

Testimony of

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ANIMAL RIGHTS - ACTIVISM vs. CRIMINALITY

TESTIMONY OF STUART M. ZOLA, PhD

PRESENTING ON BEHALF OF

THE NATIONAL ASSOCIATION FOR BIOMEDICAL RESEARCH

BEFORE THE SENATE COMMITTEE ON THE JUDICIARY

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Mr. Chairman and members of the Committee,

Thank you for allowing me to testify today and for conducting this hearing on the threat posed by animal rights extremists. I am Stuart Zola, Director of the Yerkes National Primate Research Laboratory at Emory University. I am testifying today on behalf of the National Association for Biomedical Research (NABR). First let me say, I applaud you for conducting this hearing today and for your continued leadership on this and other biomedical research issues. Animal and eco-terrorism is a growing and increasingly violent problem in this country and your leadership on this issue is desperately needed and greatly appreciated. I also want to thank my fellow witnesses at this hearing for their courage as they are putting themselves at considerable risk by speaking out on this issue.

The National Association for Biomedical Research (NABR) is the only national, nonprofit organization dedicated solely to advocating sound public policy that recognizes the vital role of humane animal use in biomedical research, higher education and product safety testing. Founded in 1979, NABR provides the unified voice for the scientific community on legislative and regulatory matters affecting laboratory animal research. NABR's membership is comprised of 300 public and private universities, medical and veterinary schools, teaching hospitals, voluntary health agencies, professional societies, pharmaceutical companies, and other animal research-related firms.

Animal research has played a vital role in virtually every major medical advance of the last century - for both human and animal health. From antibiotics to blood transfusions, from dialysis to organ transplantation, from vaccinations to

chemotherapy, bypass surgery and joint replacement, practically every present-day protocol for the prevention, treatment, cure and control of disease, pain and suffering is based on knowledge attained through research with animals. Ample proof of the success of animal research can be found in the vast body of Nobel Prize winning work in physiology and medicine. Seven out of the last 10 Nobel Prizes in medicine and 68 awarded since 1901 have relied, at least in part, on animal research

In fact, research on animals is in many cases an obligation. According to the Nuremberg Code, drawn up after World War II as a result of Nazi atrocities, any research on humans "should be designed and based on the results of animal experimentation." The Declaration of Helsinki, adopted in 1964 by the 18th World Medical Assembly and revised in 1975, also states that medical research on human subjects "should be based on adequately performed laboratory and animal experimentation." As well, the FDA expressly requires that laboratory animal tests be conducted both for prescription drugs and over-the-counter drugs before these products can be tested further in humans.

Since its inception, NABR has witnessed many changes in animal rights activism. What began as a grassroots movement has grown into a sophisticated industry. I say industry with good justification - the combined operating budgets of U.S. tax-exempt animal rights organizations approached \$200 million in 2002. Much of this money is directed at ending biomedical research involving animals. NABR is certainly concerned that we are at a severe financial disadvantage regarding advocacy and public relations efforts, but this is not the greatest threat to our members. The increased willingness of some animal rights groups to use violence and to inflict economic and physical damage on any person or entity remotely associated with an organization that uses animals in research, has become an increasingly serious threat to the biomedical enterprise.

Violent acts committed in the name of animal rights have been carried out in this country for more than two decades. In the past, targets have consisted primarily of research facilities and companies as well as researchers and their families. Congress responded to animal rights violence in 1992 by enacting the Animal Enterprise Protection Act of 1992, codified at 18 USC 43. This act made it a federal crime to intentionally cause physical disruption to an animal enterprise by stealing, damaging, or causing the loss of property used by an animal enterprise if these acts resulted in damages exceeding \$10,000. The Act was amended in 1996 and again in 2002. The 2002 amendments made several important improvements to the 1992 Act, including making it a federal crime to engage in the conduct prohibited by the statute in cases in which the resulting damage was less than \$10,000. The 2002 amendments also increased the maximum penalties under the original statute.

A NEW TACTIC - THIRD PARTY TARGETING

Unfortunately, even with the improvements to the Animal Enterprise Protection Act, this law continues to be of limited use to federal law enforcement officials in combating violent and disruptive acts of animal rights extremist individuals and organizations. Moreover, since 1999 violent activists have employed a disturbing new strategy. Tactics still include arson, death threats, sabotage and vandalism, but the new approach is something the activists call "tertiary" or third-party targeting. It is this targeting of third parties that the original Animal Enterprise Protection Act and its subsequent amendments did not envision. Consequently, law enforcement has very limited means to protect these third parties from the actions of animal rights extremists.

By aggressively targeting clients, insurance companies, banks, health providers, accounting firms, shareholders, market makers, internet providers, even lawn care and catering companies, activists have found an effective way to disrupt the financial health and functioning of companies engaged in animal research.

The most successful proponent of tertiary targeting has been a UK-born group called Stop Huntingdon Animal Cruelty (SHAC). SHAC has targeted third-parties since the late 1990's in its campaign against Huntingdon Life Sciences, a large contract research firm. Its targets have included some of the best known financial services companies in the world and the campaign has succeeded to the extent that the UK government has been forced to act as the banker and insurer for Huntingdon Life Sciences. U.S. animal activists have learned well from their UK colleagues and many of the tactics perfected overseas have now been employed against American targets.

A case study outlining the SHAC campaign is attached.

Just to be clear, I am not referring to tactics aimed at tertiary targets that involve the use of picketing, boycotts, letters, phone calls, letters to the editor, advocacy of new laws and regulations, or other forms of legal protest. It is the threat of physical violence, property damage, intimidation, coercion, and harassment that are the key weapons of these campaigns.

A couple of examples may help illustrate SHAC's tactics:

Example #1 - In March of 2003 SHAC began targeting a large pharmaceutical company. This company was targeted because SHAC accused it of doing business with HLS. The campaign against them began with sporadic letters demanding the company end its relationship with Huntingdon Life Sciences. Next, there were protests at company facilities. Then personal information of company employees, including home phone numbers and addresses, was posted on the internet. This led to numerous phone calls and faxes to the residences of executives, and "home visits" involving a number of activists protesting loudly outside employees' homes, usually in the middle of the night. Sometimes, the home visits included spray painted messages like "Your job supports animal abuse - Drop HLS." One of the company's California facilities was damaged by vandalism with activists spray painting "_____Kills Puppies" and splashing red paint on windows. Activists even sent a hearse to the home of one terrified employee to collect her body. They also tricked companies into calling employees to discuss their choice of cemetery plots. SHAC states on its Web site that it doesn't advocate violence or illegal acts but its Web site could be interpreted by some to encourage violence. At a minimum, SHAC wants target companies to believe it is prepared to engage in violent acts.

Example #2 -- In 2003, a small family business in Ephrata, Washington was targeted by SHAC because, at the request of a client, it had sent apple samples to HLS in the UK for residue testing in 2000. This four-person contract research laboratory conducts agricultural residue studies on food crops with pesticides. In January, 2003 each member of the laboratory staff began receiving large envelopes full of brochures, newspaper clippings and graphic photos of animals. Letters to the company owner began to arrive in 2003 requesting that they sever their relations with HLS to avoid being "targeted" by SHAC. The company was placed on SHAC's "global target list" on SHAC's Web site. Letters and phone calls arrived from the SHAC USA spokeswoman, Danielle Matthews. She explained to the company owner that if they provided a statement saying that they would not do business with HLS in the future they would be removed from the list. When asked what would happen if he did not provide such a statement, she asked him how he would like some visitors arriving at his business. She also directed him to their Web site to view disturbing photos of damage they had done to other institutions that had done business with HLS. In October, 2003 the owner submitted to the continuing harassment and provided SHAC the statement necessary to remove them from their target list. Again, SHAC claims it does not engage in violent acts, but its Web site certainly implies that those who don't sever ties with Huntingdon Life Sciences might be subjected to violence. A recent NYT article explained, "Activists like Kevin Jonas, spokesman for the Stop Huntingdon group, insist they are not terrorists. But Mr. Jonas acknowledged that the label may serve the group's purposes. - "The more we're painted in the media as terrorists the better, because no investment banker or pharmaceutical client is going to want to touch Huntingdon with a 10-foot pole." The FBI says the following about SHAC: "Numerous criminal acts, including death threats, vandalism, and office invasions have been conducted by members of SHAC and its support groups."

A copy of one letter sent by SHAC to the Ephrata company is attached.

These are two examples of the kind of activity in which groups like SHAC engage, but SHAC employs a number of other tactics. Threats, intimidation, and harassment often take the form of office invasions, "home visits" to employees, threats to the family members of employees (including children), electronic attacks, late night phone calls, black faxes and other harassing communications. A few examples:

- ? electronic denial of service attacks where a handful of activists using a computer program anywhere in the world can bombard a web site or email system with so much information that it crashes;
- ? phone auto-dialers where activists using a computer call company numbers hundreds of times a day, effectively tying up a company's phone system;
- ? black faxes, where endless sheets of black paper are sent to a fax machine causing it to burn out;
- ? letters to companies threatening consequences, and citing examples, if they do not cease doing business with Huntingdon Life Sciences
- ? theft of personal information like home phone numbers, credit card, and social security numbers of company employees and their neighbors, where the information is then posted on the Internet;

? "home visits" where activists visit homes in the middle of the night with bullhorns and distribute "wanted for murder" posters to neighbors;
? smoke bombs set off in office towers, causing the evacuation of hundreds of employees;
? death threats against employees and their families;
? property destruction and vandalism of property like cars, bank machines, locks and windows;
? office invasions, where activists protest outside an office, and then rush in to occupy the facility to steal documents, destroy offices and assault employees.

On August 28, 2003, the campaign against Huntingdon Life Sciences produced a frightening new twist: bombings. Two pipe bombs were set off outside of Chiron Corporation in Emeryville, Calif. The first went off in the early morning hours, but the second was deliberately set for half an hour after the first, designed, we believe, to harm the first responders. Chiron had at one time been a client of Huntingdon Life Sciences and was listed as a target on SHAC's Web site.

On September 26, 2003 a second set of pipe bombs, wrapped in nails, were set off at the Shaklee Corp. facility in Pleasanton, Calif. Shaklee is a subsidiary of a Japanese company that activists have tied to Huntingdon Life Sciences. It is by sheer luck that there were no injuries in either of these blasts.

Responsibility for the bombings was claimed by a previously unknown group calling itself "The Revolutionary Cells for Animal Liberation." But there appears to be an interrelation between activists willing to carry out acts of violence. SHAC, which according to the FBI has an "extensive history of violence" uses its Web site to post lists of targets, including bombing targets Chiron and Shaklee. Those target lists include the home phone numbers and addresses of executives and employees of targeted companies. Groups advocating "direct action" like SHAC and the Animal Liberation Front (ALF) also seem to have leaders in common. For example, Kevin Kjonaas (or Jonas) who speaks for SHAC USA was a one-time spokesperson for the ALF.

DIRECT TARGETING

The direct targeting of facilities and researchers continues as well. In 2002, Ohio State University lost one of its most promising researchers, Dr. Michael Podell. Dr. Podell, a veterinarian, was the recipient of a \$1.7 million grant from NIH to study the role of methamphetamines in the spread of HIV. He used cats in his study, which made him a target of animal activists. Over a three-year period, Dr. Podell's life had been threatened many times. One of these was in the form of a photograph sent to him of a British scientist whose car had been bombed, with the words, "You're next," written across the top. He and his wife received more than 1,000 disgusting letters, e-mails, phone calls and spray-painted messages. Even his young children were confronted at their school. The threats, intimidation and harassment had their intended effect - in June of 2002, Dr. Podell, in fear that his wife and children might be harmed, left Ohio State, his \$1.7 million grant and the world of research. He left the state and reportedly joined a private veterinary practice. The world has lost a talented and highly respected biomedical researcher because of the outrageous actions of animal rights activists. This success will only encourage similar actions against other researchers.

On September 24, 2003, the inhalation toxicology laboratory at the Louisiana State University School of Veterinary Medicine in Baton Rouge was broken into by members of the ALF. Computers and equipment throughout the lab were destroyed causing at least \$250,000 in damage. In their letter claiming responsibility for the attack, the ALF called for an end to the research being conducted. In a message directed at the researcher doing the inhalation studies the group announced, "...your time is up!"

As a result of these campaigns, not only are the rights of companies to freely do business being infringed upon, but security costs are soaring both for private companies and public colleges and universities. Money that could be directed at researching cures and treatments for disease is being re-directed to provide extra security for existing research. Many companies have been forced to hire personal security to protect the homes of their employees.

More often than not, apologists for these terrorists claim that they are exercising their right to free speech. I want to make it very clear that NABR and its members fully support constitutionally-protected rights to free speech. However, coordinated campaigns that include threats, intimidation, coercion, harassment, and other tactics that place people in fear of physical harm to themselves or their friends and families are not forms of protected free speech. These are the

tactics that extremist groups are using to forcibly impose their will on our law-abiding organizations, and we urge the Congress to take action by providing federal law enforcement with adequate tools to prosecute those who violate the rights of others.

For many years, our members have sought ways to protect their institutions against the threat of animal rights terrorism. NABR has long been active in working with Congress to find ways of doing that. Now, we find that current laws are inadequate to address the new tactics being employed by animal extremists. In fact, these campaigns seem to be designed to skirt existing laws.

We urge the Committee to help us find ways to protect our members from the evolving tactics of animal rights extremists. The continuation of life-saving medical research, the lives of your constituents -- researchers and their families, and the economic health of this important industry, depends on us finding effective and immediate ways to address this problem. Law enforcement needs new tools to pursue and prosecute those who are perpetrating these violent, organized, and methodical campaigns against institutions that conduct animal research and third parties that do business with them. Our members are urging us to deliver this message to Congress about the need to find ways to protect their facilities, their employees and their families, as well as their life-saving research.

Thank you again, Mr. Chairman, for allowing me to testify, and for holding this important hearing today. I am happy to answer any questions.