to establish extortion. Hardy concludes:

> The RICO statutes offer the prospect of imposing sanctions not only against ALF and other underground groups, but also against members and directors of the aboveground parallel organizations which conduct trespass demonstrations, home picketing, and other harassment of animal researchers.

In spite of the promise RICO action holds for exerting deterrent effects on the animal rights movement, no targeted researcher has yet decided to take the movement to court. Most individuals who have already suffered the trauma of being attacked may be reluctant to embark on a legal battle which is guaranteed to be a multi-year endeavor by the time it finally goes to trial and through appeal processes. The discovery phase of a legal action and attendant publicity will be at least as traumatic as the aftermath of the attack and far more protracted. The initial costs will be extensive, and there is no guarantee of victory. The institution with which the individual is affiliated may be unwilling to deal with the publicity and unable to bear the potential expense. However, as the scientific community organizes to fight this battle and as funds are raised for future action, it is inevitable that such RICO suits will be brought. They hold the most promise not only for subduing the movement in the courtroom but also for damaging the movement in the minds of the general public. RICO laws have come to symbolize protection against gangsters, and after well-publicized convictions under these statutes, the general public would be much less eager to donate money to groups linked with gangsterism.

Advising the IACUC

Advising the Institutional Animal Care and Use Committee on such matters as record-keeping, open meetings requests, and open records requests could be a full-time job for counsel in an institution involved in a prolonged battle with the animal rights movement. Rather than allow the IACUC to become overwhelmed with legal maneuvering by an animal rights group set upon opening committee meetings, the counsel should proactively investigate the relationship between a state's open records and meetings laws and the operation of the IACUC. As mentioned above, each state has different laws on these matters, and this fact may be overlooked by IACUC members who hear stories from their colleagues across the country concerning recent IACUC cases. Even

though the legal counsel is not traditionally involved in seeking out a group like the IACUC to advise it before a request for counsel, legal consel on a campus involved in a prolonged animal rights attack should anticipate the open records or open meetings request and be prepared with advice accordingly.

Fighting Back

As the security department develops a plan for dealing with protests, demonstrations, confrontations, vandalism, and break-ins, the legal department's advice is crucial. The orchestrators of a sophisticated, well-planned animal rights attack will deduce from the institution's actions and response if they are dealing with an organization that has done its homework and is aware of measures it can take. Past experiences at other institutions that have dealt with animal activists can be instructive in proactive planning, including legal action.

For example, the University of California, Los Angeles, had experienced protests and violent disruptions for a two-year period between 1987 and 1989. The offices of the dean of the School of Medicine had been occupied, causing the closing of outpatient clinics; a research laboratory had been burglarized; the chancellor's offices had been occupied; and finally, the homes of several faculty members had been the targets of loud and unruly protests that blocked neighborhood streets. Last Chance for Animals, a radical California-based group responsible for all these activities, announced that members would once again protest on the campus on May 12, 1989. Last Chance for Animals had also filed suit against UCLA, charging that the university could not bar them from demonstrating on its campus.

UCLA filed a cross-complaint in the action that was pending in the Superior Court of the County of Los Angeles naming as defendants the group and the individuals whose names appeared on the original complaint. The cross-complaint charged that the behavior of the group and the individuals had been deliberately disruptive and malicious and constituted harassment, civil conspiracy, trespassing, and viola-

tion of the civil rights of the UCLA faculty. The cross-complaint also sought a restraining order against the group.

The judge immediately issued a temporary restraining order against Last Chance for Animals and several of its members. The order prohibited Last Chance for Animals and any of its members from coming with one hundred yards of the personal residence of any member of the UCLA faculty, or otherwise blocking the streets in the residential neighborhoods of those homes. The order also prohibited blocking ingress or egress of any facility on UCLA property.

At a hearing on the cross-complaint two weeks later, the judge issued a preliminary injunction against the group prohibiting it from threatening or harassing faculty, damaging property, blocking or breaking into a UCLA facility, or interfering with or obstructing teaching or research on the campus.

Last Chance for Animals appealed the injunction but never filed a brief in the appeal. They were then unsuccessful when their original suit came to trial. They had argued in the suit that the University of California system should not be able to enforce a statute to keep protestors off its campus. Although they first attempted to settle with UCLA in a modified version of the injunction, they finally agreed to a permanent injunction, containing all the stipulations of the original injunction.

According to Christine Helwick, counsel for the University of California system, protests in front of faculty homes have continued, but under different circumstances. They are considerably subdued and never headed by leaders of the group. Those leaders, fearful of prosecution under the injunction, allow newer members to organize the demonstrations. This forced abdication of power has significantly quieted the group, according to Helwick. She also concludes that the legal action had "incredible p.r. value," and was seen as a major show of support to the faculty from the administration (telephone interview August 1, 1991).

In the aftermath of an animal rights attack, legal counsel will play a key role in advising administrators about what proactive steps they might take and what recourse they have

in dealing with harassment by the animal rights movement. Even without an attack, administrators may have to deal with open meetings, open records, and freedom of information requests. Should an attack continue for years and lead to litigation, the legal counsel could be a major influence in determining the ultimate outcome. The institution with a legal department well versed in the litigious nature of the animal rights movement is in a far superior position to deal with the challenge.



The Legislative Arena

THE early anti-vivisection movement in the United States succeeded in having a bill introduced in the U.S. Senate as early as 1896. This bill, known as the Gallinger-DC bill, was promoted by the Washington Humane Society and would have applied to research done in the District of Columbia. It would have limited research involving animals to only that which could be identified as having very apparent application to clinical medicine. Researchers would have been licensed by a lay commission empowered to judge the clinical applicability of the projects (Smith et al. 1988). The bill was narrowly defeated but only after the American Medical Association recognized its potential restrictive nature and became actively involved in marshalling opposition from medical school faculty and practicing physicians. It was reintroduced in 1900 but never made it out of committee in spite of the fact that Senator Gallinger (R-N.H.) was chair of the committee. After this defeat, the anti-vivisectionists turned their activities to the state and local level. One of their major efforts was the placing of a referendum to ban animal experimentation on the ballot in California in 1920. This came after previous attempts to pass such legislation in California had met with failure. The Hearst newspaper chain strongly supported the efforts of the anti-vivisectionists, but educational outreach by the medical community prevailed and the referendum was defeated by almost two to one (Smith et al. 1988).

The Animal Welfare Act, passed in 1966, was the first significant national legislation related to the use of animals (see chapter 6). By 1985, when Congress passed the amendments to the Animal Welfare Act and the Health Research Extension Act, the animal rights movement was well established. The movement's lobbying efforts and testimony before congressional committees had some impact on the final form of this legislation. A concerted effort was made to identify members of Congress who would introduce national legislation aimed at restricting the use of animals, especially in research. Most of this legislation was aimed at either banning some use of animals or creating restrictions which increased costs to the point of eliminating substantial amounts of research.

Legislation at the National Level

In 1986, Representative Robert Mrazek (D-N.Y.) introduced a bill (HR 4871) to prevent use of pound animals in any research funded by the NIH. Animal rights groups lobbied heavily for this measure and were able to spark a massive letter-writing campaign to members of Congress based on their propaganda to the public that it was scientifically invalid to use pound animals, that dogs and cats were being tortured in such research, and that their use would promote theft of pets to be sold for research. Advocates ignored the fact that the approximately tenfold greater cost for purpose-bred animals would actually increase the likelihood that a few unscrupulous dealers might risk buying stolen animals. Their other mistaken premise was that the only cats and dogs held in pounds are lost pets, rather than wild or abandoned animals. Those few animals that would be sold for research after the prescribed holding time are ultimately put to death by the pounds if they are not sold. The Mrazek bill was even dubbed the Pet Protection Act. A similar total ban had been enacted previously at the state level in Massachusetts. The Mrazek bill was reintroduced during several successive sessions in Congress but never passed.

Several other notable bills continue to be reintroduced in

each new Congress. In 1986, Representative Charles Rose (D-N.C.) first introduced his bill (HR 4535) to amend the Animal Welfare Act to permit individuals acting on their own behalf or on behalf of an animal to initiate a civil action against the government for the purpose of making the USDA enforce the act. Although opponents did not object to the concept of enforcement, they successfully argued that this would have legislated "standing" and opened the door for nuisance suits which could have brought research to a standstill.

In 1987, Representative Robert Torricelli (D-N.Y.) introduced HR 1708, the Information Dissemination and Research Accountability Act. One provision of it called for establishment of a national center staffed by twenty presidential appointees who would review all grant applications involving animals and approved for federal funding to determine whether, as stated in the text of the bill, "such proposal is essentially duplicative of other research." This bill was in response to a favorite claim by animal rights activists that most research is duplicative and a waste of taxpayers' dollars. The claim of wasted tax dollars played on the public's lack of understanding about research and the fact that all findings require independent confirmation, and therefore some duplication. The bill also ignored the nature of the existing review process, by which experts who are most familiar with previous work in a given area evaluate all proposals for possible unnecessary duplication. It further ignored the preclusion of truly duplicative research by the severe limitation on dollars available for research and, hence, the number of projects that could be funded. The proposal that a staff of twenty could conduct such review in a timely manner and do it for the entire spectrum of disciplines covered by the proposed research was not feasible. This legislation would have served to delay markedly research approved by such a process. Funding the process and the library to accompany it would have placed a significant further drain on funds available for research itself.

Also in 1987, Representative Barbara Boxer (D-Calif.)

first introduced a bill (HR 1635) related to consumer product testing which attempted to ban some tests and put severe restrictions on other forms of testing involving animals. Boxer's bill was a result of the "cruelty free" product campaign being waged by the animal rights movement to imply that testing involving animals is not necessary for ensuring product safety. One of their positions, that sufficient nonanimal tests are available, is not accurate, although the science of product safety testing is moving away from animal models (Goldberg and Frazier 1989). But that progress is a result of the advent of several nonanimal adjunct methods that were adopted as cost-saving measures by consumer product companies. These adjunct methods are effective in preliminary testing of new ingredients, but final testing still requires the use of animal models. In fact, several companies, bowing to the pressure of the movement, label their products "cruelty free" because the company hires an outside source to do the final tests or uses ingredients that have been previously tested on animal models.

As mentioned, after PETA and other animal rights groups filed suit to gain custody of the Silver Spring monkeys, the lower courts ruled that these groups did not have standing to bring such a suit. In 1987, the Supreme Court refused to hear the appeal, and, as a result, Representative Robert Smith (R-N.H.) unsuccessfully sponsored legislation (HR 2883) to direct the Secretary of Health and Human Services to transfer the monkeys from the Delta Primate Center to the sanctuary run by Primarily Primates, Inc.

As time passed without animal rights legislation being enacted, the frustration of the movement was reflected by an increase in the number of break-ins and the amount of damage done. At the same time, the research and agricultural communities became more concerned and more involved. They began to communicate with members of Congress. As a result, Representative Vin Weber (R-Minn.) started the Animal Welfare Caucus to support the legitimate use of animals. Bills specifically directed against persons committing

break-ins in research and agricultural facilities were introduced in 1989. The Animal Research Facilities Protection Act sponsored by Senator Howell Heflin (D-Ala.) passed in the Senate, but the companion legislation in the House, the Farm Animals and Research Facilities Protection Act introduced by Representative Charles Stenholm (D-Tex.), failed to get out of committee prior to adjournment in spite of having 235 cosponsors. Both bills were reintroduced and passed, and the conference committee version was signed into law as the Animal Enterprise Protection Act in August 1992. This law serves to highlight a national tone of nonacceptance of the activists' violent actions and also facilitate entry of national law enforcement agencies into the investigation of these incidents, which frequently involve individuals crossing state and local boundaries.

Although the possibilities for passage of truly restrictive legislation at the national level appear to have waned, bills will continue to be introduced. Especially dangerous is the potential for restrictive riders to be attached at the last minute to bills that are assured of passage. The conference committee for the Department of Defense Appropriations Bill passed by the One hundred-and-first Congress (HR 5268) included language to stop funding of Michael Carey's research, even though this had not been part of either the Senate or House versions of that bill (see chapter 3). This is another tactic that can have severe repercussions. Finally, any Congress member can call for an investigation by the General Accounting Office, as also happened in Michael Carey's case.

State and Local Legislation

With the lack of major success at the national level, the animal rights groups began to concentrate their legislative efforts at the state and local level. The first real legislative success was a bill passed in 1983 in Massachusetts which prohibited all local, city, or town animal officers from selling pound animals for use in research. In addition, that legislation contained a clause effective in 1986 which prevented importa-

tion of pound animals into Massachusetts for use in research. In that case, animal rights activists had pushed for a statewide referendum to ban immediately all use of pound animals for research. The research community naively concluded that the cost of educating the public in an effort to fight this referendum would be prohibitive and were not convinced that they would win even after such an expenditure. Consequently, they agreed to not oppose this legislation with the idea that the delay in the ban on importation represented a "compromise" with the activists which would defer any further efforts at restrictive legislation. The day after the initial bill became law, the New England Anti-Vivisection Society and the Massachusetts Society for the Prevention of Cruelty to Animals published a full-page advertisement in the *Boston Globe* (January 8, 1984) stating, "We've won a major battle, now help us win the war." Backers of the Mrazek bill used the fact that research institutions in Massachusetts had not opposed the pound closure legislation in that state as an argument in support of the national legislation. Only then did officials from research institutions in Massachusetts begin to write letters to Congress describing the extremely negative impact that pound closure had had on important research in that state.

Activists attempted to get restrictive legislation on farming passed by the Massachusetts legislature in 1988. This legislation would have introduced multiple regulations affecting the use of farm animals, and, because of the costs involved, would have effectively eliminated the family farm in Massachusetts, according to state farm organizations. When this legislation was resoundingly defeated in the legislature, the activists succeeded in getting it on the ballot as a referendum. This time, a massive public eduction campaign opposing the movement was instituted and produced a marked switch from what had been perceived as public sentiment on this measure. It was defeated soundly with seventy percent of the voters voting against it.

Activists working at the local level have been able to delay

construction of research facilities, by claiming that activities within these facilities will threaten the environment. For example, in 1988, the Palo Alto Humane Society persuaded the Santa Clara Board of Supervisors to require Stanford University to complete an environmental impact report before it would approve a construction permit for a new eighteen-million-dollar research facility. Stanford officials later estimated that preparing the impact statement and the delays in construction cost over one million dollars (*NABR Update* July 8, 1988).

Later that same year, activists opposed the proposed locating in Fairfax, California, of the Bucks Center for Research in Aging because animals were to be involved in the research. The trustees decided to look elsewhere. Two years later, with the center scheduled to be located in Marin County, California, activists from around the country bombarded the county supervisors with over twenty-five hundred cards and letters in response to a campaign by the animal rights group In Defense of Animals (*Marin Independent Journal* June 15, 1990). This mirrored the earlier campaign to spotlight nationally the referendum against the sale of furs in Aspen, Colorado, which was defeated. Activists in Marin County used the environmental impact statement requirement to delay construction. As reported nationally on television, that impact statement was to address the question of whether the conduct of animal-based research would negatively impact the self-image of the citizens of Marin County.

There are several reasons why local efforts are more likely to be successful than state or national ones. At the local level, access to public officials is easier. It is more likely that an elected official is also a personal friend of someone associated with an agenda for change. An animal rights group on the local level, for example, can easily identify a network of local sympathizers who will work actively to support candidates for public office who might vote the animal rights agenda.

Actions can be initiated by a local animal rights group without fear of the national scientific community becoming

involved. Even local physicians, volunteer health organizations, and patient support groups frequently do not know about the issue or are reluctant to become involved.

Local officials usually are uninformed about animal rights and unaware of the possible impact of their actions. In the face of no opposition, they respond to the well-orchestrated campaign of the activists who, with phone calls, letters, and large turnouts at public hearings on ordinances, convey the impression of massive community support. Local politicians are under closer scrutiny and are more accountable to their constituency, because their actions are conducted locally and reported in the local press. Also, local activists can bring up actions at the most opportune moments. For example, local officials may be under fire because of some totally unrelated action, and, just prior to their bids for reelection, they will be reluctant to ignore or vote against any other proposition which appears to have popular support.

While local legislation may on the surface appear to have little national impact, a series of many small victories can eventually add up to a national victory. A local legislative initiative that may reflect the views of only a small number of local citizens may pass because it is unopposed. However, it will constitute a victory for the animal rights movement and give the impression of representing community sentiment. Each local victory is cited as justification for passing similar legislation elsewhere, and, added together, these local victories may have an influence on the outcome of legislation nationally. It is incumbent upon institutions to recognize the importance of local politics both within and well outside of their immediate community. Efforts to educate the community represent one of the most important approaches to this problem.

During the past few years, because of proactive efforts by research institutions, anti-break-in bills similar to the national legislation have been passed in nearly half of the states. In many states where these laws have been enacted, it is now illegal to enter a laboratory without permission, release ani-

mals, interrupt an experiment, or remove documents or photographs related to research. In 1991 Montana and North Dakota also made it illegal to videotape or photograph in a research facility without express advance permission (*Chronicle of Higher Education* August 7, 1991, A15). In many states where anti-break-in laws have passed, the legislation allows injured parties to sue for damages, including the costs to repeat experiments. Some states allow for treble damages when the plaintiff prevails in a civil suit against an animal research vandal. A bill passed in the state of Washington in 1991 added language not found in the national legislation. The law permits the University of Washington and/or its researchers to obtain injunctions to prevent impairment of or damage to their research, or personal harassment of the researchers or their families by people opposing animal research.

Local initiatives proposed by animal rights activists have been defeated when the opposition takes a strong stand, from writing letters to the editor to calling for a referendum. Polls continue to demonstrate that the vast majority of the population recognize the benefits derived from animal-based research and continue to support it. However, polls also show that the general public is unaware of the regulations which currently exist to assure animal welfare, as well as of the full scope of the animal rights agenda (Texas Poll 1991). The risk that additional restrictive legislation can be passed locally and nationally will continue until the public becomes better informed. But acceleration in passage of state laws stiffening punishment for vandalizing research facilities is a positive sign that the public is coming to understand the movement's threat.



Conclusion

THE phenomenal growth of the animal rights movement in the last ten years is attributable to several factors. First, the leadership has been extremely active, and they have been effective in presenting their message to the public through optimal use of the media. The carefully orchestrated claims of cruelty to animals, most always proven subsequently to be erroneous, are nevertheless widely accepted because of the propaganda techniques employed. Second, the techniques work because of a growing lack of scientific literacy in this country and the absence of a public education campaign on this issue by the scientific community. Third, the animal rights movement has won the sympathy of a segment of the public caught up in multiple "rights" movements. Also, many people feel a need to get back to basic values in the face of overwhelming scientific and technical progress, and may even wish to turn back progress in an effort to save the environment from too much manipulation by humanity. The growth of the movement has been fed by a notion that humans have assumed too much dominion over the planet.

The animal rights movement has gained significant acceptance because of humanity's need to protect other species, to be good caretakers of life on earth. However, preoccupation with "rights" for animals has supplanted the traditional concept of animal welfare. The distinction has become blurred for older generations and was never made by the younger generation. Many people who support the movement with their money and influence do so for reasons having to do with welfare, not realizing that the true agenda of the animal rights

movement is, in fact, the complete abolition of the use of any animals in any way by humans. This agenda is reflected by the diversity of the campaigns—biomedical research, agricultural production, furs, product testing—mounted by major animal rights groups such as PETA. Many in the scientific community have believed that by attacking on so many fronts, the movement would only antagonize more people and mobilize a much more extensive opposition. Indeed, the opposition has grown, but also many single-issue groups have been brought into the movement.

Finally, the scientific community has had a misconception about the scientific literacy and sophistication of the general public. When those working with animals found themselves the target of an attack and were forced to deal with the growth of the movement, they often resorted to sophisticated scientific explanations which were interpreted as evasive or even arrogant by those who were sympathetic to the movement. Scientists, physicians, and administrators of biomedical research were largely ineffective in dealing with the animal rights movement because they assumed that the public held the scientists' and physicians' roles in society in high esteem. Those involved in the advance of biomedical and scientific progress had not stopped to consider that the mainstream of society did not understand the fundamental tenets of their profession: that basic research leads to an advance of scientific knowledge which, in turn, leads to applied research that improves the human and animal condition. At the same time, they also had not faced a growing public relations problem of increased health care costs coupled with the public perception that taxpayers' money was being wasted on unnecessary and duplicative research.

Direct attacks have awakened the scientific community to the imminent danger of continuing to underestimate and ignore the animal rights movement. Now that the movement has claimed responsibility for multiple acts of violence, many researchers no longer feel immune from becoming a target. Groups of physicians, medical students, civic leaders, and

teachers have joined biomedical scientists in a national movement to educate the public about the process of science and the value of animal models in biomedical research. The biomedical community must aggressively tell its story and also point out the hidden agenda of the animal rights philosophy to the public.

Several events occurred in 1991 which many people felt would have a negative impact on the animal rights movement. In April of that year, at the same time that PETA was awaiting a Supreme Court decision they hoped would prevent the euthanasia of one of the Silver Spring monkeys, the *Washington Post* published a front-page story describing how PETA had performed euthanasia on several rabbits that it was holding at its Aspen Hill, Maryland, sanctuary. Contrary to their previous publicity aimed at raising funds to protect these animals that they had "rescued" from an elementary school, they killed these rabbits presumably because they had no place to house them. Peter Gerone, director of the Tulane Primate Center where the Silver Spring monkeys were housed, raised an embarrassing question when he asked, "With the ten million dollars that they brought in last year in revenue, they couldn't build some hutches for some rabbits to keep them alive?" (*Washington Post* April 13, 1991, A1). Editorial pages across the nation grasped the inconsistencies in the two positions, one renaming the group "People for the Unethical Treatment of Animals" (*Washington Times* April 12, 1991). The resultant publicity generated by media accounts of euthanasia at Aspen Hill led the USDA to inspect PETA's sanctuary to ensure that the organization held the proper licenses to keep animals. Upon inspection, the USDA learned that PETA held no appropriate license to care for and exhibit the animals they held and that they were in violation of several regulations of the Animal Welfare Act—the same regulations for which PETA had successfully lobbied and that they frequently use as weapons against biomedical laboratories (*NABR Update* April 21, 1991).

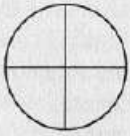
PETA launched another sort of fundraising campaign in August 1991 that could have been even more damaging to their image. They developed a full-page advertisement which ran in the *Des Moines Register* on August 9, 1991. The ad graphically described how mass-murderer Jeffrey Dahmer killed and mutilated his victims and concluded that "It's still going on" because "over 16 million sensitive individuals lose their lives every day for nothing more than the fleeting taste of meat." PETA's connection between Jeffrey Dahmer's victims and livestock raised for meat production was a shocking new sort of fundraising campaign to the families of Dahmer's victims, the livestock industry, the media, and even the leaders of the vegetarian movement, all of whom expressed shock at the "tasteless" ad. As the spokesperson for the National Pork Producers Council stated, "I think people can see through this in a millisecond. It shows how crazy these people are—not those who contribute, but the leadership" (*Des Moines Register* August 8, 1991).

It would be folly for the biomedical research community and for higher eduction in general to assume that the animal rights movement will self-destruct in time. It is still not clear just how the public will react to tactics such as those described above. The explosive ad about Dahmer may be an indication of frustration on the part of the leadership of the movement that their agenda has not been embraced more extensively. If so, there is reason to expect that the movement's true believers will become even more radical and embrace terroristic tactics out of frustration. If this happens, the animal rights movement may suffer a loss of public acceptance, but the biomedical community will not feel a lessening of terroristic pressure against its members from the underground arm of the movement.

The animal rights movement has launched a most successful grass-roots fundraising campaign based upon our society's love of pets, small creatures, and all defenseless animals. The organizations in the movement have been perceived as dedicated to improving the lot of suffering ani-

mals, by millions who have sent their donations believing that they were helping animals in some measurable way. As long as their radical agenda remains unknown to the majority of their donors, the movement will continue to flourish. Polls show that while the number of people who support biomedical research remains high, many of these people are still unaware of the regulations governing such research and susceptible to believing future fraudulent claims. Further, young people are being influenced before they have any exposure to either research or the medical problems requiring further research. A 1992 Gallup Youth Survey reports that 66 percent of teenagers surveyed support animal rights even if it means ending laboratory and medical tests using animals (*TSBR Reporter* March 1991, 2). For the coming generations, many of whom have not yet been touched by illness and death, supporting animal rights is fashionable and without risk.

To desire to gain mainstream acceptance will, in the end, elude the animal rights movement if they embrace terrorism and radical maneuvers. Their need to move in this direction will depend on the degree of public acceptance of their tenets through other means. The scientific community has two great responsibilities at this time. The first is to continue to make sure that all use of animals in laboratories is necessary and responsible. In addition, the community must continue the campaign of public education about science, about the difference between animal welfare and animal rights, and about the critical role that scientific research has always played in improving the lot of humans and of animals.



Sources

LITERATURE CITED

American Medical Association. 1989. *Survey of Physicians' Attitudes Toward the Use of Animals in Biomedical Research.*

"Animal Rights and Animal Welfare Directory of Organizations." 1990. *Pet Business,* Nov., 19–22.

Carlson, Peter. 1991. "The Great Silver Spring Monkey Controversy." *Washington Post Magazine,* Feb. 24, 14–31.

Conniff, Richard. 1990. "Fuzzy-Wuzzy Thinking About Animal Rights." *Audubon,* Nov., 120–33.

Derr, Thomas. 1992. "Animal Rights, Human Rights." *First Things,* Feb., 23–30.

"Entertainer Awarded $4.3 Million in Defamation Case." 1990. Associated Press wire story, Aug. 11.

Food and Drug Administration. 1988. "Investigative Report of Biosearch, Inc." (Dec. 18). Prepared by Ann L. deMarco and Richard P. Bradbury. Washington, D.C.: Government Printing Office.

Gallup Survey. 1989. "Attitudes of 1500 U.S. Adults to Use of Animals in Biomedical Research." *American Medical News,* June 9.

Gewerter, Harold P. 1990. Keynote Address at the NABR Conference on Security and Legal Issues, Washington, D.C., Nov. 8.

Goldberg, Alan M., and John M. Frazier. 1989. "Alternatives to Animals in Toxicity Testing." *Scientific American,* 261:24–30.

Goodwin, Frederick. 1990. "Primary Philosophy and Secondary Arguments Used by Animal Rights Activists." Paper presented at the symposium, Conflict of the 90's: Seige by the Animal Rights Activists, Lubbock, Texas, Mar. 28.

Grollman, Elliot. 1990. Statement before the Subcommittee on Department Operations, Research and Foreign Agriculture, House Committee on Agriculture, Washington, D.C., Feb. 28.

Guide for the Care and Use of Laboratory Animals. 1985. Department of Health and Human Services, NIH pub. no. 85–23. Washington, D.C.: Government Printing Office.

Hardy, David. 1990. *America's New Extremists: What You Need to Know About the Animal Rights Movement.* Washington, D.C.: Washington Legal Foundation.

Henshaw, David. 1989. *Animal Warfare: The Story of the Animal Liberation Front.* London: Fontana.

Holden, C. 1991. "GAO and DOD Get Into a Cat Fight." *Science* 251:265.

Horton, Larry. 1989. "The Enduring Animal Issue." *In Vitro Cellular and Developmental Biology* 25:486–93.

———. 1988. "Putting the Politics of Research with Animals in Perspective." *Journal of the Society of Research Administrators* 19:5–15.

Hubbell, John G. 1990. "The Animal Rights War on Medicine." *Reader's Digest,* June.

Landers, Ann. 1991. Syndicated column, Jan. 16.

Maldon Institute. 1991. *Animal Rights: Militancy and Terrorism.* Washington, D.C.

McCabe, Katie. 1986. "Who Will Live, Who Will Die." *Washingtonian* 21:11.

National Institutes of Health, National Heart Lung and Blood Institute. 1989. Report of visit to Texas Tech University, Oct. 25.

National Institutes of Health, Office for Protection from Research Risks. 1990. Report on Investigation of Allegations of Noncompliance with the Public Health Service Policy on Humane Care and Use of Animals at Texas Tech University Health Sciences Center, Mar. 16.

Orem, John. 1990. "Demands that Research Be Useful Threaten to Undermine Basic Science in this Country." *Chronicle of Higher Education,* Mar. 14.

Palca, J. 1991. "Famous Monkeys Provide Surprising Results." *Science* 252:1789.

Patowski, Joe Nick. 1989. "Around the State." *Texas Monthly,* Oct., 102–104.

Plous, S. 1991. "An Attitude Survey of Animal Rights Activists." *Psychological Science*, 2:192–96.

Police: The Law Officer's Magazine. 1989. Aug., 60.

Pons, T. P., P. E. Garraghty, A. K. Ommaya, J. H. Koas, E. Taub, and M. Mishkin. 1991. "Massive Cortical Reorganization After Sensory Deafferentation in Adult Macaques." *Science* 252: 1857–60.

Rosenberg, Howard. 1992. "Fighting Tooth and Claw." *Los Angeles Times Magazine*, Mar. 22, 18–24, 50.

Royte, Elizabeth. 1992. "Animal Rights: Right or Wrong." *Lear's*, May, 64–67, 86.

Singer, Peter. 1990. *Animal Liberation: A New Ethics for Our Treatment of Animals.* New York: Avon, 1975; 2d ed., New York: Random House.

Skolnick, Andrew A. 1991. "AMA Asked to Seek Protection from Political Interference by Animal Activists." *Journal of the American Medical Association* 266(4): 462–66.

Smith, S. J., R. M. Evans, M. Sullivan-Fowler, and W. R. Hendee. 1988. "Use of Animals in Biomedical Research: Historical Role of the American Medical Association and the American Physician." *Archives of Internal Medicine* 148:1849–53.

Stoller, Kenneth P. 1989. "Rats! to Animal Models." *Animals' Voice* 2(3): 84.

Sweat, James. 1990. "The Involvement of Law Enforcement Agencies." Paper presented at the symposium, Conflict of the 90's: Seige by the Animal Rights Activists, Lubbock, Texas, Mar. 29.

Taub, Edward. 1991. "The Silver Spring Monkey Incident: The Untold Story." *Coalition For Animals and Animal Research Newsletter* 4(1): 1–8.

Texas Poll. 1991. *Lubbock Avalanche Journal*, Apr. 17, C1.

"Texas Tech Does It Too." 1991. *NAVS Bulletin*, Fall, 26.

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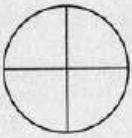
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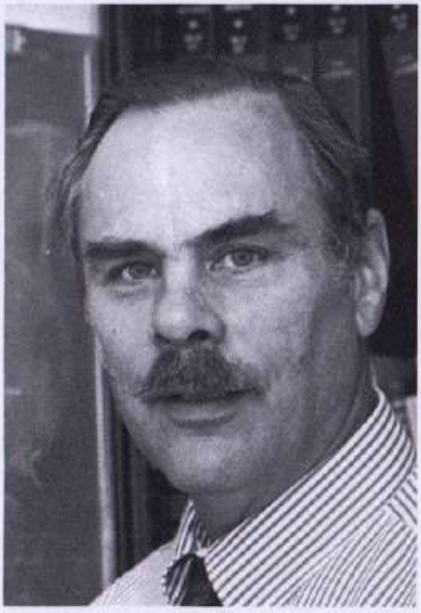
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