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ECO–TERRORISM SPECIFICALLY EXAMINING STOP HUNTINGDON ANIMAL CRUELTY ("SHAC")

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

FIRST SESSION

OCTOBER 26, 2005

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C O N T E N T S

Page

OCTOBER 26, 2005

OPENING STATEMENTS

Inhofe, Hon. James M., U.S. Senator from the State of Oklahoma 1
Jeffords, Hon. James M., U.S. Senator from the State of Vermont, prepared statement 30
Lautenberg, Hon. Frank R., U.S. Senator from the State of New Jersey 4
Thune, Hon. John, U.S. Senator from the State of South Dakota 10

WITNESSES

Bernard, Richard P., executive vice president and general counsel, New York Stock Exchange 20
Prepared statement 39
Bibi, Mark L., general counsel, Life Sciences Research, Inc. and Huntingdon Life Sciences, Inc. 15
Prepared statement 37
Boruchin, Skip, NASDAQ market maker, Legacy Trading Company 18
Prepared statement 38
Lewis, John E., Deputy Assistant Director, Counterterrorism Division, Federal Bureau of Investigation 5
Prepared statement 30
Sabin, Barry M., Chief, Counterterrorism Section, Criminal Division, U.S. Department of Justice 8
Prepared statement 33
Vlasak, Jerry, M.D., press officer, North American Animal Liberation Press Office 20
Prepared statement 41

ADDITIONAL MATERIAL

Article:
"The Animal Zealotry That Destroyed Our Lab," by Mark S. Blumberg, *Washington Post* 50
Doris Day Animal League 53
Charts:
HLS CEO Attacked and Beaten with a Baseball Bat at His Home 62
SHAC Attacked Homes of HLS Scientists 63
SHAC Leaflets Chiron Executive's Neighborhood 64
SHAC Directs Members to Contact NYSE 65
Jerry Vlasak is an Actor in Multiple Animal Rights Terrorists Groups 66
SHAC Attacked Home of Skip Boruchin in Oklahoma 67
SHAC Attacked Office of Skip Boruchin in Oklahoma 68
SHAC Leaflets HLS Executive's Neighborhood with Slanderous Material . 69
SHAC Orders Direct Action on HLS 70
DOJ Resource Guide on the Domestic Terrorist Threat of SHAC 71
Business Card Illustrates the Collusion of Multiple Animal Rights Groups 72
Letters:
Kerr, Jeffrey S., general counsel and director of corporate affairs, People for the Ethical Treatment of Animals Foundation (PETA)..... 54–58
Lenon, Jordana, National Association for Biomedical Research 59

Page

—Continued
Pacelle, Wayne, president and CEO, The Humane Society of the United States 60
Society for Animal Protective Legislation 61
Statement, Bistrian, Bruce R., M.D., Ph.D., president, Federation of American Societies for Experimental Biology (FASEB) 48

ECO–TERRORISM SPECIFICALLY EXAMINING STOP HUNTINGDON ANIMAL CRUELTY ("SHAC")

WEDNESDAY, OCTOBER 26, 2005

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:30 p.m. in room 406, Senate Dirksen Building, Hon. James M. Inhofe (chairman of the committee) presiding.

Present: Senators Inhofe, Thune, and Lautenberg.

OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator INHOFE. The committee will come to order. We have a longstanding habit of starting on time, whether other members are here or not.

Today, the Committee on Environment and Public Works will discuss the committee's investigation into eco-terrorism. This hearing is the second hearing we have had on this subject. We will focus on Stop Huntingdon Animal Cruelty, "SHAC," a radical animal rights organization that relies on crimes of violence and a campaign of fear to convey their message of animal liberation. SHAC evolved with the purpose of ruining a contract research organization called Huntingdon Life Sciences. We will refer to that as HLS, also known as Life Science Research, a New Jersey-based company that conducts EPA and FDA mandated testing on animals.

This testing may some day provide a cure for cancer, AIDS, blindness and the possibilities are endless, as we, the Congress, have determined that this testing is necessary to ensure the safety of our consumers.

Our first two witnesses, John Lewis, Deputy Assistant Director of the Counterterrorism Division of the FBI, and Barry Sabin, Section Chief of the Counterterrorism Division of the Department of Justice are here to explain SHAC's revolutionary tactics used to pressure people through tertiary or third party targeting to stop any and all business with HLS. SHAC targets all HLS service providers and clients under the theory that without them, HLS cannot operate.

SHAC is able to effectively bully companies by using extremely dangerous and frightening tactics, including the use of bombs, arson, violence against people and property, intimidation, and harassment. We have a chart that depicts the HLS CEO who was at-

tacked with a baseball bat by SHAC. That is on my side of the two charts, you can see his head is bleeding profusely. He was near death at that time.

[The reference document follows on page 62.]

SHAC calls these tactics direct actions, and its level of violence and propensity for harm has led the FBI to include SHAC, along with the Animal Liberation Front and the Earth Liberation Front, as the most serious domestic terrorist threat today, having committed over 1,200 acts of terror and over $200 million in damages.

There is a need for tighter, yet concise legislation to curb this criminal activity that, up to date, has been impervious to law enforcement authorities. Such legislation will close the gaps in the criminal code that have allowed SHAC, working with multiple other animal rights groups, the freedom to terrorize people.

Mark Bibi, general counsel for HLS, will inform us about not only the years of terror that HLS executives, scientists, and other employees and their family members have endured as SHAC's primary target, but also the costs associated with operating a research entity because of SHAC. Notice the chart that illustrates multiple scientists' homes that were attacked, coupled with the loss of research, loss of scientists and security costs of the interference with HLS' ability to compete in the financial markets.

[The reference document follows on page 63.]

Just last month, HLS was to be listed on the New York Stock Exchange. The Exchange refused to go through with the scheduled listing because of threats from SHAC. Here is a chart illustrating the SHAC Web site threatening the New York Stock Exchange.

[The reference document follows on page 65.]

When this happened on September 7, I sent a letter to the New York Stock Exchange cautioning them on such an important decision and expressing my concerns about setting a dangerous precedent. As I said in my letter, it seems to me unimaginable that this country's worldwide symbol of the integrity of the capital markets, the New York Stock Exchange, would capitulate to threats or even the mere threat of threats from a single issue extremist group.

Appeasing these groups only validates the effectiveness of their tactics and inspires them to replicate this model of activism in some other venue. What then will happen when the activists move to the timber industry or the defense industry or some other controversial industry? Today we will seek information from the New York Stock Exchange about this decision.

One of my constituents, Skip Boruchin, from Oklahoma, endured several years of SHAC's terror, along with his family and employees. He is with us today to tell his story. Skip's home and office—notice these charts—were attacked by SHAC and ALF.

[The reference documents follow on pages 67 and 68.]

Finally, the committee will hear from animal rights activist, Dr. Jerry Vlasak. Dr. Vlasak is highly controversial, since he has gone on record advocating the end of biomedical research using animals by any means possible, including assassination—that's murder—of scientists. In fact, Dr. Vlasak has been banned from the United Kingdom for such volatile statements.

We need to understand and assess the dangers associated with the research culture that is under attack. If researchers do not re-

ceive protection and the opportunities to fairly compete, will they leave the United States for places like China and India? These are questions we must seek the answers to in order to determine the best response to this troubling issue.

Consequently, I am introducing legislation today that will assist law enforcement in their plight to combat the criminally-based SHAC campaign that targets innocent and necessary actors in an industry that promotes innovation and discovery.

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF SENATOR JAMES M. INHOFE, U.S. SENATOR FROM THE STATE OF OKLAHOMA

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SHAC calls these tactics "direct actions" and its level of violence and propensity for harm has led the FBI to include SHAC along with the Animal Liberation Front and the Earth Liberation Front as the most serious domestic terrorist threat today, having committed over 1,200 acts of terror and over $200 million in damages. There is a need for tighter yet concise legislation to curb this criminal activity that, up to date, has been impervious to law enforcement authorities. Such legislation will close the gaps in the criminal code that have allowed SHAC, working with multiple other animal rights groups, the freedom to terrorize people.

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One of my constituents, Stephen ("Skip") Boruchin from Oklahoma, endured several years of SHAC's terror along with his family and employees and he is with us today to tell his story. Skip's home and office—notice these charts—were attacked by SHAC and ALF. Finally, the committee will hear from animal rights activist, Dr.

Jerry Vlasak. Dr. Vlasak is highly controversial since he has gone on record advocating the end of biomedical research using animals by any means possible including the assassination of scientists. In fact, Dr. Vlasak has been banned from the United Kingdom for such volatile statements.

We need to understand and assess the dangers associated with a research culture that is under attack. If researchers do not receive protection and the opportunities to fairly compete will they leave the United States for places like India and China? These are questions we must seek the answers to in order to determine the best response to this troubling issue. Consequently, I am introducing legislation today that will assist law enforcement in their plight to combat the criminally based SHAC campaign which targets innocent and necessary actors in an industry that promotes innovation and discovery.

Senator Lautenberg.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. Thank you very much, Mr. Chairman.

I don't know whether I need my sign before I make my speech.

Senator INHOFE. I don't have mine up. You don't need yours.

Senator LAUTENBERG. Anyway, Mr. Chairman, thank you very much for holding this hearing today. The subject is very important, and I think it has to be apparent that there is nothing that we can say that justifies criminality. Among the subjects I know that we review in this committee on a regular basis are subjects of terror and what if any involvement that we are aware of that takes place. We want to step up and defend people's rights to dissent, but also prosecute those, recommend prosecution of those who would break the law.

I served in the Army during World War II, and our rights as Americans are precious to me, including the right of free speech and political dissent. One person's rights, where another person's safety begins, is often a delicate question. Nobody has the right to jeopardize the safety of anyone else. Anyone who believes that they have that right because their ideological beliefs are so strong is sorely mistaken.

I support the right, as I said, to free political speech that is not based on threats or harassment. Protests and demonstrations are legal and legitimate means of advocating for change. But I condemn violence and I support the prosecution of criminal behavior.

I believe that laboratory tests involving animals can be necessary and important for the advancement of science and medicine and the protection of public health. I would hope that that wasn't the case. If it is determined that that is the only way to establish the safety and efficacy of a product that is going to be used on humans, unfortunately, so be it.

When such testing is necessary, it must be conducted under strict standards and subject to regular inspection and oversight. Even though I believe such testing can be necessary, I understand that some people don't share my views. These people have a right to engage in legitimate public debate on the topic. They have a constitutional right to speak their minds and even stage protests.

They do not have a right to engage in violent, criminal or threatening activities, as some members of an organization with the acronym SHAC, Stop Huntington Animal Cruelty have done. I deplore these actions for several reasons. Not only do these illegal actions victimize innocent citizens in my State, they are also used to tar

with a broad brush anyone who supports the cause of animal rights or protecting the environment. I support animal rights. I am very careful about that, and have been an advocate for safe transportation of animals and care of animals. I stand by that.

But while the actions of SHAC may fall within the statutory definition of terrorism, the fact is, our Nation faces much greater threats of terrorism from other sources, which does not mean that we should let this pass by unnoticed or not acted upon. SHAC's illegal acts should be prosecuted to the fullest extent of the law.

They should not divert our attention from great, great threats to lives, health and safety of the U.S. citizens, including in New Jersey, such as the need for greatly increased chemical security. We have people at risk within the nearby vicinity of chemical plants that could conceivably kill millions if they are attacked with serious weaponry.

So Mr. Chairman, I thank you for the opportunity to present my views on this issue.

Senator INHOFE. Thank you, Senator Lautenberg. That was an excellent statement. I hope it is not inappropriate for me to say that I totally agree with your statement. I think it is the best statement I have ever heard you make in the 19 years we have been here. Thank you very much.

[Laughter.]

Senator LAUTENBERG. I thought I made one in my 18th year——

Senator INHOFE. My memory isn't that long.

[Laughter.]

Senator INHOFE. Thank you, Senator Lautenberg.

So that the witnesses will be aware, while we are short of members here, the members all have staff that is here. Members will be coming in and out. We have things that are going on on the floor. I even have an amendment myself on the floor right now.

We will go ahead with opening statements. Mr. Lewis, we will start with you. Just try to stay within 5 minutes or so. Your entire statement will be made part of the record. Take what time you need to make, because your testimony—and yours, Mr. Sabin—are very important.

Mr. Lewis.

STATEMENT OF JOHN E. LEWIS, DEPUTY ASSISTANT DIRECTOR, COUNTERTERRORISM DIVISION, FEDERAL BUREAU OF INVESTIGATION

Mr. LEWIS. Thank you very much.

Good afternoon, Mr. Chairman, Senator Lautenberg. I am pleased to return before this committee and continue discussions regarding the threat posed by animal rights extremists.

I am here today to speak to you about how members of the animal rights extremist movement advance their cause by using so-called direct action against individuals, as well as companies. I see disturbing signs of success in what they are doing, and legitimate business enterprises are suffering.

I will also touch on the limitations of existing statutes and the need to amend legislation if there is agreement that more needs to be done to address this problem.

When I was last here in May, I spoke of direct action taking many forms, to include harassment and intimidation of an escalating nature, vandalism also of an escalating nature, and more severe criminal actions, such as the use of improvised incendiary and explosive devices.

There are two types of targets today in the cross-hairs of animal rights extremists who are on the receiving end of the so-called direct action. The first includes individuals and companies which directly interact with animals, such as is the case with our medical research industry. The second type is individuals and companies which do not directly interact with animals, but who have business ties with companies which do.

The direct actions carried out by those associated with the animal extremist movement are very definitely executed to harass, intimidate, destroy property, inflict economic harm, with the ultimate aim of terminating normal business operations. Within the animal rights extremist movement, we are currently seeing a significant amount of direct action activity that we are unable to effectively address given the Federal statutes we have to work with.

This activity involves the targeting of secondary or tertiary companies which have business or financial relationships with another principal target. This activity typically takes the form of and begins with harassment of employees through telephonic contact, e-mail or in person. This kind of harassment escalates if the desired effect is not reached and can quickly involve into intimidation and legitimate concerns for physical safety.

In other cases, we have seen vandalism used to make a point, followed by contact with business principals to make sure they understand there is more to follow if the animal rights extremists' demands are not met.

The point of this activity, very successfully executed in recent cases, I might add, is to force business owners to sever ties with the principal target, an act that disrupts business and one that can inflict serious economic damage. The Stop Huntingdon Animal Cruelty campaign, best known as SHAC, is best known for this tactic. SHAC, as you are aware, has since its inception, targeted Huntingdon Life Sciences, both in the United Kingdom and here in the United States. Their overriding goal is to put HLS out of business by whatever means necessary, to include violent means.

Although they have not been successful, there is no doubt that HLS has suffered significantly from a financial point. SHAC has made it their business to target companies that are affiliated with HLS, from pharmaceutical companies to builders to investors. It is not enough to say that SHAC targets companies, that is not personal enough. SHAC targets people, individuals in these companies, men and women who hold management positions and on occasion their family members. SHAC has used a variety of tactics to intimidate these affiliated companies, employees, family members, to include bombings, death threats, vandalism, office invasions, home visits with and without vandalism, phone blockades and denial of service attacks on their computer systems and the like.

I can report to you today that this strategy has been quite effective. SHAC has forced well over 100 companies to sever ties with HLS, including Aetna Insurance, CitiBank, Deloitte and Touche,

Johnson and Johnson, Merck and others. Their current target list includes GlaxoSmithKline, Roche, Novartis, UPS, as well as multiple financial institutional investors.

Let me give you a couple of examples here, and I think we have gone over some of these before. In August 2003, two explosive devices were detonated at the Chiron Corporation out in California. A month later, an improvised explosive device exploded at the headquarters of the Shaklee Corporation, also in California. The second device that detonated at Chiron was timed to go off later than the first, and in my view, an apparent strike at first responders.

At Shaklee, that device was constructed with nails, to significantly increase its lethality to anyone in the area at time of detonation. That claim of responsibility that followed indicated that all customers and their families are considered legitimate targets, no more will all the killing be done by the oppressors, now the oppressed will strike back.

In another more recent example, just last month an incendiary device was left on the front porch of a senior executive at GlaxoSmithKline in England. GlaxoSmithKline is one of SHAC's main targets. It was Animal Liberation Front, in this particular case, that claimed responsibility. In their message, they wrote: "This is just the beginning. We have identified and tracked down many of your senior executives and also your junior staff. Drop HLS or you will face the consequences."

Last month, Huntingdon Life Sciences entered into a business relationship with the New York firm Carr Securities. Carr is a market maker and intended to market HLS stock. On the very day following its first series of transactions, SHAC vandalized the Manhasset Bay Yacht Club. The Yacht Club was vandalized because certain Carr executives are believed to be associated with that club. Three days after this incident, Carr Securities terminated its business relationship with HLS, and did so with a public announcement that is still on the Internet today.

An investigation is being conducted by us at several institutional investment firms around the country today who either now own or have had HLS stock. Several of them have been targeted; some of this is currently going on as we speak and others not yet. In some cases, these firms have sold their shares in order to bring an end to the harassment and intimidation. SHAC's Web site features a statement attributed to a CEO of one such company: "Please be advised that as of today, Cortina Asset Management does not own any shares of Huntingdon Life Sciences Research. We have sold all of our shares in LSRI today. This will confirm that we have no intention of dealing with HLS stock at any time in the future."

Existing statutes make it relatively easy for the FBI to pursue direct actions that include arsons and bombing. It is a different story with respect to the harassment via telephone, e-mail, office and home visits, vandalism to property, intimidation and the like. The existing Animal Enterprise Terrorism statute, set forth at 18 U.S.C. 43, does provide a framework for prosecuting the individuals involved in animal rights extremism. However, in practice, this statute does not cover many of the activities SHAC routinely engages in on its mission to shut down HLS.

Investigating and preventing animal rights extremism is one of our highest domestic terrorism priorities, as you know. We are committed to working with our partners to disrupt and dismantle these movements, to protect our fellow citizens and to bring to justice those who commit crime and terrorism in the name of animal rights.

We are also committed to working with the Congress to develop statutes and amend those statutes that will allow us to accomplish this mission.

Chairman Inhofe, Senator Lautenberg, I appreciate the opportunity to come back here and would be pleased to take any questions when we are finished here.

Senator INHOFE. Thank you, Mr. Lewis.

Mr. Sabin.

STATEMENT OF BARRY M. SABIN, CHIEF, COUNTER-TERRORISM SECTION, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE

Mr. SABIN. Mr. Chairman, Senator Lautenberg, thank you for providing me the opportunity to testify before you concerning the Department of Justice's efforts to investigate and prosecute entities and individuals who commit criminal acts in the name of animal rights.

In order to ensure that the Department has all the necessary investigatory tools, legal authorities, and appropriate penalties, the Department supports amending title 18, United States Code, section 43 to include, among other things, economic disruption to animal enterprises and threats of death and serious bodily injury to associated persons. The proposed modifications provide a clear and constitutional framework consistent with the first amendment for timely, effectively and justly addressing prohibited criminal conduct that will ensure that victims' rights are respected and preserved.

As this committee well knows, animal rights extremists have not hesitated to use violence to further their social and political goals. In those cases where individuals have used improvised incendiary or explosive devices, Federal prosecutors are well equipped to prosecute and punish such individuals using the tools provided in title 18, United States Code, section 844.

Domestic violence by animal rights extremists is not limited, however, to the use of arson and the use of explosives. As Mr. Lewis has described in his testimony, Stop Huntingdon Animal Cruelty and other animal rights extremist organizations and entities are engaging in a campaign of criminal conduct which is calculated to aggressively intimidate and harass those who have been identified as targets, including Huntingdon Life Sciences.

The personal and economic consequences of this campaign have been and will continue to be significant. In the past, this kind of criminal conduct was prosecuted as a violation of the Hobbs Act, codified in section 1951 of title 18 of the United States Code. In *Scheidler* v. *National Organization for Women,* however, the United States Supreme Court held that in order to commit the extortion that is the gravamen of the Hobbs Act violation, a defendant must

actually obtain property, that is, he or she must take a tangible thing of value from his or her victim.

On the other hand, the Animal Enterprise Protection Act, codified at section 43 of title 18, is still an important tool for prosecutors seeking to combat animal rights extremists. The Department has used section 43 to charge SHAC and individual defendants in Federal district court in New Jersey.

While section 43 is an important tool for prosecutors, SHAC and other animal rights extremists have recognized limits and ambiguities in the statute and have tailored their campaign to exploit them. Accordingly, the Department supports the draft bill to amend section 43 in order to address several gaps in the law that keep prosecutors from using it in the most effective manner possible.

First, the statute's definition of the type of animal enterprise that it protects is not broad enough to include some of the entities that are now targeted by SHAC and other animal rights extremists. These include pet stores and even animal shelters. Second, the statute's use of the phrase "physical disruption" to describe the conduct it proscribes unnecessarily suggests that it covers a narrow scope of conduct.

Third, the proposal would include this type of criminal conduct as a predicate for seeking electronic surveillance authority. Fourth, in its current form, the statute fails to address clearly the consequences of a campaign of vandalism and harassment directed against individuals as opposed to the animal enterprise itself. The proposal would remedy this ambiguity by clearly stating that committing the proscribed conduct against an individual, including an employee of an animal enterprise, or of an entity with a relationship with an animal enterprise, is equally illegal.

Finally, the proposal provides a range of penalties, including imprisonment, fines and restitution that are tailored to reflect the nature and severity of the criminal conduct. It is important to underscore that this Congress and the Justice Department have taken significant steps to assist and protect victims of crime. The Justice for All Act passed with overwhelming bipartisan support 1 year ago and is codified in section 3771 of title 18. The attorney guidelines on victim and witness assistance, as revised in May of this year, recognize the rights of crime victims and the importance of reasonable protection for victims from defendants or those persons acting in concert with or at the behest of suspected offenders.

The proposed legislation seeks to build upon this foundation. The criminal conduct of animal rights extremists is directed against individuals and companies in order to intentionally place these victims in reasonable fear of death or serious bodily injury. These victims often suffer mentally, physically, and monetarily when extremists threaten them, damage their property and affect their livelihood.

This is not first amendment protected speech, but rather criminal conduct that is within the traditional realm of statutes prohibiting threats, violence or injury to innocent victims. In seeking to meet the challenge of these changing forms of criminal conduct by animal rights extremists, the Department is acutely aware of the importance of protecting the first amendment rights of those who

protest any cause they believe right, including the testing and other use of animals.

Let me be clear: The Department does not seek to prosecute those who enter the arena of debate seeking to persuade their government or private businesses and individuals of the merit of their viewpoints. This proposal would not, indeed could not, criminalize such protected activity. We seek to prosecute criminal conduct, including conduct that places a person in reasonable fear of death or serious bodily injury.

The first amendment is not a license for the use or threatened use of violence or for the commission of other crimes. Those who cross the line from free speech to criminal conduct should be prosecuted and if convicted, they should be punished appropriately. As it has done in other contexts, the Congress must give prosecutors the tools to do so fairly and effectively.

Mr. Chairman, members of the committee, thank you for your leadership on this issue and again for inviting us here and providing us the opportunity to discuss how the statutes are being used consistent with our constitutional values to fight violent extremism. Together, we will continue our efforts to secure justice and defeat those who would harm this country.

Thank you.

Senator INHOFE. Thank you, Mr. Sabin.

Senator Thune, Senator Lautenberg and I have already given opening statements. If you would like to make an opening statement, you are recognized to do so.

OPENING STATEMENT OF HON. JOHN THUNE, U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator THUNE. Thank you, Mr. Chairman. I don't have a long statement, but I appreciate your willingness to examine this issue and am obviously anxious to hear the perspective that the Department of Justice and others have about the law enforcement implications of this issue, and also to hear the testimony of the panelists with respect to some of the threats that they face.

I hope that in shining a light on some of these terrorist activities we will be able to form some basis or foundation that hopefully will lead us to a course of action. I am not sure what that is at this point, Mr. Chairman, but I think it is important to have this discussion, to invite these witnesses to testify about what they are experiencing out there and to look at what we can do to help address and keep people in this country safe.

Thank you.

Senator INHOFE. Thank you, Senator Thune. That comment leads me into the first question for you, Mr. Lewis. You heard Mr. Sabin talk about the recommended specific changes by title. Have you had a chance to review the recommendations of Mr. Sabin? What is your response to that?

Mr. LEWIS. Yes, I have. I endorse what the Department of Justice has put forth. It will allow us to reach through our investigative activity those actions as directed at both property and persons of secondary or tertiary companies that happen to do business with companies like HLS, something we have great difficulty finding now through the statutes that we have.

Senator INHOFE. I think in your written testimony you said that there are some 100 companies that have been identified that have been subjected to this type of abuse. Is that accurate?

Mr. LEWIS. Not that have just been identified, sir, but that have quit doing business with HLS at some cost to that company, I might add.

Senator INHOFE. Why do you think the companies are so quick to back out? It is a terrorist organization. Why do they so easily respond to the demands?

Mr. LEWIS. Sir, in my view, these companies give in to SHAC at least in part, if not in whole, because they believe that their business, their customers, their employees, their employees' family members can all become targets of what has become fairly well known from SHAC, their harassment, intimidation, violence in the form of vandalism at their homes, at their business or worse. There are far too many examples of this for these businesses not to be aware of it.

I am certain these companies are well aware of this radical movement of which SHAC is clearly a part. I am certain that they are well aware that there are many arsons throughout the country attributed to this movement. I am sure they are aware, for instance, that there has been use of improvised explosive devices, that you can go on these Web sites that the animal extremists, people who are associated with that movement, the Web sites that they go to, you can find recipes for making these types of devices.

The fact of the matter is, when a management official is faced with this kind of thing, when he is associated with a company that is doing business with HLS and is all of a sudden contacted by SHAC, all these things I have described I know are going through his head. He knows what their successes are. I am sure he knows what, to some extent, how successful law enforcement has been, and we haven't been that successful at all.

I believe these companies make a bottom-line decision at the end of the day: Do I want to go through all this and have my employees and family members and customers put up with this, or do I want to take a step back at some small expense to me, and I will let HLS pick up somewhere else.

Senator INHOFE. Mr. Lewis, you testified before this committee last April or May when we had a similar hearing with ALF and ELF, the Animal Liberation Front and the Environmental Liberation Front. Will you share with us how you see SHAC in relationship to ALF and ELF?

Mr. LEWIS. Within the animal extremist movement there are three principal organizations that concern me on a daily basis. SHAC is one of those. There are three entities that concern me most on a daily basis in the work I do associated with animal rights extremism and environmental extremism: ELF, ALF and SHAC. From time to time there are others that come up on the scope. Some of these are associated with the three that I have just mentioned. But these names cross my desk on a daily basis.

Senator INHOFE. Mr. Sabin, in your testimony you said to terrorize people effectively, the SHAC Web site lists 20 terrorist tactics to use on people and companies. How do they use the Web sites or the Internet in getting their message out?

Mr. SABIN. They use that kind of communication device which is not just for the local cell, but for nationwide and even international audience, so that they can take it from a local to a national level. It is low cost; it has controlled readership; it enables them to conduct training or communications rather than traveling from one location to another, which would inhibit a law enforcement response, a disruptive response because of their traveling or other kinds of interaction. It provides a secure method for them to communicate on a cheap and effective large scope basis.

It is something that is not just promoting its views, but organizing a direct action campaign. So they link it to specific terror tactics that are articulated on the Web site and set forth in the indictment in *New Jersey* and *SHAC*—that criminal case—to explain the manner in which they use that technology.

Senator INHOFE. Thank you. This afternoon I am going to introduce legislation that we put together. I want you guys to realize that we want to untie your hands. What I would like to ask of you is if you would take the legislation that we are going to be introducing—it will be assigned to the Judiciary Committee—and tell us if there are any imperfections on that. Because even though it will not be assigned to this committee, we can certainly have an impact and plan to be there as witnesses when the hearing is held. Can you do that?

Mr. SABIN. We would be happy to do so.

Senator INHOFE. That's good.

Senator Lautenberg.

Senator LAUTENBERG. I am a little confused about whether or not the conventional law enforcement codes don't protect people from the kinds of activities that you have described: Harassment, intimidation, boycotts that are other than just a demonstration—physical boycotts. Isn't there protection for citizens within the code, the law enforcement codes as we know it?

Mr. SABIN. There are some protections. But we could do better in terms of making it a more nuanced response to the campaign that SHAC and animal rights extremists are presently undertaking. So you could, for example, charge as we have charged in the case in your State, Senator, interstate stalking as a criminal violation.

But section 43, which is addressed specifically to the animal enterprise terrorist activities, as presently drafted, only addresses—physical disruption, is the term. So the nature of the conduct, attacks both by SHAC and other groups inspired by their activities, goes not only against physical disruption, but the language that we would suggest would be economic damage, economic disruption, and threats against the person.

So you are not only going against the property of individuals and animal enterprise, or those associated with the animal enterprise, but the threats, force or violence that is inflicted upon an innocent victim who somehow is associated with that animal enterprise in legitimate business conduct.

Senator LAUTENBERG. It sounds like a fine line to me. I want to do what we can to protect people's rights to operate safely under the law or to go about their normal living. I have no sympathy for those who would use felonious criminal methods to bring a goal or

an objective across. What we ought to do is, if it is illegal, if the activity that the company or the individual is doing is illegal, well, then we ought to fix that also.

But as long as it is a legal operation, then I don't see any reason why we would tolerate anything that smacks again of intimidation, harassment, talk about harming children, harming your family, destroy a business where people go that has nothing to do with the operation of the company in mind. It is just totally unacceptable.

My son lives in Colorado, and he lives in an area called Vale, CO where they burned down a lodge there, a beautiful place that the company had put up, according to the law. It was just destructive, just destructive to go ahead and burn it down. It wasn't just the economic cost, it was the threat against people who are conducting their lives, making their living by working in that company, not doing a thing wrong. It was outrageous, and we had the FBI, they just unfortunately it was always a suspicion that it was an environmental group, but it was never proven. So therefore we can't assess the blame.

But these things—let me ask you something, Mr. Sabin. If a boycott was threatened and the company's stock dropped on the Exchange or in the marketplace, would that be included in a recommended statute, loss of economic value? And again, if the activity is wrong, it's wrong. There is no sympathy coming from me.

Mr. SABIN. It would depend upon the specific facts and circumstances of the matter. The ability to engage in the marketplace of ideas as affecting the market of the financial district is something that could be within protected first amendment activity. Phoning your Senator's office, writing a letter, depending upon what the letter said, depending upon the nature of the activity, could fall within the parameters of legitimate first amendment conduct.

But when that becomes as articulated in our concern over a course of conduct, where it goes beyond mere speech to actual conduct in connection with not an isolated event, but a number of events, that is something that would fall outside the first amendment. So we can get into specific facts and circumstances relating to an event, or a number of events, and we would look at that in the scope of our activities as to whether it is appropriate to open a criminal investigation and then to actually charge and prosecute that.

Senator LAUTENBERG. Mr. Chairman, I am not sure that I see the fine line. But if there is an open question, I think we ought to close it. Thank you both.

Senator INHOFE. Thank you, Senator Lautenberg.

Senator Thune.

Senator THUNE. Mr. Chairman, it sounds like there is pretty broad support for addressing this in the form of your proposed legislation. I just have a couple of questions, and forgive me if this is ground you covered in your testimony.

What is the trend line with respect to these sorts of incidents of domestic terrorism, eco-terrorism in the past several years? Is it spiking up? Is it gradual, flat? Has it always been the case? And then the follow-up question to that would be, in addition to any legislative authorities that you might need that are not available to

you today, in the form of enabling legislation, is funding an issue when it comes to enforcement and making sure that you are appropriately cracking down on people who commit these types of acts?

Mr. LEWIS. Sir, funding is not an issue. We can take that off the table. It is simply not an issue.

With respect to the trend, there is no doubt that over the last several years, by virtue of the successes that continue to pile up in the absence of strong statutes that enable me to pull the rug out from under their feet, so to speak, or the Bureau, I should say, not just me, the trend is that they are becoming very effective at disrupting legitimate business. If we are talking about SHAC, the disruption is of course aimed at Huntingdon Life Sciences. As the weeks and months go by, more and more companies are forced to submit to their will and quit doing business with HLS.

We also see continuing use of the Internet to advocate what we consider to be increasingly violent activity. We have seen rhetoric on there of late, as has been mentioned here, that includes assassinations and murders as a way of bringing about change if they can't do it otherwise.

In short, the trend is, I believe this is on the rise. There is an abundance of this activity which I am looking at right now. I don't feel, with the tools that I have to use today, that we can be as effective as we otherwise might. I believe that this piece of legislation that we have all looked at—and I know that you all have worked with is an excellent piece that will give us what we need.

Mr. SABIN. I would agree that there is an increasing spike in the activity. I would also agree that the tools as discussed with respect to the loss of the Hobbs Act, because of the Supreme Court decision, causes this need for a gap to be filled, specifically in section 43 of title 18. We have a budget with respect to resources, a budget request that we would be happy to work with Congress in order to address this in the coming weeks and months.

I never say no to resources, as long as we can articulate and justify the appropriate ability to use them effectively in our terrorism program and work with the FBI to achieve what we need to achieve to address the mission.

Senator THUNE. The principal issue then is not funding; it is statutory authority, and the baseline authority that you have today enables you to deal from a law enforcement standpoint with physical violence, like under any circumstance you would have, but the authorities that you are seeking have to do more with the hazing, these types of intimidation activities and sort of economic terrorism, so to speak. It looks like that is the principal mode of attack for people who are behind these types of acts.

Mr. SABIN. Yes, the definition of what would constitute economic damage or economic disruption based upon the monetary amount. One of the things that we would underscore is the ability to use it as a wire tap predicate, as an investigatory tool.

So going back to the Chairman's original question as to the use of the Internet, the ability to use that to intercept communications that are being conducted through that mechanism or other communication mechanisms, is often an important means of getting competent evidence that we can use, either to prosecute an individual or prosecute a group.

With the additional penalties in a proposed statute, you combine those investigatory tools, the overall understanding of what we are trying to do in our terrorism program, which is prevent rather than respond to an incident. Then you have the leverage of increased penalties to get cooperators that can then provide the modus operandi, the manner and means by which an organization or movement is conducting its criminal activities.

Senator THUNE. It looks, Mr. Chairman, like we need some deterrence to this sort of activity and clearly there is, it looks like to me, a basis for action on the part of the Senate to deal with this. So I appreciate your effort to do that, and I thank the gentlemen for their testimony.

Senator INHOFE. Senator Thune, you might be interested to know that the United Kingdom is really ahead of us here. They have had this problem in a more severe way for a longer period of time than we have. And in fact, it is my understanding that the company that we are talking about, HLS, actually was a U.K. company and they moved here because of all the threats and the violence that was taking place over there.

What I have, and I think this is a good place to do it, put into the record at this point the bill that was passed in the United Kingdom dealing with this. We are taking a lot of things from this bill, since they had this problem before we did. That is influencing the type of legislation that we are introducing. So without objection, I will have this as part of the record at this point.

[The referenced document was not received at time of print.]

Senator INHOFE. We thank both of you for coming today and we will, in fact, invite you, either yourselves or your staff to stay and hear the next panel because we are going to be dealing with this issue, and I think it would be good for you to hear them. You are dismissed.

We would ask the next panel to come forward. The next panel is Mark Bibi, general counsel for the Huntingdon Life Sciences, from New Jersey; Skip Boruchin, of the Legacy Trading Company in my State of Oklahoma, Edmond, OK; Richard P. Bernard, executive vice president and general counsel of the New York Stock Exchange; and Dr. Jerry Vlasak, Stop Huntingdon Animal Cruelty, or SHAC, from Santa Monica, CA.

What we are going to do is start our testimony with Mr. Bibi and we will work across the table here. As I instructed the first panel, your entire statement will be made a part of the record. We invite you to try to limit your remarks to about 5 minutes. Mr. Bibi, you are recognized.

STATEMENT OF MARK L. BIBI, GENERAL COUNSEL OF LIFE SCIENCES RESEARCH, INC. AND HUNTINGDON LIFE SCIENCES, INC.

Mr. BIBI. Thank, you, sir. Good afternoon, Chairman Inhofe and members of the committee. My name is Mark Bibi. I am general counsel of Life Sciences Research and our operating subsidiary, Huntingdon Life Sciences.

Thank you for this opportunity to appear before you today to discuss the dangers posed by SHAC, as you have just heard identified

by the FBI as one of the Nation's leading domestic terrorism organizations. It is a serious matter and deserves a serious response.

LSR is a publicly-traded company headquartered near Princeton, NJ. An important part of our work is to conduct Government-required animal testing on drugs and chemicals to identify risks to humans, animals and the environment. Because of these efforts to make sure products are safe, HLS and those who do business with us have been relentlessly terrorized by SHAC.

As I awoke on a chilly November morning and looked out my window, the fears that had been building ever since I was first targeted by SHAC a few months earlier were realized. My car's front windshield had been smashed with a large boulder. The car was covered with animal rights graffiti. Warning messages were spray painted all over my house: "Quit HLS, puppy killer, close HLS." I immediately knew that I had been the victim of a SHAC attack. The impact of this violence and the implicit threat of future violence is a terrifying, life-changing event.

A few months earlier SHAC had identified me as a target in their newsletter and on their Web site. They posted my name, home address and phone number, with the exhortation, "Go get 'em." Almost immediately, the harassment and intimidation had begun: Nasty phone calls in the middle of the night, threatening letters and e-mails, protesters at my home, screaming through bullhorns that I am a murderer. And now, the sanctity and safety of my home had been violated.

Other SHAC targets have suffered beatings, acid attacks, car and letter bombings.

SHAC uses these terror tactics not only against HLS and its employees, but also against third parties to force them to sever their business relationships with Huntingdon. Time and again, in dozens of cases, both customers and HLS' providers, from accounting firms to banks, to lawn gardeners and even remarkably our security firm, have been forced by fear to capitulate to SHAC's demand that they cease working with us, deciding it is safer for them and their employees to give in rather than to suffer the personal harassment and intimidation.

SHAC is now attacking the integrity and independence of the U.S. stock market system. LSR stock trades on the OTCBB market. SHAC targets and harasses any market maker that dares to trade in LSR stock, and more than 40 market makers have caved in to SHAC's intimidation.

Senator INHOFE. Let me interrupt for just a moment, for the purpose of my colleagues here, when you use LSR and HLS, we are talking about the same organization?

Mr. BIBI. LSR, sir, is the parent holding company of HLS.

Senator INHOFE. Thank you very much.

Mr. BIBI. Only one of those market makers, Legacy Trading, from whom you will be hearing shortly, currently consistently makes a market in our stock. SHAC has a current campaign against LSR's institutional investors, taking advantage of public SEC filings to identify those investors. SHAC has intimidated most of them into selling their LSR stock, causing significant dislocation in the market.

But perhaps the most shameful apparent capitulation to date, and that which I believe poses the greatest threat to the U.S. economy, is that of the New York Stock Exchange. In the summer of this year, we entered into listing discussions with the Exchange. We met all the financial requirements to list our stock on the Exchange, and we told them right up front about the SHAC campaign. The New York Stock Exchange dismissed the potential risks, pointing out that since 9/11 they had been a target of the most dangerous terrorists in the world, assuring us they would not be scared off by SHAC.

We spent a number of weeks completing all the necessary paperwork and interviews, keeping in regular contact with NYSE staff throughout. On August 22, the Stock Exchange told us that we had been authorized for listing. We issued a press release announcing that approval, and reporting that we expected to begin trading on September 7. That press release was approved in advance by the New York Stock Exchange and the president of the Exchange, Catherine Kinney, even included a quote in that release welcoming us.

On the morning of September 7, our senior management team went to the New York Stock Exchange's Wall Street headquarters for the original listing celebration. But only minutes before we were to go down to the trading floor to watch the first trade in LSR stock, Ms. Kinney told us that they would not be listing LSR stock that day and that our listing had been postponed.

One of my LSR colleagues and I spent the next hour or so meeting with senior NYSE officials, including Ms. Kinney and Margaret Tutwiler, their press secretary. They asked us and we spoke only about the animal rights campaign against the company. It was patently clear to me that the only reason the Stock Exchange had postponed our listing was because of concerns about the SHAC campaign.

All Americans took pride when the New York Stock Exchange reopened for business only 4 business days after the 9/11 terrorist attacks. Yet apparently purely on the basis of a perceived threat from SHAC, the NYSE postponed plans to list our stock. A handful of animal extremists had succeeded where Osama bin Laden had failed.

We have received no information from the New York Stock Exchange since September 7. They have never raised with us any question of our eligibility or suitability to list. They have not asked us for any further information. We seem to have been indefinitely postponed, with no indication as to when, if ever, the NYSE will tell us anything.

The risks posed by SHAC should not be underestimated. As Chairman Inhofe has stated in his public statements, SHAC is but the tip of the iceberg. They are the test case for a whole new brand of activism through personal intimidation. Other activist campaigns are no doubt waiting in the wings to see how SHAC is dealt with. Imagine the impact if SHAC tactics were used by those opposed to any myriad of other industries.

SHAC's greatest impact has come in targeting third parties doing business with or providing services to HLS. I urge the Congress to adopt more effective laws that can be used to control this type of

third party targeting, and I am gratified to have heard this afternoon that that type of legislation is in fact being introduced.

We cannot allow the domestic terrorism practiced, fostered and encouraged by SHAC to flourish in our own back yard. Thank you for your time. I would be happy to answer any questions you may have.

Senator INHOFE. Thank you, Mr. Bibi.

Mr. Boruchin.

STATEMENT OF SKIP BORUCHIN, LEGACY TRADING COMPANY

Mr. BORUCHIN. Good afternoon, Chairman Inhofe, Senator Lautenberg, Senator Thune. Thank you for this opportunity to testify before this committee today.For the last few years, I have been living a somewhat captive existence, held hostage by members of Stop Huntingdon Animal Cruelty, SHAC, an animal rights activist/terrorist group. As you have heard, SHAC is an underground group that uses fear and terror to force their viewpoints upon others.

I am a NASDAQ market maker, lawfully working in the State of Oklahoma, making a market in the common stock of many companies. I have been targeted by SHAC because of my job. I am a market maker, that is, I am continually prepared to buy or sell shares of these companies, thereby providing a liquid ready market for those who desire to buy or shell shares. Huntingdon Life Sciences, also known as Life Sciences Research, Inc., ticker symbol LSRI, is one of the companies I make a market in.

Roughly 3½ years ago, my employer, Legacy Trading, became the target, the proverbial bullseye for SHAC. This bullseye on my life is solely due to the fact that I have been and remain the only market maker in Life Sciences Research. SHAC launched an all-out terrorist attack on too many other market makers, Merrill Lynch, Charles Schwab, Goldman Sachs, to name a few. They were terrorized by SHAC's "direct action campaigns" specifically to influence and control the market in Life Sciences Research.

I am the only holdout of dozens of market makers who all capitulated to SHAC's demands and dropped, that is, ceased trading LSRI stock. Viewing me as the sole provider of a market for LSRI, SHAC launched a campaign of sheer terror on me and my family, destroying our privacy, causing dramatic changes in our daily lives now, and I'm sorry to say, forever.

SHAC's attempt to force me to stop trading the LSRI stock included local, national and international harassment, intimidation, and terror. Personal information of my family, names, addresses, social security numbers, home phone numbers, as well as those of 19 of my neighbors were published on the SHAC Web site. "Run him out of town, tell him to drop the stock, or we will publish credit card, medical and other personal information about you." Daily, thousands of obscene and threatening phone calls to home and office at all hours, day or night. Outright slander, calling me a child pornographer in the media and all over the Internet.

When these threats and actions did not work, SHAC moved to far more dangerous and insidious tactics. Describing me as the "dreaded Legacy," SHAC brought their crimes of terror to my home, office, and family. One day I awoke to find that SHAC had been in my yard. They spray-painted large messages like puppy

killer, drop HLS, all over the entire house. They wrote, "Skip is a murder, 9 million dead," on my garage door.

In addition to defacing my home, they cut all the lines of communication. The next day, the SHAC Web site bragged that this was the beginning, "More direct action will come if you don't drop LSRI."

On four occasions, Legacy's office has been terrorized. The criminals have shattered the front office windows, incendiary devices thrown in, red paint over everything in the office including computers, furniture, floors and walls. Office equipment was sabotaged, and spray-painted messages were left for me to know that I suffered this felony for exercising my right to make a living: "Drop HLS, quit making a market."

If tactics like this were not enough, SHAC also targeted my relatives and even my 90-year-old mother. In December 2004, SHAC posted my mother's name, her address at her assisted living residence and her phone number on the Internet with specific instructions to have her put pressure on me as I spoke and visited with her frequently. I quote the SHAC Web site, "Send her sex toys, have an undertaker arrive to pick up her dead body and call her collect in the middle of the night, pretend to be a friend of Skip's, ask for his cell number in order to place it on the Internet."

Although my mom passed away in January, the magazine subscriptions sent, the billing statements and the credit problems remain. The SHAC torment of my family did not stop with my mother. My family has been targeted and terrorized in neighboring States with SHAC's action tactics.

I have chosen only to tell you just a few of the harrowing, traumatic events I have gone through and go through at the hands of SHAC. It is difficult to describe the emotions that accompany actions such as I have described. I feel violated. I am vulnerable, angry, and gravely frightened for my family. This is precisely SHAC's goal, to leverage your love of your family, your value of safety, your pursuit of life, removing my freedoms to advance their beliefs, because I go to work each day as a market maker. It is apparent for most people facing this dilemma, the decision is simple: drop LSRI, drop Huntingdon Life Sciences, stop making a market.

Well, I did not, and I do not intend to. I fundamentally believe in the rights that we receive as Americans: The right to liberty and privacy; the right to participate in government and even the right to disagree with government; the right to free speech. The healthy right to free speech should not hold others captive nor force them to do anything.

SHAC inexcusably promotes the lives of animals over the lives of the humans they target. I do not confuse SHAC's tactic with a noble cause nor should anyone else. Huntingdon is a company that performs a role in the world of developing technology. But more importantly, they perform a lawful function, as do I.

Respectfully, I ask what would you do if your mother, brother, sister, niece, nephew just went to work and were fanatically terrorized? I urge this committee to simply evaluate the consequences of such unchecked activism. Please do not allow people to force their causes, ideas or opinions upon others using fear, threats or criminal acts.

Thank you very much for the opportunity to be heard today. I am available to answer any questions.

Senator INHOFE. Thank you so much. I appreciate your courage very much.

Mr. Bernard.

STATEMENT OF RICHARD P. BERNARD, EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL, NEW YORK STOCK EXCHANGE

Mr. BERNARD. Good afternoon, Mr. Chairman, Senator Lautenberg, Senator Thune. My name is Richard Bernard, I am the general counsel of the New York Stock Exchange, and the Exchange appreciates the opportunity to facilitate this hearing. I will try to do that by briefly explaining our listing process and touching on the postponement of LSR's listing.

As Mr. Bibi suggested, the Exchange has various blackline material going to the financial well-being and the corporate governance of a company that seeks to list on the New York Stock Exchange. It also, however, has broad discretion to take into account any number of other factors that the Exchange in its judgment may think is relevant to whether a company's stock trades on the New York Stock Exchange.

The other thing I want to mention is that this process, with this notable exception, is always done in confidence. The typical case is that kinds of considerations that go into the listing process are discussed long in advance of any formal announcement, and then the matter is announced. This allows us to avoid creating any negative impact on a company, shareholders on its stock, based upon decisions we may make about whether we wish to list the company or not. They may have nothing to do with the underlying value of the company or its business or its business model.

In the case of this company, LSR, which is how we know it because we would be listing the holding company, we got our cart before our horse. We announced the decision before in fact we had what we needed to make that decision. It resulted in, as far as I know, an unprecedented event of Mr. Bibi and others coming to the Exchange that Wednesday after Labor Day and learning only then that we were deferring this decision. The Exchange regrets that. I will apologize here to Mr. Bibi for that. I sincerely wish it hadn't happened.

We continue to consider the application of this company. As you might imagine, because of the publicity that our decision and events around it have attracted, it is obviously rather difficult to do this process in a confidential way. But we will continue to seek to do that. Thank you very much.

Senator INHOFE. Thank you, Mr. Bernard.

Dr. Vlasak.

STATEMENT OF JERRY VLASAK, M.D., PRESS OFFICER, NORTH AMERICAN ANIMAL LIBERATION PRESS OFFICE

Dr. VLASAK. Senator, before I begin, I would respectfully request to be able to put a couple of posters on the board. I noticed a couple of others have been put up throughout the meeting.

Senator INHOFE. That's perfectly acceptable.

Senator LAUTENBERG. Mr. Chairman, why do we have to permit this?

Senator INHOFE. Oh, yes, I think Senator Lautenberg has brought up a point. We have a committee rule that unless the testimony or pictures or charts are submitted in advance, they will not be used in the hearing. So your request is denied.

Dr. VLASAK. My request is denied?

Senator INHOFE. That's correct. Right. Prior to any witnesses coming in, we send a notice out saying what the rules of the committee are, and there are certain things that must be submitted in advance. Charts are among those things. You are recognized, Dr. Vlasak.

Dr. VLASAK. I think it only provides an insinuation that we are not hearing both sides of the story. I assume and I have been told by Ms. English that I was invited here to answer questions and try to provide some balance to this hearing. I'm disappointed that I'm not able to use those visual aids.

I received a fax on Friday afternoon which unfortunately was too late for me to be able to provide the posters in advance to this committee and have them approved.

Senator INHOFE. Well, first of all, I don't agree with that, because if you knew Friday afternoon that you wanted to do this, we would have had a chance to review those. We are going to treat you like everybody else.

Dr. VLASAK. Good afternoon. My name is Dr. Jerry Vlasak. I am a practicing trauma surgeon, but more importantly, for today's purpose, I am here as a press officer with the North American Animal Liberation Press Office.

The actions of activists who care enough about animals to speak out in no uncertain times and at times to risk their own lives and freedom have a message that is most urgent and one that deserves to be heard and understood. Often, acts of animal liberation either go unreported in the media or are uncritically vilified as violent or terrorist, with no attention paid to the suffering the industries and individuals gratuitously inflict upon animals. The Press Office seeks to clarify the motivation and philosophy behind these actions taken in defense of our animal brothers and sisters.

Huntingdon Life Sciences kills 500 animals a day. That is over 180,000 animals per year. They carry out experiments which involve poisoning and torturing animals to death with household products, pesticides, drugs, herbicides, food colorings, sweeteners, oven cleaner and cosmetics. HLS is a contract testing company that operates facilities in the United Kingdom and New Jersey. They have been infiltrated and exposed in undercover investigations five times in recent years by journalists and animal rights campaigners. Each time, horrific evidence of animal abuse and staff incompetence has been uncovered, including workers punching beagle puppies in the face, simulating sex with animals in their care, dissecting primates while they are still alive and falsifying experiments to get their client's product on the market.

Two brief examples of the horrific and unscientific testing done at Huntingdon Life Sciences include the following. An estimated 12,800 animals died in the research of the sugar substitute, Splenda, including pregnant rabbits, beagle dogs and primates.

Splenda was forced down the throats of beagles who were then killed by exsanguination, having their throats slit.

A 2003 experiment on a refrigeration component that has long been banned from production forced 7-month-old beagle puppies to inhale the pollutant, eventually leading to their deaths. On a daily basis, animals used in vivisection at places like HLS are drowned, suffocated, starved to death, they have their limbs severed and their organs crushed; they are burned, exposed to radiation, used in experimental surgeries; they are shocked, raised in isolation, exposed to weapons of mass destruction and rendered blind or paralyzed.

They are given heart attacks, ulcers, paralysis, and seizures. They are forced to inhale tobacco smoke, drink alcohol and ingest various drugs, such as heroin and cocaine. And in my very own town of Los Angeles, primates are now being forced to ingest the drug ecstasy.

The campaign to stop Huntingdon animal cruelty was set up at the end of 1999 by a group of activists who had successfully closed down numerous other facilities that bred cats and dogs for experimentation. It's important to realize that SHAC is not just one group or a hierarchical entity, but it is an ideology, a paradigm shift, if you will, in the way the public views the atrocities perpetrated by companies such as HLS. Tens of thousands of people worldwide have joined to protest the evil perpetrated upon innocent animals in HLS labs.

While some groups like SHAC USA are legal, incorporated nonprofit organizations, other groups are just loosely knit, caring individuals of like mind. It's ridiculous to think that SHAC is one group with a top-down organization that controls all activities in the 18 countries worldwide where it is currently active.

In summary, there are thousands of physicians like myself worldwide who realize there is no need to experiment on animals in order to help humans, the vast majority of whom get sick and die because of already known preventable lifestyle variables such as diet, smoking, drugs, and environmental toxins. In a country where 45 million people have no access to medical care, in a world where 20,000 children are dying from lack of clean water every single week, there is no reason to waste hundreds of millions of dollars doing unscientific drug testing and experimenting on animals.

Huntingdon is the poster child of an abhorrent, unnecessary and wasteful industry that not only murders millions of innocent, suffering animals, but dooms countless humans to their own unnecessary suffering, because scarce health care dollars are wasted on useless animal research and testing. The struggle for animal liberation needs to be seen in an historical context, like the Boston Tea Party ignited a revolution, like Nelson Mandela and his fight against apartheid, like the suffragettes and John Brown, all of these noble and historical figures fought the governmental powers of oppression, slavery and exploitation.

Today, groups like SHAC USA and other SHAC activists around the world fight legally to end these needless atrocities and the ALF and other groups fight underground for the same purpose. This struggle will go down in history as one of the most moral ever fought.

Regarding the proposed legislation that I heard Mr. Sabin and others mention, I remind you of the quote by John F. Kennedy, "Those who make peaceful revolution impossible will make violent revolution inevitable."

Thank you.

Senator INHOFE. I will start with you, Mr. Bibi. Something that was going through my mind during your testimony is, it would appear to me that we could be subjecting ourselves, if this type of behavior would continue, with losing some of our top scientists, researchers and others to countries, as I said in my opening statement, like China, India, and other places. Do you have any thought about that?

Mr. BIBI. I would tend to agree with you, sir. Scientists deserve the right to conduct their vital research in a safe and secure environment. If proper protections are not afforded by our country to permit that, I have little doubt that unfortunately they would look elsewhere.

Recent developments in the United Kingdom are perhaps instructive in this regard. It's been reported in the press that as the animal rights terrorism issue grew significantly worse over the past couple of years, the CEOs of a number of leading British pharmaceutical companies confirmed directly to Prime Minister Blair that they would not spend one additional dollar on research facilities in the United Kingdom until the matter was brought under control.

In fact, I read in the newspaper just this week that a number of African countries, including South Africa, have made an affirmative effort to reach out to the scientific community in the United Kingdom and the United States to say, come work here, it is going to be safer for you to do so.

Senator INHOFE. That's interesting.

Mr. Boruchin, we hear about this type of perverted terrorism, and you never think about it being close to home, at least I don't, until I read your testimony before this hearing. I think you and Mr. Bibi have both been personally subjected to something that's just—it's hard to believe that that could happen in Oklahoma.

I would ask you, you mentioned free speech. Having been the target of this for the last 3 years, do you think that SHAC's form of activism is protected by free speech? You may not have the background to respond to that, but I'm sure you have talked to others and gotten opinions. What do you think?

Mr. BORUCHIN. My personal opinion would be that by removing my freedoms to advance their beliefs, I don't believe that is protected by free speech.

Senator INHOFE. The idea of the listing, and Mr. Bernard, of course, we want to hear from you on this, but do you think that it is a costly thing either to you, or you might answer the same thing, Mr. Bibi, on not achieving the listing that you had anticipated you would receive?

Mr. BIBI. Obviously, the postponement of our listing has had a very negative effect on our company and our stockholders. The confidential review process that Mr. Bernard alluded to was in fact conducted in connection with our application early in the process. That would have been the time, obviously, for any issues or con-

cerns to have been raised. In fact it was not, and we were affirmatively told in writing that we had cleared the eligibility review process and were invited to submit the formal application.

The fact that our listing was postponed only after it had been made public has been nothing short of disastrous, quite frankly. Our stock price, for example, had traded consistently in the $12 to $14 range in the weeks leading up to the announcement of the listing, closing at $14.05 on the day before that announcement. On the day of the listing, the stock traded up as high as $18.30 a share, before closing at $16 a share. On the day before the listing was postponed, we closed at $17.50 a share. Then on the day when we announced the postponement, we fell $2.50 to $15 a share, or roughly $30 million or so, immediately out of our shareholders' investment portfolios as a direct result of that.

For a couple of weeks after the announcement, 3 or 4 weeks after the announcement, the stock held roughly in the $14 range, and I can only speculate that the investment community believed that the New York Stock Exchange simply had to list us. It was inconceivable that that would not be the case. Regrettably, it appears that the investment community is now losing faith in the likelihood of the Stock Exchange doing the right thing, as our stock has now traded down to about $10 a share.

So roughly $100 million of market value has been lost, as well. If we are ultimately denied the listing, we would lose all the benefits that the New York Stock Exchange offers, in terms of increased liquidity, better stock platform.

Senator INHOFE. I would assume, Mr. Boruchin, that you have suffered similar types of economic loss.

Mr. BORUCHIN. I'm a little confused. As I understood, the company met all the requirements of the New York Stock Exchange. I know there are two other companies that do similar testing in their business, and they are on the Exchange.

For me personally, it probably would have resulted in a loss of income, because as a market maker, I am not on the New York Stock Exchange. However, the other side is, the target on my back probably would have been eliminated. I question why they are not on the Exchange, and am concerned, as you are, whether the terrorists, SHAC, had any influence on that.

Senator INHOFE. We have a witness we will be asking those questions of.

Before we do that, I would like to ask my two colleagues if there is any objection to taking a little bit longer on each one. We do have a vote at 4:15, and if we could just have a little bit longer than the 5 minutes, if that's all right.

Mr. Bernard, you had used the term postponing and deferring the listing. Is it your anticipation that the process is still ongoing, or would you like to respond to any of the comments that have been made concerning the Exchange?

Mr. BERNARD. The process is ongoing, and I otherwise have no comment.

Senator INHOFE. OK. Dr. Vlasak, do your fellow animal rights activists understand that animal testing is required by law and therefore, the people who are performing this testing are merely

following the law? Do they understand that, and do you understand that?

Dr. VLASAK. I understand that they are merely following the law, and the law in this case is wrong, just like the law that allowed slavery was wrong at one time.

Senator INHOFE. Well, you mentioned slavery, you also mentioned slavery in several of the comments that you made, as well as your testimony. You analogized the plight of animals to that of the African-American slaves of early American history, asserting that the animal rights movement is similar to that of the Underground Railroad. You even at one time or several times have talked about the Jews in Nazi Germany.

It sounds to me, in looking at this, like you're evaluating the lives of human beings in a similar way that you are animals. Do you think animals' lives are as precious as human life?

Dr. VLASAK. Non-human lives, non-human animal lives, are as precious as human lives. At one time, racism and sexism and homophobism were prominent in our society. Today speciesism is prominent in our society. It is just as wrong as racism.

Senator INHOFE. So you do put them in the same category, the animals of non-human and human lives? Is that correct?

Dr. VLASAK. They are morally equal.

Senator INHOFE. They are morally equal?

Dr. VLASAK. They are.

Senator INHOFE. One of the statements you made at the animal rights convention when you were defending assassinating people, murdering people, you said—let me put it up here to make sure I'm not misquoting you—"I don't think you'd have to kill, assassinate too many. I think for 5 lives, 10 lives, 15 human lives, we could save 1 million, 2 million, or 10 million non-human lives."

You're advocating the murder of individuals, isn't that correct?

Dr. VLASAK. I made that statement, and I stand by that statement. That statement is made in the context that the struggle for animal liberation is no different than struggles for liberation elsewhere, whether the struggle for liberation in South Africa against the apartheid regime, whether the liberation against the communists, whether it were the liberation struggles in Algeria, Vietnam or Iraq today, liberation struggles occasionally or usually, I should say, usually end up in violence.

There is plenty of violence being used on the other side of the equation. These animals are being terrorized, murdered and killed by the millions every day. The animal rights movement has been notoriously non-violent up to this point.

But I don't believe that—I believe as my statement says——

Senator INHOFE. Let me interrupt. You said it has been notoriously non-violent up to this time?

Dr. VLASAK. That is correct.

Senator INHOFE. You don't think there is violence in the testimony you've heard?

Dr. VLASAK. I think when you compare the 500 animals being murdered every single day at Huntingdon Life Sciences, which is just one company, I think when you look at the amount of violence that goes on at Mr. Boruchin's house, getting a little spray paint on the wall, I think if you look at the amount of violence that went

on at this yacht club in New York, where again, some spray paint was slapped up on a wall, I don't think you can compare that kind of vandalism with the murder of millions of animals.

Senator INHOFE. So you call for the murders of researchers and human life?

Dr. VLASAK. I said in that statement and I meant in that statement that people who are hurting animals and who will not stop when told to stop, one option would be to stop them using any means necessary and that was the context in which that statement was made.

Senator INHOFE. Including murdering them, is that correct?

Dr. VLASAK. Pardon?

Senator INHOFE. Including murdering them?

Dr. VLASAK. I said that would be a morally justifiable solution to the problem.

Senator INHOFE. Senator Lautenberg.

Senator LAUTENBERG. Dr. Vlasak, you approve of these dastardly acts in the name of liberation, of a liberation movement. Do you have any children?

Dr. VLASAK. I have no children. Just to be clear, I don't approve of any unnecessary suffering. I wish these things didn't have to happen.

Senator LAUTENBERG. Fine. You do. What you have said confirms it. So I just want to go there. I want to know who you are, what makes you tick. Because it is so revolting to hear what you say about the murder. These aren't extermination camps. What's being done, whether you like it or not, is to try and improve the quality of life for human beings. This isn't Germany.

How do you feel about people, you said you think people who have a cause have a right to violence. How about the guys who kill our soldiers and who killed the people in the Trade Towers? They have a cause. Is that ok with you?

Dr. VLASAK. No. Unnecessary loss of life is never ok with me. I extend that loss of life to animal life, non-human animal life as well.

Senator LAUTENBERG. You're the super moralist, you're deciding where it's right and where it's wrong. Many people who have causes, some of them justified, but to take tactics like the intimidation of people to spoil their lives or spoil their ability to make a living is an outrageous thing to propose. You're anti-social in your behavior, obviously. But to sit here so smugly and be proud of the fact that you stand by this statement about 5 or 10 lives, if those lives were your kids, well, maybe you don't have anybody you love. You don't have any kids.

Can I ask you a question? Mr. Boruchin's life has been exposed, credit card numbers, everything else. Where did you go to medical school?

Dr. VLASAK. I attended medical school at the University of Texas, in Houston.

Senator LAUTENBERG. Where do you practice now?

Dr. VLASAK. I practice in the Los Angeles area.

Senator LAUTENBERG. At a hospital?

Dr. VLASAK. I do. A number of hospitals.

Senator LAUTENBERG. What is your favorite, what is your dominant hospital activity?

Dr. VLASAK. I practice at several hospitals in the Riverside and San Bernadino area.

Senator LAUTENBERG. Name one.

Dr. VLASAK. Loma Linda University.

Senator LAUTENBERG. Mr. Chairman, first of all, I think in terms of the New York Stock Exchange, a place I am familiar with through my earlier business life, ADP, and also my company, my ex-company, provided restoration of activities after 9/11. The assault took place on a Tuesday and by Monday, my company, my ex-company, without contract, without pricing discussions, had a company named Cantor Fitzgerald back and operating in less than 6 days, never had any business with them before.

So I am directly involved, have been, and we listed on the New York Stock Exchange. We could subpoena records, I guess, Mr. Chairman, and find out why it is that the New York Stock Exchange decided not to permit this company's listing. Because if all things are in order, this isn't the local golf club or something. Someone applies and they have the qualifications financially and there is no scandal attached, I assume that you have no right not to list. Is that so, Mr. Bernard?

Mr. BERNARD. No, sir, that's not so. Those so-called blackline criteria are the minimum bar, and the Exchange has the right, in its rules approved by the SEC, to bring in other factors in making a listing decision.

Senator LAUTENBERG. Right. But if they meet the criteria that's established, is someone saying, I don't like the way he combs his hair or something?

Mr. BERNARD. Well, it's certainly not to be trivialized, but the Exchange has minimum criteria that are financial and corporate governance.

Senator LAUTENBERG. Right.

Mr. BERNARD. After that, it's making a business decision, just as ADP would in choosing to help Cantor Fitzgerald, for which ADP should be very much appreciated.

Senator LAUTENBERG. I think we ought to go further.

Dr. Vlasak, how do you feel about animals like rats and mice? The use of experimentation on them to see how they react to different medications, things of that nature, would you permit that?

Dr. VLASAK. I think it's a hugely wasteful use of scarce resource dollars that we have in the medical industry. We have much better ways of showing whether a drug is toxic to a human being or not, rather than choking it down a rat's or a mouse's throat.

I think from a scientific standpoint——

Senator LAUTENBERG. If they are injected——

Dr. VLASAK. Pardon?

Senator LAUTENBERG. If they are injected with a material, is that OK?

Dr. VLASAK. As I was trying to explain to you, I think from a scientific standpoint, there is so little validity to doing that, that we're wasting hundreds of millions of scarce health care dollars. Even if it did work, though, and it doesn't, but even if it did, I'd still be against it. Because the same reason I'm against the experimen-

tation that happened on human beings against their will, whether it was in Nazi concentration camps or whether it was here in the United States——

Senator LAUTENBERG. We shouldn't experiment on human beings.

Dr. VLASAK. There were people who were experimented on against their will. They have good, useful results and they published it in the same medical journals that I read today. But it was wrong. Whether it worked or not doesn't matter.

Senator LAUTENBERG. Since I have the mic on this side, I would prefer that we follow my line. So you would say, there is something called the Lautenberg Cancer Research Center. I helped establish that, because my father died when he was 43 years old. He got sick at age 42, he worked in a mill in Patterson, NJ, as did his brother, my uncle. He died when he was 52, also cancer, their father died also of cancer when he was 56.

When I had the good fortune of success in business, I put some resources into a group of New Jersey scientists who were moving abroad, to learn more about cancer research. After watching my father suffer for a year, 13 months, he was athletic; he was strong; he exercised; he was very careful about his diet. I had enlisted in the Army when my dad finally died, and I made the decision then that I would do whatever I can to try and prevent another family from undergoing the same torture and grief, the same individual.

But you are so smug, if you'll forgive me, about what is right and what is wrong. If I asked you a question about mice, mice that are raised particularly, Mr. Chairman, for learning more about the anatomy of the animal and see if we can convert that. Right now, there is all kinds of talk about using, even using animal organs for life saving. You wouldn't permit that, would you?

Dr. VLASAK. Well, I'm sorry to say that your organization is wasting money on mice and rat experimentation, when we know much better ways to find cures for human beings.

Senator LAUTENBERG. I'll tell the scientists there about that.

Dr. VLASAK. Let me just address the transplantation issue that you brought up. As you know, xenotransplantation, or placing animal organs into human beings, that's not going to work. It hasn't worked, and it's not going to work any time in the near future. We have a hard enough time transplanting human organs into human beings and all the immunosuppressives that are required to do that.

Senator LAUTENBERG. We can't find them all that we need.

Dr. VLASAK. Well, we could, if we had a presumed consent law, for instance. If you guys would pass a law that says everybody's an organ donor unless proven otherwise, or unless they declare they don't want to be. This has been done in Belgium, they get all the organs they need by doing laws like that.

There is not a shortage of organs absolutely, there is a shortage of organs that we can get at the last minute. I deal in trauma patients, I see people die every day. I save lives, but I lose lives sometimes as well.

Senator LAUTENBERG. But you're willing to take lives. That's the anomaly here. You are willing to say that somebody you don't

know, somebody's kid, somebody's parent, somebody's brother, somebody's sister, take that life, that's ok.

Dr. VLASAK. These are not innocent lives.

Senator LAUTENBERG. You'll teach those SOBs a lesson about killing those mice or killing those animals, or doing experimentation that's going to make this world——why are we living longer? It is because we experimented in different ways. And for you to sit there and you decide what the proper course of action is in the sanctity of your practice and the rules of your club here, which is identified in your statement, "morally acceptable," I don't want to waste my own energy any more.

Mr. Chairman, this is an outrage to have an individual sit here and impose a standard that is supposed to fit all of society. I don't know whether, at Mr. Bibi's company, everything they do is exactly right. I know that what they're trying to do is to help us live better lives, all of us. And I hope that they continue.

And when I see a kid down here, at Walter Reed Hospital, who's lost a leg or lost a part of his body, and they find ways, because they have experimented with things, maybe to regrow even bone, it's fantastic, and I want it to continue. You have no right to intimidate people who are engaged in a proper practice under our laws. You want the law changed? Write letters. Come down here and ask for a change in law about whether or not animal experimentation is right. Don't take the law into your own hands. That's a bad mistake.

Dr. VLASAK. HLS isn't trying to save human lives. They're trying to turn a profit, nothing else.

Senator INHOFE. Senator Lautenberg, thank you. I think you and I can go a long ways to correcting what we have seen here today with the law that we are introducing, and I look forward to working with you on the floor of the Senate to make sure that we get this thing passed and give the FBI and the Department of Justice the necessary tools to stop this type of perversion in our society.

My son called me up right before this hearing, he noticed we were having this hearing. He's a doctor. He said, at some point, you need to explain to them that it's either going to be the lives of these animals or human life. When I call him back, Dr. Vlasak, and tell him that we have a witness who equates animals lives with human lives, then that takes away all the argument. If you believe that in your own heart, what you do, and you have advocated the assassination, the murder of human lives, of human beings, of researchers, then I don't see any reason to go any further with this.

I can just assure you that we are going to give law enforcement the necessary tools to stop this type of thing from happening. I can assure you of that. That's not a maybe, that's a definite.

And the rest of you, for having the courage to come here and relate this to us today, I can assure you that there are many members who aren't here who are on this panel whose staff is here. They will be submitting questions for the record to all four of you. I hope that you will be able to respond to those, and I can assure you, this has been a very useful hearing. I appreciate your presence here.

We are adjourned.

[Whereupon, at 4:05 p.m., the committee was adjourned.]

[Additional statements submitted for the record follow:]

STATEMENT OF SENATOR JAMES M. JEFFORDS, U.S. SENATOR FROM THE STATE OF VERMONT

Today, the Environment and Public Works Committee holds its second hearing of the year on "eco-terrorism," this time focused on an extremist animal rights group called "Stop Huntingdon Animal Cruelty" or SHAC.

Like every member of this Committee, I condemn the campaign of violence and intimidation perpetrated by members of this group. Motivated by their extreme animal rights agenda, SHAC members have claimed responsibility for sabotage, trespass, destruction of property, harassment and vandalism.

These actions are criminal. And we have laws already on the books that allow prosecution for such crimes. While SHAC has not caused any serious injuries or deaths in the United States, we should act quickly to prevent the escalation of this violence. I therefore was pleased to learn that the U.S. Department of Justice has indicted seven of SHAC's leaders, who are currently awaiting trial in New Jersey.

These extremists do not represent the mainstream environmental or animal rights community. Mainstream groups have been very effective in using lawful means to advance their agenda. Educational outreach, shareholder resolutions and dedicated volunteers have significantly improved the treatment of animals in the United States. Groups such as the Humane Society of the United States, the People for the Ethical Treatment of Animals (PETA), the Doris Day League and the American Society for the Prevention of Cruelty to Animals have all submitted letters to the Committee denouncing violence in the name of animal protection. I'd like to enter these letters into the official record of today's hearing.

When Americans think of terrorism, they think of the collapse of the Alfred P. Murrah Federal Building in Oklahoma City, the attack on the World Trade Center, or the bloody images on the nightly news from Iraq. In contrast, SHAC appears to be composed of perhaps a few dozen extremists engaged in a systematic campaign of intimidation and harassment of a single animal testing company. In our current state of fear, it is easy to get headlines by using the term "terrorism." But sometimes, a criminal is just a criminal.

I also believe that there are higher priorities that this Committee should be devoting its time and energy. If we are truly interested in protecting our citizens from the effects of domestic terrorism, we should be focusing on the security of the nation's critical infrastructure, such as our wastewater and chemical plants. We should also be working to finance the nation's water infrastructure and to protect kids from exposure to dangerous chemicals. Directing help to the victims of Katrina, Rita and now Wilma should also be a high priority for the Committee. In contrast, the Senate Environment and Public Works Committee does not have jurisdiction over either the Animal Enterprises Protection Act or the U.S. criminal code. As a result, there is not much this Committee can do in response to these hearings.

Nevertheless, I take seriously the Department of Justice's recommendations that amendments to our criminal code would enhance the law enforcement community's ability to respond to the illegal actions of animal rights extremists. I will consider co-sponsoring a proposal with Senator Inhofe to further refine the Animal Enterprise Protection Act to give prosecutors the tools necessary to combat animal rights extremists. Such a proposal would need to fill the gaps in the existing law while respecting the First Amendment's protection of free speech. I look forward to reviewing Senator Inhofe's proposal and working with our colleagues on the Judiciary Committee, which would likely have jurisdiction over such a bill.

I regret that I cannot be in attendance at today's hearing due to a scheduling conflict with the Finance Committee meeting to discuss World Trade Organization negotiations and the international trade agenda with Ambassador Portman. I will review the transcript of the hearing and may submit questions for the record.

STATEMENT OF JOHN E. LEWIS, DEPUTY ASSISTANT DIRECTOR, COUNTERTERRORISM DIVISION, FEDERAL BUREAU OF INVESTIGATION

Good morning Chairman Inhofe, Ranking Member Jeffords, and members of the Committee. I am pleased to be here again to discuss the threat posed by animal rights activists, and by the Stop Huntingdon Animal Cruelty, or the SHAC movement in particular.

I am here today to speak to you about how members of the animal rights extremist movement advance their cause by using so-called direct action against individuals or companies. "Direct action" is criminal activity designed to cause economic

loss or to destroy property or operations. I see disturbing signs of success in what they are doing and legitimate business is suffering. I will also touch on the limitations of existing statutes.

It is critical to recognize the distinctions between constitutionally protected advocacy and violent, criminal activity. It is one thing to write concerned letters or hold peaceful demonstrations. It is another thing entirely, to construct and use improvised explosive or incendiary devices, to harass and intimidate innocent victims by damaging or destroying property, or other threatening acts. Law enforcement should only be concerned with those individuals who pursue their animal rights agenda through force, violence, or criminal activity. Unfortunately, the FBI sees a significant amount of such criminal activity across our investigations.

Let me begin with a brief overview of the domestic terrorism threats that come from special interest extremist movements such as the Animal Liberation Front (ALF) and the Stop Huntingdon Animal Cruelty (SHAC) campaign. Members of these movements aim to resolve their issues by using criminal "direct action" against individuals or companies believed to be exploiting or abusing animals, as well as other companies believed to be doing business with the target of their direct actions.

The extremists' efforts have broadened to include a multi-national campaign of harassment, intimidation and coercion against animal testing companies and any companies or individuals doing business with those targeted companies. This "secondary" or "tertiary" targeting of companies that have business or financial relationships with the principal target generally takes the form of fanatical harassment of employees and interference with normal business operations, using the threat of escalating tactics or violence.

The best example of this trend is the Stop Huntingdon Animal Cruelty campaign, known as SHAC. Since its inception in 1999, SHAC has conducted a relentless campaign of terror and intimidation specifically targeting Huntingdon Life Sciences, an animal research laboratory. SHAC's overriding goal is to put HLS out of business, by whatever means necessary even by violent means.

SHAC has targeted not just HLS, but companies that are affiliated with it. SHAC's website publishes lists of these companies, ranging from pharmaceutical companies to builders to investors. SHAC has used a variety of tactics to harass and intimidate these affiliate companies, their employees, and family members, including bombings, death threats, vandalism, office invasions, phone blockades, and denial-of-service attacks on their computer systems.

Unfortunately, this strategy has been quite effective. Over 100 companies many of them in the U.S. have severed ties with HLS, including Aetna Insurance, Citibank, Deloitte & Touche, Johnson and Johnson, and Merck. SHAC's current target list includes GlaxoSmithKline, Roche, Novartis, UPS, and multiple financial institutional investors. SHAC has targeted not only the facilities of these companies, but also their employees and family members.

However, when these companies or individuals are threatened or attacked, it is not necessarily the work of SHAC itself. There may be overlap in membership in extremist movements, which can make it difficult to identify the actual perpetrators. Also, in the past 18 months, a number of SHAC splinter groups have been created, which use SHAC tactics and focus on SHAC targets. This is most likely an attempt by animal rights extremists to continue the SHAC campaign while appearing to distance themselves from the SHAC organization. However, while the SHAC organization attempts to portray itself merely as an information service or media outlet, it is closely aligned with these groups, as well as with the Animal Liberation Front. Many of the ALF's criminal activities are directed against companies and individuals selected as targets by SHAC and posted on SHAC's website.

Let me give you several examples. In August 2003, two improvised explosive devices detonated at the Chiron Corporation. A month later, an improvised explosive device wrapped in nails exploded at the headquarters of the Shaklee Corporation in California. The companies were targeted because they have ties to HLS. The previously unknown "Revolutionary Cells of the Animal Liberation Brigade" claimed responsibility via an anonymous communique, which stated: "We gave all of the customers the chance, the choice, to withdraw their business from HLS. Now you will reap what you have sown. All customers and their families are considered legitimate targets...no more will all the killing be done by the oppressors, now the oppressed will strike back." Following this attack, the FBI's Joint Terrorism Task Force in San Francisco identified and charged known activist Daniel San Diego in connection with the bombings. He is currently a fugitive from justice.

In another example, last month an incendiary device was left on the front porch of a senior executive at GlaxoSmithKline in England. The executive was not home when the bomb detonated, but his wife and daughter were inside. Fortunately, no

one was hurt. GlaxoSmithKline is one of SHAC's main targets, yet it was the ALF that claimed responsibility for the attack. In a message posted on the Internet, activists wrote: "We realize that this may not be enough to make you stop using HLS but this is just the beginning. We have identified and tracked down many of your senior executives and also junior staff, as well as those from other HLS customers. Drop HLS or you will face the consequences."

That same week, British newspapers reported that a chain of children's nursery schools had become a target of SHAC. Leapfrog Day Nurseries, a major provider of childcare in Great Britain, had a program that offered childcare vouchers to HLS employees. A spokesman announced that Leapfrog Nurseries had received letters from animal rights activists threatening physical force. One news account quoted a letter as saying: "Not only you but your family is a target. Sever your links with HLS within two weeks or get ready for your life and the lives of those you love to become a living hell." In order to ensure the safety of the children and their employees, Leapfrog Nurseries cut ties with HLS. Again, an extremist group other than SHAC is believed to be responsible for the victory but by extension, it is also a victory for the SHAC campaign.

And most recently, last month Carr Securities began marketing the Huntingdon Life Sciences stock. The next day, the Manhasset Bay Yacht Club, to which certain Carr executives reportedly belong, was vandalized by animal rights activists. The extremists sent a claim of responsibility to the SHAC website, and 3 days after the incident, Carr terminated its business relationship with HLS. These are just some of the examples of SHAC's use of threats and violence to financially strangle HLS and permanently mar its public image. These examples demonstrate some of the difficulties law enforcement faces in combating acts of extremism and domestic terrorism. Extremists are very knowledgeable about the letter of the law and the limits of law enforcement. The SHAC website has a page devoted to instructing activists on how to behave toward law enforcement officers, how to deal with interrogations, and what to say and not say if they are arrested.

Extremists also adhere to strict security measures in both their communications and their operations. The SHAC website advises activists to "NEVER discuss illegal activity indoors, over the phone, or email...keep the discussion of illegal activity on a need to know basis only. This means working only with people you know and trust and discussing your action with the people you are carrying it out with and no one else."

Despite the challenges posed by the cellular, autonomous nature of extremists and their high operational security, the FBI and its law enforcement partners have worked steadily to investigate and deter extremist activity. Our job is to protect all citizens from crime and terrorism, whether international or domestic in origin. We now have 103 Joint Terrorism Task Forces nationwide, which investigate and protect our communities from domestic and international terrorists. We have used a wide variety of techniques to investigate criminal activity conducted by SHAC, and have collected vital intelligence and evidence. And we are making progress.

In one example of a recent success, last May the FBI helped secure criminal indictments in New Jersey against the SHAC organization and seven of its national leaders, charging them with Animal Enterprise Terrorism, Conspiracy, and Interstate Stalking. They are known among animal rights activists as the "SHAC 7." Last September, a federal grand jury returned a superseding indictment against the SHAC 7, charging them with Harassing Interstate Communications because of the posting of "target" information on the SHAC website, which continues to result in vandalism, harassment and intimidation of victim companies and their employees. Their trial is set for February 2006.

But despite successes such as this, the FBI's efforts to target these movements in order to prevent and disrupt criminal activity have been hindered by a lack of applicable federal criminal statutes. This is particularly frustrating as we attempt to dismantle organized, multi-state campaigns of intimidation, vandalism, threats and coercion designed to interfere with legitimate interstate commerce, as exhibited by SHAC. While it is a relatively simple matter to prosecute extremists who have committed arson or detonated explosive devices, under existing federal statutes it is difficult, if not impossible, to address a campaign of low-level criminal activity like that of SHAC.

In order to address SHAC's crusade to shut down legitimate business enterprises through direct action, the FBI initiated a coordinated investigative approach, beginning in 2001. FBI field offices that had experienced SHAC activity worked closely with U.S. Attorneys' Offices, the Justice Department, and FBI Headquarters to explore strategies for investigation and prosecution. First, we examined the idea of using the existing Animal Enterprise Terrorism statute, as set forth in 18 U.S.C. § 43, which provides a framework for prosecuting individuals involved in animal

rights extremism. In practice, however, the statute does not cover many of the criminal activities SHAC routinely engages in on its mission to shut down HLS. The current version of the section 43 only applies when there is "physical disruption" to the functioning of an animal enterprise that results in damage or loss of property. But, as you have heard me describe, HLS has been economically harmed by threats and coercion that did not ultimately cause property damage.

For example, in 2004, SHAC targeted Seaboard Securities, a company that provided financial services to HLS. SHAC posted the phone numbers and addresses for Seaboard Securities' offices on its website, and also provided detailed recommendations on how to harass the company. The SHAC campaign against Seaboard included phone blockades, office invasions and damage to property belonging to Seaboard Securities and its employees. In the wake of this pressure, Seaboard Securities severed its relationship with HLS in January 2005.

Much of this activity cannot be prosecuted under 18 U.S.C. §43 nor are there other federal criminal statutes that provide effective prosecutorial remedies. Moreover, even when section 43 does apply, the current penalty of up to 3 years in prison has failed to deter a tremendous amount of criminal conduct. The activities of SHAC frequently fall outside the scope of the statute, and because members are well-versed in the limits of the statute, they have tended to engage in conduct that, while criminal, would not result in a significant federal prosecution.

As we continued to examine these legislative challenges, another option we considered was prosecution under the Hobbs Act (18 U.S.C. §1951). Under this legal theory, prosecution was based on the premise that the subjects were engaged in an extortion scheme against companies engaged in, or doing business with, animal-based research. Victims were subjected to criminal acts such as vandalism, arson, property damage, physical attacks, or the fear of such attacks, until they discontinued their research or terminated their association with or investment in animal-based research companies such as HLS.

However, the Supreme Court's 2003 decision in *Scheidler* v. *National Organization for Women* removed the Hobbs Act as an option. The decision states that such conduct by activists does not constitute extortion as defined under the Hobbs Act unless the activists seek to obtain or convert the victims' property for their own use.

The FBI would support changes to the statutes that will address the issue of secondary and tertiary targeting by organizations like SHAC. We will continue to work with our Department of Justice colleagues and the Congress to refine and amend existing statutes so that we may have more effective tools to address this growing crime problem.

Investigating and preventing animal rights extremism is one of the FBI's highest domestic terrorism priorities. We are committed to working with our partners to disrupt and dismantle these movements, to protect our fellow citizens, and to bring to justice those who commit crime and terrorism in the name of animal rights.

Chairman Inhofe and Members of the Committee, I appreciate the opportunity to discuss the challenges we face in this area of our work. I would be happy to answer any questions you may have. Thank you.

STATEMENT OF BARRY M. SABIN, CHIEF, COUNTERTERRORISM SECTION, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE

Mr. Chairman, members of the Committee, thank you for providing me the opportunity to appear here today and testify before you concerning the Department of Justice's efforts to investigate and prosecute entities and individuals who commit criminal acts in the name of animal rights. In that regard, I will seek to address some of the strengths and limitations of the laws that presently provide the means by which we investigate and prosecute animal rights extremist matters. These investigations are an important part of the mission of the Department of Justice to protect the American people and our institutions from acts and threats of violence.

As you know, counterterrorism is the number one priority of the Department of Justice. As such, we remain dedicated to the task of protecting the American people from violence and the threat of violence posed by terrorism while at the same time protecting the First Amendment rights and other civil liberties guaranteed to all Americans in the Constitution. In protecting America and Americans from the threat of terrorism, though, we recognize that the threat to the American people comes not only from extremists overseas, but also from extremists located within our borders.

In order to ensure that the Department has all the necessary investigatory tools, legal authorities and appropriate penalties, the Department supports amending Title 18, United States Code, Section 43 to include economic disruption to animal

enterprises and threats of death and serious bodily injury to associated persons. The proposed modifications provide a clear and constitutional framework for timely, effectively and justly addressing prohibited criminal conduct that will ensure that victims' rights are respected and preserved.

JUSTICE DEPARTMENT EFFORTS TO COMBAT DOMESTIC EXTREMISTS

Mindful of incidents such as the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, the United States government is resolved to address the use of violence by Americans, against other Americans, for the purpose of coercing the government or intimidating civilians in furtherance of political or social goals. The Department of Justice has had numerous recent successes in combating those Americans who commit acts of domestic terrorism. Working in a task force approach with our state and local partners, we have sought to timely share information across the Nation to prevent incidents from occurring. These Joint Task Forces have sought to use all available investigatory tools, including undercover operations and informants, as well as all available criminal statutes, such as interstate stalking and explosives statutes, to disrupt violent groups and marshal compelling evidence to bring them to justice.

For example, in the past year the Department has prosecuted white supremacists who have used or threatened to use violence against other Americans. In November, 2004, in the District of Nevada, former Aryan Nations official Steve Holten pleaded guilty to sending threatening messages to employees of several local newspapers, as well as state government employees. On February 25, 2005, in the Western District of Pennsylvania, Ku Klux Klan leader David Wayne Hull was sentenced to 12 years in prison for unlawfully teaching a government informant how to construct an improvised explosive device. Matthew Hale—formerly the leader of the World Church of the Creator—was sentenced on April 6, 2005, to serve 40 years in prison for, among other things, soliciting the murder of a federal district court judge in the Northern District of Illinois. On August 30, 2005, neo-Nazi skinhead Sean Gillespie—who videotaped himself fire-bombing a synagogue—was sentenced to 39 years in prison in the Western District of Oklahoma.

The Department has also prosecuted other extremists who used or threatened to use explosives to commit acts of violence. On July 18, 2005, Eric Rudolph was sentenced to life in prison for the bombing of an abortion clinic in Birmingham, Alabama, as well as a night club and Centennial Park in Atlanta, Georgia. On September 12, 2005, Gale William Nettles was convicted of conspiring to blow up the Dirksen Federal Building in Chicago, Illinois. On September 22, 2005, former Jewish Defense League leader, Earl Krugel, was sentenced to 20 years in prison for carrying an explosive device as part of a conspiracy to injure or impede a United States Congressman and damage a mosque.

Similarly, the Department has also made progress in prosecuting animal rights and environmental extremists who have violated federal law. On November 19, 2004, in the Central District of California, William Cottrell was convicted for the arson of a car dealership in West Covina, California, as well as numerous sport utility vehicles. In the Western District of Wisconsin, Peter Young pleaded guilty on September 2, 2005, to violations of the Animal Enterprise Protection Act arising from his activities in 1997 in Wisconsin and other states. Earlier this month, on October 14, 2005, environmental extremist Ryan Lewis, and two associates, pleaded guilty in the Eastern District of California to arson and attempted arson of several partially completed homes under construction.

THE THREAT POSED BY SHAC AND OTHER ANIMAL RIGHTS EXTREMISTS

As this Committee well knows, animal rights extremists have not hesitated to use violence to further their social and political goals. In those cases where individuals have used improvised incendiary or explosive devices, federal prosecutors are well-equipped to prosecute and punish such individuals using the tools provided in Title 18, United States Code, section 844.

Domestic violence by animal rights extremists is not limited, however, to the use of arson and the use of explosives. As Mr. Lewis has described in his testimony, Stop Huntingdon Animal Cruelty (or SHAC) and other animal rights extremist organizations and entities are engaging in a campaign of criminal conduct which is calculated to aggressively intimidate and harass those whom it identifies as targets. In pursuit of its goal of closing the animal testing operations of Huntington Life Science (HLS), SHAC's campaign has included a wide variety of "direct action" techniques specifically designed to coerce the subjects of those efforts while avoiding an effective law enforcement response. Harassment of other businesses, and the employees of those businesses, vandalism of property belonging to individuals whose

only offense is working for a company that does business with HLS, or, even worse, publication of private information about such individuals, their spouses and even their young children, are only some of the techniques used by SHAC and like-minded persons to coerce and intimidate companies and individuals. With every perceived success, SHAC emboldens other extremist organizations to act similarly. The personal and economic consequences of this campaign have been, and will continue to be, significant.

TOOLS FOR THE PROSECUTION OF SHAC AND SIMILAR GROUPS AND INDIVIDUALS

In the past, this kind of criminal conduct was prosecuted as a violation of the Hobbs Act, codified in section 1951 of Title 18 of the United States Code. In *Scheidler* v. *National Organization for Women,*[1] however, the United States Supreme Court held that, in order to commit the extortion that is the gravamen of a Hobbs Act violation, a defendant must actually "obtain" property—that is, he or she must take a tangible thing of value from his or her victim. The Supreme Court specifically rejected the notion that a Hobbs Act violation was committed by a person or entity who, like SHAC, acts to deprive the victim of the free exercise of his or her property rights. Thus, while conduct similar to SHAC's campaign was previously investigated and prosecuted as Hobbs Act violations, after the *Scheidler* decision in 2003, that option was no longer available to federal prosecutors.

On the other hand, the Animal Enterprise Protection Act, codified at section 43 of Title 18, is still an important tool for prosecutors seeking to combat animal rights extremists. This statute was passed in 1992 primarily to address the problem of those who physically intruded upon the property of entities who tested or otherwise used animals in order to damage the property belonging to the animal enterprise. Originally established as a misdemeanor, the statute's penalties have been enhanced by amendments in 1996 and 2002.

The Department has used Section 43 to charge SHAC and seven individual defendants in federal district court in New Jersey. The indictment alleges that the defendants conspired to engage in "direct action" activities, which was described by SHAC to involve activities that "operate outside the confines of the legal system." The indictment further alleges that the SHAC Website posted what it termed the "top 20 terror tactics" that could be taken against companies or individuals.

The six-count superseding indictment alleges violations of interstate stalking, in violation of Title 18, United States Code, Section 2261A, and conspiracy to utilize a telecommunications device to abuse, threaten and harass persons, in violation of Title 47, United States Code, Section 223(a)(1)(c). The charges are pending and a trial is scheduled for February 2006.

While section 43 is an important tool for prosecutors, SHAC and other animal rights extremists have recognized limits and ambiguities in the statute and have tailored their campaign to exploit them. While the Department is confident that some of SHAC's conduct violates this statute in its current form, amendment of the statute to make clear and unequivocal the application of the statute to recent trends in animal rights extremism will enhance the effectiveness of the Department's response to this domestic threat.

PROPOSED AMENDMENT OF TITLE 18, UNITED STATES CODE, SECTION 43

Accordingly, the Department supports Senator Inhofe's effort to amend the Animal Enterprise Protection Act in order to address several gaps in the law that keep prosecutors from using it in the most effective manner possible.

First, the statute's definition of the type of "animal enterprise" that it protects is not broad enough to include some of the entities that are now targeted by SHAC and other animal rights extremists. These include pet stores and even animal shelters. The threat posed to individuals associated with such organizations is no less significant than the threat that gave rise to the original statute. Senator Inhofe's proposal would expand the definition of "animal enterprise" so that these types of victims are also clearly included within the scope of the statute.

Second, the statute's use of the phrase "physical disruption" to describe the conduct it proscribes unnecessarily suggests that it covers a narrow scope of conduct tantamount to trespass. In that regard, the statute permits the argument that it does not cover actions by SHAC or other animal rights extremists taken not against an animal enterprise, but against those entities that choose to do business with an animal enterprise. While careful parsing of the language of the statute makes clear that this is not the case, lack of clarity threatens effective use of the statute. Senator Inhofe's proposal avoids this ambiguity by focusing instead on "economic dis-

[1] 537 U.S. 393, 123 S. ct. 1057, 154 L.Ed.2d 991 (2003).

ruption" (that is, business losses) and "economic damage" (that is, physical property damage) resulting from the threats or property damage that it would proscribe. In doing so, it would more effectively protect animal enterprises from the criminal conduct in which animal rights extremists like SHAC currently engage.

Third, Senator Inhofe's proposal would include this type of criminal conduct as a predicate for seeking electronic surveillance authority. Participants in the animal rightsextremist movement exercise excellent tradecraft, and are very security conscious. Animal rights extremists have made extensive use of the internet for communications and have relied upon electronic mail and other communications media to interact. These communications are occurring on a national level, and electronic surveillance provides law enforcement authorities a timely and effective means for capturing and sharing information. Law enforcement personnel should not be restricted from proactively seeking approval from a federal district court judge to capture probative evidence that would assist their criminal investigations.

Fourth, in its current form, the statute fails to address clearly the consequences of a campaign of vandalism and harassment directed against individuals—as opposed to the animal enterprise itself. Senator Inhofe's proposal would remedy this ambiguity by clearly stating that committing the proscribed conduct against an individual, including an employee of an animal enterprise (or of an entity with a relationship with an animal enterprise), is equally illegal.

Finally, Senator Inhofe's proposal provides a range of penalties including imprisonment, fines and restitution that are tailored to reflect the nature and severity of the criminal conduct. This broad range of penalties will enable the government to effectively and appropriately charge the accused with a crime commensurate with the accused's criminal conduct and to seek punishment reflecting that degree of culpability.

Viewed in its entirety, the changes in Senator Inhofe's proposal would empower prosecutors with a more effective tool to meet the challenges now posed by animal rights extremists. I strongly encourage the Committee to endorse this proposal.

PROTECTING THE VICTIMS

It is important to underscore that this Congress and the Justice Department have taken significant steps to assist and protect victims of crime. The Justice For All Act, passed with overwhelming bipartisan support one year ago (Title 18, United States Code, Section 3771), and the Attorney General Guidelines on Victim and Witness Assistance, as revised in May, 2005, recognize the rights of crime victims and the importance of reasonable protections for victims from defendants, or those persons acting in concert with or at the behest of suspected offenders. Senator Inhofe's proposed legislation seeks to build upon this foundation. The criminal conduct of animal rights extremists is directed against individuals and companies in order to intentionally place these victims in reasonable fear of death or serious bodily injury. These victims suffer - often mentally, physically, and monetarily - when extremists threaten them, damage their property and affect their livelihood. This is not First Amendment protected speech, but rather criminal conduct that is within the traditional realm of statutes prohibiting threats, violence or injury to innocent victims.

RESPECTING THE FIRST AMENDMENT

In seeking to meet the challenge of these changing forms of criminal conduct by animal rights extremists, the Department is acutely aware of the importance of protecting the First Admendent rights of those who protest any cause they believe right, including the testing and other use of animals. Let me be clear: The Department does not seek to prosecute those who enter the arena of debate seeking to persuade their government or private businesses and individuals of the merit of their viewpoints, and this proposal would not—indeed, could not—criminalize such protected activity. We seek to prosecute criminal conduct, including conduct that places a person in reasonable fear of death or serious bodily injury.

The First Amendment is not a license for the use or threatened use of violence, or for the commission of other crimes. Even if these crimes are politically motivated - even if they are committed as a form of protest - Congress is empowered to prohibit the conduct it deems offensive without running afoul of the First Amendment. Those who cross the line from free speech to criminal conduct should be prosecuted and, if convicted, they should be punished appropriately. As it has done in other contexts, Congress must give prosecutors the tools to do so fairly and effectively.

CONCLUSION

Prior Congressional action has provided law enforcement and prosecutors with a solid framework within which to pursue the goal of prevention and disruption of vio-

lent extremism within our borders. We in the Justice Department have more work to do to eliminate this dangerous threat, and we urge you in Congress to continue to build upon and enhance the legal tools needed to accomplish our mutual goals.

Mr. Chairman, thank you for your leadership on this issue and again for inviting us here and providing us the opportunity to discuss how the statutes are being used consistent with our Constitutional values—to fight violent extremism within our criminal justice system. We would also like to thank this Committee for its continued leadership and support. Together, we will continue our efforts to secure justice and defeat those who would harm this country.

STATEMENT OF MARK L. BIBI, GENERAL COUNSEL, LIFE SCIENCES RESEARCH, INC. AND HUNTINGDON LIFE SCIENCES, INC.

Good afternoon, Chairman Inhofe, Ranking Member Jeffords and members of the Committee. My name is Mark Bibi. I am General Counsel of Life Sciences Research and its operating subsidiary, Huntingdon Life Sciences. Thank you for this opportunity to appear before you today to discuss the dangers posed by SHAC , identified by the FBI as one of the nation's leading domestic terrorist threats. It is a serious matter and deserves a serious response.

LSR is a publicly traded company headquartered near Princeton, New Jersey. An important part of our work is to conduct government-required animal testing on drugs and chemicals to identify risks to humans, animals and the environment. Because of these efforts to make sure products are safe, HLS and those who do business with us have been relentlessly terrorized by SHAC.

As I awoke on a chilly November morning and looked out my window, the fears that had been building ever since I was first targeted for terror by SHAC a few months earlier were realized. My car's front windshield had been smashed with a large boulder. The car was covered with animal rights graffiti. Warning messages were spray painted all over my house "Pup Killer"; "Close HLS"; "Quit Now". I immediately knew that I had been the victim of a SHAC attack. The impact of this violence—and the implicit threat of future violence—is a terrifying life-changing event.

A few months earlier SHAC identified me as a target in their newsletter and on their web site. They posted my name, home address and phone number, with the exhortation "Go get em." Almost immediately, the harassment and intimidation had begun nasty phone calls in the middle of the night. Threatening letters and e-mails. Protesters at my home screaming through bullhorns that I'm a "murderer". And now the sanctity and safety of my home had been violated.

Other SHAC targets have suffered beatings, acid attacks, car and letter bombings.

SHAC uses these terror tactics not only against HLS and its employees, but also against third parties to force them to sever their business relationships with Huntingdon. Time and again, in dozens of cases, both customers' and HLS' providers from accounting firms, to banks, to lawn gardeners and even our security firm have been forced by fear to capitulate to SHAC's demand that they cease working with us, deciding it's safer to them and their employees to give in rather than to suffer the personal harassment and intimidation.

SHAC is now attacking the integrity and independence of the U.S. stock market system. LSR's stock trades on the OTCBB market. SHAC targets and harasses any market maker that dares to trade in LSR stock, and more than forty market makers have caved in to SHAC's intimidation. Only one, Legacy Trading, currently consistently makes a market in LSR stock.

SHAC has a current campaign against LSR's institutional investors. Taking advantage of public SEC filings to identify those institutional investors, SHAC has intimidated most of them into selling their LSR stock, causing significant dislocation in the market.

But perhaps the most shameful apparent capitulation to date and that which poses the greatest risk to the U.S. economy is that of the New York Stock Exchange. In the summer of this year LSR entered into listing discussions with the NYSE. We met all of the financial requirements to list our stock on the Exchange. We told them about the SHAC campaign. The NYSE dismissed the potential risks, pointing out that since 9/11, they had been a target of the most dangerous terrorists in the world, assuring us they would not be scared off by SHAC. We spent a number of weeks completing all the necessary paperwork and interviews, keeping in regular contact with NYSE staff throughout, and on August 22 the NYSE told us that we had been authorized for listing. We issued a press release announcing that approval and reporting that we expected to begin trading on the NYSE on September 7; that

press release was approved in advance by the NYSE, and the President of the NYSE, Catherine Kinney, even included a quote welcoming us.

On the morning of September 7 our senior management team went to the NYSE's Wall Street headquarters for the original listing celebration. But only minutes before we were to go down to the trading floor to watch the first trade in LSR stock, the President of the NYSE told us that they would not be listing LSR stock that day, and that our listing was postponed. One of my LSR colleagues and I spent the next hour or so meeting with senior NYSE officials. We spoke only about the animal rights campaign against the Company. It was patently clear to me that the only reason the NYSE postponed our listing was because of concerns about the SHAC campaign.

All Americans took pride when the New York Stock Exchange reopened for business only four business days after the 9/11 terrorist attacks. Yet, apparently purely on the basis of a perceived threat from SHAC, the NYSE postponed plans to list LSR. A handful of animal extremists had succeeded where Osama bin Laden had failed.

We have received no information from the NYSE since September 7. They have never raised with us any question of our eligibility or suitability to list. They have not asked us for any further information. We just seem to have been indefinitely postponed, with no indications as to when if ever the NYSE will tell us anything.

The risks posed by SHAC should not be underestimated. SHAC is the tip of the iceberg they are the test case for a whole new brand of activism through personal intimidation. Other activist campaigns are no doubt waiting in the wings to see how SHAC is dealt with. Imagine the impact if SHAC tactics were used by those opposed to various other industries from defense, to mining, to oil, to timber, to who knows what else.

SHAC's greatest impact has come in targeting third parties doing business with or providing services to HLS. I urge the Congress to adopt more effective laws that can be used to control this third party targeting.

We cannot allow the domestic terrorism practiced, fostered and encouraged by SHAC to flourish in our own back yard.

Thank you for your time. I would be happy to answer any questions you may have.

STATEMENT OF SKIP BORUCHIN, LEGACY TRADING COMPANY

Good afternoon, Chairman Inhofe and Ranking Member Jeffords. Thank you for this opportunity to testify before this Committee today.

Daily, we all are faced with choices. My choice today is to present to you factual information that I hope will assist you. The alternative for me would be to leave it for someone else. My past personal experience indicates my choice to present information to you will unfortunately lead to retaliation against me and my family.

For the last few years, I have been living a somewhat captive existence, held hostage by members of Stop Huntingdon Animal Cruelty ("SHAC"), an animal rights activist/terrorist group. As you have heard, SHAC is an underground group that uses fear and terror to force their viewpoint upon others. I am a NASDAQ Market Maker, lawfully working in the State of Oklahoma making a market in the common stock of many companies. I have been targeted by SHAC because of my job. I am a market maker, that is I am continually prepared to buy or sell shares of these companies thereby providing a liquid ready market for those who desire to buy or sell shares. Huntingdon Life Sciences also known as Life Sciences Research, Inc., (Ticker Symbol—LSRI) is a contract research organization that performs testing on animals and is one of the companies I make a market in.

Beginning roughly about (3½) three and one half years ago, my employer, Legacy Trading, became the TARGET, the proverbial Bull's Eye for SHAC. This Bull's eye on my back and on my life is solely due to the fact I have been and remain the only market maker in Life Sciences Research Inc. (LSRI). SHAC launched an all out terrorist attack on too many other Market Makers. Merril Lynch, Charles Schwab, Goldman Sachs to name a few. They were terrorized by "SHAC's direct action campaigns" specifically to influence and control the market in Life Sciences Research, LSRI. "Drop LSRI or else!!!" I am the only hold out of dozens of market makers who all capitulated to SHAC's demands and dropped; that is ceased trading LSRI stock. Viewing me as the sole provider of a market for LSRI, SHAC launched a campaign of sheer terror on me and my family, destroying our privacy, causing dramatic changes in our daily lives now and I'm sorry to say forever.

SHAC's attempts to force me to stop trading the LSRI stock included local, national and international harassment, intimidation and terror. Personal information

of my family, names' address's social security numbers home phone numbers as well as those of 19 of my neighbors, placed on the SHAC site. "Run him out of town, tell him to drop the stock, or we will publish credit card, medical and other personal information about you." Daily thousands of obscene and threatening phone calls, to home and office at all hours, day or night; outright slander calling me a "child pornographer" in the media and all over the internet. When these threats and actions did not work, SHAC moved to far more dangerous and insidious tactics. Describing me as the "dreaded Legacy." SHAC brought their crimes of terror to my home, office and family. One day I awoke to find that SHAC had been in my yard. They spray-painted large messages like "Puppy Killer" "Drop HLS" all over the entire house. They wrote "Skip is a murderer." "Nine Million Dead" on my garage door. In addition to defacing my home, they cut all lines of communication. The next day, the SHAC website bragged that this was the beginning; more "direct action" will come if you don't drop LSRI!!"

On four occasions Legacy's office has been terrorized. The criminals have shattered the front office windows, incendiary devices thrown in, red paint over everything in the office including computers, furniture, the floors and walls. Office equipment was sabotaged and spray-painted messages were left for me to know that I suffered this felony for exercising my right to make a living. "DROP HLS quit making a market!!!"

If tactics like this were not enough, SHAC also targeted my relatives and even my 90-year-old mother. In December of 2004, my mother came under attack. SHAC posted MY MOTHER'S name, her address at her assisted living residence and her phone number on the internet with specific instructions to have her put pressure on me as I spoke and visited with her frequently. I quote the SHAC website when I tell you that SHAC members were instructed to "send her sex toys, have an undertaker arrive to pick up her dead body,' and call her collect in the middle of the night, pretend to be a friend of Skip's; ask for his cell number in order to place it on the Internet."

The SHAC torment of my family did not stop with my Mother. My family has been targeted and terrorized in neighboring states with SHAC action tactics. I have chosen only to tell you of just a few of the harrowing traumatic events I've gone through and go through at the hands of SHAC.

It is difficult to describe the emotions that accompany actions such as I described. I feel violated, vulnerable, angry, and gravely frightened for my family. This is precisely SHAC's goal to leverage your love of your family, your value of safety, your pursuit of life removing my freedoms to advance their beliefs.

Because I go to work each day as a Market Maker. It is apparent for most people facing this dilemma the decision is simple drop LSRI/ drop Huntingdon Life Sciences.

Well I did not, and I do not intend to. I fundamentally believe in the rights that we all receive as Americans. The right to liberty and privacy. The right to participate in government and even the right to disagree with government. The right to free speech. These are all sacred opportunities that we must not take for granted nor use against others. The healthy exercise of free speech should not hold others captive or force them to do anything.

SHAC inexcusably promotes the lives of animals over the lives of the humans they target. I do not confuse SHAC's tactics with a noble cause nor should anyone else. Huntingdon is a company that performs a role in the world of developing technology. But more importantly, they perform a lawful function, as do I. Respectfully I ask what would you do if your mother, brother, sister, niece, nephew just went to work and were fanatically terrorized. I urge this committee to simply evaluate the consequences of such unchecked activism. Please do not allow people to force their causes, ideas or opinions upon others using fear, intimidation, threats of crimes, and criminal acts. I thank you for the opportunity to be heard, and I am happy to answer any questions.

STATEMENT OF RICHARD P. BERNARD, EXECUTIVE VICE PRESIDENT AND GENERAL COUNSEL, NEW YORK STOCK EXCHANGE

Mr. Chairman, and Ranking Member Jeffords and Members of the Committee, I am Richard P. Bernard, Executive Vice President and General Counsel of the New York Stock Exchange (NYSE or Exchange). On behalf of the New York Stock Exchange and our President Catherine Kinney, thank you for inviting me to testify today before the Committee. The NYSE greatly appreciates your leadership in establishing the nation's policies on matters affecting the environment and public works. The issues you address today surrounding the activities of environmental ac-

tivist groups are both timely and important, to business and consumers alike. I hope that the information we can provide related to this topic will be of use to you and to the Committee.

1. LISTING ON THE NEW YORK STOCK EXCHANGE

The New York Stock Exchange is the world's largest cash equities market. We serve 90 million investors, the institutional community and over 2,700 of the world's leading corporations. The companies listed on the NYSE have a total global market capitalization of $21 trillion. During the first nine months of 2005, our average daily trading volume was 1.61 billion shares, worth over $55 billion a day.

By way of background, I would like to describe the process by which a company becomes listed on the Exchange, including the information considered by the Exchange and the bases upon which the Exchange makes a decision that a company is qualified to list on the Exchange.

Companies seeking to list on the Exchange are subject to review from several perspectives. There are, of course, a number of specific financial and corporate governance criteria that must be met in order for a company to qualify to list. These are specified in the Exchange's Listed Company Manual, in which we have codified the Exchange's rules that relate to listed companies. Beyond these specified criteria, however, the Exchange has broad discretion regarding the listing of a company. The Listed Company Manual states that "the Exchange may deny listing or apply additional or more stringent criteria based on any event, condition or circumstance that makes the listing of the company inadvisable or unwarranted in the opinion of the Exchange. Such determination can be made even if the company meets the standards [in the Manual]." (See NYSE Listed Company Manual Section 101.00.)

The process of determining whether a company is qualified to list is one that is conducted in confidence. Section 101.00 of the Listed Company Manual states that: "Prospective applicants for listing are invited to take advantage of the Exchange's free confidential review process to learn whether or not the company is eligible for listing and what additional conditions, if any, might first have to be satisfied." Section 104.01 of the Listed Company Manual, for domestic companies, and Section 104.02, for non-U.S. companies, then give an outline of the information needed for the purpose of conducting a confidential eligibility review.

The process is confidential in order to protect the privacy of the company. Especially in view of the fact that the Exchange can exercise discretion to decline to list a company that appears to satisfy the objective criteria, the Exchange has historically been concerned that companies might be reluctant to investigate listing if a determination of non-eligibility was likely to become public. The negative implication of such a determination could have an impact on investors' assessment of the company, even when such a reaction would be unwarranted.

And such a reaction might very well be unwarranted. The Exchange may determine, for example, that a company is too close to the line from a financial point of view to warrant listing at this time, although the Exchange may counsel the company that it would welcome a further inquiry from the company after a period of time. Or it may be difficult to determine with certainty whether the company has the number of public shareholders that the Exchange requires. Neither of these circumstances should concern investors, but a negative implication may nonetheless attach to a disinclination to list by the Exchange, if that were to become public.

In another circumstance there may be a historical issue with the company, fully disclosed, but which causes the Exchange to decline to list the company. If the Exchange had to be concerned about the public impact of such a determination, it could chill the ability or willingness of the Exchange's management to make what is often a close and difficult "call".

2. LIFE SCIENCES RESEARCH

A predecessor of the company, Huntingdon Life Sciences Group plc, was listed on the Exchange for approximately twelve years, beginning on February 16, 1989. That company was removed from listing on the Exchange in December 2000 for failure to remain in compliance with the Exchange's financial continued listing requirements. At the time the company indicated that its financial reversals were attributable to "economic terrorism" by animal rights activists. Regardless of the cause, given the financial situation in which the company found itself, the Exchange's rules dictated that the company should be delisted.

Life Sciences Research was incorporated on July 19, 2001 and was the vehicle that was used to acquire the business of Huntingdon Life Sciences Research and continue its business through a U.S.-based company. After several years of trading

on the over the counter bulletin board, management of the company approached the Exchange regarding listing in mid-July of this year.

In mid-August of this year, following a typical eligibility review, the Exchange staff informed Life Sciences Research that the company was acceptable for listing. In a press release dated August 22, 2005, the company announced that it would list. Following that announcement, reactions from persons associated with member organizations and others focused our attention on information that we should have considered in determining the advisability of listing Life Sciences Research's common stock on the Exchange. To provide an adequate opportunity for us to evaluate that information, we informed Life Sciences Research on September 7, 2005 that its listing must be postponed. It is unfortunate that our attention was not focused sufficiently far in advance to enable us to reconsider the listing prior to the day the company was scheduled to list and out of the public eye. We sincerely regret the circumstances, and clearly would have preferred to have been able to make the postponement decision earlier than we did.

The reaction to the announcement of the listing of Life Sciences Research, and to its postponement, has clearly focused public attention on the very serious concerns that have confronted Life Sciences Research for a number of years now, and which you and your Committee are working to address. Unfortunately, such publicity is quite at odds with our policy of affording applicants a confidential listing evaluation. That policy is the reason why we have limited our public response to an acknowledgement that the listing of Life Sciences Research has been postponed. We will continue to try to conduct our evaluation in confidence, difficult as that may be in the current circumstances.

Thank you again for inviting us to testify.

STATEMENT OF JERRY VLASAK, M.D., PRESS OFFICER, NORTH AMERICAN ANIMAL LIBERATION PRESS OFFICE

I. INTRODUCTORY REMARKS

Good afternoon, gentleman, my name is Dr. Jerry Vlasak. I am a practicing trauma surgeon, but more importantly for today's purpose, I am a Press Officer with the North American Animal Liberation Press Office. I am also a former vivisector.

The stated purpose of the Animal Liberation Press Office is: to communicate the actions, strategies, philosophy and history of the underground animal liberation movement to the media and the public, and that's what I hope to do here today.

The actions of underground activists who care enough about animals to speak out in no uncertain terms, and at times to risk their own lives and freedom, have a message that is most urgent and one that deserves to be heard and understood. Often underground animal liberation speech and actions either go unreported in the media or are uncritically vilified as "violent" or "terrorist", with no attention paid to the needless and senseless suffering that industries and individuals gratuitously inflict on animals. The Press Office seeks to clarify the motivation and nature of underground actions taken in defense of animals.

II. HLS

Huntingdon Life Sciences (HLS) is the largest contract testing lab in Europe, and operates facilities in the UK and New Jersey. They kill 500 animals a day. HLS will test anything for anybody. They carry out experiments which involve poisoning animals with household products, pesticides, drugs, herbicides, food colorings and additives, sweeteners and genetically modified organisms, oven cleaner and make up.

HLS has been infiltrated and exposed 5 times in recent years by journalists, animal rights campaigners and members of the public; each time evidence of animal abuse and staff incompetence has been uncovered.

A 1999 inspection of their Occold (UK) facility by the Good Laboratory Practice Monitoring Authority revealed 41 deficiencies, including errors in standard operating procedures, training issues, record keeping, quality assurance, equipment, labeling and facilities.

520 violations of the UK Good Laboratory Practices Act were documented in an expose by the Daily Press (UK) in 2000. They are the only UK laboratory to ever have their licence revoked by the government.

In East Millstone, NJ in 1997, an investigator from the People for the Ethical Treatment of Animals brought information to light that forced Huntingdon to plead guilty to animal cruelty violations and pay a $50,000 fine.

III. SHAC

The campaign Stop Huntingdon Animal Cruelty (SHAC) was set up at the end of 1999. In what has become an international campaign in more than 18 countries, a campaign that knows no limit to the creativity and length to which many demonstrators will go, SHAC has brought HLS to the brink of financial ruin.

It is important to realize that SHAC is not one group, or hierarchical entity, but an ideologically aligned group consisting on thousands of people who gather in various groups to protest the atrocities perpetrated by HLS. While some like SHAC USA are incorporated, above ground non-profit organizations, who engage in legal demonstrations, legal boycotts and legal leafleting/education of the public, other groups are just individuals loosely knit. It is ridiculous to think that SHAC USA and SHAC UK is one group with a top-down organization that controls all activities worldwide.

IV. NYSE DE-LISTING

On September 7, 2005 HLS was due to begin trading on the NYSE under the symbol LSR. Moments before trading was to begin, and with HLS executives on the stock exchange floor to celebrate, the listing was cancelled without comment. There was no direct or indirect reference or mention of animal rights action.

Did NYSE president Catherine Kinney halt the listing because she had just realized the financial temerity of HLS, or did she decide that a company as debased and cruel as HLS should not be associated with her exchange?

The New York Stock Exchange's reluctance to admit the lab is understandable, as the company *hides their financial details from* public scrutiny.

Currently HLS stock still trades on the OTCBB under the symbol LSRI. It was de-listed from the London Stock Exchange in 2002; the company reincorporated in Maryland and underwent a reverse 5:1 stock split. It's split-adjusted price today is a bit under $2 per share.

Chairman of the Board and CEO Andrew Baker owns 27 percent of the stock, and in June fronted the company another $43 million in a leaseback offer giving him personal ownership of the company's land, buildings and equipment, which he leases back to them.

Even after that massive infusion of cash, HLS still reports a whopping $75.9 million debt. A $50 million bond is payable in mid 2006.

No commercial bank or insurance company is willing to do business with HLS, and at least 25 market makers have thus far refused to deal in their stock.

HLS has not paid a dividend in many years, 2 of its directors are 3rd world-based and have no experience in the field, and its annual shareholders meetings are held secretly in Panama. Hundreds of customers and suppliers have cancelled their contracts with HLS, choosing not to do business with a company dealing in the torture and killing of defenseless animals. Is this the kind of business that belongs on any stock exchange?

In the last 2 weeks, HLS share price has gone into a downfall, as company after company sheds their stock from their portfolios. More than a million shares have been divested, as companies are informed about the vile business carried out by HLS. One company, Awad, stated that had they known about the cruelty at HLS, they probably would have never invested in them.

Oct. 20, 2005—Washington Mutual sells off 188,430 of their shares in HLS!
Oct. 19, 2005—Royce & Assoc. sell off 120,000 shares!
Oct. 19, 2005—Thomson, Horstmann & Bryant, Inc. sell off 123,500 shares!
Oct. 18, 2005—Cortina sells off their 165,000 LSRI shares!
Oct. 13, 2005—AWAD sells off their 250,000 shares in LSRI!
Oct. 12, 2005—Greenville Capital Management sells off their 251,000 shares in LSRI!

V. ABOUT THE ANIMAL LIBERATION MOVEMENT

By their accusations against SHAC and the ALF, some are trying to disguise where the real violence exists, and not the violence of extensional self-defense, but the real violence, of Huntingdon laboratories. Other activists watch all this, and become embittered and frustrated until they begin utilizing more radical.

IV. CCF

When it met in May of this year to discuss "animal enterprise terrorism", this committee heard from David Martosko, director of research for a lobbyist group called Center for Consumer Freedom(CCF).

The Center for Consumer Freedom, formerly known as the Guest Choice Network, was set up by one Richard Berman with a $600,000 "donation" from tobacco company Philip Morris. Berman arranges for large sums of corporate money to find its way into non-profit societies of which he is the executive director. He then hires his own company as a consultant to these nonprofit groups. Of the millions of dollars "donated" by Philip Morris between the years 1995 and 1998, 49 percent to 79 percent went directly to Berman or Berman & Co.

On November 16, 2004, Citizens for Responsibility and Ethics in Washington (CREW) filed a complaint with the Internal Revenue Service alleging that CCF has violated its tax exempt status. The complaint alleges that CCF engaged in prohibited electioneering, made substantial payments to the founder of the organization, Richard Berman, and to Berman's wholly owned for profit entity Berman & Co., and engaged in activities with no charitable purpose. CREW executive director Melanie Sloan told Forbes magazine, "It doesn't seem to me that someone should get a tax deduction while they're writing public relations memos about how people should be able to smoke in restaurants."

VII. SUMMATION

Each of the witnesses that have testified before me have their own financial interests at stake in the continued oppression, torture and murder of non-human animals by HLS.

HLS is only one representative of the Global Vivisection Complex, an outdated, inefficient and wasteful entity whose time has come and gone. What are the major medical breakthroughs in the areas of cancer research, HIV/AIDS treatments, Parkinson's or other debilitating diseases has LSR's work been at the forefront of?

According to recent opinion polls, only 13 percent of the public have confidence or trust in the Pharmaceutical Industry, ranking amongst the likes of big tobacco, the oil industry, and insurance companies (Harris Poll published in July of 2005). In August of 2005, Opinion Research Corporation International of Princeton, New Jersey found that 67 percent of the United States would rather donate to medical research that does not involve animal experimentation.

In the 21st century, there is absolutely no need to torture and kill non-human animals to advance human medicine. The majority of physicians in the UK, according to a recent poll, are against animal experimentation and feel it is not necessary for medical research. Here in the United States, there are thousands of physicians like myself who realize there is no need to kill animals in order to help humans, the vast majority of whom get sick and die because of preventable lifestyle variables such as diet, smoking, drugs and environmental toxins. In a country where 45 million people do without reliable access to ANY medical care, there is no reason to waste hundreds of millions of dollars testing drugs and procedures on non-human animals. In a world where 20,000 children are dying from lack of access to clean water each week world wide, there is no reason to waste hundreds of millions of dollars testing drugs and procedures on non-human animals.

Huntingdon is the poster child for the abhorrent, unnecessary and wasteful industry that not only murders millions of innocent, suffering animals, but dooms countless humans to their own unnecessary suffering as scarce health-care dollars are wasted on useless animal research and testing.

I thank the Committee for listening to my comments, and invite your questions.

HUNTINGDON LIFE SCIENCES (HLS)

- Largest contract testing lab in Europe
- Operates facilities in the UK and New Jersey.
- Kill 500 animals a day
- HLS will test anything for anybody.
- Carry out experiments which involve poisoning animals with household products, pesticides, drugs, herbicides, food colorings and additives, sweeteners and genetically modified organisms.
- HLS has been infiltrated and exposed 5 times in recent years by journalists, animal rights campaigners and members of the public
- Each time horrific evidence of animal abuse and staff incompetence has been uncovered:

  workers punching beagle puppies in the face
  simulating sex with animals in their care
  dissecting primates while they are still alive
  falsifying experiments to get their clients' product on the market.

• 1999 inspection of their Occold (UK) facility by the Good Laboratory Practice Monitoring Authority revealed 41 deficiencies, including errors in standard operating procedures, training issues, record keeping, quality assurance, equipment, labeling and facilities.

• 520 violations of the UK Good Laboratory Practices Act were documented in an expose by the Daily Press (UK) in 2000.

• Only UK laboratory to ever have their licence revoked by the government.

• In East Millstone, NJ in 1997, an investigator from the People for the Ethical Treatment of Animals brought information to light that forced Huntingdon to plead guilty to animal cruelty violations and pay a $50,000 fine.

• Some examples of the testing done at HLS include the following:

An estimated 12,800 animals died in the research of the sugar substitute Splenda. HLS used pregnant rabbits, beagle dogs, and primates to test the substance, administering up to 1200 times the estimated daily intake. Thirty two beagles were used and after weeks of having the substance pumped into them, were killed by exsanguination—having their throats slit. The primates suffered brain defects, mood swings, grip reflexing, severe weight loss, and then death. The rabbits experienced convulsions, intestinal disorders, and not surprisingly trauma-induced death.

A 2003 report documented the lab carrying out an expenment on a refrigeration component, long since banned in production, for the Japanese Refrigeration and Air Conditioning Association. The repeated study forced 7 month old beagles to inhale the pollutant, which caused severe head trembling, head tremors, whole body shaking, unconsciousness, and eventually death.

• Animal experimentation at Huntingdon Life Sciences is not life-saving, not necessary, and is inherently cruel.

CENTER FOR CONSUMER FREEDOM

Front group for the restaurant, alcohol and tobacco industries.

Media campaigns which oppose the efforts of scientists, doctors, health advocates, and environmentalists

Created by Berman & Co., a public affairs firm owned by lobbyist Rick Berman

Berman has argued against a Mothers Against Drunk Driving (MADD) initiative to lower the blood alcohol content (BAC) limit for drivers.

Claimed that U.S. Centers for Disease Control and Prevention (CDC) warnings about salmonella-related food poisoning are just "whipping up fear over food."

Anyone who criticizes tobacco, alcohol, fatty foods or soda pop is likely to come under attack from CCF.

In 1995, Berman and Norm Brinker, his former boss at Steak and Ale Restaurants, donated the $25,000 that disgraced then-House Speaker Newt Gingrich, who was hauled before the House Ethics Committee for influence-peddling over the money. Berman and Brinker were lobbying against raising the minimum wage.

In a 1999 interview Berman boasted that he attacks activists more aggressively than other lobbyists. "We always have a knife in our teeth," he said. Since activists "drive consumer behavior on meat, alcohol, fat, sugar, tobacco and caffeine," his strategy is "to shoot the messenger. . . . We've got to attack their credibility as spokespersons."

On November 16, 2004, Citizens for Responsibility and Ethics in Washington (CREW) filed a complaint with the Internal Revenue Service alleging that CCF has violated its tax exempt status. The complaint alleges that CCF engaged in prohibited electioneering, made substantial payments to the founder of the organization, Richard Berman, and to Berman's wholly owned for profit entity Berman & Co., and engaged in activities with no charitable purpose. CREW executive director Melanie Sloan told Forbes, "It doesn't seem to me that someone should get a tax deduction while they're writing public relations memos about how people should be able to smoke in restaurants."

In April 2005, CCF launched a $600,000 ad campaign in such major newspapers as the New York Times, Los Angeles Times, Washington Post and USA Today, calling "obesity" a "hype" and stated, "Americans have been force-fed a steady diet of obesity myths by the 'food police,' trial lawyers, and even our own government."

CENTER FOR CONSUMER FREEDOM

[From SourceWatch]

The Center for Consumer Freedom (CCF) (formerly called the "Guest Choice Network") is a front group for the restaurant, alcohol and tobacco industries. It runs

media campaigns which oppose the efforts of scientists, doctors, health advocates, environmentalists and groups like Mothers Against Drunk Driving, calling them "the Nanny Culture—the growing fraternity of food cops, health care enforcers, anti-meat activists, and meddling bureaucrats who 'know what's best for you.'"

HISTORY

CCF is one of the more active of several front groups created by Berman & Co., a public affairs firm owned by lobbyist Rick Berman. Based in Washington, DC, Berman & Co. represents the tobacco industry as well as hotels, beer distributors, taverns, and restaurant chains.

The group actively opposes smoking bans and lowering the legal blood-alcohol level, while targeting studies on the dangers of red meat consumption, overfishing and pesticides. Each year they give out the "nanny awards" to groups who, according to them, try to tell consumers how to live their lives.

Anyone who criticizes tobacco, alcohol, fatty foods or soda pop is likely to come under attack from CCF. Its enemies list has included such diverse groups and individuals as the Alliance of American Insurers; the American Academy of Orthopedic Surgeons; the American Medical Association; the Arthritis Foundation; the Consumer Federation of America; New York Mayor Rudy Giuliani; the Harvard School of Public Health; the Marin Institute for the Prevention of Alcohol and Other Drug Problems; the National Association of High School Principals; the National Safety Council; the National Transportation Safety Board; the Office of Highway Safety for the state of Georgia; Ralph Nader's group, Public Citizen; the U.S. Centers for Disease Control and Prevention (CDC); and the U.S. Department of Transportation.

STARTING OFF SMOKING

Berman launched the Guest Choice Network in 1995. Its initial funding came entirely from the Philip Morris tobacco company. "I'd lke to propose to Philip Morris the establishment of the Guest Choice Network," Berman stated in a December 11, 1995 letter to Barbara Trach *(http://www.prwatch.org/documents/berman/berman600k.pdf),* PM's senior program manager for public affairs. "The concept is to unite the restaurant and hospitality industries in a campaign to defend their consumers and marketing programs against attacks from anti-smoking, anti-drinking, anti-meat, etc. activists. . . . I would like to solicit Philip Morris for an initial contribution of $600,000." The purpose of the Guest Choice Network, as Berman explained in a separate planning document *(http://www.prwatch.org/documents/berman/gcplan.pdf),* would be to enlist operators of "restaurants, hotels, casinos, bowling alleys, taverns, stadiums, and university hospitality educators" to "support mentality of 'smokers rights' by encouraging responsibility to protect 'guest choice.' According to a year end 1995 budget *(http://www.prwatch.org/documents/berman/budget.pdf),* Guest Choice planned to spend $1.5 million during its first 13 months of operation, including $390,000 for "membership marketing/materials development," $430,000 to establish a communication center and newsletter (which Berman promised would have a "60 percent to 70 percent smoking focus" (*http://www.prwatch.org/documents/berman/gcplan.pdf*)), $110,000 to create a "multi-industry advisory council," and $345,000 for "grassroots network development/operation."

The tobacco company complied with Berman's initial funding request for $600,000 (*http://www.prwatch.org/documents/berman/pm600k.pdf*) and pitched in another $300,000 early the following year. "As of this writing, PM USA is still the only contributor, though Berman continues to promise others any day now," wrote Philip Morris attorney Marty Barrington in an internal company memorandum dated March 28, 1996 (*http://www.prwatch.org/documents/berman/pm300k.pdf*). Aside from Philip Morris, there are no other publicly known funders of Guest Choice until its public launch 2 years later, in April 1998, sporting an advisory board comprised mostly of representatives from the restaurant, meat and alcoholic beverage industries.

QUOTABLE AND NOTABLE EVENTS

In a 1999 interview with the Chain Leader, a trade publication for restaurant chains, Berman boasted that he attacks activists more aggressively than other lobbyists. "We always have a knife in our teeth," he said. Since activists "drive consumer behavior on meat, alcohol, fat, sugar, tobacco and caffeine," his strategy is "to shoot the messenger. . . . We've got to attack their credibility as spokespersons."

In November 2001, the Guest Choice Network launched a separate web site, ActivistCash.com, which purports to expose the "hidden funding" of various activist groups that support animal rights, food safety and smoking prevention.

In January 2002 the Guest Choice Network renamed itself the Center for Consumer Freedom.

On November 16, 2004, Citizens for Responsibility and Ethics in Washington (CREW) filed a complaint with the Internal Revenue Service alleging that CCF has violated its tax exempt status. The complaint alleges that CCF engaged in prohibited electioneering, made substantial payments to the founder of the organization, Richard Berman, and to Berman's wholly owned for profit entity Berman & Co., and engaged in activities with no charitable purpose. CREW executive director Melanie Sloan told Forbes, "It doesn't seem to me that someone should get a tax deduction while they're writing public relations memos about how people should be able to smoke in restaurants."[1] (*http://www.forbes.com/business/2005/09/23/obesity-lobbying-ccf-cz*__sl__0923ccfhtml). The full text of CREW's complaint is available online.[2] (*http://www.citizensforethics.org/activities/20041116/*)

CAMPAIGN TIMELINE

In early 2002, CCF ran national radio ads targeting studies on the link between food consumption and health. One ad referred to "red-faced picketers wielding pointed wooden sticks with signs that read 'eat tofu or die' on the way to your classic cheeseburger and fries."

In a May 11, 2002 San Francisco Chronicle article, CCF spokesman John Doyle responded to questions about nationwide radio ads put out by the group. He said the ads were meant to attract people to their website and "draw attention to our enemies: just about every consumer and environmental group, chef, legislator or doctor who raises objections to things like pesticide use, genetic engineering of crops or antibiotic use in beef and poultry."[3] (*http://sfgate.com/cgi-bin/article.cgi?f=/chronicle/a12002/05/11/MN119037.DTL)*

In April 2005, following a U.S. Centers for Disease Control and Prevention study that "obesity accounts for 25,814 deaths a year in the United States"—in contrast to earlier CDC studies suggesting 365,000 annual obesity-related deaths[4] (*http://edition.cnn.com/2005/HEALTH/diet.fitness/04/20/obesity.deaths.ap/*)—CCF launched a $600,000 ad campaign. The ad, run in such major newspapers as the New York Times, Los Angeles Times, Washington Post and USA Today, called "obesity" a "hype" and stated, "Americans have been force-fed a steady diet of obesity myths by the 'food police,' trial lawyers, and even our own government."[5] (*http://www.consumerfreedom.com/advertisements__detail.cfm/ad/30*) CCF's Mike Burita said the ad campaign was part of their "putting pressure on the leadership of the CDC, who has still not endorsed this new figure" for obesity-related deaths. Claiming that CCF wanted "some perspective," Burita added, "Obesity is certainly a genuine problem. But when genuine problems become political issues they tend to become exaggerated, as this has."[6] (*http://msnbc.msn.com/id/7633701/*)

A September 2005 Forbes article describes ads CCF ran in its "anti-anti-obesity" campaign:[7] (*http://www.forbes.com/business/2005/09/23/obesity-lobbying-ccf-cz*__sl__0923ccf.html)

In one ad, Seinfeld "Soup Nazi" character actor Larry Thomas plays a chef who weighs customers, then barks "salad!" or "no food for you" depending on how far they push the scale. In another, heavy-handed "food police" rip an ice cream cone away from a whimpering kid, whack a beer from a man about to enjoy a sip and snuff out a hot dog on the ground.

The article also mentions PetaKillsAnimals.com, another CCF campaign against People for the Ethical Treatment of Animals, and continues:

But Berman has already moved onto his next topic: scares about mercury levels in fish. He'll soon be adding FishScam.com to a growing collection of Web sites that includes AnimalScam, CSPIscam and ActivistCash, which exposes the financing behind do-gooder groups and lefty celebrities.[8] (*http://www. forbes.com/business/2005/09/23/obesity-lobbying-ccf-cz*__sl__*0923ccf.html*)

PERSONNEL

CCF is registered as a tax-exempt nonprofit organization. The IRS Form 990 filed for the the 6-month period from July to December 1999 by CCF (then calling itself the Guest Choice Network), listed the following officers:

- Richard Berman, executive director.
- Ray Kraftson, director
- Dixie L. Berman, secretary/treasurer

- Dan Popeo, director (Popeo is also chairman of the Washington Legal Foundation, a corporate-funded right-wing think tank which paid him $301,593 in salary and benefits in 2000.)
- Allison Whitesides, director (Whitesides has also worked as a public relations representative for Coca-Cola North America and Outback Steakhouse. In November 2001, she went to work as a legislative representative for the National Restaurant Association.)

The CCF also has an advisory panel. In 1998 it included the following individuals:

- Dave Albright, National Steak & Poultry
- Jane Inns, Perkins Family Restaurants, L.P.
- Steve Bartlett, Meridian Products Corporation
- Robert Basham, Outback Steakhouse, Inc.
- John F. Berglund, Minnesota Licensed Beverage Association
- Lou Chatey, Sebastiani Vineyards
- H.A. "Andy" Divine, University of Denver
- Timothy J. Doke, Brinker International, Inc.
- Richard Fisher, Tetley USA, Inc.
- William L. Hyde, Jr., Ruth's Chris Steakhouse
- James Spector, Philip Morris, USA
- Michael Middleton, Cargill Processed Meat Products
- Daniel J. Popeo, Washington Legal Foundation
- Richard G. Scalise, Armour Swift-Eckrich
- Daniel Timm, the Bruss Company
- Carl Vogt, Fulbright & Jaworski
- Richard Walsh, Darden Restaurants, Inc.
- Terry Wheatley, Sutter Home Winery

In addition to these officers, several Berman & Co. employees and associates have appeared in news stories as CCF representatives:

- Mike Burita has worked for a variety of conservative causes, including Republican election campaigns, Phyllis Schlafly, Frontiers of Freedom, and Brent Bozell's Media Research Center.
- John Doyle, communications director for Berman & Co., also doubles as a spokesman for the CCF, the Employment Policies Institute and the American Beverage Institute.
- On February 24, 2000, the Washington Post reported that Tom Lauria, "who helped peddle the tobacco industry's message at the Tobacco Institute before the lobby group was dismantled last year as part of an agreement with the states," had been hired as director of communications for CCF (then named the Guest Choice Network). Lauria left Berman's employ sometime in 2001.
- David Martosko has been described in news stories as CCF's director of research.

AFFILIATED ORGANIZATIONS

In addition to the Center for Consumer Freedom, Berman & Co. sponsors several other organizations and web sites, including the Employment Policies Institute (which fights to keep the minimum wage low and opposes mandatory health insurance for workers), and the American Beverage Institute, which opposes restrictions on drinking and driving.

FUNDING

CCF is registered as tax-exempt nonprofit organization and is required to disclose some financial information to the Internal Revenue Service which is publicly available by inspecting their IRS Form 990s. Like Berman's other front groups, it does not disclose the identity of its funders, but some information about it has become publicly available thanks to the 1998 attorney generals' settlement with the tobacco industry, which required tobacco companies to release millions of pages of previously secret company documents.

CCF claims to represent "more than 30,000 U.S. restaurants and tavern operators." However, the IRS Form 990 which it filed for the the 6-month period from July to December 1999 (under the name of "Guest Choice Network") shows that almost all of its financial support came from a handful of anonymous sources. Its total income for that period was $111,642, of which $105,000 came from six unnamed donors. It received no income from membership dues. Some of its funding apparently came from one of Berman's other organizations, the American Beverage Institute, which "contributes monthly amounts to the Guest Choice Network to assist with media expenses." The Guest Choice Network did not report paying salaries to any of its employees, who were presumably paid by Berman & Co.

CCF's Form 990 for the year 2000 showed total income of $514,321, almost all of which ($492,500) came from seven unnamed donors. Once again, it received no income from membership dues and did not report paying salaries to any employees. However, it did list $256,077 in compensation paid to Berman and Co., Inc., for "management services."

Like other Berman & Co. front groups, CCF is headquartered at the following address: Email: rberman@new-reality.com; website: *www.consumerfreedom.com*

STATEMENT OF BRUCE R. BISTRIAN, M.D., PH.D., PRESIDENT, FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY (FASEB)

The Federation of American Societies for Experimental Biology (FASEB) appreciates the opportunity to submit testimony on behalf of our 23 scientific society members, representing more than 65,000 biomedical research scientists. Furthermore, FASEB gratefully acknowledges the leadership role of Chairman James Inhofe in highlighting the detrimental consequences of animal rights (AR) extremism. We feel strongly that the decision by the New York Stock Exchange to halt the scheduled listing of the parent company of Huntington Life Sciences, in apparent response to pressure from AR extremists, sets a dangerous precedent that jeopardizes our progress in medical research and the quest for new therapies to treat and cure disease.

The use of animal models in biomedical research is absolutely essential to our ability to develop treatments and cures for those suffering from debilitating diseases. Breakthroughs in treatments for diabetes, heart disease, cancer, HIV/AIDS and Parkinson's disease would not have been possible without the use of animals. Moreover, animal research directly benefits animals themselves: the majority of veterinary advances are a direct result of research involving animal models.

Members of the FASEB Societies believe that the use of animals in research and education is a privilege. This imposes a major responsibility to provide for their proper care, ethical and humane treatment. Good animal care and good science go hand-in-hand and is taken most seriously by the scientific community. In addition, FASEB feels that it is a responsibility of researchers to communicate to the public about the role and importance of animals in research, a task made difficult due to the dangers posed by members of AR extremist groups.

The recent escalation in violence and intimidation campaigns by AR extremists directed towards researchers and their institutions is of great New York Stock Exchange (NYSE), and its apparent capitulation to the AR extremist group, Stop Huntington Animal Cruelty (SHAC), biomedical researchers are often the focus of campaigns launched by groups like SHAC or the Animal Liberation Front (ALF). We would like to take this opportunity to put a human face on researchers whose lives have come under siege. These are scientists who have dedicated decades of their life in an effort to alleviate human suffering and improve human health. Moreover, these incidences are often widely reported when they take place and are counted as victories by the AR extremist movement.

In the November 22, 2002 edition of *Science* magazine,[1] then FASEB President Steven Teitelbaum, MD, published an Op-Ed in response to the ongoing situation of Michael Podell, DVM. Dr. Michael Podell was an Associate Professor in the Department of Veterinary Clinical Sciences and Center for Retrovirus Research, College of Veterinary Medicine at the Ohio State University (OSU). He studied the effect of methamphetamine abuse on the progression of immunodeficiency virus, known in humans as HIV, the causative agent of AIDS, as well as the neurological effects of HIV, a poorly understood aspect of the disease. Podell's investigation involved the use of feline models, because his previous research had discovered that feline immunodeficiency virus (FIV) closely mirrors the neurodegenerative effects of HIV infection in humans, making cats an excellent surrogate for HIV neuropathology. This research was uncovering tantalizing new evidence about the effects of methamphetamine use on viral replication. Podell's findings, published in the *Journal of NeuroVirology,* plainly showed a manifold increase in neural cells' ability to replicate FIV after methamphetamine treatment. The OSU study also shed light on the mechanism by which FIV associates with astrocytes, mutating into a strain of virus that does not depend on immune system interaction for replication. This important piece in the puzzle of how the viral load of FIV/HIV in the brain leads to dementia is vital to efforts to lessen this debilitating brain damage. However, before these findings were published, Dr. Podell abandoned his research, walk-

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[1] Teitelbaum, S. (2002, Nov. 22) *Science. 298:1515.*

ing away from a $1.68 million grant from the National Institutes of Health (NIH), the sort of funding only one in five researchers might successfully apply for.

Why did Michael Podell, a promising and successful scientist who was contributing invaluable knowledge to the fight against AIDS, leave his career as a research scientist? From the awarding of the grant in October, 2000, Dr. Podell, his family, and Ohio State University were subjected to an intense and often violent campaign of harassment. According to interviews with Dr. Podell,[2] he received thousands of harassing emails and a dozen death threats. The university itself was subjected to repeated acts of vandalism. Ultimately, it was concern for the safety of his family, who were also being threatened, that played a large part in convincing Michael Podell to leave. In one threatening letter they received, a newspaper picture of a United Kingdom scientist whose car had been bombed by AR extremists was scrawled with the message "You're next."[3]

Sadly, this is not an uncommon story: throughout the US and UK, law-abiding biomedical researchers are being targeted. Although these groups have sought cover under the fact that no U.S. researcher has been physically harmed or directly targeted for physical violence, this is not true in the UK. Human targets of groups like SHAC and ALF in Europe have been beaten, branded, attacked with caustic substances, and firebombed.[4] The roots of the U.S. movement of AR extremism are in the UK. FASEB feels it is only a matter of time before these domestic campaigns escalate to the violent intensity of their UK counterparts. We fear that the NYSE's action will embolden these groups to increase their violent efforts to halt the use of animals in research.

Research institutions, funded in large part by taxpayer dollars, are also victims of AR extremism. In the last hearing on this topic held by this committee, you examined the damage done during the November, 2004 attack at the University of Iowa, which caused $450,000 worth of damage to laboratories and equipment. Again, this is not an uncommon story: Louisiana State University (LSU) in Baton Rouge was spared the wrath of Hurricane Katrina, but has been attacked multiple times by ALF,[5] most recently in April, 2005.[6] On ALF's website, where the attack against LSU is triumphantly detailed, there is an ominous message to researchers, "Stop now, or be stopped."[7] Money that could be going towards life-saving medical research is now being spent on increased security and cleaning up the damage caused by AR extremists.

But the monetary damages done to laboratories and research institutions, (documented by the Federal Bureau of Investigation, the Southern Poverty Law Center, the National Association of State Universities and Land-Grant Colleges, and the Foundation for Biomedical Research), do not fully convey the impact of direct actions by ALF and SHAC. The loss of computer files, lab animals, research notebooks or microscope slides may not account for a great monetary loss, but could represent years of work in the life of a scientist or graduate student. Imagine working long hours on a small stipend, following your heart's passion through the sometimes frustrating process of bench research for five years, trying to achieve a doctoral degree, only to have all of that work eliminated in one night by a group whose public website describes in great detail exactly how to attack and harm research laboratories. The human toll of having one's research lab targeted by AR extremists is described eloquently in a Washington Post editorial (July 17, 2005) written by Dr. Mark Blumberg, a researcher at the University of Iowa, which we have attached.

Animal rights extremists have become a serious impediment to the progress of biomedical research, as well as to the peace of mind of scientists themselves. FASEB understands that the committee is addressing the broader topic of eco-terrorism, of which AR extremism is only one part. However, we urge the committee to carefully examine the toll of AR extremism on the scientific community and our medical research enterprise, the results of which are an insidious stifling effect on the discovery of new cures for diseases. Biomedical researchers are dedicated to improving the health, well-being and productivity of all people. They should be allowed to do so in safety and security. Thank you for the opportunity to submit testimony and for shedding light on this critical issue. FASEB stands ready to assist in any way possible.

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[2] Davis, S. (2002, August 1) *DVM Newsmagazine.*

[3] Stolberg, SG (2002, July 23) New York Times. P. Al

[4] Bhattacharya, S. (2004, April 22) The New Scientist. Retrieved 2005, Oct. 25 from: *http://www.newscientist.com/article.ns?id=dn4913*

[5] McElfresh, A. (2004, Jan. 30) The Reveille (LSU). Retrieved 2005, Oct. 25 from: *http://www.lsureveille.com/vnews/display.v/ART/2004/01/30/4019fdcbb1286*

[6] Smallwood, S. (2005, Aug. 5) The Chronicle of Higher Education. 51(48). P. A8.

[7] Animal Liberation Front. Retrieved 2005, Oct. 25 from: *http://www.animalliberationfront.com/ALFront/Actions-USA/LSU*__Rat__Lib__*05.htm*

[From the Washington Post, Sunday, July 17, 2005]

THE ANIMAL ZEALOTRY THAT DESTROYED OUR LAB

[By Mark S. Blumberg]

55IOWA CITY, IOWA.—"Are you lying down?" my wife asked me over the phone. It was Sunday, Nov. 14 of last year, and I was just waking up in my hotel room in Madison, Wis., where I'd gone to visit my sister and her son for the weekend. My wife's question—especially her urgent tone—triggered a cascade of sickening thoughts. Soon, I was racing home to Iowa.

Although the pieces only came together over the next several days, the bare facts were these: Early that morning, at least five individuals had illegally entered the research facility at the University of Iowa where my colleagues and I, all professors of psychology and neuroscience, work. The intruders broke into offices and laboratories, dumped acid and other chemicals and destroyed equipment. They also "liberated" the animals—primarily rats and mice—used in our studies of such basic behavioral and biological processes as learning, memory, temperature regulation and sleep. One of my graduate students arrived at work early that morning and discovered, in bold red spray paint, the slogans that are the hallmark of the Animal Liberation Front (ALF): "Science not sadism" and "Free the animals."

With this break-in, my department had become the latest poster child of the animal rights movement. After years of escalating attacks on research facilities in the United Kingdom, animal rights and environmental extremists have turned to North America, which is fast becoming a breeding ground for their type of violence. But because the number of individuals affected is still relatively small, most Americans remain unaware of the seriousness of the threats. As my experience shows, even among decision-makers, few are taking it seriously enough.

The care of laboratory animals isn't, as some seem to believe, an unregulated field. As scientists engaged in government-sponsored research, we must conform to an exhaustive array of local, state and federal rules. Nor are we unthinking about these animals' use. As scientists, we debate it among ourselves and with others, as all thoughtful individuals do when dealing with issues of life and death. What happened in Iowa, though, was not a debate; it was an assault.

For us, the break-in set off a chain of events that one might expect after an attack of such magnitude. Our unassuming buildings at the edge of campus were cordoned off as local, state and then federal law enforcement personnel descended. With the closing of these buildings, the daily lives of hundreds of faculty, staff and students were disrupted. Experts in the handling of hazardous materials spent weeks identifying and removing the corrosive chemicals that had been dumped inside.

The cost of the cleanup, replacement of valuable equipment and purchasing of new animals totaled in the hundreds of thousands of dollars. Contrary to initial reports, relatively little data were lost (in part because the attackers seemed more concerned with smashing computers than erasing hard drives) although even small losses can have far-reaching consequences for research.

Instead, it was the human cost that was most devastating. Imagine the horror of walking into your office at work, as one of my young colleagues did, to find computers, books and personal effects (such as ultrasound images of your unborn child) soaked in acid. Then, imagine having to don a chemical protection suit for several days and sift through multiple 55-gallon drums filled with acid-soaked papers, photocopying those that are still readable as they crumble in your hand.

Unfortunately, the attack on the building is where our story begins, not ends. For what followed was a series of well-orchestrated harassments. First came the e-mailing of a communique to the media, detailing the crime and the rationale for targeting our facility and the individuals who work there. Each of us was singled out for derision; I was colorfully described as having a "famously deranged mind" because of my research on the similarities between the high-pitched squeals of infant rats and the life-sustaining grunts of human preemies in respiratory distress.

Some of ALF's statements produced the desired chilling effect: "Let this message be clear to all who victimize the innocent," the e-mail read. "We're watching. And by axe, drill, or crowbar—we're coming though your door. Stop or be stopped." Later in that document, the brazen and indiscriminate nature of their threat was revealed when, after noting "the established link between violence towards animals and that towards humans," they listed "as a public safety measure" our names, our spouse's names, home addresses and phone numbers, as well as information about our students.

Next came the video. Several days after the communique, local journalists informed a group of us that a surreptitious delivery had brought a 50-minute videotape of the crime. Would we be interested in seeing it? Within an hour, two col-

leagues and I found ourselves huddled together in front of a small television set in a local newsroom, watching in dismay as these individuals—clearly youthful despite being hidden behind hoods, masks and gloves—paraded through our facility, smashing delicate instruments with oversize hammers and transferring rats and mice to plastic cages. It was particularly difficult for me to watch as my infant rats, along with their mothers, were thrown together with several other adults, knowing (as these animal "liberators" apparently did not) that cannibalism of the young was the likely outcome. There was no video of that.

In the weeks thereafter, our attackers and their allies kept up their campaign. There were press conferences by local agitators, freedom of information requests, midnight phone calls, a well-publicized visit by a nationally known pro-ALF speaker whose message was that more attacks were needed. And then came the magazines. They started as a trickle, but soon my mailbox was deluged with dozens catering to every taste: Canoe & Kayak, Guns & Ammo, Fit Pregnancy, Muscle Mustangs & Fast Fords. It's simple but ingenious: tear out those little subscription cards, apply a label, and send it in. No hassle, no mess. In total, nearly 450 subscriptions were directed at us, 160 to me alone. Funny? Perhaps, unless you consider how you would respond to such an onslaught, including the invoices and, ultimately, the credit agencies that followed.

When we learned that a Senate panel would be addressing the issue of animal rights extremism in May, we thought that some relief was imminent. Groups like the Southern Poverty Law Center and Anti-Defamation League have been keeping an eye on the growing violence. Critics have pointed out financial donations, overlapping personnel and supportive public statements that raise questions about a possible relationship between above-ground groups such as People for the Ethical Treatment of Animals (PETA) and fringe groups like ALF. We hoped that such evidence had accumulated to the point that a concerted and bipartisan effort might finally affect their formidable fundraising apparatus. We were sadly disappointed.

We were encouraged that the president of our university had been called as a witness and that our experiences of the past several months would receive some high-level attention. Unfortunately, the hearing quickly devolved into a partisan disagreement. Incredibly, the senators seemed more interested in protecting their favored activist groups from scrutiny than in determining which groups actually posed significant threats to the lives and livelihoods of law-abiding citizens. Most galling were the comments of Sen. Frank Lautenberg, a Democrat from New Jersey, who seemed miffed that his time was being wasted on such fluff. Incredulous of the testimony provided by the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in which violent animal rights and environmental extremists were identified as among our most serious domestic terrorism threats, Lautenberg asked facetiously who the next target would be: "Right to Life? Sierra Club?" Then, he inexplicably proclaimed himself "a tree hugger."

I later made several attempts to contact Lautenberg about his comments, via fax, phone and e-mail, but never received a response.

I was a victim of a violent crime once before. While on break from college in the early 1980s, I was sitting in my parents' home in Chevy Chase reading a book when, suddenly, I looked up and found myself staring into the barrels of two snub-nosed revolvers. The intruders tied me up and robbed the house, then left silently. As traumatic as that event was, its effect on me was fleeting. I was angry, yes, but I did not feel terrorized. These home invaders clearly did not hate me for who I was or what I did. They did not issue a communique declaring that others should attack me. They did not release a video to force me to relive the indignity of the event. And they did not encourage their minions to engage in further harassments. Terrorists, no matter what their cause, seek political change through violence and intimidation. Is it essential that we label animal rights extremists as terrorists? Perhaps not, unless such a label helps us—and especially politicians—to better appreciate the seriousness of the threat and to marshal the necessary law enforcement resources.

Because the threat is serious. Today, scientists, clinicians and educators find themselves engaged in a seemingly endless string of pitched battles: over the teaching of intelligent design in our public school classrooms, over the availability of stem cells to treat degenerative diseases, over the rights of severely brain-damaged individuals to die. If we focus on the conventional politics that drive these conflicts—right vs. left—we miss the bigger picture.

In fact, what ties all of them together is a common distrust of and disdain for science, for empirically based medicine, for the value of evidence and critical analysis, and for progress in a free and open society. Moreover, and perhaps most alarming, is the adoption by certain groups of increasingly violent action to achieve their political aims. Indeed, the mounting acceptance of intimidation and violence within

the anti-abortion movement eerily parallels the escalating tactics of animal rights extremists. Thus, the ideology and goals of these groups may align at opposite ends of the political spectrum, but their tactics have converged. As we know, a number of abortion doctors have already been killed, and some animal rights extremists seem to approve of physical violence as a tactic. It's only a matter of time before someone takes the next step. Whom will Lautenberg hug then?

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The Doris Day Animal League (DDAL) lobbies the state and federal governments to pass animal protective legislation. The organization has 350,000 members and supporters nationwide, with constituents in every state. We work to ensure that a humane ethic is integrated into our laws to provide for protection for animals. This ethic revolves around a core principle of nonviolence toward humans and animals. Any tactic which supports or threatens acts of violence toward people is anathema to the core principles of the organization. The DDAL does not engage in or support violent tactics used to purportedly protect animals - and we never will.

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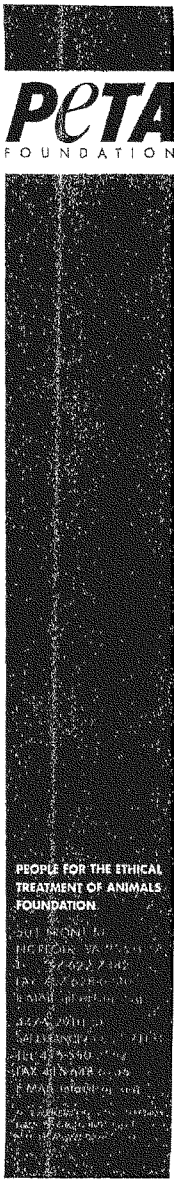


Jeffrey S. Kerr
General Counsel and
Director of Corporate Affairs
Ext. 8303
E-mail: JeffK@fsap.org

October 24, 2005

VIA FACSIMILE: (202) 228-0574
AND FIRST CLASS MAIL

Honorable James Inhofe, Chairman
Honorable James Jeffords, Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510-6175

Dear Chairman Inhofe and Ranking Member Jeffords:

I am writing on behalf of People for the Ethical Treatment of Animals, Inc. (PETA) concerning the Committee's inquiry into Huntingdon Life Sciences. In 1997, PETA conducted an undercover investigation that exposed numerous violations of the Animal Welfare Act at Huntingdon's contract research laboratory in New Jersey. Subsequently that same year, there was litigation between PETA and Huntingdon relating to that investigation. PETA has had no involvement in any activities, including campaigns, regarding Huntingdon since that time.

PETA's Investigation of Huntingdon Life Sciences

In 1996-97, PETA conducted an eight-month undercover investigation of Huntingdon's New Jersey contract research laboratory that revealed sickening cruelty to animals in tests conducted for leading makers of household products and pharmaceuticals. In June 1997, Huntingdon filed a lawsuit against PETA in an attempt to silence us and to prevent the public from seeing what we found. Six months of intense litigation followed. We are able to provide the following information consistent with the settlement of that lawsuit.

The conditions at Huntingdon were deplorable and the animals suffered greatly. Huntingdon workers routinely slammed monkeys into cages, suspended monkeys in mid-air while pumping test substances into their stomachs, and screamed and shook their fists in frightened monkeys' faces when they were strapped down for electrocardiograms. One technician stuffed a lotion bottle into a monkey's mouth as a "joke."

As reported in the press at the time, one Huntingdon supervisor's internal memo, dated January 30, 1997, tells technicians to look at the injuries they caused the animals and adds: "Just think how YOU would feel to be put into a cage and physically abused?" One of the lab's customers to whom PETA submitted its investigation results immediately suspended all testing with Huntingdon and conducted its own investigation, saying: "The attitudes and behavior shown by lab technicians on the tape are unacceptable to us."

PETA also succeeded in convincing Huntingdon to release 40 beagles who were to have their legs broken and then be destroyed in a barbaric experiment in Huntingdon's lab.

Major pharmaceutical companies, including Procter & Gamble, cancelled their contracts with the lab when they learned of the animal abuse disclosed by our investigation, and Huntingdon watched its stock price plummet as a result of the public outcry over the abuse.

In December 1997, facing PETA's motion to dismiss the lawsuit, Huntingdon dropped the case without PETA paying a dime to the lab.

Also in 1997, similar deplorable conditions and actions were exposed at a Huntingdon facility in the United Kingdom by an unrelated investigation conducted by Channel 4 Countryside Undercover. A copy of the documentary film chronicling that investigation, titled "A Dog's Life," has been supplied to Committee staff.

Huntingdon's Violations of the Animal Welfare Act

Upon completion of our investigation, PETA filed a 36-page complaint with the U.S. Department of Agriculture and publicized our findings, providing the USDA with the investigator's videotape and photographs of the conditions and procedures at the lab. As a result of PETA's complaint and the subsequent USDA investigation, the USDA charged Huntingdon with 23 counts of violating the Animal Welfare Act, including:

- failure to maintain a program of adequate veterinary care;
- failure to ensure that animals used in toxicology tests received pain killers and anesthesia during procedures that caused pain and distress;
- failure to notify a veterinarian when animals needed medical care;
- failure to explain why dogs used in painful procedures were not provided with any relief from pain; and
- failure to construct and maintain cages that protect animals from injury.

Huntingdon paid a $50,000 fine as a result of those charges.

PETA's Charitable Animal Protection Programs

PETA is the largest animal rights organization in the world, with more than 850,000 members and supporters around the country and around the globe. PETA exposes animal abuse and exploitation and then works with appropriate federal, state and local authorities to stop it. PETA does not condone violence. In fact, PETA exists to fight the violence and terrorism inflicted on billions of animals annually in the meat, dairy, experimentation, tobacco, fur, leather, and circus industries.

Since its founding in 1980, PETA has had a tremendous impact on the treatment of animals in the United States and internationally, evidenced by the following list of some of its recent accomplishments:

- PETA convinced fast-food giants McDonald's, Burger King, and Wendy's to improve living conditions for the animals provided by their suppliers. These were immense steps forward that greatly reduce the suffering of billions of animals.

- PETA has convinced almost 600 companies, including Gillette, Colgate-Palmolive, Mary Kay, L'Oreal, and many others, to stop testing their products on animals.

- PETA has convinced international retailers Timberland, J. Crew, Abercrombie & Fitch, New Look, and George, to boycott the Australian wool industry until it halts the practices of mulesing (in which farmers use gardening shears to cut large sections of flesh from sheep's' rumps without any painkillers) and the live export of millions of discarded sheep to the Middle East for slaughter every year.

- PETA released details of cruelty to pigs found during an investigation of the third-largest pig farm in the U.S. One manager was charged with four counts of felony animal cruelty – only the second time in U.S. history that a factory farm employee has been charged with felony animal abuse. (The first time was a PETA case involving a North Carolina pig farm in 2000).

- PETA convinced international retail giants like Nike, Gucci, Eddie Bauer, Nordstrom, Reebok, Kenneth Cole, The GAP, and L.L. Bean to boycott Indian leather after PETA exposed the immense animal abuse in the Indian leather industry, including breaking animals' tails and rubbing hot peppers into their eyes in order to force them to march long distances to slaughter.

- PETA convinced the U.S. Department of Transportation to stop painful tests in which corrosive chemicals were poured onto rabbits' shaved backs, burning holes into their skin. PETA successfully argued that the D.O.T. should use a modern, non-animal test that had already been approved by the government.

- PETA convinced Sears, Roebuck & Company to cancel its sponsorship of Ringling Bros. & Barnum and Bailey Circus after explaining Ringling's record of repeatedly violating the federal Animal Welfare Act in which they have failed to satisfy even minimum standards for the animals beaten and forced to perform tricks in its circus.

- PETA saved more than 800,000 animals from painful poisoning tests slated for the U.S. government's high production volume (HPV) chemical program designed to test thousands of chemical substances on animals. The government agreed to replace many of the tests with non-animal methods, delay some of the tests for two years to allow for the development of non-animal tests, and to dedicate $5 million to fund non-animal methods.

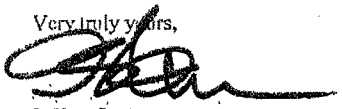
- PETA's SNIP (Spay and Neuter Immediately Please)-mobile, a new mobile spay-neuter clinic serving mostly low-income families, sterilized more than 25,000 animals for those people who could not otherwise afford the procedures and for shelter cats and dogs prior to adoption.

- PETA staff and dedicated volunteers traveled to Louisiana to assist the thousands of animals left behind in the wake of Hurricanes Katrina and Rita, and PETA regularly disseminates life-saving preparedness information to help people protect their animal companions in the event of natural disasters.

- PETA's free doghouse program regularly serves poor communities in and around its headquarters in Hampton Roads, Virginia. We have delivered hundreds of doghouses hand-made by PETA to exacting specifications for animals exposed to the elements at rundown animal shelters and for "backyard dogs" huddled under card tables, inside rusting cars, and in mud holes, unable to get away from searing summer heat and freezing winter cold.

I hope that this information assists the Committee in its work.

Very truly yours,



Jeffrey S. Kerr

cc: Philip J. Hirschkop, Esq.

OCT. 25, 2005.

Hon. JAMES M. INHOFE, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate,
Washington, DC.

Hon. RUSSELL J. FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATORS INHOFE AND FEINGOLD: Thank you very much for holding the hearing tomorrow on the terrorist tactics of the animal rights extremist group SHAC. I attended the May 18 EPW hearing along with my colleagues from the National Association for Biomedical Research and am extremely grateful for the attention this matter is getting. My job is very difficult because, as public information and outreach coordinator for the Wisconsin National Primate Research Center, I would like to be more open with the public; but there is increasing animal rights terrorism out there and we don't want to make ourselves more vulnerable to it.

Our society needs to condemn these terrorists and anyone who encourages their acts of violence through Internet chat room rhetoric, recruiting people to the cause who would later break the law, and harassing, threatening or attacking third party supporters such as stockholders and their families. SHAC and other animal rights extremist groups and individuals have been getting away with too much for too long. The spokespeople for these terrorists say the perpetrators do not harm people; but I strongly disagree. There are many more ways to harm a person other than to cause physical injury, as I detailed to you, Senator Inhofe, in my June 6, 2005, letter after the May hearing.

Yesterday, the police contacted me personally, and told me that my family and I are now a planned target of animal rights extremists. Thus, I am now forced to take further security precautions, for reasons that I have been asked to keep confidential at this time. Please help us pass the necessary laws in this country to bring tougher surveillance and penalties upon those who conspire to intimidate and threaten law-abiding citizens engaged in or financially supporting life-saving and humane biomedical and veterinary research.

I express my utmost thanks to you and the EPW committee for holding these hearings and for your continued dedication and support for protecting the staff, animals and facilities of centers such as the Primate Center where I work.

In addition, I thank you, Senators Feingold and Inhofe, for your dedication to maintaining our clean water and air in Wisconsin, Oklahoma, and the United States. My previous job, for many years, was in the Bureau of Water Resources Management at the Wisconsin Department of Natural Resources. My family is dedicated to preserving wetlands, storm water runoff ponds and other critical natural zones in the West Bend area through the Cedar Lakes Conservation Foundation. Thank you for your great track records on the environment.

Sincerely,

JORDANA LENON.

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October 24, 2005

The Honorable James Inhofe
Chairman
Senate Environment and Public Works Committee
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Inhofe:

The HSUS does not hesitate to criticize animal abuse in all of its forms, but we insist on using responsible and appropriate tactics to further the goal of eliminating such abuse. The HSUS condemns the few organizations and individuals that resort to violence and other illegal activities in the alleged name of environmental and animal protection.

The HSUS takes its responsibilities very seriously on matters relating to tactics and philosophy. The HSUS has repeatedly and publicly criticized individuals who break the law in the name of protecting animals. We have denounced individuals and groups who resort to intimidation, vandalism, or violence in pursuit of animal protection goals. We have done so at conferences and in the print and electronic media, and would be happy to provide the committee with a series of documents to support our claim. We believe harassment, violence, and other illegal tactics are wholly unacceptable and inconsistent with a core ethic of promoting compassion and respect. We do, however, recognize that civil disobedience can be a morally acceptable tactic when applied appropriately.

The following public statement outlining our position with regard to unacceptable tactics has been on our web site for several years, and is available at:
http://www.hsus.org/about_us/about_hsus_programs_and_services/hsus_statement_on_nonviolence.html.

HSUS Statement on Nonviolence:

The Humane Society of the United States (HSUS) is the nation's largest animal protection organization, with a constituency of more than nine million people—one of every 33 Americans. The HSUS employs scientists, veterinarians, attorneys, animal care professionals, wildlife specialists, and legislative professionals, and relies on thousands of volunteer members to spread its message of compassion and respect for all animals, including people. The very foundation of our work is to protect animals from suffering and cruelty caused by human actions. We believe that any tactic or strategy involving violence toward people, or threats of violence, undermines the core ethic we espouse. Such tactics are ethically wrong and do fundamental damage to the credibility of the humane movement. Since its founding in 1954, The HSUS has never engaged in or supported any form of violence done in the name of protecting animals.

I hope this letter serves to clarify these matters. I would be happy to respond to any questions from you or other members of the Committee. We appreciate your continuing efforts on behalf of animals and look forward to working together on the challenges ahead. We are very grateful for your consideration.

Sincerely,

Wayne Pacelle

Wayne Pacelle
President and CEO
The Humane Society of the United States

Promoting the protection of all animals
2100 L Street, NW, Washington, DC 20037 ▪ 202-452-1100 ▪ Fax: 202-778-6132 ▪ www.hsus.org

SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION,
Washington, DC, October 25, 2005.

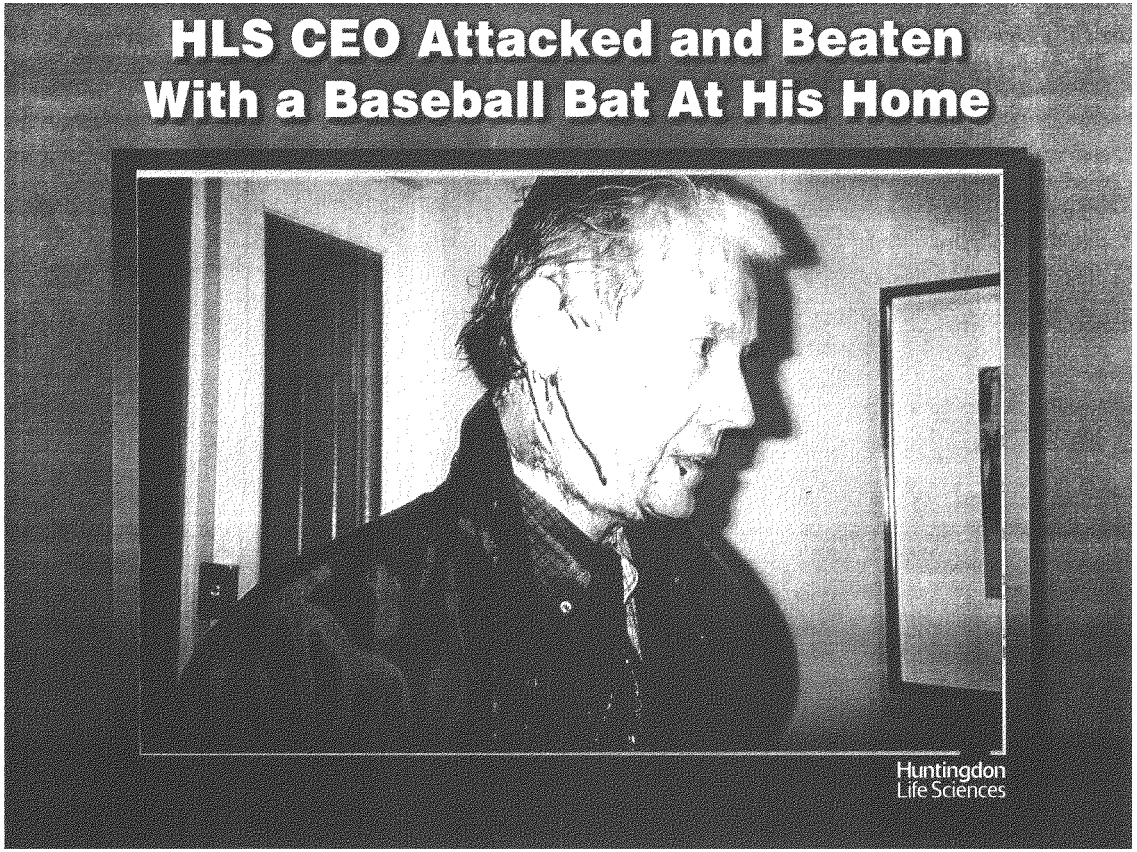
TO ALL MEMBERS OF CONGRESS: On behalf of the animal welfare community, we affirm our commitment to non-violent methods to improve the lives of animals. As Mahatma Ghandi said, "Non-violence is the greatest force at the disposal of mankind. It is mightier than the mightiest weapon of destruction devised by the ingenuity of man." We support direct action within the confines of the law to promote the protection of animals, and we strive to operate within a framework of common ethics.

Our belief is that good animal care is in everyone's interest. Respecting those with differing opinions, we inform the public about animal-related causes—and most importantly, we seek to relieve the avoidable pain and distress suffered by any species.

While our community is diverse, we aim to work together to accomplish a variety of goals on behalf of the animals. By raising awareness, we believe we can advance animal welfare standards around the world. The humane treatment of animals is a key step toward creating a more peaceful society.

Sincerely,

AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.
ANIMAL CARE AND WELFARE/SPCA.
ANIMAL WELFARE INSTITUTE.
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION.

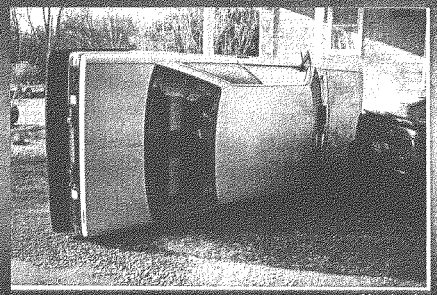

HLS CEO Attacked and Beaten
With a Baseball Bat At His Home
Huntingdon
Life Sciences

SHAC Attacked Homes of HLS Scientists

At Home of HLS Administrator -

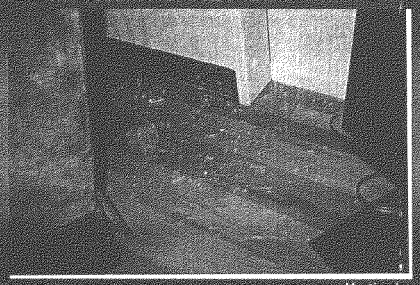
Huntingdon Life Sciences

At Home of HLS Scientist -



Huntingdon Life Sciences

At Home of HLS Scientist -



Huntingdon Life Sciences

At Home of HLS Scientist -

Huntingdon Life Sciences

SHAC Leaflets Chiron Executive's Neighborhood

Chiron Was Later Bombed By Terrorists

COMMUNITY ALERT!

YOUR NEIGHBOR WILLIAM GREEN WHO LIVES AT IS A KNOWN ANIMAL ABUSER. HE IS ASSOCIATED WITH A COMPANY CALLED HUNTINGDON LIFE SCIENCES (HLS) THAT IS RESPONSIBLE FOR THE MURDER OF 500 ANIMALS EACH AND EVERY DAY.

YOUR NEIGHBOR IS AN ANIMAL ABUSER!

WILLIAM GREEN

Who lives at Orinda CA

PLEASE TELL YOUR NEIGHBOR TO STOP DOING BUSINESS WITH HUNTINGDON LIFE SCIENCES.

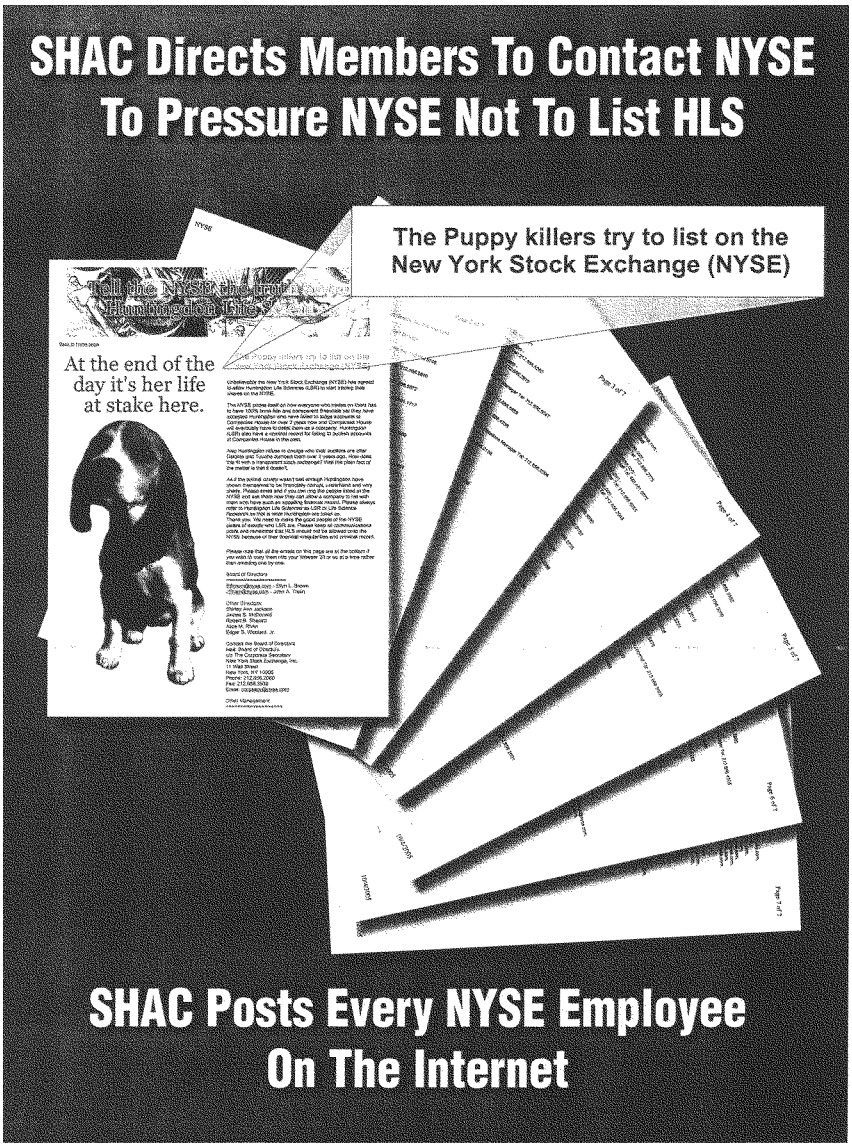
WE WILL BE HERE UNTIL HE DOES THE RIGHT THING.

NO REST FOR THE WICKED!

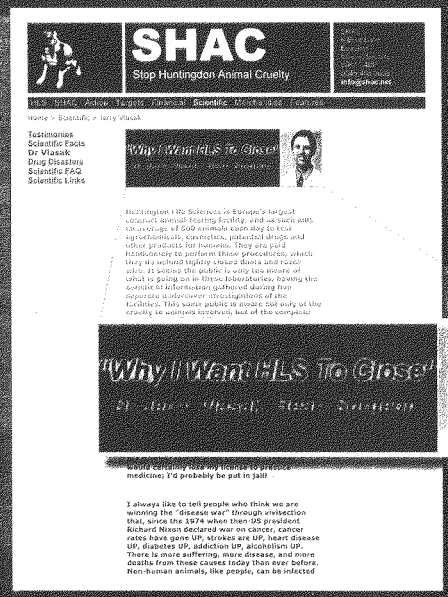
HELLO NEIGHBORS!

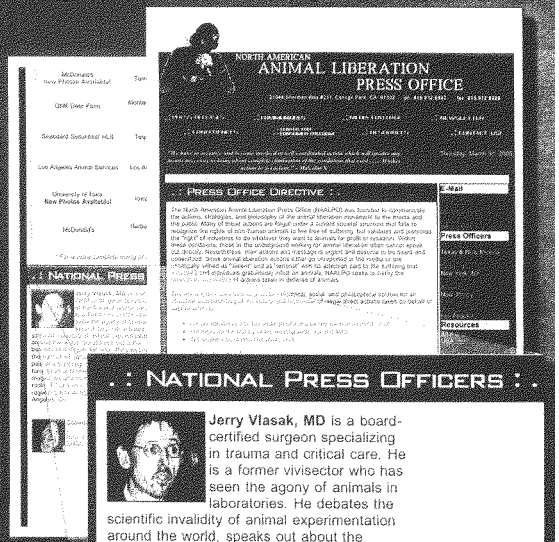
Hi. My name is William G. Green and I AM A PUPPY KILLER. My wife Shand and I have produced four children: Billy, Amy, Lindy, and Jenny. All three of our girls have graduated from high school now (Amy is an all-star volleyball player at John Hopkins University!) leaving only our son Billy to finish. I work for a pharmaceutical company, Chiron Corporation. We've made a fortune off of the backs of animals – animals that are left to sit in their own excrement in small cages, who are pumped full of toxic chemicals and tortured and then slaughtered. I also do business with Huntingdon Life Sciences, a company whose workers have been exposed in five undercover investigations punching four-month-old beagle puppies in the face, dissecting monkeys while they are still alive, coming to work intoxicated, and falsifying scientific data. They kill 500 animals a day. All so my family and I can live in a big house on a big hill. I am your neighbor at

Fliers contained descriptions and locations of executive's family


SHAC Directs Members To Contact NYSE
To Pressure NYSE Not To List HLS
The Puppy killers try to list on the
New York Stock Exchange (NYSE)
At the end of the
day it's her life
at stake here.
SHAC Posts Every NYSE Employee
On The Internet

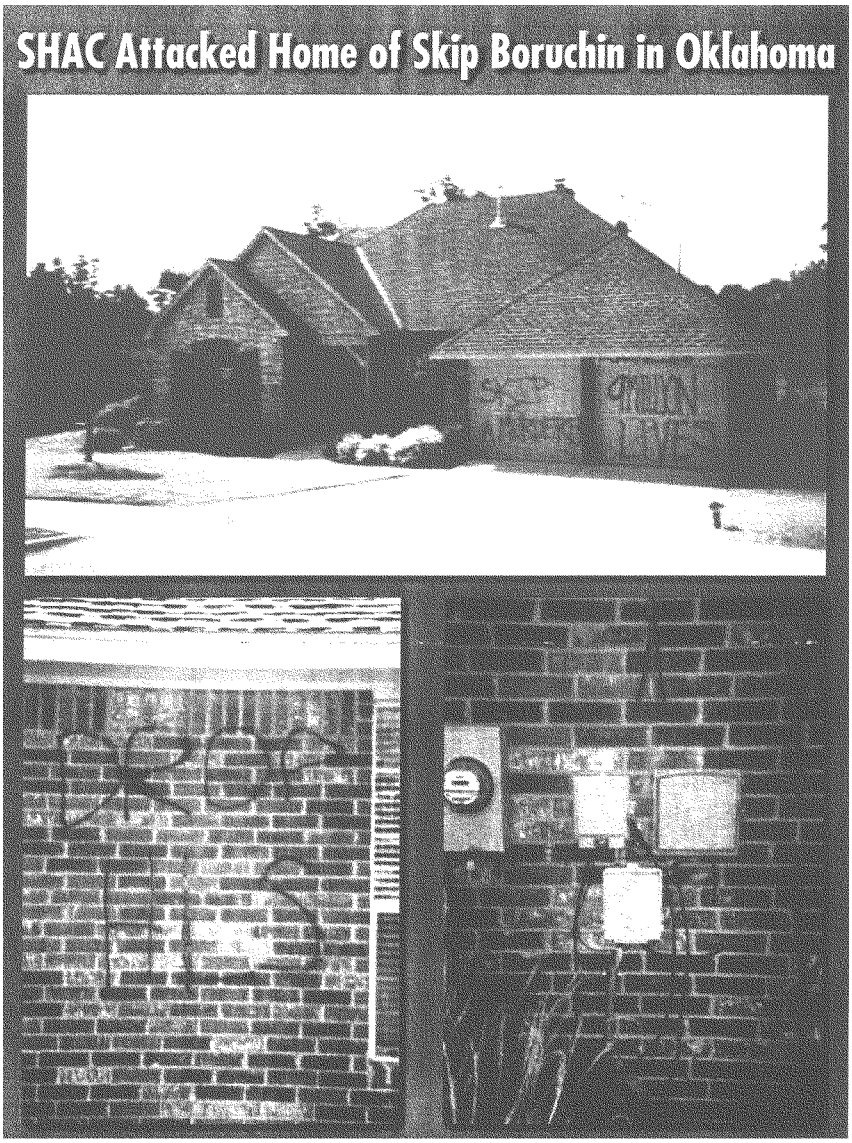
Jerry Vlasak Is An Actor In Multiple Animal Rights Terrorists Groups



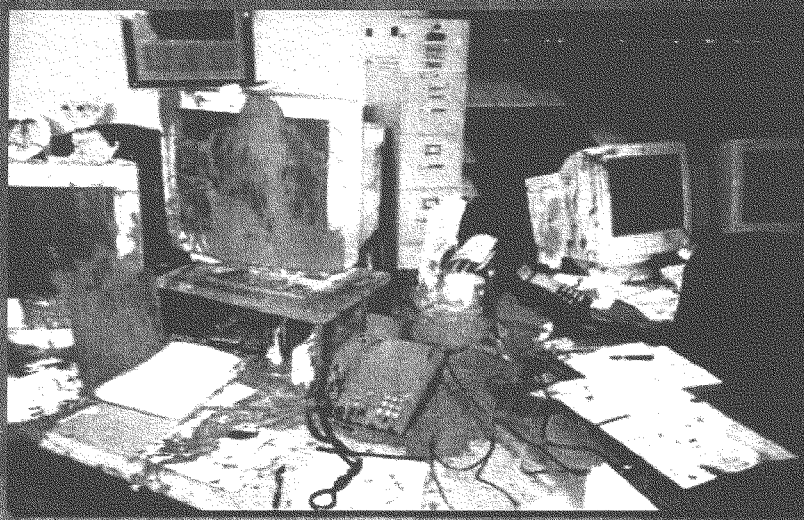


.: NATIONAL PRESS OFFICERS :.

Jerry Vlasak, MD is a board-certified surgeon specializing in trauma and critical care. He is a former vivisector who has seen the agony of animals in laboratories. He debates the scientific invalidity of animal experimentation around the world, speaks out about the benefits of a vegan diet and offers lectures on the right of all sentient beings to live free of pain and suffering. His essays and interviews have been published in numerous journals and magazines and he has been interviewed on radio, TV and print by journalists worldwide regarding animal rights. He resides in Los Angeles, CA.


SHAC Attacked Home of Skip Boruchin in Oklahoma

SHAC Attacked Office of Skip Boruchin in Oklahoma



SHAC Leaflets HLS Executive's Neighborhood With Slanderous Material

Mark Bibi is responsible

Your neighbor, Mark Bibi, is the reason that Huntingdon Life Sciences, the worlds second largest contract toxicology laboratory remains open today. Cited twice by the USDA for animal cruelty, workers caught dealing and using drugs at work, and providing contracts to agrichemical corporations such as Monsanto which put products out on the market that are jeopardizing the health of our families, HLS' doors remain open due to the financial advisement of Mr. Bibi.

for the murder

of 500 animals a day.

Tell him how you feel:

114 High point Rd. Scarsdale NY, 10583

(914)723-6867

SHAC Orders Direct Action on HLS Suppliers Also Known As "The SHAC FACTOR"

THE SHAC FACTOR

Listen we can't sing but we can shout - will that do?
Time to give these suppliers the SHAC Factor.

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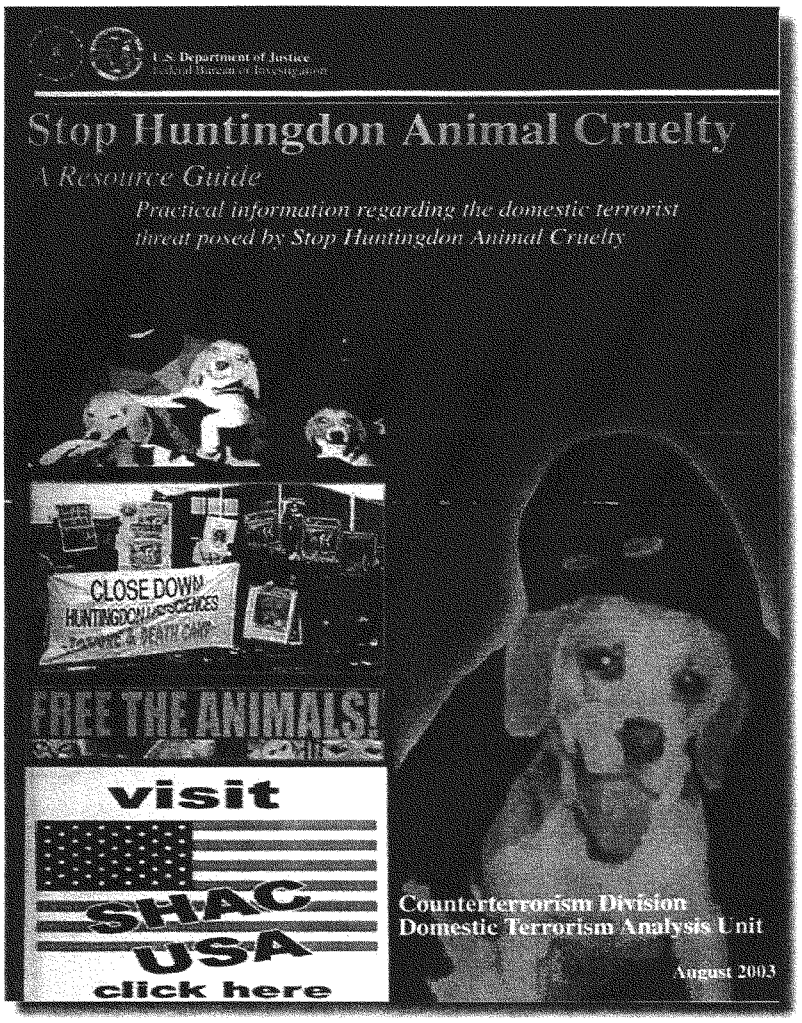
>>
>>
>>

The companies listed on the links to the left all deal with HLS on a regular basis.
Details of many of these companies have been leaked to the campaign by sympathisers disgusted with HLS. Please call, write to and telephone them to make them aware of just who they are dealing with. Remember many staff are sympathetic and may be the ones who told us of their company's involvement in the first place! Keep your communications polite and informative - taking action is what counts. Remember every call, every email and every letter counts so what are you waiting for? Get active for the animals trapped inside HLS - they are counting on you.

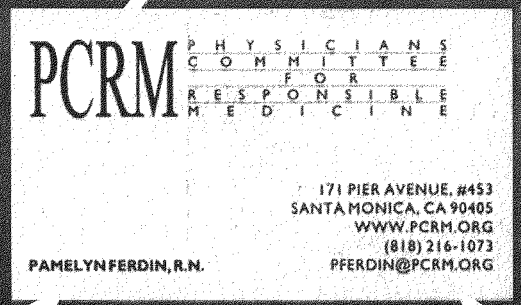
TO ALL SUPPLIERS: If you have severed your links with Huntingdon Life Sciences, please let the campaign know. You can send a simple email to info@shac.net stating the following : "..... (name of your company) have severed their links with HLS and terminated their contract, and will not be dealing with them now or in the future directly or indirectly." This will enable supporters to be kept up to date with which companies are still involved with Huntingdon Life Sciences.

DOJ Resource Guide On The Domestic Terrorist Threat of SHAC



Business Card Illustrates The Collusion of Multiple Animal Rights Groups

Washington, DC based
Animal Rights Group



President of SHAC
wife of Jerry Vlasak

Address of Animal
Defense League

EPW, 5292066 PCRM Chart

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