

Who is the Legally Defined Terrorist: HLS or SHAC?

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Introduction

The Western scientific world view holds that animal testing is necessary and praiseworthy work that will improve human quality of life, while any activism against animal testing is misguided, anti-human, and sometimes “terroristic.”[1] However, an investigation into the campaign against Huntingdon Life Sciences (HLS) yields the opposite conclusion. Huntingdon Life Sciences,[2] an animal testing company, is guilty of international terrorism, and Stop Huntingdon Animal Cruelty (SHAC),[3] the campaign to close HLS, is effectively responding with counterterrorism. In this paper, these terms will be defined according to the Federal Bureau of Investigation (FBI),[4] and a short history of HLS and SHAC will be given to defend these claims. I will show that despite the dominant view of animal testing, it may be the activists who are praiseworthy individuals and the companies that are the real “terrorists.”

Violence and Non-human Animals

The following argument is based on the view that maltreatment of non-human animals can legitimately be seen as violence. While animals are legally defined as property, they share morally relevant characteristics with human beings, and as a result they can also be victims of violence. Many people intuitively believe that there is a drastic difference between maltreatment of humans and maltreatment of non-humans, and yet this intuition does not rest on any morally relevant difference. Certainly there are differences in intelligence, but as philosopher Peter Singer asks, “If possessing a higher degree of intelligence does not entitle one human to use another for his or her own ends, how can it entitle humans to exploit nonhumans for the same purpose?”[5] In order to avoid this ethical bind and similar ones, there has been an appeal to the only characteristic that cannot vary between human beings, namely species. Although this may seem to be the obvious morally relevant difference, in the realm of ethics it is arbitrary at best. Furthermore, differential treatment based on a social construction such as species can be no more defensible than discrimination based on similar constructions such as race.[6] Therefore, there is no reason to believe that animals cannot be victims of violence.

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Defining Terrorism

Actions taken by HLS meet all the requirements of international terrorism. According to James F. Jarboe, Domestic Terrorism Section Chief of the Counterterrorism Division of the FBI,

International terrorism involves violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. Acts of international terrorism are intended to intimidate or coerce a civilian population, influence the policy of a government, or affect the conduct of a government. These acts transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate, or the locale in which perpetrators operate.[7]

A strict interpretation of this definition produces some unexpected results, such as the possibility that a corporation (or even the United States government itself) is guilty of terrorism. In addition, HLS meets these FBI requirements by violating animal welfare and laboratory practice laws in order to influence government drug policy. These actions are violent toward animals and put human lives in danger. Also, HLS operates in both England and the United States, and so the company falls under the rubric of international as opposed to domestic terrorism.

Terrorist Tactics by HLS

The first requirement given by Jarboe is that acts of international terrorism are either violent or dangerous to human life. HLS commits both violent acts and acts that are dangerous to human life. While HLS does not commit violence against human life, the company does inflict violence on non-human animals. Animals are forced to inhale, ingest, and/or be exposed to high amounts of various products that are being tested, such as pesticides, detergents, weed killer, diet pills, or Viagra. Lab reports at HLS provide grisly details about how the products affect the animals. For example, in one experiment some animals were documented as “rotting, but still alive.”[8] Specific violent acts of HLS employees include punching four-month-old beagle puppies in the face and throwing them against walls, dissecting a conscious monkey, and transplanting a frozen pig’s heart into a baboon.[9] Some HLS employees have been fired for these acts, but they were only sentenced to 50 hours of community service after being convicted of animal cruelty. A light sentence of this kind has no impact upon the institutionalized cruelty to animals in HLS laboratories.

HLS also threatens human life by using unscientific tests to legalize products that are potentially unsafe for human purposes. No

less than five undercover investigations of HLS document cruelty to animals and confirm suspicions that tests at HLS are unscientific. One HLS worker was caught on videotape saying, “You can wipe your ass on that data.”[10] When asked whether or not an experimental procedure was done correctly, another worker replied, “Nope. Not supposed to, never saw it, never did it, can’t prove it.”[11] Yet another employee explained that animal experimentation is used by HLS because the results are easily manipulated in order to successfully move products onto the market and satisfy HLS customers. According to SHAC USA, “By misleading scientists, the use of non-human animals as research models for human-based disease harms human patients indirectly, by delaying and directing research monies away from life-saving discoveries, and directly by endangering human lives.”[12] This claim is supported by the fact that legal drugs, the overwhelming majority of which have been tested safe on animals, kill more people (roughly 100,000 annually) than all illegal drugs combined. Also, approximately fifteen percent of all hospital admissions are due to adverse medical reactions.[13]

The second requirement given by Jarboe is that acts of international terrorism are against the law in the United States or any state. Besides the animal cruelty convictions mentioned above, the United States Department of Agriculture (USDA) fined HLS \$50,000 for 23 violations of the Animal Welfare Act in 1998. Despite the USDA fine, SHAC research indicates that these violations continued at least until March of 2000.[14] In the United Kingdom, both the Daily Express and the Observer have reported illegal activity inside HLS.[15] “Breaches of law even went unpunished in some cases,” according to the Observer in April 2003.[16] Although HLS supposedly safety tests human medicine, the company has violated Good Laboratory Practice laws over 600 times.[17]

The third requirement given by Jarboe is that acts of international terrorism are either meant to: (1) intimidate or coerce a civilian population, (2) change the policy of a government, or (3) affect the conduct of a government. Many actions taken by HLS do intimidate a civilian population, specifically the animal rights activists who have been sued for exercising their First Amendment rights. In April of 2001, for example, HLS and ex-business partner Stephens Inc. sued SHAC USA (as well as three other animal rights organizations and “affiliated individuals”[18]) for seven million dollars,[19] only to withdraw the lawsuit a little more a year later.[20] (Although SHAC has been sued many times, it has never been held liable[21]). Despite this and similar incidents, intimidation of animal activists is not the ultimate intent of HLS. Its real purpose is to influence the policy of governments, and this alone meets the international terrorism requirement. HLS does this by treating animals with indifference and cruelty, and then tailoring the test results in order to convince a government to legalize a product.

The fourth and final requirement given by Jarboe is that acts of international terrorism are either performed in more than one country or they are intended to influence the people of more than one country. HLS meets this requirement with its three laboratory sites. The main site is in Huntingdon, England, and the other sites are in Suffolk, England, and New Jersey, United States. It is indubitable that HLS is committing international terrorism, as they meet all of the FBI requirements. This is a striking counterexample to the view that animal testing is always praiseworthy work focused on reliable science and human health.

Counterterrorist Tactics by SHAC

The FBI is not so clear on their definition of counterterrorism, but they do give clues as to what makes up a counterterrorist effort. The main elements that define counterterrorism are using surveillance and analysis to learn about terrorist activity, acting to prevent the realization of terrorist threats, and neutralizing terrorist operatives, cells, and networks, with the ultimate goal of ending terrorism worldwide. Other aspects include using an understanding of the situation in moving quickly to prevent terrorist attacks, and working with regard for the United States Constitution in order to protect civil liberties.[22] According to this description by the FBI, the volunteer-run SHAC campaign fits into the category of counterterrorism, not terrorism.

With the ultimate goal of closing HLS, which was shown above to be an international terrorist organization, SHAC works to make life at HLS both unpleasant and unprofitable. HLS is a Contract Research Organization (CRO), which, as defined by the Food and Drug Administration,[23] means that it assumes one or more of the obligations of sponsoring companies. In this case, HLS stays in business as a result of the companies that contract with it to test products. SHAC carefully identifies these companies and convinces them that contracting cruel and unscientific animal research will not be profitable for them.[24] By convincing companies that HLS is unprofitable, HLS loses business and moves closer to bankruptcy.

SHAC also pressures HLS directly. SHAC demonstrates outside HLS laboratories, the buildings of companies that contract HLS, and the homes of executives from any of those companies (including HLS). For example, there were more than a dozen demonstrations at HLS CEO Andrew Baker's condo in December 2003 and January 2004 alone.[25] SHAC also creates bad publicity for those companies, and asks SHAC supporters to call and send e-mails to company executives in order to jam the companies' abilities to communicate and do business as they usually do. This type of activity by SHAC and their supporters has consistently convinced companies that contracting HLS is not worth the protest activity and bad publicity. Citibank, Merrill Lynch,[26] and over a hundred other

companies have decided to stop contracting HLS for these reasons.[27] Also, the SHAC campaign against HLS has played a major role in HLS being forced off both the London and the New York Stock Exchange.[28]

SHAC does all of its work within the boundaries of the United States Constitution. All of the demonstrations, calls, and e-mails explained above are legal, and protected by the First Amendment. In one case, 39 charges against SHAC demonstrators (including extortion, threatening, stalking, and conspiracy) were dropped after a judge decided that the demonstration was protected by the Constitution as free speech.[29] In another, SHAC USA, Voices for Animals, and website administrator Kevin Mudrick were sued by HLS and Stevens, Inc. for using a company logo on a campaign Web site, but the judge ruled that the Web site was protected by the First Amendment, since it was not for commercial use.[30] SHAC activists have been arrested in connection with the campaign against HLS (e.g. Dave Blenkinsop, for assaulting HLS managing director Brian Cass,[31] Paul Holiday and Paul Leboutillier, for making phone calls to HLS share holders[32]), but their illegal activities were independent of their involvement in SHAC. In sharp contrast, the illegal actions of HLS employees are directly related to their employment by HLS. If HLS took the time and energy necessary to properly care for the animals used in its experiments, it would be far less profitable, and the results of the experiments would be harder to tailor for the purposes of moving products onto the market. On the other hand, if SHAC activists participated in only legal measures in order to close HLS, the organization would still be relatively effective. In a word, the illegal activity of HLS, unlike that of SHAC, is essential to the organization's success.

Because SHAC does extensive research in order to prevent HLS from committing terrorist acts, and because SHAC does not disobey the law, it follows that SHAC is a counterterrorist group (as defined by the FBI) working against the criminal actions of HLS.

Objections

There are two predictable objections to this argument. First, one might claim that actions that are violent toward non-human animals cannot be categorized as terrorism per se. Second, one might insist that SHAC is the actual terrorist organization of the two.

While HLS could still be considered an international terrorist organization without the implementation of violence toward animals (because the process of testing drugs on animals endangers human life), there are persuasive rationales for the view that non-human animals can be victims of terrorism. Even though many people regard equality as a matter of fact among human beings, the belief that people of different genders and ethnicities generally have relatively equal intelligence, strength, and other qualities, could be completely false. Still, we would not want to abandon the idea of

equality, and that is because it is a moral principle, not a matter of fact. “The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat human beings,” writes Singer.[33] We treat people as equals because they have similar interests, not because they are equal in all respects.

In order to have such interests, all a being must possess is sentience. Sentience is not unique to human beings, and so it follows that the interests of (sentient) non-human animals must also be considered equally. Therefore, to say that terrorism can be committed against one being (a mentally retarded child) but not another (a cat) is a prejudice based on characteristics that are morally irrelevant and is no less excusable than racism or sexism. This is illustrated in a quote from Dr. Michael Podell, a vivisector who was convinced to resign by an animal rights campaign against his experiments involving cats and addictive drugs. In defense of animal testing, he stated: “It’s a small number of animals to get information to potentially help millions of people.”[34] Obviously, if the cats in Podell’s study were replaced by severely mentally retarded human beings who would never develop any sentience, abstract reasoning, or other characteristics beyond those of a cat, the research would be cancelled and Podell arrested.

Although by definition HLS is guilty of international terrorism and SHAC is using counterterrorism, some have claimed that SHAC is the actual terrorist organization of the two. They point to spirited demonstrations, publicity campaigns, phone and e-mail blockades, smashed windows, anti-HLS graffiti, slashed tires, and arson. Such tactics have elicited negative reactions from groups such as the Southern Poverty Law Center, which described “SHAC’s campaign to harass employees of Huntingdon - and even distantly related business associates like Marsh - with frankly terroristic tactics similar to those of anti-abortion extremists. Employees have had their homes vandalized with spray-painted ‘Puppy killer’ and ‘We’ll be back’ notices. They have faced a mounting number of death threats, fire bombings and violent assaults. They’ve also had their names, addresses, and personal information posted on Web sites and posters, declaring them ‘wanted for collaboration with animal torture.’”[35]

It is true that according to the FBI definition, these illegal actions would change the status of SHAC from counterterrorism to domestic terrorism. However, this position assumes that the responsibility for any politically motivated illegal action taken against a company can be traced back to a legal campaign against the same company. Richard Berman, Executive Director of the Center for Consumer Freedom, seems to hold just this stance. As he wrote in his testimony at a U.S. House of Representatives Oversight Hearing on eco-terrorism, “While [the Animal Liberation Front] took credit for these crimes [stated above], SHAC publicized them, suggesting that the two are connected if not identical.”[36] What Berman and others fail to appreciate are the ample counterexamples to this

argument. When a labor union publicizes the smashing of a Starbucks shop at a globalization protest they attended, this does not imply that the union had any control over the sequence of events leading up to the crime. And without any control over the crime, an organization certainly cannot have any responsibility.

Even though “anonymous activists have made unsolicited contributions to the efforts to close HLS in the form of liberating animals, breaking windows, burning out cars, and other forms”[37] of politically motivated property destruction[38], SHAC is an aboveground campaign. SHAC ideologically supports actions that meet the Animal Liberation Front (ALF)[39] requirements, publicizes these actions, and “will lend tangible support to those tried and/or convicted of” such crimes, but this is entirely legal activity.[40] Although Berman recognizes that “at the end of the exercise, it’s all about the same effort,”[41] this in no way closes his case against SHAC. The ALF and SHAC are two separate organizations, the former using an illegal underground approach and the latter adopting a legal and aboveground presence. Whether or not sabotage is an ethically defensible tactic, the SHAC campaign evades this philosophical question by acting according to the laws and Constitution of the United States. Their work to end dangerous research and terrorism against non-human animals is both legal and ethical. Because SHAC does not advocate or provoke violence, the campaign cannot legally be held responsible for the actions of anonymous members of the ALF or related organizations.

Conclusion

It is an Orwellian irony that violence and dangerous science are commonly considered beneficial while the resistance to this activity is considered terrorism. Delving beyond these considerations and focusing on the current government definitions unexpectedly shows that HLS is an international terrorist organization, and that SHAC is using counterterrorism in its attempt to save countless animals and protect human lives. The dominant view of animal testing fails to accommodate cases of this kind, in which animal rights activists are praiseworthy individuals an animal research is terrorism. Because animals are capable of becoming victims of terrorism and SHAC is not responsible for any illegal actions against HLS, there is no excuse for the current private and state protection of HLS. The cruel and dangerous practices HLS employs for profit warrant not only our attention, but our action as well.

Notes

[1] “From Push to Shove.” Intelligence Report Fall 2002: 20-29.

[2] Welcome to Huntingdon Life Sciences. 13 March 2004 <http://www.huntingdon.com/hls/home/index.html>.

- [3] Stop Huntingdon Animal Cruelty/USA. 13 March 2004 <http://www.shacamerica.net>.
- [4] Federal Bureau of Investigation. 13 March 2004 <http://www.fbi.gov>.
- [5] Singer, Peter. Writings on an Ethical Life. New York: The Ecco Press, 2000: 31-33.
- [6] Elstein, Daniel. "Species as a Social Construction: Is Species Morally Relevant?" Animal Liberation Philosophy and Policy Journal. 2003. 13 March 2004 http://www.cala-online.org/Journal/Issue_1/Species%20as%20a%20Social%20Const%20ruction.htm.
- [7] U.S. Government. Eco-terrorism and Lawlessness on the National Forests. Washington: U.S. Government Printing Office, 2002.
- [8] Huntingdon Life Sciences Exposed by Sarah Kite. 13 March 2004 <http://www.shac.net/HLS/exposed/kite.html>.
- [9] Lynn, Gina and Darius Fullmer. "Born to Die at Huntingdon Life Sciences." Earth First! Journal 21 June 2001: 24-26.
- [10] Huntingdon Life Sciences Exposed by Michelle Rokke. 13 March 2004 <http://www.shac.net/HLS/exposed/rokke.html>.
- [11] Huntingdon Life Sciences Exposed by Michelle Rokke.
- [12] Stop Huntingdon Animal Cruelty Fact Sheets. SHAC USA
- [13] Americans for Medical Advancement Frequently Asked Questions. 19 March 2004 <http://www.curedisease.com/FAQ.html>.
- [14] Lynn
- [15] Huntingdon Life Sciences Exposed. 5 April 2004 <http://www.shac.net/HLS/exposed.html>.
- [16] "Exposed: secrets of the animal organ lab." The Observer. 20 April 2003. 5 April 2004 http://observer.guardian.co.uk/uk_news/story/0,6903,940033,00.html.
- [17] Stop Huntingdon Animal Cruelty Fact Sheets.
- [18] "Huntingdon Sues Animal Activists." News from Huntingdon Life Sciences. 19 April 2001. 25 March 2004 http://www.huntingdon.com/hls/www/lshow_press_release.jsp?id=631.
- [19] "Huntingdon Life Sciences/Stephen's INC. Slaps Law Suit On Activists." Green Anarchy. Summer 2002. 25 March 2004 <http://greenanarchy.org/zine/GA09/staterepression.php>.
- [20] Carnell, Brian. "HLS Withdraws RICO Lawsuit Against SHAC." AnimalRights.Net. 9 July 2002. 25 March 2004. <http://www.animalrights.net/articles/2002/000240.html>.
- [21] Shabner, Dean. "Interactive Ecoterror?" ABCNEWS.com. 5 May 2003. 22 March 2004 <http://abcnews.go.com/sections/us/SciTech/ecoterror030505.html>.
- [22] War on Terrorism Home. 13 March 2004 <<http://www.fbi.gov/>> (click on "Counterterrorism").

- [23] United States. Food and Drug Administration, Office of the Commissioner, Office of Good Clinical Practice. Why a SMO is not a CRO, or is it? By Stan W. Woollen. Oct. 2001. 13 March 2004 <http://www.fda.gov/oc/gcp/slideshows/smo2001/smotext.html>.
- [24] SHAC USA. "Holy Protests, No Comp Readers! Check Out the HLS Campaign!" No Compromise Fall 2003: 11.
- [25] "Baker Bashing." Stop Huntingdon Animal Cruelty/USA eNewsletter. 23 Jan. 2004. 13 March 2004 http://www.shacamerica.net/enews/jan23_04/.
- [26] Lynn
- [27] Shabner
- [28] SHAC History. 13 March 2004 <http://www.shac.net/SHAC/history.html>.
- [29] "Judge Dismisses 39 Charges Brought Against Animal Rights Activists." The Associated Press. 22 Feb. 2004. 22 March 2004 http://www.shacamerica.net/2004/news_feb22b_04.htm.
- [30] Lynn
- [31] "From Push to Shove."
- [32] Prisoner Support. 13 March 2004 <http://www.shac.net/ACTION/prisoners.html>.
- [33] Singer
- [34] "From Push to Shove."
- [35] "From Push to Shove."
- [36] U.S. Government
- [37] Stop Huntingdon Animal Cruelty Fact Sheets.
- [38] Anthony J. Nocella, II, NCOR presentation 2004 Jan. 24-25
- [39] Animal Liberation Front. 25 March 2004 <http://www.animalliberationfront.com>.
- [40] "Why does SHAC support 'violent' tactics?" Stop Huntingdon Animal Cruelty USA. 22 March 2004 <http://www.shacamerica.net/faq.htm#11a>.
- [41] U.S. Government