Taking Root: Animal Advocacy and the Regulation of Science

DISSERTATION

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by

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DEDICATION

To

My Mom, Kathy Livie-Evans, who is missed every day.

If I can stop one heart from breaking,
I shall not live in vain;
If I can ease one life the aching,
Or cool one pain,
Or help one fainting robin
Unto his nest again,
I shall not live in vain.

Emily Dickinson
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Field of Study

Social Movements; Animal Studies; Science Studies; Institutionalization

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ABSTRACT OF THE DISSERTATION

Taking Root: Animal Advocacy and the Regulation of Science

By

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Doctor of Philosophy in Sociology

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Professor David S. Meyer, Chair

Can movements promote change through democratic processes like policy reform? The debate on this question is long-standing among activists and scholars. The animal advocacy movement provides a good case for examining the sorts of reforms that aid mobilization for further change and those that stymie it. My dissertation uses a longitudinal analysis of the animal advocacy movement and its campaigns to reform or abolish animal research. I examine the effect of federal regulation at the laboratory level by interviewing scientists, bioethicists, veterinarians, and other professionals involved in animal research. I also use archival data and media analyses to capture longitudinal changes related to increasing scrutiny of research using animals, and the recursive effects between policy reform and mobilization. First, I find that particular federal policy reforms that established local structures of oversight embedded activists’ interests (animal welfare) within the institution of laboratory science. Although it’s debatable whether this has improved conditions for laboratory animals, I find evidence that institutional actors like veterinarians, regulatory officials, and bioethicists have become players in laboratory animal research in ways that influence cultural change within laboratories. Second, I find that passage of animal
protection policies has not tempered aggressive protest activity, and that the movement’s internal conflict over the pursuit of policy reforms may facilitate organizational diversity and a more robust social movement over time. Finally, I look at how transgressive extra-institutional protest activity influences scientists in conjunction with regulatory oversight. Adding to the radical flank model, I find that the radical flank is not just a sacrificial lamb that helps moderates achieve their goals (positive effect), nor a black sheep that taints the movement’s image (negative effect). Rather, the radical flank model has a “Good Cop, Bad Cop” effect, whereby radicals consistently pressure scientists while moderates achieve small goals. Overall, I argue that policy reform outcomes are contingent upon the institution the movement targets, that relatively insulated institutions like science are substantially influenced by internal structures established to embed activists’ interests, and that the movement continually exerts pressure through both radical and moderate strategies.
INTRODUCTION

It is no small feat that animals are now considered important enough for federal protection, even if that protection has questionable effects. Since the late 1800s activists persistently maneuvered state and federal legislative processes to vie for laws protecting animals. Activists made the use of animals in laboratory research, also called “vivisection,” a politically important issue using a variety of strategies and tactics. Large organizations, like the American Society for the Prevention of Cruelty to Animals, continuously sought policies at the city, state, and federal level, while using a variety other tactics to win public sympathy and elevate the social status of animals. The tactics included service work with homeless animals, public events like parades and pet shows, letters to mass media editors, peaceful demonstrations, civil disobedience, and illegal direct actions. I focus on policy reform to protect animals as one goal and strategy that many organizations and activists pursue.

Mobilizing for federal laws is a controversial strategy within the movement because the effects of those laws and the resulting policies are questioned. Activists and their political allies often compromise on the specifics of proposed legal reform. The results are modest policy gains that many activists see as ineffective and a waste of limited resources. This debate is not unique to the animal advocacy movement. Virtually every movement divides between reformists, who pursue and celebrate incremental gains, and radicals, who do not settle for political compromise. Radicals often claim that reforms are largely symbolic without leading substantive change.

I use the term “radicals” to refer to activists who do not pursue incremental political gains, but only gains that reflect the totality of their demands. For instance, radical environmentalists would only pursue the complete cessation of pollutant emissions, while
reformists might pursue laws to decrease the amount of pollutants industries can release. Radical animal advocates would pursue the end of animal research, or bans on the use of particular animals in animal research. Reformists would pursue better conditions for animals, or a decrease in the number of animals used. “Radical” can also refer to the use of disruptive protest tactics, like office take-overs or militant direct actions involving property destruction; while “moderate” refers to the use of non-disruptive and institutional tactics, like letter-writing, boycotts, and pursuing policy reform.

Social movement scholars explore the effects of institutionalization and the possibility of cooptation by analyzing the effects of incremental policy gains (Andrews 2004, Carstensen 2011, Gupta 2008, Hall and Taplin 2007, Kane 2010, Suh 2014). This dissertation contributes to this line of inquiry by asking: Do small policy gains create obstacles for further change, or do policy reforms crack the walls of activists’ targets and help promote change incrementally? Are policy reforms stumbling blocks for activists, or are they stepping-stones?

This project rests on the problems and promises of institutionalization. Many scholars define social movements as groups that engage in contentious politics using extra-institutional, or “outsider” tactics (McAdam, Tarrow and Tilly 2001), but some scholars highlight how activists often use policy gains and institutional forms of contentious politics to make claims (for a review see Amenta and Caren 2004, further work that includes reviews on the use of institutional routes for change include Banaszak 2010, Martin 2013, Meyer, 2012) Institutional forms of claims-making include lobbying for political change, letter-writing, electioneering, and any other use of democratic structures to promote change. This dissertation explores these insider
tactics as a path through which animal protection in laboratories has become politically institutionalized.

“Political institutionalization” refers to the process through which movement interests become integrated into the political system, through structures such as protective legislation, legal decisions clarifying implementation of legislation, or administrative agency decisions related to the movement’s constituency (Meyer 2006). I focus on one federal law and its resulting regulatory agencies as a form of institutionalization of activists’ interests. Animal advocacy organizations and activists sought political opportunities to affect scientific laboratories by repeatedly trying to change city, state and federal legislative structures. As the movement grew, conflict over the appropriate demands activists should make for animals splintered organizations. Splintering resulted in a multi-strategic, multi-tactical social movement for a variety of demands, including institutional protection within laboratories. As I will demonstrate, policy reform is an integral tool for the animal advocacy movement that is a part of changing scientific practices with animals.

Few science studies scholars have used social movement literature to inform their analyses of science. Both Epstein (1996) and Moore (2007) explored how collective action by activist groups influence change in scientific practices. Epstein focused on the AIDS mobilization during the ’80s and ’90s, a relatively short period during which activists used disruptive protest alongside institutional routes to pressure science to respond more urgently to the AIDS pandemic. Moore’s long-term analysis focused on the internal mobilization of scientists against the military use of scientific work. Scholars also have explored how businesses influenced by public opinion and shareholders respond to direct action (Bartley and Child 2011,
There is not as much work on the effect of external disruptive collective action over a longer period of time or its deployment against a relatively isolated institution like science. This gap in the literature is important to social movement research.

This dissertation explores this important component of how social movements promote institutional change. Institutional characteristics, such as responsiveness to civil society or to political pressures, are important for understanding how institutions are changed. Such characteristics represent opportunities for influence that activists may or may not recognize as useful to promote change. Institutions such as science laboratories, non-profit organizations, corporate businesses, or higher education offer diverse opportunities for influence that scholars are starting to analyze and understand.

Lemonik Arthur (2011) explores this question of institutional change and conceptualizes higher education and the university as “distinct type of organization.” (10) She calls attention to how “colleges and universities maintain formal autonomy from other sectors and still act different from businesses.” In doing so, she demonstrates how activists influenced adoption of Asian American, Women Studies, and Queer Studies in higher education through both insider and outsider tactics. This work on education as an institutional target of social movements informed how I conceptualize science as an institutional target. It is important to understand the nature of the target to understand the often on-going and long-term effects of protest activity. For movements seeking to change scientific practices, understanding that institution’s structures for access and change is important to understanding activists’ opportunities.
As Lemonik Arthur also points out, we have yet to see a solid theoretical model for what movements do and do not accomplish. Biggs and Andrews (2015) address this question using data on sit-ins and desegregation in the early 1960s. Their article shows, simply, that lunch counter sit-ins helped promote desegregation, as did other factors like proximate cities passing desegregation laws (Biggs and Andrews 2015). This area of inquiry, social movement outcomes, is pushing toward the prediction of social movement patterns. As Biggs and Andrews also point out, the scholarly gaze should turn toward the target and how its nature steers outcomes.

Luders (2006, 2011) and other sociologists explore the nature of movement targets by considering the economic vulnerability of types of institutions (Bartley and Child 2014, King and Soule 2007, Soule 2009). Luders calls this an “economic opportunity structure” model. This area of social movement outcomes research is aligned with what Einwohner referred to as “practice opportunity structure,” where understanding the practice that activists target is important to understanding the outcomes of mobilization (Einwohner 1999). The practices Einwohner refers to are specific to the animal advocacy movement case, but the idea of looking at the nature of the target is generalizable to any social justice movement. This dissertation builds on the approach of putting the target at the center of analyses of social movement outcomes. Here, the target -- laboratory science -- is institutional and is relatively insulated from external pressures.

I am not trying to establish causes of change in science as an institution. Especially in the mid-20th century multiple forces, some of which overlapped, sought to change science. For instance, Moore wrote about scientists who mobilized internally against the military’s use of scientific research for weapons production (2007). During this mobilization, middle-class women were involved in progressive movements, such as environmentalism, children’s rights, penal
reform, and other social issues. They were also integral to mobilization against using science for weapons production. The animal advocacy movement was also comprised predominantly of women, many of them involved in multiple progressive movements.

Moore’s book may be describing the same activists who were also integral to gaining federal protection of animals. Moore discusses the National Committee for Sane Nuclear Policy and a full page *New York Times* ad in 1957 “calling for the abolition of nuclear testing.” (Moore 2007: 110) The ad was sponsored by liberals from a multitude of causes, including Cleveland Amory, the founder and president of one of the largest animal advocacy organizations, Fund for Animals. Pressures for change came from overlapping forces, making it difficult to connect changes in scientific practices to one specific movement. Teasing out the influence of activists who mobilized only on behalf of laboratory animals from activists who mobilized to reform laboratories more broadly is not the objective of this dissertation.

My objective is to address an important issue activists debate, an issue that causes division and conflict within many social movements. Is policy a goal on which activists should spend their limited resources? I address in this through three major criticisms of policy goals and institutionalization: 1) policy reform and the resulting regulatory apparatus do not change targeted practices in meaningful ways (Francione 1996 and 2010, Edelman 2002), 2) activists and organizations become professionalized and non-threatening when policy reform becomes the primary goal (Piven and Cloward 1977, Lowi 1971), and 3) in pursuing policy goals, the moderate faction wastes resources and de-escalates the movement (Francione 1996). By addressing these criticisms of policy reform, I also explore a fourth criticism of radicalized tactics. Gary Francione, a major figure in the animal advocacy movement, condemns policy
goals and also aggressive direct action, such as laboratory break-ins and property destruction. He claims these tactics not only delegitimize the movement, they are also ineffective for changing laboratory practices with animals. I investigate the role of these radicalized tactics in conjunction with policy reform, and in doing so address this criticism of the most radical of tactics.

To explore these four debates, I focus on relationships between the movement, policy reform, and the movement’s institutional target. Chapter 1 is a theoretically grounded historical narrative of how the Animal Welfare Act, the only federal law protecting animals in research, came to pass. The subsequent chapters explore three links: 1) how scientists and other animal research professionals are affected by regulatory oversight, 2) how policy reform affects consequent mobilizing, and 3) how transgressive extra-institutional protest by animal advocates affects scientists and may interact with simultaneous institutional tactics. In exploring these three mechanisms for change I shed light on the problems and promises of policy reform goals for the animal advocacy movement.

Chapter 2 explores how science as an institution is influenced by the regulatory oversight resulting from the Animal Welfare Act. I use science studies literature to couch my exploration of how compliance with regulations has embedded the interests of animal advocates within laboratory science. The law created forms of leverage, such as access to deliberative institutional committees, that activists continue to use.

Chapter 3 explores how passage and implementation of the Animal Welfare Act influenced consequent mobilization. I focus on the growth of the movement by measuring organizational growth and media coverage of those organizations, as well as individual activists organizing for research-animal protection. I show that federal policy reform did not hinder or
temper mobilization: Militancy and disruptive protest increased following the initial passage of the AWA. Also, the movement benefitted from the in-fighting over whether to pursue legal reform. The splintering of organizations and activist groups because of conflict over strategies and tactics fosters organizational and tactical diversification in the movement.

Finally, Chapter 4 looks at the third link in the conflict between movements, policy reform, and movements’ targets: how activists affect their targets directly through transgressive extra-institutional protest. Animal advocates have changed the culture of scientific research by pressuring this institution on two fronts. First, moderates work within science, cooperating with scientists to change practices incrementally. Second, radicals campaign for change through overt intimidation and combative tactics. Transgressive extra-institutional tactics, such as civil disobedience and militant direct action, proliferated following passage of the Animal Welfare Act in 1966 and its amendments in 1970, 1976, 1985, 1990, 2002, 2007, and 2008. Political institutionalization of the movement’s claims and professionalization of some organizations did not prevent the increase of disruptive protest tactics nor routinize movement tactics.

These two fronts seemingly conflict with each other, but the radical fringe does not compromise moderates’ cooperation with scientists. Nor does moderate reformism temper or dissuade disruptive and transgressive protest. This is an important contribution to the literature. In this chapter I investigate and contribute to the radical flank effect model most known for its use to describe interactions between movements and politics (Haines 1984 and 1988). Currently the radical flank model includes two effects: positive and negative. The radical fringe either encourages political elites to cooperate with moderates (positive effect) or it taints the movement’s image, hampering moderates’ ability to accomplish reform. I use this model to
inform examination of how the radical fringe of the animal advocacy movement affects a non-political target: science. I argue that the radical fringe can build pressure through militant and combative tactics without compromising the work of moderates. In fact, militants can complement the moderate front while having a positive effect of their own.

The existing positive radical flank model, in which political elites are pressured to cooperate with moderates to keep the peace, assumes a kind of cooptation of the movement. For this project, I use the term “cooptation” to refer to political inclusion of movement demands that provides a guise of change while de-escalating the types of protest activity political elites find threatening. To stop radicals and disruptive activity, elites can make small compromises that placate activists while maintaining the status quo. I find that with institutions like science, small changes placate neither the radical fringe nor moderates, and that the dynamic involving radicals and moderates and science reflects an on-going “good cop, bad cop” relationship. The radical fringe is a vigilant and combative presence that assumes the worst of animal research as an institution (bad cop) while moderates maintain a cooperative relationship with science, using the pressure that the radicals build to seek incremental reform. This dual effort is not deliberate or orchestrated, but I call this a “good cop, bad cop” radical flank effect, because science is consistently forced to be self-conscious while also constantly forced to change in small but important ways.

This dissertation should not be considered optimistic about improving conditions for animals used in research, rather it reveals optimism for activists’ ability to persevere and use every possible tool to affect institutions that are the most difficult to reach. I offer a theoretical model that emphasizes institutionalization’s on-going nature, as opposed to institutionalization as
a static way to coopt and silence movements. I argue that movements that infiltrate targeted institutions through policy reform can take root to drastically alter that institution from within. This is a slow process that requires both insiders and outsiders fostering small changes from within, while unrelentingly pushing for more.
CHAPTER 1:

INSTITUTIONALIZING ANIMAL “SUBJECT” PROTECTION IN ANIMAL RESEARCH

The outcome of the great struggle no one at this moment can foresee. Is it possible that Force, governed by ambition, is henceforth to hold in its grasp the destiny of nations? We cannot believe it.

- Albert Leffingwell, 1914

The animal advocacy movement is more diverse than militants throwing blood on fur coats, or little old ladies dressing their cats in sweaters and Halloween costumes. It also comprises professional lobbyists in Washington DC, academics who campaign for cageless eggs on their campuses, and bioethicists who made trying to change animal research practices their life’s work. The following narrative describes how activists gained political recognition for animals used in research, which is one component of this complicated movement.

Several books detail the history of animal rights in the U.S. (Beers 2006, Carbone 2004, Finsen and Finsen 1994, Guerrini 2003, Guither 1998, Jasper and Nelkin 1992). The following more narrowly focuses on how demands to protect animals in research became “institutionalized.” By “institutionalization” I mean how the issue of animal protection in research went from being ignored by power holders, like politicians, to its establishment in federal policy. This institutionalization created federal agency bureaucratic structures regulating animal research, and eventually mandated committees within research institutions to oversee animal use.
External oversight of research facilities includes federal agencies like The Animal and Plant Health Inspection Service (APHIS). Internal oversight includes campus veterinarians and Institutional Animal Care and Use Committees (IACUCs) that now must approve all research projects involving animals in facilities that receive federal funding. This system is deeply flawed, as advocates continue to point out, and this narrative does not praise the mostly frustrating bureaucracy. My intention is only to describe the long road activists travelled to make animals politically important.

In narrowing the focus I explain how the movement slowly gained access to decision making in federal policy, and how it adapted its demands to maneuver the state and federal legislative processes at opportune times. Activists made vivisection an issue of political importance through a variety of strategies and tactics. Large organizations repeatedly tried to get laws passed and policies approved on the city, state, and federal levels, while also using other tactics to build public sympathy and elevate the social status of animals. These tactics included service work with homeless animals, public events like parades and pet shows, letters to editors, peaceful demonstrations, disruptive protests, and militant direct action. The following history will end with a central question for animal-rights activists: Does political maneuvering result in policies that create obstacles for further change, or do policy reforms crack the walls of animal research practices, allowing activists to keep chipping away? Are policy reforms stumbling blocks or stepping stones?

I use a theoretically grounded historical narrative to explain how activists pressured the state to consider animals, and ultimately to incorporate a system of research protection that is similar to that in place for humans (Stark 2012). The opportunity to use political structures to
influence regulatory oversight of research on the city, state, and finally federal levels explains the mobilization and timing of these policies (Kitschelt 1986, Kolb 2007, Meyer 1990). How the movement adapted its demands to fit legislative constraints explains the content of the Animal Welfare Act (Wisler and Giugni 1996). The organizational division of labor, whereby the movement splintered into many groups with varying goals, strategies, and tactics, may explain the successful passage of the policy, but more importantly it explains the movement’s ongoing persistence (Gamson 1990, Meyer 2012, Rohlinger and Quadagno 2009).

In the following I will show how social movement organizations sought out political opportunities to reform scientific laboratories by persistently trying to change legislative structures. As the movement blossomed, conflict over the appropriate demands activists should make for animals splintered organizations over time. The resulting division of labor between many radical groups who sought to end animal experimentation and many moderates who sought small reforms helped maintain a multi-tactical front that campaigned for a variety of demands, including institutional protection within laboratories.

Rather than weakening the movement, splintering of organizations increased its strategic capacity. “Strategic capacity” is used in social movement literature to characterize the resourcefulness and ingenuity of single organizations (Ganz 2000). I expand this to capture the field of organizations in animal advocacy. As I will show, resourcefulness and ingenuity may not be deliberate but may occur through the natural proliferation of movement organizations resulting from conflict. I employ “strategic capacity” to describe how the movement’s internal conflict and splintering fostered a strong multi-tactical force that led to regulatory oversight of
animal use in laboratories, and also led to an extra-institutional force that uses disruptive tactics to maintain more contentious pressure.

Throughout the following narrative I refer back to the three causal explanations for the passage of the AWA, its content, and the consequent persistence of the movement: 1) political opportunities, 2) institutional selectivity, and 3) inter-organizational division of labor. I will conclude by asking whether institutionalization of animal protection through the AWA fosters or blocks activists’ ability to continually reform research facilities, and how regulatory oversight may influence a “welfare culture” in science.

The Beginning(s): Anti-Vivisection before the 20th Century

Some of the first recorded criticism of animal use focused on experimentation (Guerrini 2003, Guither 1998, Rollin 2002). In antiquity Epicurus, Plutarch and other philosophers encouraged others to consider animals’ interests. Plutarch refused to ingest medicine that had been tested on animals. Aristotelians, Platonists, Neo-Platonists, and the Stoics all debated the moral status of animals (Sorabji 1993). Because of the drastic differences in context and time one cannot define these thinkers as “welfarists” or “abolitionists,” but it is clear that ideologies supporting the liberationist foundations of the modern animal rights movement began well before the 19th century. Another thread through history is animal advocates vying for the same constituency with the same basic demand: Recognize the moral interests of nonhuman animals. For this reason I refer to the movement and the actors therein universally as the Animal Advocacy Movement. Although this assertion is highly controversial to activists and Animal Studies scholars (Francione 1996), the history of the movement shows how its distinct components worked as a functioning community of activists and organizations.
In the 17th century public figures in Europe questioned the belief that animals were machine-like automatons. Well-known scientists spent much effort defending the belief that animals’ reactions to pain did not demonstrate suffering, but rather purely physiological instinctual responses. Documented examples of painful experiments animals endured without anesthesia are plentiful, and horrific (Guerrini 2003). The question of whether animals suffer created much public debate in that era. Criticism of animal experimentation in the U.K. was a foundation for the early sprouting of the movement in the U.S. (Beers 2006, Guerrini 2003). I highlight only the most important interactions between activists in the U.S. and U.K., as well as important differences between the development of national policies in England and the U.S. I focus on the movement’s trajectory at the establishment of the first animal advocacy organization in the United States by Henry Bergh: The American Society for the Prevention of Cruelty to Animals in 1866.

The ASPCA is the oldest animal protection organization in the U.S., and was integral to making animal research an important public issue. Bergh founded the group in New York City primarily as an organization for working and stray animals. He was a formidable presence whose confidence was at least partly due to his higher-class social status. His passion for animal protection went beyond the typical pamphleteer or public speaker to include publicly confronting owners who beat and overworked their horses in the streets among many abusive practices. Bergh argued that activists should not wait for the media’s attention but rather hijack it through provocative direct actions to highlight the ASPCA agenda. He became famous (and infamous) for instigating daylong traffic jams on the city’s busiest streets as he ordered freight drivers to unhitch weary horses and passengers to dismount from overloaded omnibuses. (Beers 2006: 62)
These actions were extended also for cattle and even sea turtles used for food. The ASPCA dealt with animal issues such as urban wildlife, food animals in transport, and exotic pets, but most of the organization’s energy and resources came to center on dogs and cats as companion animals. The group’s involvement in animal research emerged through the intersection of research and companion animals. This melding instigated the first major organizational division of labor in the campaign against vivisection.

Scientists in the U.S. acquired animals for experimentation through a variety of methods, including breeding, pet theft, and importation from other countries. Finding enough animals for research was a persistent problem for scientists, especially those using monkeys, dogs, and cats. Free animals were difficult to acquire and purchasing them was too expensive given the unrestrained nature of research that killed so many of its subjects. In the late 1800s and early 1900s there were no restraints on how scientists acquired animals, especially dogs and cats. Nonhuman primates were expensive because of importing costs; dogs and cats were more suitable for issues of anatomy and surgical training than rodents because of their size. The issue of acquisition, and the use of, shelter dogs and cats, inspired Caroline Earle White to start the American Anti-Vivisection Society in 1883. This began the pattern of splintering of U.S. organizations based on ideological conflicts centered on welfarist versus abolitionist goals.

In the late 1800s Bergh and ASPCA strongly opposed cruelty in animal research but targeted only experiments that didn’t use anesthesia for animals. This may have been a public relations strategy to maintain support, but some activists were frustrated at this small demand in the face of unrestrained experiments. As Beers (2006) describes, during this time White became involved in the animal research issue because of an upsetting interaction with a scientist in
Philadelphia in 1871. At this time most of the movement rank and file activists were women who were not permitted to head formal organizations. White was a prominent activist but was barred from heading the organizations she founded. While working at the Women’s Branch of the Society for the Prevention of Cruelty to Animals (WPSPCA), which she cofounded, a physician named S. Weir Mitchell approached White about acquiring from its shelter stray animals for research. The thought of homeless dogs and cats being used for research appalled White.

The incident prompted her to travel to Europe and meet Francis Power Cobbe, a famous and influential English antivivisectionist. Cobbe urged White to form a strong and uncompromising front against vivisection (Beers 2006). By “uncompromising” Cobbe meant demanding only an end to animal experimentation, or abolition of it, not improving conditions for animals through small demands, called “welfarism”. White formed the American Antivivisection Society (AAVS) in 1883, a group that remained staunchly abolitionist even during times when public support of science was at its strongest. This division of labor among organizations helped maintain a strong front against vivisection. Both the welfarist and abolitionist fronts kept up pressure on the scientific community during times of strong mobilization for the entire movement, such as the early 1900s, and during times of low public support for animal protection in research, as occurred following the discovery of germ theory and during the Great Depression.

While the AAVS and other abolitionist groups worked against science specifically, the ASPCA, Anti-Cruelty Society, Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), and other groups took a more moderate stance and stoked public esteem and sympathy for companion animals using education tactics. During times of low public support for
companion animal issues, education and service work helped the movement influence public opinion toward animals in a way vital to future legislative drives.

Research using animals was often publicly visible and well known in the early 1800s in the U.S., but esteem for the animals used was not high enough to spark the same criticism as in the England and other European countries. In England, the first national legislation passed to protect laboratory animals was the Cruelty to Animals Act of 1876, which required licensing and inspection of all research by the Home Secretary. This legislation was a stark compromise compared to the antivivisection movement’s original bill. Its measure would have banned any vivisection that had no immediate medical benefit, and ended the use of dogs and cats. At this time the antivivisection movement was strong; even Queen Victoria wrote letters to Parliament condemning vivisection as “evil” during the bill’s deliberation (Guerrini 2003). The legislation that passed was a major compromise, but it was a major political change. In the U.S. the first federal law regulating any aspect of animal research would not occur for about 90 years.

In the U.S. dogs and cats became more widely accepted as household companions and elicited widespread public sympathy in the early to mid 20th Century. Until then only the urban elite had the luxury of keeping animal as pets, including hunting hounds. (Farm families also kept pet dogs and cats, but because the movement kept its public activities within major cities, the influence of rural populations is not as relevant to this history.) Packs of stray dogs that roamed the streets of New York City in the early 1900s were a public safety issue. In a random sample of 10% of New York Times articles from 1900 to 1930, more than a quarter of the articles about the ASPCA emphasized the danger of stray dogs and cats, including a rabies epidemic and attacks on children. The stray dog and cat concern lessened when local shelter organizations
emerged in the late 19th century and early 20th centuries. The ASPCA’s model for dealing with stray and unwanted animals diffused to other organizations, such as the Massachusetts Society for the Prevention of Cruelty to Animals (1868), the Humane Society for the Promotion of Animals Welfare (1883), and the Animal Rescue League of Boston (1889).

These local organizations all worked to remove stray animals from streets and to house unwanted animals. A few organizations, like the MSPCA and its founder, George T. Angell, also became involved in the antivivisection movement. As dogs and cats became less of a nuisance, their status as household companions continued to build. More people adopted dogs and cats as pets and their public image slowly improved. Early 20th century coverage in the *New York Times* increasingly highlighted topics like children learning to care for dogs, or ensuring the safety of animals in extreme heat. “Service organizations,” such as the ASPCA, elevated social status of animals through its service and through public relations tactics over a long period of time.ii Organized efforts to regulate animal research through state-based policies began in the United States in the late 1800s. Abolitionists at this time did not trust scientists, even when regulated, and did not support efforts to create laws they thought ultimately legitimized animal research (Beers 2006, Leffingwell 1914). (This perspective has changed very little in the movement’s abolitionist faction.)

While some organizations campaigned to regulate vivisection and cooperated with scientists, abolitionist groups like White’s AAVS engaged in public relations campaigns against animal research. There was, and still is, a war of rhetoric between activists and scientists (Beers 2006, Conn and Parker 2008, Keen 1912, Leffingwell 1914, Munro 2002). AAVS activists, mostly women, routinely appeared at medical conferences with signs calling for an end to animal
experimentation and were threatened with arrest for disorderly conduct. A central public relations frame used by abolitionists was that scientists hid behind a guise of human medical advancement and that they engaged in experiments with little benefit while inflicting intense suffering on animals. For instance, in a 1903 pamphlet targeting human vivisection, activists claimed that neither human nor animal vivisection resulted in human medical benefits. The pamphlet used John Call Dalton, an American physiologist, as an example of a scientist who defended animal research in 1875, saying that great advances in knowledge of physiology resulted from vivisection. The author, Sydney Taber of the Vivisection Reform Society, wrote that no specific and practical human medical advances resulted from this experimentation (Taber 1903). Although the Vivisection Reform Society focused mostly on humans used in experimentation, it had close ties to activists targeting animal experimentation.

This blurred boundary between campaigns against science and activists’ drive to abolish or reform animal research was common. Depending on its leadership and on the political opportunities pursued, the ASPCA vacillated between abolition and compromise with animal research. For instance, with Bergh’s approval, the ASPCA sponsored a bill in New York State in 1880 calling for abolition of medical experiments using animals. It was quickly rejected. In the early-1900s the ASPCA acquiesced to surrendering animals to laboratories for research, a drastic pivot for the organization. Despite this, the ASPCA remained throughout this period a vigilant presence in the fight for regulatory oversight of animal research. State based campaigns emerged across the country, resulting in some victories like the 1894 Massachusetts ban on dissection in elementary schools.
The small victories in elementary schools should not be dismissed because of the ripple effects of grassroots changes (Beers 2006). Neither should the failed state legislative efforts, nor the abolitionist efforts. Moderate organizations and activists gained visibility through failed attempts at policy change and by winning the elementary school dissection bans. Abolitionists continued to mobilize support against vivisection and exerted tremendous pressure on scientists who used animals. For instance, activists routinely disrupted scientific conferences, distributing pamphlets at entrances, picketing, and drawing police attention (Beers 2006). Although these tactics don’t sound disruptive by today’s standards, at this time having mostly women demonstrating against male scientists was contentious behavior. The contentious mobilization against dissection demonstrates how activists used any and all opportunities to change animal research, including compromising with scientists for questionable gains.

Scientists, and the institution of science, were strong enough to block most abolition campaigns. The movement shifted its goals strategically, raising the issue of research using children to utilize a concurrent campaign against human vivisection on children and vulnerable adult populations. While moderate organizations sought to institutionalize animal protection in local elementary schools and in statewide campaigns, radical organizations exerted more intense pressure on scientists through the use of graphic imagery and public attacks on scientists (Beers 2006, Guerrini 2003). Although some policy efforts failed, abolitionists remained vigilant and strong while distancing themselves from animal welfare reform.

That scientists felt the pressure is evidenced by their reaction, both through pamphlets published by animal researchers who had been attacked (Keen 1912), and by meeting records of the House of Delegates of the American Medical Association (AMA 2013). The American
Medical Association was established specifically to maintain the legitimacy and autonomy of scientists against the movement’s legislative and abolitionist campaigns. The minutes of delegate meetings from 1896 through the early 1900s consistently reference “Antivivisection agitators” and the need to protect scientific autonomy through public relations campaigns and legislation.

Animal advocates elicited the first big reaction from scientists in this period after a coalition drive in 1896. A U.S. Senate measure proposed regulating research through a nonmedical commission. The SPCA and the Women’s’ Christian Temperance Union led this legislative campaign. The Women’s Christian Temperance Union had set up a Department of Mercy to campaign against vivisection. The bill received widespread support, including six Supreme Court justices, but public and political attention was diverted by a contextual event, the Spanish-American war in 1898. During this time the scientific freedom advocates mobilized, and when bills were introduced in New York, Pennsylvania, and Massachusetts in 1901, they were ready to block them (Beers 2006, Guerrini 2003, Keen, 1912).

The animal advocacy movement was strong enough at this time to target scientists using multiple tactics and strategies. Although the splintering of the movement was not done deliberately to diversify tactics, and despite the contentious infighting that accompanied these splits, atomization of organizations created pressure on scientists in ways they felt and feared. The combination of accessing political opportunities, molding demands to fit institutional boundaries, and an inter-organizational division of labor carried the movement into an era of increased legislation of the 20th century.

*Early 20th Century: The Build Up to the Animal Welfare Act*
In 1901 the Massachusetts legislature held hearings on two bills introduced by the MSPCA. The bill regarding animal protection was house bill 856, and demanded changes for protection of laboratory animals that have persisted through the 20th century to the present. Among the proposals were:

- That no experiment shall be conducted unless it is directly relevant to saving or prolonging human life or alleviating human suffering.
- Only graduates of medicine shall conduct animal experiments and procedures, and no students will be present to the experiments.
- All animals shall be anesthetized to prevent their feeling pain.
- All animals shall be killed at the conclusion of the experimental procedure.
- Officers of the humane society (MSPCA) shall be permitted unannounced entrance to laboratories where animal research is held, and violators of the above regulations shall have fines not exceeding $300 levied against them by the society officers.

None of these demands have been met in full through federal legislation, and the final one that officers of an autonomous animal protection organization have free access to research facilities has not been met in any form. This demand reflects the important issue of access. Over time, activists sculpted the demands to fit the limited political opportunities presented by institutions and a broader culture fiercely protective of the autonomy of science.

Scientists have comprised the opposition, or countermovement, to animal protection in research since the beginning of the debate. As seen in archives documenting testimony to the Massachusetts state legislature in 1901 (Ernst 1902), and House of Delegates proceedings of the American Medical Association from 1894 to the present (AMA 2013), in more than 100 years
the two primary defenses against increased regulation of laboratory animal research have not changed at all. House bill 855 regulating human vivisection passed; Bill 856 that would have regulated animal vivisection with the provisions presented above did not pass. Bill 855 received little critique, but researchers across the country testified on 856, coordinated by Harold C. Ernst, a Harvard Medical School researcher in bacteriology. I draw from the Massachusetts testimonies because they were used in other state campaigns and reflect the views of 30 prominent scientists of that period. Ernst used the testimony in a pamphlet and as rhetorical tool to legitimize scientific freedom. More recent pro-research literature, media interviews with scientists, and conference proceedings echo these early 20th Century arguments. They also resonate with my interviews of more than 30 professionals involved in research using animals, in which every researcher and administrator employed the two primary defenses.

From these 30 testimonies grew the two bases of defense, with variations on their use. The defenses were 1) that regulatory oversight of animal protection obstructed medical progress, and 2) that oversight was unnecessary because animals were already protected. The scientists told the Massachusetts legislators that internal regulatory oversight within most laboratories prevented abusive practices, and that animals enduring unnecessary suffering compromise data, which is an inherent incentive for scientists to provide for animals’ welfare. These two defenses are the primary institutional boundaries that activists confronted when seeking legislative protection, and the resulting legislative compromises reflect how activists molded their demands to fit within these boundaries. Activists gained federal oversight by maneuvering around this institutional selectivity—self-regulation and scientific autonomy—with each attempt to pass federal legislation.
The issue of self-regulation and scientific autonomy is pivotal. According to the meeting records from the American Medical Association, early forms of regulation that are largely self-regulated were meant to delegitimize animal advocates, but over time this may have evolved into a genuine response to successful mobilization against completely unregulated vivisection. By “self-regulation” I mean a model of regulatory oversight where research institutions establish committees of scientists and administrators from within that institution to approve research projects. I will explain the development of these internal committees, but it is important to highlight how they could reflect cooptation of the movement, or incorporation of movement demands for recognition of animal interests. Historical accounts from animal studies scholars and historians who are critical of reforms portray this move as a method of cooptation, while those sympathetic to reforms portray this as a successful incremental elimination of cruelty in research.

In 1908 the American Medical Association formed the Council on Defense of Medical Research (CDMR), which ran a campaign to neutralize antivivisection efforts (AMA 2013). One method was to create an internal review of laboratories, out of which arose the first “Guidelines for Laboratory Animal Care.” Some animal advocates, like Gary Francione, would claim that these forms of internal regulatory oversight neutralized the movement, but in reading the council’s reports these standards seem to have been established because council members thought the inconsistencies in internal regulations for animal care were problematic. In the AMA reports officials recognized that abuse of animals existed. When this is viewed with the coinciding movement to regulate human vivisection, it is possible to see these standards as a starting point to substantive change in animal research, instead of an obstacle. As I will show,
regulatory oversight of human subject research is parallel to that of animal subjects. The primary difference between the two systems is in the human ability to consent to research, as human subject protection is based on the ethical standard of consent.

Regulation of research using human subjects occurred first, but structurally the two systems of oversight are virtually identical. Animal activists constructed their demands for welfare reform to fit the boundaries of scientific self-regulation (or autonomy) and protection of medical progress. In the following section on human and animal protection, I will show how the organizational division of labor allowed for moderates to link their grievances to those against human vivisection, while abolitionists continued to expose abuse and exert constant pressure on scientists.

*Commonalities in Human and Animal Subject Protection*

The history of human subject protection is complicated and rich (Stark 2012). Here I will only emphasize how the structures and models for oversight of human subject research are virtually identical to those for animal subject protection, with important differences in the autonomy granted to scientists.

As the status of dogs and cats improved, the use of them in research became a more important issue to the public. The American Anti-Vivisection Society (1883) and The New England Anti-Vivisection Society (1895) were relatively small organizations, but their influence grew as dogs and cats became more beloved as companion animals. The American Humane Association (1877) grew increasingly influential because its advocacy for children’s protection in medical research was similar to the Vivisection Reform Society’s focus on human vivisection, but it also sought to reform animal vivisection. These organizations acknowledgement of the
concurrent abuse of humans and animals in research built a bridge between the animal advocacy movement and the movement to reform human subject research.

In the early 20th century abuse of orphaned and sick children, cognitively challenged adults, and prisoners in the name of science came under scrutiny. At that time, physicians and lawyers privy to and disturbed by unrestrained experimentation formed the Vivisection Reform Society (VRS). VRS was not abolitionist, but was critical of research on humans and animals that involved pain and did not directly benefit the patient. The Society focused primarily on human vivisection. Its literature details how researchers used humans in painful ways that only satiated scientific curiosity. They defined “human vivisection” as “the practice of subjecting human beings, men, women and children, who are patients in public charitable institutions, hospitals or asylums, to experiments involving pain, distress, mutilation, disease or danger to life, for no object connected with their individual benefit, but for scientific purposes.” (Taber 1903: 3)

VRS’s pamphlet, “Illustrations of Human Vivisection,” details gruesome experiments conducted on vulnerable people. All the sources VRS used came from established medical journals, books, and hospital records of the scientists it targeted. In one section on experiments with poison, VRS pulled an article from the American Journal of Medical Sciences detailing experiments with two poisonous substances, atropia and morphia, given to American soldiers:

The experiments which we shall now relate (sic) were most of them made upon soldiers who were suffering from painful neuralgic diseases, or from some cause entailing pain. In some cases, however, convalescent men were the subjects of our observations, but in no instance were they allowed to know what agents we used, or what effects were expected…Some were suffering from neuralgia, and some were men in very fair health. (Taber 1903: 5)
The pamphlet also details early inoculation experiments that deliberately exposed healthy children to others suffering from scarlet fever or foot and mouth disease, or had substances infected with these diseases put into skin wounds. The ethical dilemma was that the patients could not consent, but contrary to the anti-vivisectionist portrayal of the mad scientist, these early experiments were a part of the path toward inoculation (Guerrini 2003) Rather than experiments for scientific curiosity, these experiments did have a human health purpose.

The pamphlet illustrates how activists used consent as a central issue in mobilizing for human subject protection (Stark 2012). Consent as an ethical foundation influenced the content of regulations for humans and is a comparative device for analyzing the content of animal subject regulations. The VRS highlighted how scientists preyed upon vulnerable people, especially orphaned children, for experimentation. Whether or not these experiments resulted in helpful data for future medical advancements, the violation of that vulnerability is emphasized by VRS to induce anger and fear toward the “mad scientist.” Informed consent is where protection of humans and animals diverges in the content of regulation. It is impossible for an animal to consent, but scientists were successful in convincing the public and politicians that research using live subjects was necessary for medical advancement. Animal advocates were left with welfarist measures if they wanted to secure protective policies.

The VRS wrote that it would pursue four objectives: 1) investigation of human vivisection and exposure to the public, 2) investigation of the “relation existing between human vivisection, and the vivisection of animals as now carried on in this country,” 3) pressure U.S. medical associations to oppose human vivisection and to “stamp the human vivisector with
ignominy and disrepute,” and 4) state and national legislation banning all human vivisection (Taber 1903). This strategy, and these four tactics, resonate strongly with the campaign against animal vivisection, as does the repeated disclosure that the practices they oppose provide no medical benefit. This is one of the political opportunities that animal advocates seized upon: bridging their movement to human protection.

The campaign against animal abuse in research is enmeshed with the campaign against abuse in human experimentation; therefore I juxtapose policy reform that has occurred for animals with that for human subjects. In doing so I establish some comparative leverage of types of institutionalization and the resulting regulatory oversight. I seek to highlight policy reforms that substantially changed the ways researchers use their subjects, and those that maintain scientific autonomy in animal research, allowing researchers to experiment without meaningful intervention.

In early literature published by scientists, they refer to both human and animal vivisection and defend their use of both using similar rationales (Conn and Parker 2008, Ernst 1902, Keen 1912). I should also note that early responses from the scientific community to the antivivisection movement are virtually identical to those used now. The rhetoric against animal advocates is familiar: they are “hysterical,” they want to thwart any scientific progress, they are not intelligent enough to interpret scientific research, and they lie about the abuses they expose. The two justifications used to legitimize vivisection of animals are also present for vivisection using humans. Again: The experiments lead to valuable medical knowledge. The other justification is more interesting because it may indicate how little regulatory oversight of animal research has changed from the early 20th century to today.
Scientists claimed that laboratories already complied with animal and human research regulations. Some laboratories had established internal policies on the use of animals. These internal structures of protection came to be prototypes for regulatory apparatuses for humans (Institutional Review Boards). For animals, the terms of these early regulations mirror those in place currently. In a pamphlet published by the American Medical Association in 1912, a self-described “vivisector,” Dr. William Keen, responds to hate mail he received from the public following an article he published in the *Ladies Home Journal* in which he defended animal vivisection. He states five rules that were “in force in practically all American laboratories of research” (Keen 1912:12). These rules are 1) that stray dogs and cats acquired by the laboratory would be held for a certain period and returned to owners if claimed, 2) that animals would be housed comfortably, including proper food and sanitation, 3) that all operations on animals would be approved by the director of the laboratory, 4) that animals would be anesthetized appropriately, and 5) that animals would be killed painlessly, and that “exceptions to this rule will be made only when continuance of the animal’s life is necessary to determine the result of the experiment” (Keen 1912: 13). He does not explain the sources of these rules, or the institutions that are bound to follow them, but he does mention the Rockefeller Institute, which was a laboratory that adhered to NIH structures of regulatory oversight.

The NIH established internal structures for animal protection before they set any for humans (Stark 2012). The internal review committee was a model that allowed oversight of scientists while not overtly violating the two values of scientific autonomy and self-regulation. The NIH is a federal agency that funds research that will benefit medical advancement, and it also runs its own research facilities. These internal facilities are in Bethesda, Maryland. In the
mid-20th century when the NIH was considering regulatory oversight of research it funded, it used its own system of internal oversight of animal research as a model (Stark 2012). Several scientists and administrative professionals were elected to committees to review and revise new research designs, most of which involved animals.

This model of internal self-regulation was mandated for all institutions that received NIH funding. They were, and are, called Institutional Review Boards (IRBs). Many research institutions had internal review boards. The prototype institutional boards inside the NIH and other institutions were not given the explicit purpose of animal protection, but when animal experiments came under scrutiny, the boards were used to defend their procedures (AMA 2013, Conn and Parker 2008, Ernst 1902, Keen 1912). This model embodies the primary institutional constraint that advocates for human subject and animal subject research had to negotiate when fighting for protection: scientific autonomy. As Stark (2012) discusses, administrators had to negotiate a balance between scientific autonomy and oversight. This is important for contextualizing the content and effect of animal protection regulations. Activists adapted their demands to preserve scientists’ autonomy.

Scientists argued they needed autonomy and freedom to conduct research. Freedom allowed them the spontaneous creativity to construct experiments and to change them when an unexpected finding appeared. Autonomy allowed them to conduct experiments quickly and to find antidotes and cures for diseases (Ernst 1902). After epidemics like influenza ravaged populations, the public’s fear gave scientists a great amount of power as the gatekeepers of knowledge and possible cures. But when atrocities committed against vulnerable people were exposed this caused an equal amount of fear in the public, the fear of the “mad scientist”
(Guerrini 2003). Similar to the animal advocacy story, mobilization for oversight of human subject research was galvanized following exposure of abuses committed in the name of scientific advancement.

The story of human subject protection is important for two reasons. First, animal advocates maneuvered the framing of their campaign to align with human protection. Framing refers to how activists present their grievances and demands, thereby packaging the meaning of what they are pursuing (Snow 2009). Activists may adjust how they present their issues to resonate with the public more strongly, and induce public sympathy (Benford and Snow 2000, Ferree 2003). Throughout the 20th century the animal advocacy movement adjusted its frames in any attempt to make animal protection an important issue to the public. This is a common strategy for activists (Evans 2010).

Extending the vivisection frame from humans exemplifies animal activists’ seizure of any available political opportunity to put animal protection on the public agenda. The reader will see how this opportunity also constrained activists during the federal legislative process as this historical narrative progresses. I will describe how the internal regulatory structures of the NIH were prototypes of the structures established by the 1985 Animal Welfare Act. These regulatory structures were established for human subject research in their strongest form following exposure of extreme abuse of the 1970s, like the Tuskegee project.

In the next section I will describe the types of institutional provisions that animal advocates received from the early 20th century to the present, and show how the establishment of bureaucracies to oversee animal research mirrors those for human protection, including their self-regulatory nature. What I will focus on are the mechanisms of access afforded to animal
advocates for some issues (homeless animals), but not others (laboratory use). The mechanism of access that is different is the jurisdiction afforded to animal advocates who given authority to manage homeless animals and uphold laws protecting animals outside of the laboratory, called humane officers. Humane officers were given the authority to levy fines, press charges, and confiscate personal property (animals are legally objects) when laws were violated. Animal advocates started fighting for this kind of jurisdiction within animal laboratories in the first legislative efforts in the late 1800s but have yet to gain it.

*Early 20th Century: Animal Protection Law and Types of Access*

Some members of moderate organizations were anti-vivisectionists, but because of two major issues organizations like the ASPCA and the Humane Society of the United States (HSUS) were not abolitionist. Scientists, politicians, and much of the public believed (and still believe) that vivisection is integral to medical improvements. Medical successes like the discovery of germ theory and of antibiotics increased the public’s esteem and trust in scientific exploration. The fear of disease and the collective memory of high mortality epidemics and pandemics created an anti-vivisection “bogey man”: If animal research stopped, medical progress would stop as well (Beers 2006). The controversy made some organizations afraid to oppose vivisection, even if their leaders were against animal research. The other reason was simply because some leaders also believed that vivisection was a necessary evil.

Histories of the animal advocacy movement have largely overlooked one important component of the controversy over the effectiveness of policy gains. Reformers in the late 1800s were generally successful in winning state anti-cruelty statutes, but enforcement was questionable. Police officers were hard pressed to pursue reports of animal cruelty when
protecting people was their main charge. This is one way that anti-cruelty laws were (and are) inconsistently enforced, and therefore largely symbolic. This lack of enforcement is the same argument against research animal protection laws. The ASPCA, and other SPCAs, took to the streets to enforce anti-cruelty laws for animals outside of laboratories themselves by tracking down animal cruelty and reporting violations to the authorities. These prototypical “humane officers” acted as eyes for law enforcement, and were eventually sanctioned as such.

The New York state legislature gave the ASPCA the authority to enforce anti-cruelty statutes, and with this power activists like Henry Bergh arrested offenders and brought them to court. Although the courts initially were skeptical, the jurisdictional delegation diffused through the states. By providing a service to city and state governments, autonomous organizations like SPCAs and Humane Societies were legitimized as animal authorities, and gained the power to levy fines and seek charges against offenders. These movement actors had a form of jurisdiction over the public realm, and over time gained jurisdiction over home residences where abuse was reported.

Businesses regulated by the federal government had inspections and oversight by people within the relevant federal agency, not humane officers from autonomous organizations. Access to federally unregulated animal use, without comparable access to federally regulated animal use, is a key juxtaposition that illuminates why the movement has made great gains on behalf of companion animals, but not animals used in food, entertainment, or research.

The ASPCA continued to be a major player in the introduction of legislation relevant to animals in research. Its reformist position on vivisection was a strategic move to establish legitimacy and clout in the campaign to regulate vivisection, while at the same time retaining its
more moderate membership. In 1911 the Bayne bill was introduced in the New York legislature. It would have given the ASPCA and other licensed organizations the right to inspect laboratories, and it was defeated quickly. Although in a 1908 NYT article a spokeswoman for the ASPCA stated that experimentation was necessary, during the Bayne bill debate the ASPCA was quoted in the New York Times saying, “The worthlessness and inhumanity of the majority of experiments to which animals are subjected is beginning to impress itself more and more on the public mind, and must ultimately result in the restrictive legislation which humanity demands” (New York Times, March 3rd, 1911, Proquest ID 106782084). Despite criticism that the ASPCA was weak on vivisection, it sometimes expressed staunch and contentious views about the validity of animal research.

Scholars claim that the antivivisection movement demobilized between 1915 and the 1950s (Finsen and Finsen 1994, Jasper and Nelkin 1992, Turner, 1980). In her history of the U.S. animal advocacy movement, Diane L. Beers cites four reasons for the demobilization: 1) ideological cleavages between moderates and radicals disrupted the movement’s cohesion, 2) the death of important movement leaders, including Henry Bergh and Caroline Earl White, 3) medical advances empowering science, allowing its representatives to quash critics easily, and 4) World War I, the Great Depression, and World War II absorbed the energy of most movements in this time (Beers 2006: 140). But Beers found ample evidence that the movement actually shifted to educational tactics and that the antivivisection movement blossomed. Not only did membership grow in major organizations such as the AAVA, but abolitionist and welfarist organizations that focused on vivisection proliferated.
I also found evidence of continued activity in newspaper articles through this time of supposed demobilization. Between 1915 and the mid-1950s public opinion toward scientists and their treatment of animals shifted dramatically against scientists.

FIGURE 1

![Attitudes Towards Scientists' Treatment of Animals in Research](chart.png)

**Source: Roper Center for Public Opinion Research**

Question wording in Roper Center Surveys:

1948= Do you think scientists really try to not hurt animals?
1985= Scientists treat animals humanely.
1993= Government regulates how animals are treated in labs.
2008= Pharmaceutical companies treat animals ethically when testing.

This could be related to movement activity, or the general change in public opinion toward science in reaction to the atrocities like those committed by scientists in Nazi Germany, but the shifts were political opportunities that would be important to the movement’s future. The early
20th century activists set the public and political stage for reforms that would institutionalize protection of animals used in research.

*The Animal Welfare Act*

Four decades after the failure of the Bayne bill in 1911, the next legislative drive related to animal experimentation that drew mass media attention was the Metcalf-Hatch Act in 1952. Preceding Metcalf-Hatch, laboratories claimed acquiring animals for research was difficult, resulting in publicly scorned behavior like pet theft. Metcalf-Hatch gave the state the right to seize animals from shelters for experimental purposes. It was introduced and passed without any resistance from the ASPCA, and the organization suffered intense public scrutiny for not having done so. According to one *New York Times* article, the ASPCA said it did not resist the bill because it furthered its goal of winning any kind of structural access inside of laboratories.

In the lengthy explanation of why it did not oppose the law, the society’s board of managers argued that the law would enable it to accomplish a historic first.

(T)he society held it could “do more to help and protect animals under the provisions of this law, when experimental laboratories are opened to our unannounced inspection, than we could do before its passage when experiments on animals were carried on behind doors closed to us…Under the law, the board said, it can for the first time in the history of its fight for animal welfare take part in “unlimited and unscheduled inspection of experimental laboratories, thus opening up to it jurisdiction “an entirely new and wider area” for the protection of animals.


The Bayne Bill was introduced 1911, and more than four decades later, the movement was still fighting for access to laboratories. Its leaders were willing to acquiesce to seizure of
shelter animals to gain access to the autonomous and protected realm of science. The ASPCA was only one organization involved in the campaign to get into laboratories. But, ultimately, this law did not permit these unannounced inspections as the ASPCA had hoped.

In 1966 the movement finally won a degree of access in the aftermath of a high profile case of a stolen dog. Both activists and scientists tell the same story about the formation and passage of the initial 1966 Animal Welfare Act (Carbone 2004). Animal advocacy organizations like the Humane Society of the United States, ASPCA, and the American Anti-Vivisection Society had lobbied for protective oversight both statewide and federally throughout the ’50s and early ’60s leading to passage of a compromise bill in 1966 (Becker 2009). By the early 1960s animal advocacy organizations primarily were publicizing the problems and abuses associated with pets stolen for scientific research. The issue was galvanized by the “dognapping” of a Dalmatian named Pepper, which led to an undercover investigation of dealers who stole pets and sold them to laboratories.

A public outcry erupted following a 1965 Sports Illustrated story about the Pepper and his death in a laboratory. Photographs taken inside dilapidated dealer facilities were publicized in a 1966 Life magazine expose titled “Concentration Camps for Dogs.” The magazines reported receiving more letters on these stories than they did about the civil rights movement and the war in Vietnam (Carbone 2004, Kreger 1996). The story attached to the 1966 passage of the Laboratory Animal Welfare Act is that the public exposure of a “dognapping,” caused Congress to finally pass the Animal Welfare Act. This was, of course, only part of the work that went into the first federal law to regulate animal use in research.
Pepper’s fate is reflected in the content of the Animal Welfare Act. The bill that passed was different from the one advocacy organizations proposed, mainly in that it granted no access to laboratories or regulation over care of animals inside of labs nor the process of experimentation. Following the stolen pets exposes, the Act regulated only the acquisition of dogs and cats used for research by establishing a licensing program for dealers and laboratories. Again we see how the institution of science was closed off to violation of its autonomy and impediments to research. And we see how the reformist activists adapted to these closures by molding their demands to successfully seize upon a powerful public outcry. Again we see how institutional science successfully protected its autonomy by keeping its lab doors closed, even against tremendous public pressure.

Several reforms between 1966 and 1985 established and increased standards for animal care, but none regulated the use of animals during experiments. The 1985 Improved Standards for Laboratory Animals amendment (ISLA) is, by far, the most far-reaching. It was the first to establish a bureaucracy to oversee animal research. Previous regulatory oversight did not intrude on actual vivisection, but rather regulated housing, acquisition, and animal care. This shift from regulating “animal care” to regulating “animal use” is pivotal in the trajectory of oversight, and highlights the importance of types of institutionalization and access given to advocates (Carbone 2004).\(^\text{vi}\) The catalyst for the 1985 amendment was two undercover exposes accomplished by the movement’s radical flank, reflecting how an inter-organizational division of labor persisted and factored into animal welfare reform. The radical flank became a force in this reform even when its members did not want to.
The ASPCA and other organizations had begun fighting legislatively for access to laboratories in the early 1900s. They succeeded eight decades later with the 1985 ISLA. The access was highly bureaucratized and for only approved government officials, not independent advocates. Again, highly effective exposes preceded the legislative change -- one of extreme abuse of primates at Silver Springs laboratory by Dr. Edward Taub, and one of equally abusive conditions for baboons at a University of Pennsylvania laboratory.

The Silver Springs case was the first major expose by People for the Ethical Treatment of Animals (PETA). Alex Pacheco, the group’s co-founder, started working undercover in Edward Taub’s laboratory in 1981. Pacheco alerted authorities to abuses he documented involving amputation experiments using rhesus and macaque monkeys. This would become the first animal cruelty case heard by the United States Supreme Court.

Simultaneously, the Animal Liberation Front (ALF) became more active. ALF is a clandestine organization of loosely networked cells that use militant direct action to expose abuses, rescue animals, publicize confidential records, and economically sabotage their targets. In 1980 there was one documented ALF action targeting animal research; in 1984 there were twelve. Both animal and freedom of research advocates state that ISLA was driven by movement activity related to undercover exposes and widely publicized graphic images (AMA 2013, Conn and Parker 2008).

During these abolitionist actions reformist organizations were pursuing increased protection under the Animal Welfare Act. The Animal Welfare Institute was integral to this process. Christine Stevens worked closely with laboratory veterinarians, politicians, scientists, and activists in pursuing policy reform. U.S. Sen. Robert Dole of Kansas was a personal friend,
and during the public outcry following the two exposes and the subsequent court battles, she worked with him and other Congress members on ISLA. ISLA laid out three major changes. It mandated that all institutions receiving federal funds establish committees responsible for reviewing all research protocols, it mandated a veterinary program in each laboratory, and it required a socialization and exercise program for primates and dogs. What constituted “socialization” and the welfare standards used by oversight and veterinary officials were left largely self-regulated.

The local committees overseeing and approving animal research protocols are called Institutional Animal Care and Use Committees (IACUCs). IACUCs are modeled on the Institutional Review Boards (IRBs) that oversee human subject research. Since ISLA, the Animal Welfare Act has been amended three times to make minor changes in the scope of protection and rules for transport of animals in labs. Researchers and activists describe ISLA as the most significant change to the AWA, although activists find major flaws in its enforcement. These flaws relate to scientific autonomy, the self-regulatory nature of the oversight committees and the lack of access to the actual process of scientific experiments using animals. IACUCs, like IRBs, are comprised of fellow researchers, campus veterinarians, and one outside individual who is usually loosely affiliated with the research institution. None of the members are from animal advocate organizations, and only federal employees and IACUC members are permitted to inspect laboratories. This reflects how reformist activists constructed their demands to avoid violating scientific autonomy, thereby adhering to institutional selectivity and constrained political opportunities.

*The 21st Century: Chimpanzees and Radical Change*
Only a few major changes to the AWA happened between the implementation of ISLA and 2011, but two notable shifts occurred. With the invention of transgenic mice, much of the research that used dogs, cats, and other “higher” species dramatically shifted to the rodents, decreasing the use of other species. In 2011 the National Institutes of Health (NIH) commissioned a study by the Institute of Medicine (IOM) to review the ethical basis of using chimpanzees in research. Part of the IOM’s recommendations, which in turn became NIH policy in funding research, stated that existing chimp research could proceed only where there was “acquiescence” to the procedures. The NIH put a moratorium on funding new research using chimps, it retired most of the chimps under federal control, and is discussing them as sentient beings. The NIH regulations on chimpanzee use shows a status change institutionalized in a federal government agency.

I am conducting further research examining whether changes like the AWA and the moratorium on chimp research provide substantive protection or are symbolic. The National Institutes of Health is an important source of funding for researchers, so its decisions will substantially influence the direction of animal research. Activists celebrated the NIH’s retirement of federally owned chimpanzees and the refusal to fund new research. There are many more chimps used in research than the federally controlled ones, and a drastic increase in rat and mouse use, but activists celebrated the moratorium as an incremental and abolitionist gain the in fight against animal experimentation. They celebrated it as a movement success, not a reformist success.

Even adamant abolitionists like Tom Regan and Gary Francione believe that “it is perfectly consistent with the philosophy of animal rights to take a gradual approach… as long as
the steps that need to be taken are abolitionist in nature” (Guither 1998:194). What about the increase in the use of mice that may follow the abolition of chimp research? And what about the outsourcing of chimp research to other countries that may increase following this moratorium? Without a closer examination of how these regulatory changes affect the intended target, researchers, one cannot make assertions either celebrating or condemning legislation governing animal research.

Conclusion

This historical narrative highlights how the animal advocacy movement seized political opportunities to pursue its legislative demands on the city, state, and federal levels. It also highlights how the movement leaders had to sculpt their demands to fit the selectivity of the institutions with which they interacted. Leaders did this by, first, bridging with the movement to regulate human subject research, creating institutional bureaucratic regulatory structures that became the same for humans and animals. Second, they sculpted their demands to fit the type of galvanization that pushed their legislation through. This is shown in how they fit the initial AWA to deal only with the issues made public, the acquisition of dogs used in research, and then creating committees to regulate animal use of dogs and primates following the exposes of Silver Springs and the University of Pennsylvania. The opportunities afforded to advocates allowed for only a certain degree of regulation, which leaves the radical flank unsatisfied (it questions the effects) and reformists in a position to pursue more.

The history of the movement also shows how organizations divided ideological, strategic, and tactical labor to pursue their goals. As opposed to characterizing this as disrupting the movement’s cohesion, we should acknowledge that splintering is inevitable. We should analyze
splintering instead of thinking in terms of “what if?” Historical evidence shows that the movement persisted through difficult periods, as it did during wars and economic downturns, and that this persistence may be due how some movement factions establish organizational structures that withstand difficult political and cultural periods (Taylor 1989).

For instance, with its public service in the very early days of the movement, the ASPCA gained an institutional access unique to animal advocacy -- law enforcement by humane officers levying fines, confiscating animals (legally private property), and charge violators as police officers would. Another example of an ideological, strategic and tactical division of labor is the abolitionist and militant organizations splinter groups, which engaged in uncompromising and publicly visible campaigns against vivisection such as militant direct action and undercover exposes. They exerted an urgent pressure on researchers and legislative decision-makers that facilitated the passage of the Animal Welfare Act.

Some activists argue that the elevating the status of animals requires using any and all means possible. In this chapter I used an historical narrative to illustrate how animal advocates helped push animals into the realm of political importance. In doing so, the movement may have been coopted by the political process, which disrupts mobilization because activists’ demands have seemingly been met. Or, the movement may have established the first step in a long trajectory of taking animals out of research altogether. In the following chapters I explore these two possibilities by examining the effect of the Animal Welfare Act on scientists, its effect on the movement after its implementation, and finally the effects on scientists of aggressive protest by activists who choose to not participate in policy reforms at all. In doing so, I show how the animal advocacy movement has taken root in science, embedding its interest in elevating
animals’ status within the institution of science. Whether this embedment continues to elevate animals’ status is, ultimately, up to activists.
CHAPTER 2:
STUMBLING BLOCKS OR STEPPING STONES? THE PROBLEMS AND PROMISES OF POLICY REFORM GOALS FOR THE ANIMAL ADVOCACY MOVEMENT

Many movements seek legal reform to change practices they target. For instance, environmentalists mobilize for laws to regulate polluters, and civil rights activists often support laws against workplace discrimination. But activists rarely, if ever, get everything they want from political concessions. Reforms reflect sets of compromises that result in a weak version of what activists envision.

Some political concessions will give activists a foothold for further change, while others could silence activists by co-opting their demands. Two questions motivate this project. First, how does policy reform affect the institutions social movements target? Second, in what ways does policy reform create a foothold for activists to pursue further change? By addressing these questions I offer insight into the types of policy reforms that activists see as opportunities to influence the institutional practices they target.

The ethical treatment of both human and animal subjects became an important part of scientific research in the early to mid-20th Century (Stark 2012). Activists in the animal advocacy movement in the U.S began mobilizing against the use of animals in research in the late 19th century using multiple strategies and diverse tactics. Activists have consistently lobbied for laws to protect animals in research and to end animal use altogether. They achieved varying levels of success in establishing animal protection policies at various institutional levels. These levels included within the laboratory, at the state level, and finally at the federal level in 1966.
with the Animal Welfare Act. The movement’s longevity and strategic diversity makes animal advocacy an interesting and informative case for studying the long-term effects of policy reforms activists pursue.

I use a combination of interviews, ethnographic observation, and data from federal agencies to explore the effects of animal protection policies, specifically those derived from the Animal Welfare Act. I use literature from social movement outcomes, science studies, and animal studies to inform this examination of the effects of federal policy on institutions that movements target.

This project explores three mechanisms of change, and in doing finds support for Heimer’s (1999) model of how regulations change practices within institutions. Three mechanisms can alter practices activists target, and all three can be activated by policy reform: 1) the targeted practice can become more expensive, creating economic disincentives for its continuation, 2) practical or technical incentives can be created for engaging in alternative practices, and 3) the ethical justifications that underlie the targeted practice can be undermined.

I found that federal policies going beyond setting research guidelines and institutional regulatory bodies created opportunities for activists to influence further change. This finding contributes to literature on social movement outcomes by explaining the effects of policies activists spend much effort pursuing. In the following, I start by explaining how this project contributes to literature on social movement outcomes, science studies, and animal studies. Then I explain the case, the research design, data and methods, and present my findings. I conclude by discussing the problems and promises of policy reform for social movements, and how specific types of regulatory reform may crack institutional walls to enable incremental change.
Stumbling Blocks or Stepping Stones?

Research on the consequences of institutionalization finds both positive and negative effects of policy reform. Early scholars claimed that pursuing small state concessions subsumed more disruptive tactics and rendered movements non-threatening and less influential (Lowi 1971, Piven and Cloward 1977). More contemporary scholars also found that policy gains can be weakly enforced or retrenched (McCann 2006, Reese 2005). But depending on the structure of the state, policy reform could also provide a foothold for further mobilization and change (Amenta 2006, Andrews 2004, McCammon 2012, Meyer 1990, Meyer 2012, Tarrow 1994). We see this in the persistent cycles of mobilization to defend or strengthen movement-relevant policy reforms.

Activists often use the state as a route to change non-state institutions. For instance, they use laws and policies regulating businesses to stop gender-based discrimination, or to stop factories from producing environmental pollution, or to protect research animals in scientific institutions. The political context affects activists’ demands by allowing only certain types of concessions (Meyer 2006, Wisler and Giugni 1996), and by mediating demands during the claims-making process (Amenta 2006). This makes using the state more complicated and difficult for activists. It also makes understanding the effects of using policy reform more difficult for scholars.

Understanding the effects of laws and policies is important to understanding the variety of outcomes for movements (Kane 2010, Suh 2011, Suh 2014), and research on the ways those
reforms influence the institutions activists target is underdeveloped. This project draws from Gamson’s (1990) conceptualization of social movement outcomes, where movements may fail or succeed when they make claims on the state. I focus on his early conceptualization of political “acceptance” and explore the types of inclusion movements gain through regulatory oversight.

Choices about pursuing policy change, and achieving reforms, can also bring new possibilities to influence a movement’s target from within institutions (Meyer 2006). Social movement groups or members can be put in “positions of status or authority in the antagonists’ organizational structure.” (Gamson 1990:32) This possibility, of gaining a position of status or authority, depends on how the movement’s demands are institutionalized through legal and policy reform over time.

Social movements often mobilize over long periods of time to affect state change. Demands that movements make of the state are rarely, if ever, granted entirely (Amenta 2006, Meyer 1990). State concessions are compromises with varying degrees of impact (Amenta and Caren 2004), and so movements often persistently lobby to strengthen gains over the state (Meyer 1990, Meyer 2006). This is the process of institutionalization, which often results in policies with elaborate bureaucracies to oversee implementation. These bureaucracies, such as the Environmental Protection Agency or the USDA, are difficult for activists to push into strengthening enforcement (Baumgartner and Jones 1993, Baumgartner and Jones 2002, Meyer and Lupo 2010). Gaining a “position of status or authority,” as Gamson puts it, may help activists to influence these complicated regulatory bureaucracies, and thus influence change in the institutions they target.
Implementing the Animal Welfare Act (1966) created a complicated regulatory bureaucracy. I chose to examine this system of regulatory oversight because many organizations and activists continually try to influence and strengthen this law. In fact, the animal advocacy movement started mobilizing to reform animal research more than 100 years ago. This offers a rich case study of a movement and a targeted institution that have both evolved in interesting and complicated ways.

Animal Studies, Science Studies, and the Effects of Policy Reform

Portraying the complex ideological and tactical diversity of animal activists is not the focus of this project. Rather, I want to focus one major debate within the movement. Some animal advocates contend that welfare policies, like the Animal Welfare Act, can help activists influence more change and function toward incrementally ending animal research. Others believe welfare policies hurt animals and that the idea that incremental change can end animal research is farcical (for a detailed discussion see also Beers 2006, Finsen and Finsen 1994, Munro 2005).

The Animal Welfare Act is a “welfare reform.” It is meant to improve the welfare of laboratory animals, as opposed to ceasing their use. Gary Francione is a well-known scholar of animal studies and, as a person who wants animal research to end, is a staunch critic of welfare reforms (Francione 1995, Francione 1996, Francione 2010, Francione and Garner 2011). He argues that welfare laws make it appear that animals are protected when the regulations are actually weak, incomplete, and reinforce animals’ status as objects (Francione 1996). Proponents of welfare reform either believe animal research is necessary, or that the reforms are incremental steps toward ending animal research (Garner 2010). These advocates often claim that seeking to
abolish animal research immediately is infeasible, and that slow strengthening of regulations is a more realistic path to ending animal research.

This reflects a big question for many other movements. For instance, environmentalists debate whether establishing pollution caps actually legalizes and legitimizes polluting and are not properly enforced anyway (Hall and Taplin 2007, Hall and Taplin 2008, Hall and Taplin 2010). I use literature from science studies and compliance research to address this debate and inform my approach for analyzing the outcomes of the Animal Welfare Act in animal research.

*Science Studies, Bureaucracies, and Four Models of Influence*

Scholars of science studies found contradictory effects of regulations. Regulations can be purely symbolic processes that do not change actual practices, or regulations can have varying degrees of influence depending on how they are implemented. This body of literature offers social movement scholars a set of models for examining the effects of regulatory oversight that many activists work to strengthen.

I highlight four models of how regulatory oversight affect regulated institutions. The first is a basic top-down model, with which scholars compare sites that fall under the same regulations and examine why some comply and others do not (Baucus and Near 1991, Prakash and Potoski 2006, Simpson 1987). This model assumes that the regulated organizations have little, if any, influence on how compliance standards evolve and are implemented. The other approaches emphasize the more complicated processes through which regulatory oversight is bureaucratized in cooperation with the regulated institutions.

A second model presents regulatory compliance as purely symbolic with virtually no effect on the practices targeted for change (Edelman et al. 1991, Edelman, Uggen and Erlanger
1999, Edelman 2002, Edelman and Suchman 2007). Edelman and her colleagues found that regulations did not change on-the-ground practices because self-regulating procedures are often used to comply. Regulations create bureaucracies, and the resulting bureaucratic processes, like grievance procedures resulting from equal employment opportunity law, are entirely self-implemented in a way that does not change practices in meaningful ways.

A third model has compliance standards constantly evolving as a result of interaction between the regulated and regulators. Silbey and her colleagues identify the ways that a compliance culture develops within organizations through interactions with government oversight officials (Silbey 2009, Silbey, Huising and Coslovsky 2009). Organizations develop compliance standards in cooperation with regulators and the resulting compliance structures change institutional culture. Regulated organizations in this model do not autonomously define compliance, and organizational practices may evolve over time.

Heimer’s work offers a fourth model and identifies how the type of regulatory policy determines the type of change that will occur (Heimer 1999). Heimer found that some laws facilitate entrance of intra-organizational actors who may carry norms and practices that diffuse across organizational fields. These actors represent a separate field, such as a lawyer from the legal field, or a bioethicist who represents the ethics field. When these actors are given opportunities to influence a particular organizational field, changes in norms and practices may occur. In her work on neonatal intensive care units, Heimer found that “variations in the impact of different laws can be explained by looking at how deeply legal actors penetrate organizations and which decision elements they are able to control.” (Heimer 1999:20) Laws and the resulting
regulatory bureaucracies may open structural opportunities to activists or other social movement actors to influence practices inside organizational and institutional fields.

This project deliberates on which of these four models best fits how welfare regulations affect the institution of animal research. Do the policies activists pursue change institutional practices? If so, do those policies lay a foundation for more change, or do they protect and legitimize existing practices? To answer this question I explore three mechanisms that change institutional practices: 1) economic disincentives, 2) practical incentives, and 3) the ethical justifications of those practices.

Table 1 summarizes the conceptual framework I use to examine this topic.

<table>
<thead>
<tr>
<th>Causal Mechanisms</th>
<th>Top-Down</th>
<th>Purely Symbolic</th>
<th>Interaction</th>
<th>Institutional Conflict</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Practical</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ethical Justifications</td>
<td>X</td>
<td></td>
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<td>X</td>
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I expect that each model would activate the three causal mechanisms for change differently. The top-down model of compliance (Baucus and Near 1991, Prakash and Potoski 2006, Simpson 1987) and the interactional model (Silbey 2009, Silbey, Huisng and Coslovsky 2009) would more likely affect economic and practical considerations because implementation costs money.
and time. Ethical justifications are less likely to be undermined in these two compliance models. With the symbolic model (Edelman et al. 1991, Edelman 2002, Edelman and Suchman 2007) I would not expect activation of any of the three mechanisms because compliance is determined internally.

This said, symbolic changes can be important. Laws, policies, and regulations establishing the importance of a marginalized community, such as women, can be a step in changing hiring practices or wage practices that should not be dismissed. But if changes in practices do not follow symbolic inclusion, then they are moot. I expect the institutional conflict model (Heimer 1996, Heimer 1999) is most likely to activate all three mechanisms of change, and therefore lead to meaningful changes in institutional practices.

Next, I describe the Animal Welfare Act and then the data and methods used for this project. The implementation of the AWA steers the methods I use in this examination. The following two sections highlight why these three mechanisms are important for determining the effects of this federal law.

Case: The Animal Welfare Act

The Animal Welfare Act (AWA) was passed in 1966 and is the only federal policy in the United States regulating animal research. The initial law mandated a system of recording and licensing animals acquired for research, but did not protect animals once they entered the laboratory. In 1985, following two major exposes of abuse in the Silver Springs and the University of Pennsylvania labs, the AWA was amended to regulate the actual use of animals during experiments (for detailed histories see Beers 2006, Guerrini 2003).
The 1985 amendment, the Improved Standards for Laboratory Animals Act, resulted in the complex set of federal and local regulatory bureaucracies we have today. Federally funded animal facilities that abide by what is considered the strictest welfare protection. A two-pronged system of oversight governs facilities abiding by the NIH funding regulations (Graham 2002, Herzog and Plous 2001, NIH 2011). The first prong is the Animal Welfare Act and its designated agency of enforcement, the USDA’s Animal and Plant Health Inspection Service (APHIS). This program involves routine, pre-announced inspections by APHIS inspectors, and an in-house oversight system. The second prong of oversight is the NIH’s Guide to the Care and Use of Animals in Laboratories, and the Office of Laboratory Animal Welfare (OLAW) designated to enforce standards set in the Guide.

The 1985 amendment mandated veterinary programs for all federally funded laboratories, and required that institutions with animal laboratories form in-house Institutional Animal Care and Use Committees (IACUCs). These panels function identically to those overseeing human subject research (Institutional Review Boards), requiring all research to be written up in protocols and approved by IACUC members.

Principal investigators (P.I.s) are scientists in charge of designing experiments and coordinating the laboratory professionals who will conduct the experiments. P.I.s must write up protocols and wait for IACUC approval before starting an experiment, which can take from 1 month to 6 months depending on how many times the P.I. must amend the protocol. Many claim this lengthy process increased the cost of using animals and made it more cumbersome. I explore that claim in this project. P.I.s must also abide by veterinary orders on when an animal should be
killed and the best practices for experimental procedures. As I will discuss, this mandate can be problematic for both veterinarians and IACUC members.

Further amendments passed in 1990, 2002, 2007, and 2008, but the 1985 amendment was the last to dramatically alter animal research bureaucratic processes. These highly complicated processes make it difficult to explore the effects of regulatory oversight. I do so by focusing on the three causal mechanisms (increased costs, impracticality, and ethical justifications) and using two types of data.

_Data and Methods_

This project uses economic and descriptive data, as well as ethnographic and interview data. These data measure whether policy reform triggers the three causal mechanisms that I argue pressure scientists to change their practices with animals. The economic data shows whether the cost of using animals has increased due to regulations. The descriptive data shows whether regulations have become more specific or stricter over time. This increase should make animal use more cumbersome and thus less practical. Then the qualitative data sheds light on the actual effects on researchers of the economic and practicality changes, as well as other effects that regulatory oversight might have.

I use data from federal agencies charged with oversight of animal research as a baseline for changes in economic and regulatory pressures on scientists. Economic pressure is measured using the daily cost of housing animals in laboratories, called “per diem” costs. Regulatory pressure is measured using the number of regulations, with the assumption that more regulations make using animals more difficult. The relevant data were gathered from the United States
Department of Agriculture, the federal agency charged with overseeing animal research, and two manuals published by the National Institutes of Health (NIH 1979, NIH 2000).

Second, I use qualitative and ethnographic data to determine how policy reform and the three causal mechanisms affect P.I.s and other animal research professionals. I use an inductive approach to isolate patterns in attitudinal differences and similarities among a theoretically informed sampling of participants. This project focuses on ideographic accounts to explore how welfare policies affect scientific attitudes on animal research.

Scientists maintain the institution of animal research by choosing to use animals in their research. My objective is to understand how welfare regulations influence this choice. Other professionals involved in laboratory research are also important to decision-making about animal use, such as laboratory managers, postdoctoral fellows, graduate students, veterinarians, and IACUC officials in charge of welfare oversight. I interviewed this range of professionals to explore current attitudes on regulatory oversight and how oversight may influence decisions scientists make about their research designs.

Most of my interview participants work in University of California laboratories, and all of my participants work in laboratories that function under the same program of federal oversight, NIH funded facilities. I focus on NIH funded institutions because they are obliged to comply with both prongs of the regulatory system. This creates the most consistency in experiences of my informants. But UC animal research facilities still vary across campuses, which is why I drew participants from multiple campuses. For instance, UC Davis has one of the largest primate facilities in the country, with more than six thousand rhesus macaques (according to USDA statistics). UC Irvine and UC Riverside contract out all research involving primates.
and keep no primate colonies on campus. UC San Francisco, UC Los Angeles, and UC San Diego support small primate colonies.

The campuses also vary in terms of activism. For instance, UCLA experiences demonstrations on campus and against suppliers of animals to their campuses, while UC Irvine experiences virtually no public protest. (Both campuses experience militant direct action.) Comparing the attitudes of animal research professionals across these campuses will capture how influences outside of regulatory oversight, such as grassroots activism, may factor into their experiences. Although this comparative leverage is important, I did not find any patterns or differences based on UC campus.

Recruiting informants was extremely difficult; laboratory professionals have demanding work schedules, and animal welfare in the laboratory and during experimentation is a sensitive topic for scientists (Arluke 1992). Recruitment was also especially difficult for this group because people involved in animal research can be wary of activists who sometimes target researchers at their homes as well as at their facilities. Home demonstrations became a common tactic in the past ten years because activists felt ineffective protesting outside of public facilities. Despite these obstacles, I obtained a pool of participants that is diverse and offers a representative account of how regulatory oversight affects professionals involved in animal research.

I sent out requests for interviews to all faculty in departments related to biomedicine and pathology at each of the above UC campuses, totaling 248 emails. This resulted in ten interview participants. I also sent out personal requests for interviews to scientists who had made public statements about the ethics of animal research, which resulted in five interviews. The other
interviewees were contacted via snowball references. I conducted forty-three in-depth interviews with principal investigators involved in animal research and other professionals involved in these laboratories such as post-docs, graduate students, and facilities managers who have more knowledge of the hands-on practices inside animal research facilities.

My recruitment techniques make self-selection a component of this study. I used comparative analysis to reveal differences in responses based on years in the field, area of study, species used, and other variables that might influence responses. This uncovered an interesting pattern in how attitudes about animal research have changed between generations, as I will explain in the Findings section.

To capture the third causal mechanism, ethical justification, I included bioethicists in my interview pool. Although bioethicists do not participate in decision-making or activity within the laboratory, they are increasingly involved in the development of some policy changes at the federal level. Federal panels commissioned to deliberate on animal research issues often involve bioethicists. Their inclusion may be symbolic, but according to my interviews their input has directly influenced administrative and policy decisions. For this reason, interviewing bioethicists can capture how ethics, as a separate institutional field, may influence regulatory oversight of laboratory practices.

The interviews were conducted conversationally with a set of open-ended questions and comments, and ranged from forty-five minutes to two hours. They were conducted face-to-face, via Skype, or over the phone. The participants gave in-depth accounts of their background in laboratory science and personal experiences dealing with regulatory oversight. The questions were designed to capture each participant’s attitude toward regulatory compliance and its
influence on their decision-making, including financial consideration, time constraints, and their research designs. With the bioethicists, I focused on whether they had participated in committee policy-making work, and whether examples of when their work were used in policy development. Below is a table that shows the diverse range of participants, as well as the representative nature of my sample.

<table>
<thead>
<tr>
<th>Table 2: Participant Descriptives</th>
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<tr>
<td>Professional Role*</td>
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<td>Bioethicists</td>
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<td>PI after 1985 amendment</td>
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<td>PI before 1985 amendment</td>
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<td>Grad students</td>
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<tr>
<td>Post Docs</td>
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<td>Veterinarians</td>
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<td>IACUC members</td>
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<tr>
<td>Facilities manager</td>
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<tr>
<td>Business/animal supplier</td>
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<tr>
<td>Activists</td>
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<tr>
<td>Whistleblower/Researcher turned critic</td>
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<th>Institution</th>
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<td>UC Davis</td>
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<td>UCSD</td>
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<td>Outside of UC System</td>
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<tr>
<td>Total Interviews</td>
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<td>*some roles overlap</td>
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I also attended a four-day national conference for Institutional Animal Care and Use Committees (IACUCs), held by Public Responsibility in Medicine and Research, the longest standing organization dealing with ethics in research. This conference included an intensive
daylong workshop on IACUC administration, a daylong symposium for the American
Association for Accreditation of Laboratory Animal Care, and two days of IACUC panels, open
forums, and workshops. This opened direct access to the concerns, priorities, and responsibilities
of those charged with overseeing animal research facilities, including veterinarians who work in
laboratories. I was able to gain an insider experience of regulatory concerns in an inconspicuous
position, making the interactions more authentic and candid.

Results

Three pressures can promote change in the practice of animal research: 1) economic
disincentives or cost concerns, 2) technical incentives that make changing animal use more
practical, and 3) changes in ethical justifications either on a personal or a regulatory level. In the
following I discuss how increased costs and changes in funding make using animals in research
more difficult, and how researchers adapt to these changes over time. Then I discuss how federal
policies and the creation of bureaucratic oversight brings new players into the practice of animal
research, and how this access creates institutional opportunities for activists to promote more
change.

I argue that the movement has the most potential for influencing further change in a
target when all three causal mechanisms are triggered, which can be done through policy change.
I also show how the case of animal welfare reform exemplifies Heimer’s model of regulatory
effects, in which policy change creates opportunities for outside actors, like bioethicists and
veterinarians, to change the institutional practices that activists target.

Practicality and Economics: Adaptation to Regulatory Disincentives
If you increase the cost and trouble of using animals, then researchers will be less likely to use them. This is an intuitive way some activists think of increased regulatory oversight. As the graph below shows, the number of references and pages in the NIH’s Guide for the Care and Use of Laboratory Animals increased by almost 200 pages. This demonstrates the development of a complicated bureaucratic system, a system many of my informants resent.

FIGURE 2

![Amount of Regulatory Guidelines in NIH's Guide](image)

Although the regulatory guidelines increased dramatically, we see the rate of development falling off after the 1985 amendment. It mandated that all animal research facilities receiving NIH funding employ staff veterinarians as well as IACUC administrative staff. IACUCs have staffs to process protocols and committee members who deliberate on protocols.
The committees vary in size and composition depending on the institution. One member is required to be a layperson unaffiliated with the facility; one is the laboratory veterinarian. The other members typically are other scientists from disciplines that also use animals in research. This system requires significant resources for staffing as well as paying for upgrading facilities to keep up with regulatory standards.

According to government agencies, financial data, and my interviews, regulatory oversight has increased the cost and time involved in using animals for research. (NIH 1979, NIH 2000, NRC 2000). The data below is from NIH analyses of cost management strategies, controlling for inflation. It shows a marked rise in cost during a time of substantial growth in federal oversight.

FIGURE 3: COST OF ANIMAL CARE PER DAY
The extent of regulations also increased (Figure 2), creating a more cumbersome process for getting the initial research approval.

Interestingly, in the interviews I did not find evidence that increased costs and cumbersome regulations alone affected informants’ research questions or designs. I asked scientists, “How have you changed your research designs because of these increases in costs and time?” All of them affirmed that they design their experiments based on the best methods for answering their research questions, not costs or time. Several scientists told me that although they are supposed to decrease the number of animals they use, they often do not because it would compromise their study reliability.

All of my informants told me that NIH funding patterns affected research decisions. One informant, Casey, who started his career well before the 1985 amendment and worked in a research protection position for many years, told me that scientists spend most of their time pursuing funding. He and all my principal investigator informants described how scientists pay close attention to NIH and NSF patterns in the calls for proposals. If the areas that receive the most funding shift, scientists will try to shift their research to somehow fit that area. As Casey describes it,

(S)cientists do move where the funding is at. I mean… if you’re a cell biologist and they start emphasizing a different part of the cell, you might move your interest to that particular area.

Another person I interviewed, who started his work well after the 1985 amendment, also described how seeking funding from NIH steers how he designs his research. Darren told me that the lab he worked with in graduate school “did mostly in vitro work, and they’ve moved to in
vivo models as well.” He described how in their proposals they “started always writing ‘in vivo
aim’... he thought it was necessary for the reviewers to see that we were thinking about in vivo
models.” According to all of my informants, NIH prioritizes in vivo research because it is
viewed as more reliable for human medical advancement. This is just one component of how
NIH priorities steers research.

NIH also increases funding of specific research using specific species in response to
public health concerns. For example, several of my informants mentioned how chimpanzee
research won increased funding during the early stages of the AIDS crisis. Following a recent
NIH decision to stop new funding of research using chimpanzees, virtually all federally owned
chimpanzees have been retired. According to my interviewees this has influenced researchers to
not use chimps.

Scientists I interviewed also emphasized how difficult it is for a researcher to move from
one species to another, because of their training with the animal, and because switching would
involve changing animal facilities and training animal care staff. Lacey, a Ph.D. working with
zebra fish for developmental genetics and embryo planning referred to this path dependency in
animal use. She said it had “historical component” and “an institutional component. Like when
my P.I. came in there were already aquariums and all that, so you want to work with equipment
that’s already there.”

Another informant also discussed how difficult it is to change how you use animals in
research. Grant had worked in wildlife and laboratory research for more than 30 years, with mice
for 25. He told me, surprisingly, that he had deep reservations about the ethics of using mice and
was contemplating a career change. I asked, “A career change? You mean not using mice?”
I’m not there yet. I have a couple grants in for mice. It’s really difficult to change the ship’s direction when it’s this big. Three years ago I only did mice grants, and 25 years I’ve been using mice. Now I only have one to use mice and others are just with humans or historical data. I’m trying to move out, but it’s… uh… I mean you can kind of see the dilemma in it, right? We’ve shown empathy in mice, social reward. I mean, it’s hard. I think it’s getting hard for me. That grant I have out is with someone else I’ve worked with and I can’t just say “Dude, I can’t do it.” But I’m trying to be done with it. It’s not something I can talk about with my faculty at all.

Grant echoed the difficulty of making a living and changing your research program when your laboratory work is anchored in a particular animal. This means that even if practical incentives make another animal better to use, it is difficult to change one’s laboratory and retrain for the new animal.

Other scientists told me about how researchers tend to stay with the animals they were trained with in graduate school, given the time and effort it takes to learn the system of a new animal. Policy reforms, such as strengthening of the Animal Welfare Act in 1985, are unlikely to change individual scientists’ research design. Shifts in animal use are more likely to be generational and happen over time.

*Generational Adapting to Movement-Relevant Policy Changes*

My interviews indicated that scientists and other laboratory professionals adapt to the increased economic and technical pressures that policy reform creates over generations.

Researchers who started their careers before the 1985 amendment to the Animal Welfare Act showed much more resentment toward regulatory processes than younger researchers. Garrett, who started his career with primates in the 1960s, was particularly resentful of regulatory oversight.
I started the interview saying, “So I wanted to ask you about regulations of animal research.” Garret laughed and said, “You mean how to get rid of ’em, right?!?” His was a common reaction to regulations among researchers who started their work before 1985. He complained about the time the protocol approval process takes and also about how regulations extinguished his freedom to be creative with his research. Most of these older generation informants said regulatory bureaucracies did not improve animal welfare and created unnecessary hoops for researchers to jump through. This was distinctly different from the younger generation scientists.

Younger scientists, who started their careers after the 1985 amendment, did not express as much resentment about animal protection regulations. Although all the P.I.s were irritated at the time and cumbersome paperwork it took to win protocol approval, the younger generation did not express overt disdain for the simple existence of regulation. Darren reflected a common sentiment among the younger scientists I interviewed.

Well, it’s cumbersome, but I don’t think it’s any worse than at another institution. So I don’t feel like I need to complain since I don’t know how to make it better…And the folks on the IACUC are professors who have other things to do. I’m not sure why that’s the process, but I think that’s part of the cumbersome part.

Darren’s tone of voice wasn’t angry or frustrated, rather hesitant and resigned. In the above quote she attributed blame to circumstances that were out of the control of IACUC members, and hedged on asserting causation to how IACUC membership is structured. Older generation scientists often expressed sarcasm and scowls when I brought up the regulatory processes. Even more striking: None of the younger generation scientists lamented a lack of autonomy and
creativity. I asked one graduate student in biomedical sciences, Sharon, if she felt she could be
creative with her experiments, despite regulatory compliance. She described the IACUC process
as, “a hurdle for you to jump over… but even without animals people will always be creative in a
way to test their systems.” Sharon described oversight as a way to ensure that research is
important enough to jump over regulatory hurdles, rather than thwarting good research.

Cathy started her work with primates after 1985. She described how the rules were
becoming “clearer, not stricter.” She was also a member of her campus IACUC. In contrast to
the other older generation scientists who served on IACUCs, Cathy also did not show resentment
to oversight. She said,

(W)hen people understand why that is, you know, what’s the evidence that you
should do things this way or that way, they get it… I think, again, that if anyone
had experienced the transition, let’s say, a researcher from the 70s to the 90s,
[they experienced] a stark contrast.

Cathy discussed how this “stark contrast” created resentment in older generation scientists.
Researchers don’t adapt to increased regulatory oversight as individuals, rather they adapt over
generations. Although the cost and practicality of using certain species made using them more
difficult, the overall research designs were not affected. The number of dogs, cats, and primates
used in NIH funded experiments has decreased, but the total number of animals (especially
rodents and pigs) is rising each year.

The first two causal mechanisms that change practices activists target, economic and
practical considerations, do exert pressure, but this may not be enough to change practices in
substantive ways. The third mechanism, ethical justification, is important to the equation of using
policy reform to create continuing and incremental change for the movement. A potential for affecting the ethical justifications of a practice arises when policy reform facilitates a conflict between two institutions. In this case, opening laboratory research to veterinarians, IACUC professionals, and bioethicists created conflict between two institutional fields (scientific research and animal welfare) in a way that is continuing to influence change.

Institutional Opportunities and Access: Veterinarians and IACUC professionals

The effects of regulatory oversight may depend on how laws are constructed. Heimer (1999) argued that variation in the effect of laws depends on how much control legal actors have over decision-making. I found that some actors defy norms and exert pressure on scientists from within the institution. Specifically, veterinarians and IACUC members have this potential. I did not find evidence that these individual actors caused widespread institutional change, but there is evidence that institutional actors who behave outside of laboratory cultural norms can influence researchers in ways that alter their laboratory practices. These institutional actors were given access to laboratories through regulatory oversight.

Richard, who started his work in 1977, described how small changes in pharmaceutical names can create time consuming and tense interactions with the veterinary staff.

For example, an anesthetic that has been upgraded or reclassified by a chemical name, you have to prove that it’s the same stuff. So, I would say that, if campus veterinarians and their staff were trained in some of the more scientific issues that drive the protocols, when they are trained, the conflicts are small. It’s when you get into trying to educate an administrative staff who don’t have trust or think that people might try to trick them (sic). They are the source of conflict.
Often mentioned was the role of trust between those charged with implementing animal protection regulations and those using animals. Ten of the P.I.s said that when veterinarians didn’t trust them research became more time consuming and frustrating.

Charles, a principal investigator who started his career in the early 1960s, told me about a contentious period with veterinarians on his campus. He said “as things got much more granular with standard operating procedures and stuff… at first they were doing sort of the policing thing, then they moved to more a partnership thing.” Charles was referring to a time where IACUCs and veterinarians were more specific about procedures in the lab, more “granular.” I asked him what he meant by “policing” and to describe the situation a little more. He said “we had some bad behavior,” and that all animal work at an affiliated institution was shut down for a year. Charles went on to describe that although the “bad behavior” happened at another institution, the initial “reaction, as is often the case, was sort of thuggish, and it wasn’t so helpful.” He described how the veterinarians and IACUC personnel became extremely vigilant, and that researchers had this huge obstacle with their work because of the “policing.” This is one way IACUC members and veterinarians exert pressure inside the institution of animal research.

Most of my informants said that veterinarians, in particular, are in a unique and difficult position with animal research. They are forced to balance their professional obligation to care for their patients against the institutional imperative to support research. Veterinarians take an oath to prioritize animals’ wellbeing, which creates conflict with researchers. Some P.I.s told of veterinarians challenging their practices. When veterinarians are concerned with how much pain or distress an experimental procedure will cause an animal they can challenge the researchers. They can do so by offering an alternative, or even stopping the experiment. At an open forum
discussion during the IACUC conference, veterinarians told stories of going against a researcher’s interests, and the retaliation for doing so.

Eighteen laboratory veterinarians were at the open forum. The organizers started by saying, “This is a safe space where we can discuss our problems and help each other find solutions.” The meeting felt like a group counseling session, with people fidgeting in their seats, their furrowed faces reflecting deep concern. The discussion revolved around how to confront violations of veterinary standards without getting fired.

“No one wants to see that the vet doesn’t approve a protocol, but you gotta choose your battles.” “Choose your battles” was reiterated several times during the two-hour forum. Everyone agreed that getting the administration to reinforce the veterinarian’s authority is key to gaining real decision-making power in a lab. But the advice was to cooperate with the researchers and frame resistance to experimental procedures as “improvements,” never as “change.”

Veterinarians are constrained by the institution.

IACUC officials also function under constraints, both interpersonally within the committee and institutionally in terms of keeping the research process moving. But there is potential for them to push against the constraints. One bioethicist I interviewed, Evelyn, an IACUC member since 1989, told several stories of intervening in experiments and challenging researchers. She told me about a mouse that died during an experiment. It had been left unattended pinned under a restraint net in a container with mosquitoes for two days.

So I found [the P.I.] in his office, and I said, “That was your mouse.” And he said, “Yes.” I said, “Tell me, how many mosquitoes were feeding on that mouse and for how long?” He said, “Do you seriously expect me to count the number of mosquitoes on a mouse?” I said, “Fuckin’ A I do!! It’s in your protocol. It’s only
supposed to be thirty for 20 minutes. So you’re either incompetent or you’re a liar!”

Evelyn was very animated when she told this story, yelling “Fuckin’ A I do!” This kind of aggression and vigilance was not typical of IACUC members I interviewed and observed. They have an institutional imperative to not thwart research, so this kind of confrontation with researchers and other laboratory personnel rarely occurs. Evelyn went against institutional constraints, used her delegated authority over research procedures, and she said she was not afraid to cause friction with P.I.s.

The 1985 amendment gave IACUC members the freedom to routinely inspect laboratories and required yearly inspections. The inspections are announced ahead of time, giving laboratory personnel and researchers time to prepare. IACUC members rarely use their freedom to spontaneously inspect laboratories. In interviews and at the Intensive IACUC Administration workshop people talked about how they didn’t want to make researchers feel “policed.” They said conflict is reduced and everything runs smoother when IACUC members help researchers with their protocols, instead of punishing them for straying from them. This “help” suggests how regulations may influence change through means other than coercion and force.

Twenty minutes after completing an interview, a participant named Terry called me back. “I didn’t tell you something that’s important.” Terry was a postdoctoral fellow in California, but had an experience in Florida at a laboratory where she was a graduate student. She said, “My old boss was definitely someone who cared more about the research than about animal welfare.” She
told me about a rhesus macaque in her lab, who was integral to her thesis project, but was “in bad health,” and how she felt it was unethical to keep the animal alive.

The animal was very valuable in terms of getting research data. A lot of research had been put into him. Not just my time, and, um, I certainly could understand where he was coming from, but, you know, it was clear after the animal eventually died that the veterinary decision was the right one. There was no way we could have gotten any good data and the animal would have just suffered. That’s actually a situation where if there hadn’t been institutional support of animals’ welfare I think it would have been just me leaving, or the animal suffering and not getting the data in the end, actually.

Her experiment was incomplete and her thesis was ruined, which also affected her P.I.. She told me that the veterinarian went against the P.I.’s wishes and “sacrificed” the animal. The ordeal created huge tension and distress for Terry, but she was grateful for the veterinarian who resisted the researcher’s wishes.

The veterinarian was integral to this process. This incident does not demonstrate that regulatory oversight changes animal practices, rather it demonstrates how regulatory channels result in cognitive cues and procedures for researchers who question the wellbeing of animals they are using. And people, like veterinarians, can also provide these cognitive cues.

Ron worked with primates in research from the late ’60s to the early ’80s before leaving animal research for a career in bioethics. He told me how routine interactions with veterinarians altered how he saw the animal “subjects” with whom he worked.

A couple of interactions I had with veterinarians were very transformative for me, because they modeled the doctor-patient relationship, not the researcher-subject relationship. They modeled the ability to identify pain and distress, the presence of disease, and that kind of interaction was very important to me. It was like I
started to interact with these… or started to recognize these animals as having a predicament, a predicament of having pain and distress.

This reaction to people within the laboratory who had drastically different relationships with the animals was a common theme with several of the researchers I interviewed.

William worked as a neuroscientist before he became a whistleblower. He described the slow process he went through, from being a committed laboratory attendant, performing most of the experiments in his lab, to recognizing the practices as abusive. He also described feelings of internal conflict when he interacted with the veterinarian. For instance, William said the veterinarian used to whisper, “I’m sorry. I’m so, so sorry” to animals when he did something painful to them. William said, “obviously he hadn’t acclimated to how disassociated you have to be.” The 1985 amendment allowed veterinarians more access to animal use in laboratories, instead of just animal care. This change in federal policy made it more likely that researchers and other animal research workers would experience this kind of modeling by veterinarians inside the laboratory.

We should not dismiss the potential for individuals who think of themselves as “loving animals” to influence others in laboratories. Having these individuals in the laboratory could decrease resistance to increased oversight and investment in non-animal alternatives. It can also tap into how researchers ethically justify their use of animals. “Justification,” as an ethical foundation for continuing animal research, is where bioethicists enter the story of regulatory oversight.

*Bioethicists and the Collision of Institutional Fields*
“Justification” is becoming more important in animal research. It typically refers to “scientific justification,” or the purported knowledge that is gained from animal use. “Moral justification” refers to ethical foundations connected to animals’ moral status, where the quality of life for animals is discussed even when pain is not involved. According to my informants, moral justification until recently never entered arenas of scientific or political decision-making.

In 2011 the NIH declared a moratorium on funding new research involving chimpanzees. Every bioethicist I interviewed used terms like “revolutionary” or “radical” to describe this event because “moral justification” was added to “scientific justification” in the lab-animal care debate. Bioethicists were crucial in seeking that intervention.

The Animal Welfare Act encouraged and legitimized new fields of thought, such as ethology (the study of animal behavior) and bioethics. Bioethicists and ethologists gained legitimacy as sources of information for the NIH, as seen in the references used in the NIH Guide for the Care and Use of Animals in Laboratories. Studies of animal welfare and behavior in labs proliferated with each new edition, and bioethicists openly opposed to all animal research are used as references.
FIGURE 4

Total Number of References in the NIH Guide

Each reference is a separate study on animal behavior in laboratories, and there are separate sections on animal ethics references starting in 1990. Work by authors like Peter Singer, Tom Regan, and other bioethicists who oppose animal research had a separate appendix starting with the 1990s edition. Their work was also cited within the Guide. This may be a symbolic gesture that carries little influence inside laboratories, but it is evidence that ethicists had attained some level of legitimacy in animal research.
Bioethicists also became politically important in decision-making, especially in the NIH’s moratorium on research with chimpanzees. One bioethicist I interviewed, Carol, had worked for more than 40 years as an ethicist and in the 1990s participated in a NASA committee commissioned by Congress to investigate NASA’s use of monkeys in space exploration. Carol told me no one on the committee had any knowledge of the nuanced ethical considerations involved in using animals. After “a lengthy education process” the committee decided that monkeys should not be used in the experiments. They used other animals, including dogs, instead. Animal advocates would not consider this a success, but it is worth considering a change that one bioethicist facilitated.

Bioethicists are becoming increasingly involved in political decision-making for animals. All of the bioethicists I interviewed had been involved in deliberative processes for government institutions. More importantly, all of them agreed that the recent NIH moratorium on chimpanzee is part of a legal process through which chimps will be given an elevated moral status and will be eliminated from laboratory research.

Carol and four other bioethicists talked to me at length about the Institute on Medicine committee that deliberated on chimpanzee research for the NIH in 2011. Carol said,

The way the NIH gave the original remit was in terms of “This is a problem of scientific necessity, and this is the problem this committee needs to resolve.” Now that’s not moral justification, that’s scientific justification. And that’s what people usually mean. The beautiful thing about that chimpanzee report is that they explode the myths surrounding this problem. When you’re dealing with animals it’s never just a question of scientific justification, it’s also a question of the morality of using these animals, and the question of necessity for doing so becomes not just scientific, but moral. If that sticks, and I think there’s a good chance it will… it is going to make a big difference.
This Institute of Medicine committee report was the final step leading to the NIH ending chimp research funding. Another bioethicist told me that the NIH director, Francis Collins, got on the phone immediately following the committee’s resolutions and ordered that no new funding go to research on federally owned chimps. These committees, and the involved bioethicists, can have a tremendous amount of influence. The shift to incorporating moral justification into a NIH decision is a dramatic change, especially for a movement that started fighting to elevate the moral status of animals more than 100 years ago.

**Discussion and Conclusion**

These findings support existing research on social movement outcomes and political opportunity (Gamson 1990, Meyer 2006). Policy reforms activists pursue can provide a foothold for further change, and seeking opportunities to use that foothold is integral to promoting the change activists want. During my interviews with researchers, regulatory officials, and bioethicists I asked questions related to the three causal mechanisms that influence change in the institution of science. In doing so I found evidence that the Animal Welfare Act, a policy reform that animal advocates spent much effort lobbying for various actors, such as veterinarians, IACUC officials, and bioethicists, as opportunities to promote on-going change.

This project’s use of literature from science studies and compliance may be useful for other scholars of social movement outcomes. The above findings support a model of regulatory compliance proposed by Heimer (1999) in this literature, in which some regulatory policies can cause an institutional collision that can change practices. Given that activists use democratic structures to affect institutions, scholars should better understand the long-term effects of political gains activists achieve, such as regulation of an institution activists target. In my
analysis of the animal advocacy movement’s campaign to reform animal research I show how the institution of science is influenced by regulatory oversight, a question that is also important in science studies. I also highlight one long-term effect that is under-researched in social movement studies. Policy reform and regulatory oversight can provide institutional opportunities for animal advocates and other outside actors, like bioethicists, to promote the change they want.

New laws could lay ground for dismantling justifications for continuing a practice that activists target. For instance, with the animal advocacy movement, regulatory policies have given a degree of legitimacy to bioethicists, who represent a different institutional field than animal research and are just recently showing more influence in political decision-making. The Animal Welfare Act, a federal policy, and the resulting regulatory oversight affects science as an institution in a way that gives outside actors access to decision-making and practices. This access leads to manifold opportunities to observe first-hand and react to what had been intentionally closed off, validating the activists’ ethical concerns and leading to further incremental changes, such as the ban on chimp funding and their likely retirement.

Simply, policy reform can create institutional opportunities to affect practices activists target. The Animal Welfare Act partly activated the three causal mechanisms I identified (economic disincentives, practical or technical incentives, and ethical considerations). Economic disincentives and practical incentives are seemingly inadequate for changing scientists’ decision-making (at least according to scientists), but these two pressures along with altering the ethical foundation of animal use creates a foothold for further change.

Activating these three mechanisms of change helped facilitate an intersection of conflicting institutional fields, in this case the fields of bioethics and animal advocacy with the
field of laboratory science. An institutional opportunity opened for the movement, where a targeted practice became available for more change through structural access to decision-making. These findings may not be unique to animal advocacy and laboratory research, and further research could benefit from using this conceptual framework with movements such as environmentalism and women’s rights in the workplace.
CHAPTER 3:

“SPOKES IN THE WHEEL” AND THE EFFECTS OF POLICY REFORM ON MOBILIZATION

They are spokes in the wheel, all different tactics that connect our core to the wheel that gives us movement and progress. I believe in that.

-“Judy,” Activist organizer with over 20 years of experience targeting animal experimentation.

Every Summer the Farm Animal Rights Movement (FARM), a non-profit organization “working to end the use of animals for food through public education and grassroots activism” (www.farmusa.org), organizes the largest convergence of animal advocates in the country. The Animal Rights National Conference holds panels, workshops, and other events focusing on a range of issues, including animals used for food production, animal research, the fur industry, and animals used for entertainment. Most years, FARM comes under fire for censoring activists who are too militant or radical. Some claim that FARM comes too close to sponsoring animal welfare reform instead of adhering strictly to an abolitionist stance. One such attack against FARM occurred in 2014, when Gary L. Francione, a prominent animal rights lawyer, author, and professor, urged his adherents to boycott the conference.

This is a common divide, between purists and reformists. As I discussed in earlier chapters, welfarist refers to the more moderate side of the movement that works to improve the conditions for animals. Some activists use these tactics to incrementally constrain animal industries with the intention of ultimately ending animal use. Many activists with a more purist
stance claim that welfare reform does not function for incremental gains, but rather leads to ill-enforced legislation or policies that reinforce animals’ cultural status as objects. They claim that animal protection laws, especially in animal research, function as window-dressing for abusive industries. Francione is one such critic who is influential both in activist circles and in animal studies literature.

Francione used to do legal work for non-profit organizations, but the bulk of his effort is now spent attacking activists who do not use what he calls his “abolitionist approach” to animal activism (Francione 1995, Francione 1996, Francione 2010, Francione and Garner 2011). FARM gave him a space to debate this topic with Bruce Friedrich, a long standing activist who works with the Humane Society of the United States (HSUS), at its 2013 conference. The room was packed for the debate, with people overflowing into the halls. Although Francione and Friedrich debated civilly, the audience was angry and the aftermath resulted in what activists later told me were “painful verbal attacks against each other.” This kind of debate, and consequent in-fighting, is not unique to the animal advocacy movement.

Virtually every movement has a prominent cleavage between “purists” and “pragmatists” who pursue small improvement in conditions for animals. Are small and compromised changes, like policy reform to improve conditions for animals in laboratories, springboards for more change or sponges that suck up the movement’s energy and resources? What are the effects of policy reform on activists’ consequent work in terms of professionalization of organizations, the use of disruptive protest forms, internal conflict, and the use of policies as tools for further change? These research questions motivate this chapter. Here, I explore how policy reforms meant to protect animals used in research affect the movement and activists.
Rather than exploring whether policy reforms had a positive effect on mobilization, which requires establishing causal relationships between reforms and mobilization, this project explores whether policy reforms quelled disruptive protest forms or prevented diversification of protest tactics. I use several methodological tools to explore this topic. First, I conducted extensive field research and had in-depth interviews with activists who target animal research and with professionals involved in research. Second, I use organizational data from the Encyclopedia of Associations to measure whether passage and implementation of the Animal Welfare Act and its amendments stunted the growth of the animal advocacy movement. Third, I use protest data from the press office of the Animal Liberation Front (ALF), a clandestine network of activists engaged in the most extreme forms of militant direct action against animal industries, to measure whether institutionalization prevented militant extra-institutional activity in the movement. Fourth, I use data from the New York Times from 1900 to 2010 to measure organizational representation in mass media, and whether policy reform squelched media attention.

Simply, I explore whether policy reforms created obstacles for continued mobilization. Did passage of policy reform prevent more disruptive protest activity and diversification of tactics in the movement? Did internal conflict about the effectiveness of using policy reform weaken the movement and prevent extra-institutional protest? Did policy reform protect the opposition by creating an institutional window dressing of regulation that prevents activists from pursuing more change?

In the previous chapter I argued that policy reform that established local regulatory oversight provided the movement with types of structural access to the targeted practice that are
potential routes to further change. In this chapter I look at whether activists use those structural routes, and whether policy reform quells extra-institutional activity. In exploring how the Animal Welfare Act influenced the organizational field of animal advocacy, and individual activists organizing for animal protection in research, I found that federal policy reform did not hinder mobilization of the animal advocacy movement because 1) the movement benefited from organizational and tactical diversification that in-fighting fosters, and 2) the law provided leverage that activists use, such as formal grievance processes and the “power of hypocrisy” (Meyer 2012).

I use data on organizations, media attention, and protest tactics to measure whether policy reform tamed the movement. Extra-institutional tactics, such as civil disobedience and subversive militant direct action, proliferated and increased following passage of the Animal Welfare Act in 1966 and its amendments in 1970, 1976, 1985, 1990, 2002, 2007, and 2008. This shows that political institutionalization of the movement’s claims and professionalization of some organizations did not prevent the increase of disruptive protest tactics nor cause overall routinization of movement tactics.

I use interviews and ethnographic observation to also explore whether policy reform gives movements tools to pursue further change. Activists have consistently worked to use the Animal Welfare Act and its provisions to exert pressure on professionals involved in animal research. The pressure includes using the Freedom of Information Act to expose and pursue animal cruelty charges against scientists and laboratories, as well as a “power of hypocrisy.” Long time activists I interviewed told me that the public expects scientists to maintain certain humane conditions for animals used, and when activists expose abuses scientists are seen as
failing those expectations. This failure is a powerful tool for activists. Activists told me they constantly have to combat the public’s assumption that animals are treated humanely in laboratories, but when they are able to expose inhumane treatment, that assumption and the expectations legitimize their claims against animal research.

In the following, I start by reviewing work on social movements and institutionalization. I focus on literature that explores how the political incorporation of movement demands may or may not lead to positive incremental change toward a movement’s end goals. I highlight how political incorporation leads to conflict and splintering of organizations, and how this splintering fosters participation by a broader bystander audience and further tactical diversity. Then I present the data, methods, and findings of my research. I conclude by discussing the problems and promises of policy reform goals for social movements, and how the immediate outcomes of state change are not as important as the long-term maintenance of a diverse and determined movement.

Institutionalization, Political Opportunity, and “Incrementalism”

Policy reform and legal changes that activists gain are mechanisms of “institutionalization” of movement claims and issues. U.S. democracy is designed to give competing factions access to governance (Madison, Federalist Paper No. 10, 1788, Tocqueville 1835). This access facilitates only small changes, involving compromise, meaning that factions rarely, if ever, get everything they want. State change is slow and difficult to achieve, and scholars question whether these small gains actually facilitate meaningful change for social movement constituencies. If we think of a movement as a faction, this means that when activists pursue political change it will be painfally slow (Meyer 2006b).
Institutionalized dissent also means that the state fosters extra-institutional protest, making it common and, over time, ubiquitous (Meyer and Tarrow 1998). Movements use extra-institutional protest, like civil disobedience, marches, strikes, and boycotts, to create disruption and pressure the state and other opponents to respond to their demands. Once the state does respond to movement demands, and incorporates them through legal protection or regulatory agencies, there is a danger that the movement will be less likely to choose extra-institutional protest over newfound institutional access, and therefore become less disruptive. Because state change is slow and compromised, activists must continually mobilize to push for more change, which becomes more difficult if disruption is not part of the tactical repertoire.

“Political institutionalization” refers to the process through which movement issues become a part of the political system, through structures such as protective legislation, legal decisions clarifying the implementation of the legislation, agencies that oversee administrative decisions related to the movement’s constituency, etc. (Meyer 2006b). In this project I focus specifically on federal law and the resulting regulatory agencies overseeing the implementation of that law as a mechanism of institutionalization.

Some scholars argue that policy reform provides valuable pay-offs to activists, while others argue that it sabotages activists’ capacity to mobilize further. Lowi (1971) and Piven and Cloward (1977) identified some of the downsides to activists participating in politics as opposed to disruptive extra-institutional protest. They identified the ways that movements can induce change in the system, but also showed the eventual professionalization of organizations that renders them non-disruptive and thus non-threatening. To continually access institutional routes to change activists and organizations become increasingly professionalized and better equipped
to work inside the system. For instance, through the 1960s and ’70s some feminist organizations used insider tactics that eventually forced activists to prioritize routinized political maneuvering and organizational survival over their original goals (Ferree and Hess 1985).

Routinization and the imperative to maintain political connections and resources can make movement organizations predictable and non-threatening. Thus, gaining more reforms can become less likely (Clemens 1993). Political concessions are usually compromised forms of the movement’s larger demands, and could be poorly enforced or retrenched. Organizations shift energy toward maintenance instead of the end-goals or the activists’ original demands (Minkoff 1997, Minkoff 1999). In this way political access may block further change by inducing a kind of movement sleepwalk, with activists becoming bureaucrats.

In the worst case for activists, political claims-making and inclusion in the state can waste their effort because little, if any, change results from inclusion. Gains like policy reform may offer only symbolic concessions and hinder mobilization. Although political inclusion may lend legitimacy to the movement and its claims, protective policies for some types of movement demands, like those regulating environmental pollution, can seemingly legitimize the practice the movement seeks to end. For instance, environmental policies that allow companies to release certain levels of pollutants into public waterways renders the act of polluting legally permissible and a legitimate business practice.

Lowi’s (1971) and Piven and Cloward’s (1977) work is important for acknowledging these problems of cooptation. However, their studies are limited because they may be specific to certain movements, and because they capture only a moment in the lifetime of a movement. Longitudinal analyses have found more nuanced effects of political gains. Given the often
continuing cycles of mobilization (Tarrow 1994) in which movement mobilization ebbs and rises, the idea that movement activity stops when some organizations become professionalized may be too short-sighted. Also, this work does not capture the diversity of movement organizations, and how some organizations focus on institutional tactics, while others may concurrently focus on extra-institutional tactics.

Gamson’s early work on social movement outcomes started a long conversation about how activists influence government. He conceptualized movements as having “successes and failures” in seeking policy reform and other types of institutional influence (Gamson 1990). Although this conceptualization was widely criticized for negating unintended outcomes that may follow when movements succeed or fail in claims-making, his ideas about “acceptance” or “inclusion of movements into political institutions is important for exploring the idea of incremental policy gains.

The idea that the state both facilitates protest and gives factions access is important for examining the opportunities activists have for influencing the state and the boundaries of influence. Following Gamson, scholars like Meyer (1990; 2003; 2006) and Amenta (2006) analyzed more complicated outcomes and interactions related to movements seeking political gains. Amenta’s work is built upon his theory of political mediation, arguing that movements are constrained by the political context and that any movement activity and outcomes are mediated by that context (Amenta, Dunleavy and Bernstein 1994, Amenta, Caren and Olasky 2005, Amenta 2006, Amenta, Caren and Stobaugh 2011, Amenta et al. 2012). When activists use “assertive” institutional tactics (such as lobbying and lawsuits) during times of a favorable political environment they are more likely to get their demands met (Amenta 2006). Amenta’s
work helps explain why some movement relevant policy reforms occur, and the content of those reforms. Other scholars using political process approaches help explain what happens after the reforms and the ways activists use reforms to pursue further change.

Meyer (2005) builds from Baumgartner and Jones’s (1993) “policy monopoly” model to describe the ways that policy reforms build into arenas that can be difficult to change and are largely path dependent. Policy monopolies are sets of policies pertaining to the same issue that contain stable sets of political players who make decisions on implementation. Those policy arenas can be opened to change when they are made vulnerable by movement scrutiny (Meyer and Lupo 2010). Instability brings opportunity to change the configurations of power that sustain policy norms. Policy monopolies may be altered when movement actors bring public attention to the policy issue and seeks to change policy structures. Again, instead of seeing institutionalization of movements as ending mobilization and change, Meyer and other scholars who study policy reforms as part of incremental change recognize the potential for activists to seize upon new events (e.g. economic downturns, war, environmental disasters) to seek reconfigurations of institutional power.

There are pros and cons to social movement professionalization and institutionalization. Professionalization of organizations increases the likelihood that movements will make policy gains (Staggenborg 1988), and political incorporation provides access to and influence with those who participate in institutional politics, which is a valuable form of power (Furuyama and Meyer 2011, McAdam, Tarrow and Tilly 2001). Strong organizational infrastructure also helps movements utilize new policies and steer implementation in ways that will help its constituency, especially through funding (Andrews 2001, Gornick and Meyer 1998). But maintaining a
disruptive edge to a social movement exerts leverage on power holders by increasing public attention and disrupting standard operating procedures of the movement’s target (Gamson 1992, Gitlin 1980, Lipsky 1968). The literature suggests that maintaining a diverse set of organizations that sustains mobilization using a diverse set of strategies and tactics is optimal for movements to promote social change in a variety of arenas (Koopmans 1993).

What is necessary for these incremental paths to occur is continued mobilization, and if political participation de-escalates mobilization by encouraging non-disruptive professionalization, this could be a problem for continued mobilization. Institutional gains may quell mobilization altogether, or quell the types of mobilization necessary to push for more substantive changes. This study is concerned with the how policy gains affect consequent mobilization, including organizational development and disruptive protest as components of continual mobilization.

Effects of Institutional Gains on Mobilization and Organizations

As I discussed, political gains, especially the passage of new law, rarely reflect activists’ goals in their entirety. Rather, the laws and resulting policies typically are compromised versions of what the movement sees it is end goals. Those laws may be watered down versions of what activists originally demanded, or the implementation of those laws may be poorly enforced and change the practices activists target very little. Here, I look more specifically at how policy reform affects the growth of movement organizations and consequent mobilization. I start by looking briefly at the negative effects, then more specifically at the ways policy gains and in-fighting over pursuing those policy goals may have positive effects on social movements.
How activists perceive policy successes or failures can drive the effects of those institutional goals and changes. This is especially true in terms of how institutional changes recursively affect the movement. Activists may perceive their goals as being met and therefore stop participating, or they may not recognize policy gains as new opportunities. In these ways the perception of policy gains, as opposed to the actual effects of those gains, may determine whether the movement sustains protest activity or demobilizes (Meyer and Minkoff 2004, Raeburn 2004, Suh 2001). The other way perception may determine policy effects is whether activists support or reject institutional compromise, and the conflict that perception can cause.

When activists pursue institutional goals the ensuing compromise often causes conflict and factionalization within the movement (Meyer 2006a, Robnett 2002). This has been the case with the animal advocacy movement and especially in its campaign to protect animals used in research (Beers 2006, Finsen and Finsen 1994, Guither 1998, Munro 2005). The first splintering of major organizations occurred when the founder of the ASPCA, Henry Bergh, decided to pursue reform of animal research practices instead of abolition, and Caroline Earle White left the organization to form the American Anti-Vivisection Society (Beers 2006).

Although some scholars found that splintering of organizations can indicate divisiveness and fragmentation (McAdam 1999, Minkoff 1995), they also point to the pragmatic functions that a diverse organizational field can serve for movements (Armstrong 2002, Minkoff 1994, Minkoff 1997, Minkoff 1999). Scholars debate whether organizations and professionalization foster disruptive and militant protest forms (Tarrow 1989) or whether they quell disruptive tactics and foster moderate institutional means for making claims (Piven and Cloward 1977). Movements with multiple organizations, using a diverse set of strategies and tactics, for a diverse
set of goals, may counteract the negative effects of professionalization that I discussed before. Even if professionalization of some organizations occurs, other organizations’ transgressive tactics may sustain the movement’s disruptive character.

By diversifying organizations the movement creates multiple avenues for participation. These avenues may include a range of ideologies, from moderate to radical, and a range of protest activity in which to participate, from liberal letter writing or policy advocacy, to clandestine militancy. Munson’s (2008) work explores the process through which individuals become active in the anti-abortion movement through well-timed and suitable interactions with the movement. He found that as opposed to beliefs leading to activism, interactions with activists and organizations at opportune times lead to participation, then development of more concrete ideologies (Munson 2008). This is important for acknowledging that different individuals become sympathetic to a movement’s cause at different times and through different activist frames and tactics. This diversity requires a movement with a variety of organizations that can appeal to these different triggers. Organizational splintering facilitates this diversity.

Scholars found that continued mobilization after activists have made policy gains is contingent upon the character of the political context and opportunities afforded to activists by those reforms (Suh 2001, Suh 2011). Kane’s (2008) work used state based data on legal successes and LGBT organizational proliferation to explore whether legal gains hindered or helped mobilization. Kane found that legal change, in the form of anti-discrimination laws, encouraged organizational growth and proliferation of various organizations. Along with Kane, I explore how activists create opportunities for growth and further changes through policy reform.
I explore the relationship between two types of movement outcomes: policy reform and continued mobilization. Unlike Kane, who examines the effect of two different types of state legal change on organizational proliferation from 1974 to 1999, I use an historical comparative approach to studying the long process of institutionalization and the effects on mobilization of on-going political incorporation. In doing so, I provide an ideographic account of both individual effects of policy reform and its aggregate effects on the movement. My organizational and media data is longitudinal, spanning more than 100 years. This provides an over-time look at the period before and after policy passage and implementation. I also use interview data to look more in-depth at the personal effects of policy reform, to examine how in-fighting influences interpersonal and personal behavior within the movement, and also how activists may use policies as tools, and whether those policies negatively affect their organizing efforts.

Existing analyses provide valuable insight into the immediate effects of organizational competition, but they are limited in two ways. First, scholars must often focus on relatively short protest waves, or relatively short periods of ten to thirty years. Although it is valuable to know how these individual waves function, where some organizations become more institutionalized and others more radicalized, leading to protest decline, we do not get a broad view of how these waves build on each other over time. Social movements can be conceptualized as lasting through multiple waves, such as the women’s movement, the environmental movement, labor movement, and virtually every movement. Within a state that facilitates only small policy changes researchers should also take a historical step back to capture how the state responds to one constituency and its advocates through multiple waves of mobilization.
The second limitation is that the conception of organizations as autonomous units wherein activists participate exclusively within the constraints of that organization does not capture the reality of movement participation. Activists often participate in multiple organizations concurrently, and, especially when engaging in militant tactics, may not affiliate themselves with any particular organization. Within a social movement sector appear organizations that participate in institutional and moderate routes for promoting change, but have members who participate in moderate and even clandestine militant tactics at the same time. Institutional claims-making and militant direct action are not mutually exclusive, especially when one examines a movement over a long period of time. I contribute to the literature by going beyond the organizational unit and looking at the social movement as a sector that contains various organizations and divergent tactical and strategic ideologies.

**Data and Methods**

Studying the outcomes of social movements comes with multiple problems of establishing causality. Given the complicated historical trajectory of social movements, with intersecting influences of political and social context, “any attempt to find an invariant model or general theorization of a movement outcome is inevitably futile.” (Suh 2012: 1) Suh claims that attempts to establish outcomes of mobilization require a more comprehensive understanding of the movement’s history and intersecting influences, taking into account multiple possible causal influences. To begin a conversation on the recursive influence of the Animal Welfare Act on the animal advocacy movement I examine multiple characteristics of the movement. I consider organizational variables, mass media variables, ethnographic observation, and use interviews to explore how policy reform influences activists and the animal advocacy movement as a whole.
Organizational data. To measure the growth of the social movement field I used two sources: the Encyclopedia of Associations and newspaper data. Scholars regularly use The Encyclopedia of Associations (Amenta and Caren 2004, Amenta, Caren and Stobaugh 2011, Soule 2009) to examine organizational variables such as the number of organizations within one social movement, the yearly membership of each organization, their budgets, and each organization’s mission statements. This data source is flawed in two ways. First, the membership and funding measures are missing for many organizations in various years. For this reason membership counts are used only for major organizations when they are discussed specifically. Second, organizations in the Encyclopedia are largely self-selected and self-reported, leading to some of the inconsistencies in membership and budget reports. For instance, organizations can inflate their membership numbers to appear larger than they really are. That said, because non-profit organizations are obligated to report their membership to the federal government, there is some incentive to not overly inflate those numbers. Despite these issues it is still the most reliable and largest source of information on non-profit organizations. I drew from the Encyclopedia’s section on Social Welfare organizations all organizations that from 1961 to 2011 focused on animal advocacy. Every five years I recorded the name, address, founding date, membership, and mission statements for all such organizations. Based on the mission statements I labeled organizations as abolitionist or welfarist. If an organization’s statement read that it sought to end the practice it targeted, for instance the Committee to Abolish Sport Hunting, it was coded as “abolitionist.” If the organization stated that it sought to improve conditions for animals, or “alleviate suffering” or “reform” a practice it was coded as “welfarist.”
**Media data.** Articles were also pulled from the *New York Times* based on social movement organizations that deal with animal advocacy. First, a list was generated of all organizations qualifying as social movement organizations, meaning organizations that have a national focus and promote political or cultural change for animals. This definition excludes local organizations, such as local animal shelters, and also animal rescues made without seeking changes in the broader political and social environment. Using this list, a ten percent sample of articles each year 1900 to 2010 mentioning any of these organizations was pulled from ProQuest, totaling 631 articles.

In addition to this data I also used Stanford University’s Dynamics of Collective Action dataset, which contains all *New York Times* articles that mention or cover protest events from 1960 to 1995. Unable to find reliable keywords that could consistently pull all articles relevant to animals, I manually pulled, based on their titles, all animal advocacy related articles from the 20,000-plus item dataset.

**Interview and ethnographic data.** I conducted interviews and ethnographic field research to explore how the Animal Welfare Act and resulting regulatory oversight affected activists who target animal research. I initially drew interview participants based on my personal connections, then to randomized the sample I used snowball sampling through those first interviewees. The participants reflect a diverse set of organizations, ranging from longstanding organizations with reformist goals to activists who engage in transgressive tactics and are not affiliated with organizations. The interviewees also comprise a range of time involved in animal advocacy, age, gender, and geographic location. In this category of “activist” I also included bioethicists who
self-identify as having a personal investment in animal advocacy, and also “whistleblowers” who left research to become involved in animal advocacy.

<table>
<thead>
<tr>
<th>Professional Role*</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Bioethicists</td>
<td>2</td>
</tr>
<tr>
<td>Activists</td>
<td>16</td>
</tr>
<tr>
<td>Whistleblower/Researcher turned critic</td>
<td>4</td>
</tr>
<tr>
<td>Total Interviews</td>
<td>20</td>
</tr>
</tbody>
</table>

*some roles overlap

I conducted a total of twenty interviews that were based on loosely structured questions that were incorporated through informal conversational dialogue. I started interviews by asking participants whether they identified with a particular ideological stance towards both tactics and goals, for instance “animal liberationist” or “animal welfarist.” This line of questioning not only helped solidified the diversity of my sample but also allowed a natural progression into why they may chose to engage in specific tactics. Following this line of questioning and I ask whether they had experienced conflict based on their choice of tactics, or whether they had witnessed conflict between other activists because of tactics. I asked activists how conflict occurred because some activists chose to spend their effort pursuing policy reform Finally, I asked this group of participants how existing regulatory oversight affected their work to change research practices, including whether they use regulatory structures to pursue their goals, and the ways that regulatory oversight may have been an obstacle to their efforts.
Ethnographic data collection took place at the Public Responsibility in Medicine and Research (PRIM&R) annual Institutional Animal Care and Use Committee conference. Animal advocates have a strong presence at this annual gathering of regulatory officials, including the most moderate of organizations, like the Animal Welfare Institute, as well as People for the Ethical Treatment of Animals, which has a openly abolitionist stance towards animal research. I observed interactions between conference attendees and advocates who had regular tables, as well as interactions between activists when they participated in panel presentations as both presenters and audience members. PRIM&R’s conference focuses exclusively on issues of implementation of the Animal Welfare Act through the committees that oversee individual laboratories. This provided non-interview data on how activists interact directly with regulatory officials and issues of research oversight.

Findings: Organizational and Media Data

I am interested in whether this organizational proliferation is an indication of growth or of splintering resulting from conflict. In the animal advocacy movement from the early 1900s, support for regulation of laboratory animal welfare is a source of much contention. Organizational proliferation is continuous in the movement. Again, this could be an indication of growth, splintering, or of both.
As we see above, there is a continuously steady increase in the number of animal advocacy organizations each year. The tendency of large organizations to absorb smaller ones complicates measuring membership and organizational death. Such melding does not necessarily indicate the death of the smaller organization. In the five largest organizations that had the most media coverage, membership numbers increased, indicating that, at least, membership and the size of the organizations is not decreasing. What is also important is whether this seeming increase in large organizational growth also reflects an increase in tactical diversity. As we see below, organizations with abolitionist mission statements are multiplying, indicating that ideological diversity is increasing alongside of the growth of the moderate organizations.
Ideological diversity does not reveal tactical diversity. Arguments in the literature indicate that as movement organizations become incorporated into political decision making, that a radical flank rejecting institutionalization will emerge. Following this splintering, the movement cycle of mobilization will decline. This argument is specific to individual cycles of mobilization. I am exploring the long term effects of institutionalization and am more concerned with how institutionalization, in the form of federal policy reform, affects the movement’s tactical diversity. Using data from the press office of the Animal Liberation Front, which publishes a collection of all actions reported to its office, I found that federal policy reform has not quelled the most extreme acts of militancy.
The number of protest mentions and SMO mentions are similar in that media coverage grows in the 1980s to early 1990s. The Animal Welfare Act first passed in 1966 and was amended about every 5 years afterward. In the above figures we see an increase in militant direct action, an increase in the number of organizations in the movement field, an increase in New York Times coverage of other types of disruptive protest events, and an increase in New York Times coverage of SMOs. This shows that passage of policy reform did not quell radicalization of the movement, the overall growth of the movement, or the media coverage of the movement.

Again, this chapter does not attempt to establish a causal relationship between policy reform and movement activity or media activity. Rather, it seeks to show that policy reform did not inhibit radicalization of the movement, other protest forms that garner media attention, or
organization growth in the movement. Some argue that institutionalization induces professionalization and stymies the creatively disruptive element of movement organizations and activists (Lowi 1971, Piven and Cloward 1977). Although this may be true of organizations that seek institutional influence, these arguments may not reliably portray the effects of institutionalization on the movement as a whole, and on the movement over time. For instance, Steppan-Norris and Southworth (2010) used longitudinal analyses to examine the outcomes of inter-organizational competition between unions. Although their analysis does not focus specifically on the effects of political gains, their study highlights the need for further longitudinal research on the effects of political institutionalization on organizational growth and tactical diversification. As I show here, one form of institutionalization — federal policy resulting regulatory oversight — does not inhibit radicalization, organizational growth, or media coverage.

The above shows what policy reform does not change; not what policy reform does change. To examine the effects of policy reform I shifted the focus toward individual activists in the movements. I interviewed them to explore how federal policy reform influences their organizing, protest activity, and interpersonal relationships.

Findings: Conflict and Legal Tools

Scholars have found that institutional gains, such as policy reform, may lead to multiple outcomes for social movements (Suh 2012 and 2014, Lemonik 2011, Halfmann 2011, Amenta et al. 2011, Robnett 2002, Meyer 1990 and 2012). One outcome is internal conflict about the compromises that inevitably result from reaching policy goals. Activists fight about whether accepting compromised versions of their institutional goals is good for the movement or will lead to cooptation and de-escalation (Steppan-Norris and Southword 2010, Polletta 2004, McAdam
This conflict often results in organizational splintering and the division of material and social resources. Scholars have examined how splintering and competition affects organizational processes (Stepan-Norris and Southword 2010, Soule and King 2008), but I am more concerned with how conflict over policy reform influences activists’ organizing. I am also interested in how the emotional repercussions of this conflict may influence activists’ efforts. My in-depth interviews were designed to explore these more nuanced outcomes. (See Table 2 for Participant Descriptives.)

Policy reform may also influence activists’ attempts to promote more change. The Animal Welfare Act established a complicated system of regulatory oversight over animal research, a practice that some activists want to reform, and some want to eliminate. Many activists I spoke with described not having to participate in the debate about welfarist versus abolitionist tactics because they were involved in groups or organizations aligned with their perspective.

Well that’s the mission of (name of organization.) I didn’t seek it out. The mission had been to rescue animals from circuses, and I was interested in that. The sole mission is animals, helping them… As an organization trying to help animals the whole thing is getting the animals from the labs to a home. So things like ideologies and belief systems are not very useful, in that practice.

-Jonnie, President of an SMO that cooperates with scientists.

Jonnie described not having to deal with interpersonal conflict related to policy reform efficacy because the organization did not deal with policy reform, nor with targeting researchers. The organization’s goals were unrelated to reforming the practices of research and dealt only with adopting out laboratory animals. Jonnie did not have a strong opinion against activists who used...
militant direct action, nor did he have a strong opinion against researchers themselves. Instead, he led an organization focused on one goal, and in doing so did not get involved in ideological debates. I found this with other activists as well.

I’m not going to talk shit or denounce anything because I believe that someone needs to be working on those issues. Someone needs to be lobbying and getting that stuff done. It’s just that stuff doesn’t interest me. The changes they’re asking for are very small changes that take a long time to happen, but, shit, at least it’s changing something.

-August, Grassroots activist identifying as liberationist.

August echoed what many of my interviewees said, that ideological debates did not concern their work, that the groups they worked with did not use welfarist tactics and therefore weren’t concerned with fighting about them. Unlike Jonnie, August expressed a strong opinion for the liberation of all animals from human industries, but he and others still express the sentiment of not having to be concerned about what welfarists do. August also said,

I know most radical animal liberation folks don’t like the welfarist movement because a bigger cage is still a fucking cage. I agree, of course, but you know, it’s tough. I’m also not going to talk shit about someone doing that sort of work because at least they’re doing something. I mean most folks in the world aren’t doing anything about anything. I’m not gonna give them praise and tell them they’re doing a wonderful job, like I’m expected, but that’s as far as the buck goes I guess.

August and other interviewees acknowledged that conflict existed in the movement and expressed frustration at it. At the same time, his remark illustrates a common resignation toward the conflict. While they see it, they are not involved in it and deliberately avoid it. What was
strange is that although most interviewees quickly acknowledged the prevalence of conflict, most could not think of a specific conflict they had been involved in, or witnessed.

Spencer was one participant who did recall personal involvement in conflict. He is a president of a small non-profit involved in both non-aggressive extra-institutional protests (peaceful demonstrations and rallies) and institutional protest forms, like lawsuits. He compared two conflicts that were quite different in character because both had affected his organization. One involved two activists who had a “petty disagreement” involving buying equipment for a protest. At a protest, the two yelled at each other about who owned the equipment and had to be physically restrained. Asked if the fight involved ideological differences, Spencer said, “I think it was personal and ego driven, but people take sides and then this fairly personal dispute becomes a larger one that divides the organization.” The incident illuminates how ego driven disputes may lead to or exacerbate ideological divisions.

Spencer also discussed an incident in which he was not allowed to be a keynote speaker at an event because he was seen as “welfarist.” He compared the two incidents in terms of the broader repercussions of personal disputes, and how personal issues can affect organizations. In the following quote he first discussed the dispute with the activists, then his having been denied a speaking position.

It’s really hard, and yet we’re designed that way. Human beings are designed with ego; I think all animals are. My cats will fight over territory, that’s ego. This thing with where I asked for a larger platform, I had to overcome, and I didn’t do it very well. I had to get over my own sense of bruised ego, like, “How dare they not give me a platform!” And I did exactly what I accuse others of. I got over it and went and did my talks, but there was this real initial thing of “My god, I’ll show you!” ::laughs and shakes fist::
The above was a potential conflict that would have appeared to be between welfarism versus abolitionism, but it was not. In this particular conflict ego was more the catalyst than an ideological divide. In this case Spencer was self-reflective enough to not act on his bruised ego, but his reaction may be rare.

Laura, a communications director with a national non-profit, also discussed ego and internal conflict. First she discussed how discouraging she found in-fighting and why she chose to not participate.

I don’t have a thing with welfarists, because, you know, I was one. ::laughs:: I believe that people are on a journey, and it took me a while to come to my feminist and animal rights ideology, and it will continue to grow and expand. I just really don’t agree with welfarism anymore. I mean, in some cases I do agree with it, like with gestation crates. I thought it was a good thing to get rid of them, instead of advocating for two extra inches in a battery farm. So I sympathize, but I don’t agree. I mean, I’m not going to argue and say, “You’re wrong!” and put them down. There’s a lot of that in the movement right now: a lot of judgmental attitudes and attacking. I don’t believe in that.

At this point I had conducted more than ten interviews with a variety of activists who had different opinions on welfare reform in animal research. It was surprising that most activists couldn’t recall personal involvement in ideological conflict or recall a specific incident where compromise and policy reform caused conflict in their activist circles. I told Laura I was surprised by the responses to my question, and she speculated about the sources of conflict.

Almost every person who leads major organizations are (sic) white men who are very aggressive and opinionated and judgmental. You know?! I’m seeing this kind of really sexist movement that’s led by these older white men. And who the heck are they? I don’t know, they’re very egotistical, even the great ones.
Laura felt strongly that masculine and ego-driven attitudes were to blame for much of the conflict in the movement, not necessarily tactical or ideological disagreements. Laura attributed conflict to personality, as did other interviewees. Some activists referred to big egos while others referred to a general human condition.

Judy, an organizer with a direct action campaign against animal research in the U.S. in the early 2000s who shifted towards using policy reform in 2015, attributed conflict to broader human interpersonal processes.

The conflict is both toxic and helpful depending on the situation, but how I think about conflict isn’t defined by that polarization; it’s human conflict. Everybody fights with everybody about everything, and this is the same for our opposition in the laboratories. They’re arguing with each other, they’re sleeping with each other, they have rivalries, there are egos at play (sic). It doesn’t matter where you are -- in a company, a movement, a church circle -- there’s going to be politics and conflict.

Judy was even more resigned to in-fighting, expressing malaise about making more “frenemies” but at the same time feeling that conflict was inherent in human society. While she saw conflict in the movement as part of the human condition, Karen, an activist with more than 25 years’ experience, ten of them with a major non-profit, saw it as an issue specific to activists. She described how conflict “stems from people so desperate so see a resolution to what’s, just, the wholesale abuse and disregard and disrespect and torment and killing, and unmentionable suffering everywhere. You know, we’re all desperate to see an end to it and to see changes.” I did not specifically ask the interviewees why conflict over policy reform versus abolitionist tactics exists in the movement. Despite this, all of the interviews offered reasons for the conflict unrelated to the tactical and ideological divide.
Animal studies scholars critical of using incremental policy reform argue that these reforms have negative effects. They describe how creating boundaries for animal abuse reinforces the legitimacy of using animals and the animals’ status as objects. They also argue that compromised reforms create a guise of humane treatment that scientists use to justify abusive practices with laboratory animals. Although most of the participants referred to these drawbacks of policy reform, they did not cite them as reasons for conflict in the movement. This calls into question whether tactical and ideological disputes actually factionalize and splinter organizations. Ideological and tactical disputes may be more accurately viewed as the catalyst for splintering, not the cause. This distinction is important for conceptualizing the long-term effects of such splintering and infighting. If factions within a movement are inevitable, how does this relate to the mechanisms that sustain movements over decades, or, in the animal advocacy movement, for more than a century? As I will explain, splintering, and diversification of the organizational field, is one important mechanism.

While Judy articulates clearly that conflict is prevalent, she also could not recall a specific incident she had been involved in, or witnessed, involving policy reform. Most of my participants mentioned witnessing this conflict at the Animal Rights National Conference, the nation’s largest convergence of animal advocates, and most mentioned observing conflict over reforming animal testing on social media sites, like Facebook. While these public sites of communication are important spaces for exchanging ideas, it is striking that most of my participants were never involved with this debate in their own organizing. Judy echoed what eleven of the twelve interviewees told me: They didn’t deal with conflict because they worked with groups that they were already ideologically aligned with, suggesting a settling out over time.
of multiple factions as splinter groups, which accommodates the range of welfarist and abolitionist views.

I think some things are more worthwhile than others, and that’s why I’d choose to participate in those things, but I don’t think it’s my job or anyone’s job to denigrate or take away from sincere or meaningful efforts to help animals.

Judy explains how she had a choice of tactics, as opposed to using the tactics that were offered or were most available through organizations. She and other participants expressed how they had a choice to participate in the movement in ways that fit their preferences.

I asked participants if they identified with a particular tactical or goal based ideology, like “welfarist” or “liberationist” or “pragmatist.” I also asked them if they ever changed their ideological orientation and what drove them to their perspectives. After August told me he had always adhered to a liberation and direct action, I asked him why.

It’s not that I was interested, it was just that, like, that’s what the folks I met were already doing, so that’s what I went with. If I met friends and became close with friends who were doing animal welfare sort of stuff, like leafleting, or, you know, standing in front of stores and having people sign petitions, or bigger cages or whatever, I don’t think I would have been against it, it wouldn’t have caught my eye. Loud and aggressive demonstrations, you know, like, home demonstrations are a lot sexier. It’s more exciting for punk teenagers like myself back then to get involved with. A bunch of people screaming at animal abusers through a bullhorn was more exciting than standing outside a grocery store trying to get people to sign petitions. But the only reason I chose was, like, that’s what my friends were doing.

August’s response shows two reasons activists may get involved with a particular tactic or ideological stance: networks and generational causes. His friends were involved in direct
action campaigns and those tactics were more appealing to his younger “punk” mindset. Self-reporting can be problematic in terms of accuracy, but his response demonstrates that other pressures besides a personal commitment can drive a person to become involved with particular campaigns. I highlight this to show the importance of having a diversity of groups and organizations within a movement to appeal to a variety of people with different perspectives.

Also, August and my other interviewees discuss their commitment to a particular tactical and ideological stance while not denigrating others. My pool of participants reflects only a snippet of the population of activists, so this isn’t to say that deeper conflict does not exist. What this does bring across is that the diversity of organizations and groups offers a wider array of entry points for a wider variety of people. I suggest that a century long development of organizations may have produced enough variety in the movement to mitigate deep divisions in any group at this late date. My interviewees demonstrate how, despite the existence of bitter in-fighting activists, continue to pursue the tactical approaches they prefer.

I interviewed several younger activists with less than 5 years in the animal advocacy movement, one of whom had experienced in-fighting. Rafael discussed how in his college animal rights organization few members were more militant than others, but the group created a discursive space for them to voice their concern with the group’s more moderate approaches. He compared this to the broader movement and how even if people defect from a particular organization “they wouldn’t have a problem with the difference of opinion, because everyone would have something to contribute.” He went on to describe how more combative people can help stoke passion in some people, while calmer and more moderate people appeal to other groups. Rafael’s group had organizational structures to deal with conflict and make sure “they
kept moving forward.” Rafael told me his friendships suffered temporarily during times of conflict, and that some people left the group after their opinions had been voted down, but that the organization continued its work.

Rafael and many of my participants expressed exhaustion, even pain, at the on-going conflict within the movement. Most of all they lamented on the amount of time that is spent on fighting with other activists instead of working for the animals. This said, the worst result of in-fighting might be burn out and having activists leave the movement because of conflict. Be assured, this happens. But on an aggregated level the animal advocacy movement has continued to grow and diversify in organizations and tactics since its inception more than a century ago. The interviews suggest the broader effects of the debate over compromise and policy reform: in-fighting and splintering help diversify the movement and create multiple entry-points for sympathizers and would-be activists.

*Policy reform as tools and the power of hypocrisy.* The other issue I discussed at length with my participants was how federal policy and regulatory oversight affected their organizing against animal research. Judy describes quite succinctly the two contradictory effects that the regulatory structure can have on animal advocates.

When it comes to welfare regulations of animals in labs, I look at it two ways. In some circumstances I think the welfare regulation gives the public some sort of false assurance that animals are cared for, and that scrutiny isn’t necessarily needed or criticism isn’t warranted. There’s this sort of blind trust that the researchers are held to a high standard and they are monitored and regulated thoroughly. And that isn’t the case and it does the animal a disservice and does our movement great harm. But on the other hand, I like the idea that increasing regulations on researchers makes their jobs harder, and potentially can dissuade them from using certain animals or a certain amount of animals or any animals in
research going forward. I want them to feel scrutinized by the pressure of the regulations and the execution of the regulations.

Through the interviews, I explored how that “blind trust” affected activists’ work, and whether activists used regulations to exert pressure on researchers. If they used regulations to exert pressure on researchers, how did they do it and in what ways did they feel they were effective?

The activists I interviewed who spent most of their organizing efforts on animal research all expressed the view that regulatory oversight was one tool they could use in their tactical repertoire. As Karen explains,

"Those are all good things. They’re positive steps forward. And as much as … I believe in animal liberation and believe that it is wrong, fundamentally speaking, to use animals in experiments, we don’t have the power to snap our fingers and make it all go away. So we have to use the tools that are there for us. That happens to be this very imperfect, really, weak law that exists."

Although all of my interviewees also felt that the Animal Welfare Act and the resulting regulations were weak and ill-enforced, they all described using the regulations to accuse researchers of violations or to use exposure of standard procedures in laboratories to influence the public. First, I will focus on how activists used regulations to exert pressure on the public. Then I will describe how using regulations helps activists influence public opinion through the power of hypocrisy.

One of the participants was a whistleblower-turned-activist. Ryan was a research assistant in a laboratory as a graduate student and spent his college and graduate years developing his fantasy career in biomedical sciences. He explained that “he didn’t spend my whole day managing animals, but I ran the experiments. I was responsible for running a certain amount of
experiments every day.” After having to participate in painful experiments with rats, and witnessing countless welfare violations in several different labs, Ryan went public with his experiences and started working with a major non-profit. He was a particularly insightful participant as he had experienced regulatory oversight both as a laboratory worker and as an activist.

I asked Ryan how regulations affected him when he was inside the lab.

Interviewer: In what ways, when you worked in labs, did you think regulatory oversight influenced the work that was done?

That’s a big question. Compliance is a big deal in labs, but it’s not necessarily taken seriously. For instance, you have the alternatives search … The alternatives search, as you probably know, is usually done in a kind of cursory, haphazard, half-hearted way. One of the issues is that there isn’t really an incentive that encourages the use of alternatives at that level. So what is a researcher’s incentive to find an alternative to the use of animals in an experiment for which they’ve already received a grant? Does that make sense? So they’re trained in those particular techniques, techniques involving animals, and at that level they’ve already received funding, so it ends up being a rubber stamp sort of thing. That’s one, sort of, major issue I guess in oversight in laboratories.

The “alternatives search” is a mandate of the 1985 amendment to the Animal Welfare Act that requires researchers to ensure before they begin that their experiments have no non-animal alternatives. This is essentially the literature review portion of their protocol narratives that they submit to the Institutional Animal Care and Use Committees (IACUC) on their campuses. IACUC members read this literature and approve the protocol if it makes clear that there are no alternatives to the animal experiment. The IACUC members often do not have personal expertise in the research areas and so rely on the principal investigators to conduct a thorough literature
search for alternatives. As Ryan describes it, PIs have little incentive to find alternatives, especially if they are trained and funded to use the techniques their labs already employ.

In this way animal welfare regulations act as window dressing for laboratory research and do little to change actual practices with animals. Activists discussed having to “set the record straight” and make it clear to the public that the regulations are not as stringent as scientists claim. I first met one of my interviewees at the Public Responsibility in Medicine and Research (IACUC) conference. Karen attended the conference as a representative of the animal advocacy non-profit she works with. I was able to see, first hand, how Karen struggled to persuade even the professionals within laboratories that animals are not given the highest possible level of welfare.

At a panel session on dealing with animal activists, Karen said she spoke up when she felt researchers were giving misinformation that contradicted facts in documents she had obtained through FOIA. One researcher on the panel told of his laboratory being attacked by activists, lying, Karen said, about his laboratory and about how his animals were treated with utmost care. Karen stood up and told the room that what the researcher said was a lie, and that the documents she had obtained, though highly censored, showed violations of the Animal Welfare Act at his lab. The room collectively scoffed at Karen. The woman next to me wrote on her notepad for the person next to her, “Fucking PETA.” I asked Karen about these kinds of interactions and whether “the law (has) been an impediment in any way.” Karen told about how professionals in laboratories tell the public that their animals as treated like their own children, and how frustrating this kind of misstatement can be.
There’s this total lack of acknowledgement or understanding or comprehension that these monkeys do not have this fundamental thing, their freedom. That they are going to be tortured and killed. This is something that we see a lot. Recently there was something around Texas Biomedical Institute because they use monkeys. The guy from TBI was saying that the people at that facility care about the monkeys like they care for their children. ::laughs:: This is the sort of thing they say, and they get away with it because they’re creating this window dressing for all of these years. They say, “These regulations are so stringent, we have to do this and this.” So I think in terms of public relations presentations that is something that we really have to battle every day. Just trying to set the record straight and make it very clear that the regulations are very low.

I mentioned the panel that we both attended and how that attitude was so prevalent while the panel discussed dealing with activists. She went on to say,

That was a surreal session all in all. And when they were talking about a company that makes dental products or something. The experiments they were doing with dogs had to do with brushing their teeth, and the chair of that session said something like “People ask what we do with dogs, and we say ‘We just brush their teeth.’” As if that’s representative of everything that’s done! It’s just the suggestion is that if dogs in the laboratory are having their teeth brushed by some technicians that would be like somebody at home brushing their dog’s teeth, which is a totally different relationship in a totally different setting with a totally different everything.

As Karen highlights, professionals who work in animal research see themselves as upholding the law and upholding the strictest level of animal welfare. The public expects this, and expects that regulatory oversight will protect animals in research. The expectation is that standard procedures ensure painless experiments that will produce valuable scientific information. The activists I interviewed consistently referred to these expectations and the pros and cons.

Although activists have to battle this “window dressing,” the fact that there is a societal expectation that animals are treated humanely gives activists an important form of leverage. If
there were no such expectation, as there wasn’t less than 50 years ago, there would be no basis for accusing the opposition of violating societal expectations of humane treatment. Ryan, Karen, and Judy all lamented the weak enforcement of the Animal Welfare Act, but also discussed how they still use regulations as tools in their organizing. Ryan said he felt that regulations were important to promoting change in animal research. “Incremental change is important, and possibly necessary to really make animal rights not just a mainstream issue but part of our culture,” he said. Although he felt that how the policies are implemented determines whether they will actually influence change in the laboratory, he said even ineffective policies established the legitimacy of animal welfare, which he felt was important to cultural change.

Activists also described at length the more practical uses of laboratory regulations, and how they used legal provisions. Ryan, Karen and Judy described using the Freedom of Information Act to obtain laboratory records and find violations of the Animal Welfare Act. The Animal Welfare Act mandates thorough record keeping of laboratory procedures, and federal law requires that publicly funded activities, such as laboratory research, be open to public inquiry. Although these records are routinely censored, with specific activities, names, animal species, and the number of animal subjects blacked out, they remain useful for activists seeking to expose lab activities that the public may assume are not permitted.

Judy does extensive public relations and education with a non-profit that works on legislation and animal rescue. She told me how surprised the public can be by even the most basic facts in animal research, such as the number of dogs used in research each year in the U.S.

When we do public education the ignorance is just staggering. When you tell people these stats on dogs in labs and those numbers, they’re shocked because
they “thought it was banned. How is this still happening?” Animal testing survives a great deal to the extent that it does because of secrecy, and because they’re always presenting this frame that “It’s either this tiny cute baby or a rat. What would you choose?” And it’s this false choice and they like to only phrase it in those terms. So when we bring up that dogs are being used in university labs and given erectile dysfunction medicine at triple the dose, then made to run on a treadmill for three hours to see if their hearts can take it, they are shocked and offended.

Judy depicts the power of using FOIA records and public expectations to sway public sympathy against animal research. From basic data on the number of dogs used to the experimental methods used, activists’ access to records is powerful for influencing public opinion. Moreover, the existence of even minimally protective laws, powerfully establishes animal welfare’s legitimacy.

When the public expects science to treat animals humanely, and when science fails that expectation, science is seen as hypocritical. Using failed expectations is powerful leverage for activists who continually chip away at the legitimacy and esteem that laboratory research has solidified for itself. This is the dynamic Meyer (2012) refers to as the “power of hypocrisy.” Legal protection sets up societal standards that may or may not be feasibly met in the regulated industry. Even when activists know the policy reforms are weak and ill-enforced, they use the regulated industry’s own standard practices against it. Laws may not change practices, but the regulated industries look like hypocrites when they don’t change.

Discussion and Conclusion

I contribute to the current literature on social movement outcomes by highlighting some of the long-term effects of policy reform on consequent mobilizing and intra-movement dynamics. The professionalization that often follows institutionalization of movement demands
does not preclude diversification of tactics, including militancy and disruption, by other organizations. Although in-fighting resulting from the debate over accepting compromises may personally distress activists, the aggregated effect of splintering is to create a multitude of avenues for a variety of ideologically divergent activists and bystanders to participate in the movement.

Policy reforms create systems of regulatory bureaucracy that may or may not lead to substantive change for the movement’s constituency, in this case animals used in research. But these systems provide tools for activists to pursue further change, especially when those systems include structural access to decision making in the targeted practice. I show that policy reform can facilitate incremental change when the movement diversifies its tactics and organizational identities within the movement field.

Two of the activists I interviewed described the diversification of tactics in the animal advocacy movement using the same metaphor: spokes in a wheel. As August told me, “the way that this sort of thing was explained to me when I first went vegan and first became active was that every sort of tactic, from aggressive tactics, or underground, or above-ground welfarist actions, each tactic is a spoke on the tire and you need every single spoke to keep the tire going and get the bicycle moving.” Judy also said of the multitude of tactics in the movement that “they are spokes in the wheel; all different tactics that connect our core to the wheel, that gives us movement and progress. I believe in that.” There is evidence that policy reform is one spoke in this wheel that is important for promoting consistent change in the use of animals in laboratory research.
Most of the activists I interviewed said that conditions for animals in laboratory research are deplorable, and that regulations do little, if anything, to protect animals from painful experiments and lonely, caged lives. The researchers, laboratory managers, IACUC members, and the whistleblower I interviewed all said that the bureaucratic processes in animal research are continually becoming more complicated. Although this is not the change activists envision and is not the kind of change they celebrate, it is change that is important to understand.

Karen told me that activists are desperate to end the suffering of animals and that working so hard for what seems like so little change leads to frustration that is difficult for people outside the struggle to comprehend. The animal advocacy movement continues to build in strength, numbers, and creativity. It continues to exert a palpable pressure on scientists who use animals and to make political and cultural gains that have changed animal research. Perhaps this is just a change in appearance, or a change in rhetoric, but it is a change scholars should understand. Given that our political system is designed for the slowest of change, activists are forced to fight a painfully slow battle.
CHAPTER 4:
AGGRESSIVE EXTRA-INSTITUTIONAL PROTEST AND THE “GOOD COP, BAD COP” EFFECT

I think (science) has benefited because the movement has alerted the public that animals have feelings. I don’t remember ever being told that animals have feelings.

-Albert, Scientist who uses animals and started research in the early 1960s.

Albert’s office was about half a mile off away from his main campus. I drove down a dirt road into a cluster of large mobile trailers in the blunted light of late afternoon. The site housed the laboratories and offices for Albert’s research program, a program that spanned more than 30 years. He reveled in chances to defend his work publicly against animal rights activists. I knew this from being involved in the movement throughout the ’90s and 2000s. My email solicitations for interviews are very formal. I don’t lie about my background when participants ask me, but I don’t initiate discussions about this part of my identity. Despite my precautions, many participants tend to be noticeably cautious with their words and details. Albert was enthusiastically, and happily, defensive from the get-go.

“Hey, come on in!!” I heard Albert yell as I opened my car door. I walked up to him at the door of the trailer, “Hello Professor, thank you so much for taking the time to talk with me.” I stepped into the trailer while shaking his hand, “I’m eager to hear about your work.” He took his hand away and waved it at the dusty folders and books lining the wood paneling of his office, “all of this work, over 200 publications you see here, this is my love of animals.”
I was confused and must have looked it because he jumped into a speech about farmed animals being treated horribly while dogs and cats were “dressed up in pink outfits.” He even took the time to draw a diagram of animal abuse on a dry-erase board, with farmed animals at the top of the scale of the most abused, and research animals at the bottom. “They’re treated better than people, for god’s sake!”

Albert seemed to be treating the interview like a television show or public debate. This had happened before in my interviews. I said, “Oh, yeah, I used to be one of those PETA people, you know? Then my mom got cancer and I thought, ‘Hey, I use medicine, I would want chemo if I had cancer!’” He nodded and put down the dry-erase pen. “So your bike rides?” He had definitely Googled my name and found a fundraiser bike tour I organized about a year before to raise money for a non-profit that worked against the food animal industry. When I checked after the interview, the website came up fourth when I entered “Erin Evans + animals.”

“Oh yeah, I love biking! Like you said, farm animals are different. I mean, we need science! If y’all can ever get around to it between writing protocols, right?” After the first interviews with scientists I got used to using such comments to diffuse the defensive tension. Making jokes about how much time and effort is spent on animal protection bureaucracies helped.

He chuckled, his posture shrunk, and his hands landed on the armrests of his office chair instead of flailing in gestures. He seemed to hear my questions enough to answer them directly, although he continued to assert, randomly, and out of context, “Listen, I’m an animal welfarist.”

“So can I ask you about how your research has changed since the 1960s?”

This defensiveness juxtaposed against Albert’s comment about never “being told that animals have feelings,” reflects the dual effects of extra-institutional protest forms on science.
For the previous chapters I focused on how animal protection policy reform, specifically the Animal Welfare Act of 1966, affected scientists and activists. For this chapter I look at the third link in the conflict between movements, policy reform, and movements’ targets: how activists affect their targets directly through extra-institutional protest.

Animal advocates have changed the culture of scientific research by pressuring the institution on two fronts. First, moderates work from within science, cooperating with scientists to change practices incrementally. Second, radicals have sought change through militancy and naming and shaming. In doing so, the radical fringe of the movement combatively pressures scientists, resulting in their defensiveness and secrecy.

The contribution of this paper is that because these two fronts are seemingly in conflict with each other, and because the movement has sustained both radical and moderate factions for decades, the radical fringe does not compromise moderates’ attempts to cooperate with scientists. This is an important contribution to the literature. Radical flank effect was used previously to describe interactions between movements and politics (Haines, 1984, 1988). I use this theory to describe the effects of movements on a non-political target: science. I find that the radical fringe can inflict pressure through militant and combative tactics without compromising the work of moderates. In fact, militants can complement the moderate front. I find what I call a “good cop, bad cop” dynamic, which compels science to be self-conscious, while constantly forcing small but important changes.

Scholars have used social movement literature to inform their analyses of science (Epstein, 1996; Moore, 2007). Both Epstein and Moore explored how collective action by activist groups influence change in scientific practices. Although they include discussions of
disruptive protest, they do not focus on how disruptive protest and contentious direct action influence scientists and the institution of science over time. Scholars have explored how businesses that respond to public opinion and shareholders react to direct action (Bartley & Child, 2011; Easley & Lenox, 2006; King & Soule, 2007; Lemonik Arthur, 2011; Luders, 2006; Soule, 2009), but there is less work on how relatively insulated institutions like science respond to disruptive protest forms. Filling this gap is important to social movement research.

I use interviews with scientists and other professionals involved with managing and regulating laboratory research using animals to explore how animal advocates’ extra-institutional tactics affect science as an institution. I also use ethnographic methods, including field research at the annual Institutional Animal Care and Use Committee conference. Using this data and science studies literature, sheds light on an important question for social movement scholars: How do disruptive protest and other forms of non-cooperative protest affect insulated targets such as science?

*Outsider Tactics and Non-State Targets*

As discussed in previous chapters, activists often use the state and democratic structures like policy reform to promote change in non-state targets (Amenta & Young, 1999; Wolfson, 2001). For instance, in this dissertation I am exploring how animal advocates use federal law to change laboratory practices with animals. Like the Black Power or the environmental movements, some animal advocates and organizations choose not to use institutional means to promote change. Activists choose tactics such as public demonstrations, sit-ins, home demonstrations, and other more disruptive tactics for reasons ranging from disappointment and failure in past attempts, to radical ideologies that encourage activists to use outsider tactics.
(Gupta, 2002; Haines, 1984, 1988). This chapter is not concerned with why activists choose some tactics over others, rather it explores the effects of unconventional tactics. These are called “extra-institutional tactics” or “outsider” tactics (Banaszak, 2010; Epstein, 1996; McAdam, Tarrow, & Tilly, 2001). I use the terms “extra-institutional” and “outsider” tactics interchangeably in this chapter to refer to protest tactics that range outside democratic structures like lobbying or policy-change to promote change.

Activists in the animal advocacy movement who use extra-institutional tactics to influence scientists typically seek two effects. First, some want to pressure scientists and their administrations directly through intimidation and economic sabotage. Second, activists seek to influence public opinion by exposing abusive practices in the laboratory. First I will discuss relevant literature on activists’ ability to pressure non-state targets through economic sabotage and intimidation. Then I will discuss relevant literature on their ability to pressure non-state targets through public opinion.

Using insider and outsider tactics overlaps in some ways that I should clarify. Some activists use militancy and extreme forms of outsider protests to intimidate or economically sabotage their targets. Militancy can include property destruction, verbal or communicated threats, home demonstrations, property theft and break-ins, etc. The debate about whether these tactics should be defined as “terrorist” or “violence” or “militancy” is extensive. It is also not the subject of this dissertation. For the purpose of this chapter I refer to these extreme forms of protest as “militancy.” As I discussed in Chapter 3, activists use institutional tactics to change scientists’ practices with research animals, including using the Freedom of Information Act to find information about animal experiments and violations of the Animal Welfare Act, and to
expose abusive practices. For this chapter I continue to explore how activists use laboratory records and how they are used for extra-institutional protest. This includes sending news releases to mass media with information from the records, using images from the records for pamphlets and protest signs, and other means for swaying public opinion against animal research. Activists use laboratory records they’ve attained through the Freedom of Information Act (FOIA) to expose painful experimental methods and find violations of law that would embarrass or tarnish the reputation of particular scientists or laboratories.

Affecting public opinion is a primary goal for any movement (Lipsky, 1968; Meyer, 2006; Tarrow, 1994). For movements with state targets and goals like changing laws and policies, public sympathy is useful for organizing voting blocs and pressuring politicians and other political elites to respond to activists’ demands (Amenta & Caren, 2004; McAdam & Su, 2002). Animal advocates also use outsider protest activity to seek media attention and expose laboratory practices (Guither, 1998; Jasper & Nelkin, 1992). They organize public protests to draw media attention and affect protest bystanders (Cherry, 2010; Groves, 2001; Munro, 2002, 2005). This exposure is a form of “naming and shaming” in which activists expose specific institutions or individuals as offenders and shame them publicly, which scholars have found is an influential tactic against corporations (King & Soule, 2007). It is influential because exposing offensive behavior can activate bystanders to become movement participants or sway public opinion to be supportive of the movement (Gamson, 2004). Anti-sweatshop movements and anti-globalization movements have successfully used public exposure and “naming and shaming” to compromise the reputations of corporations and influence corporate responses (Best & Lowney, 2009; Klein, 1999; Spar & La Mure, 2003).
Gamson (2004) discusses the role of radicalized organizations and a social movement “division of labor.” Radicalized groups use disruption to attract media attention, which also gives moderate groups increased attention and a chance to project the movement’s concerns in a meaningful way (Gamson, 2004). This division of labor reveals the “radical flank effect” and the influence of radicals versus moderates. Research on mutual influence of outsider and insider tactics is under-developed (Epstein, 1996; Gitlin, 1980; Gupta, 2002; Haines, 1984, 1988; McAdam & Su, 2002) and has focused mostly on intra-movement effects of the radical flank.

Radicalized groups may help legitimize moderate groups within the same social movement by making moderates more attractive to power-holders and the public (Haines, 1984, 1988). Haines (1984) identifies the possible positive effects of the radical/moderate bifurcation in social movements. First, radicals can create a crisis situation whereby moderates become the reasonable solution for political decision-makers. Second, radicals can “provide a militant foil against which moderate strategies and demands are redefined and normalized.” (Haines, 1984:32) Contrary to this is the “negative radical flank effect,” in which radicalism delegitimizes the movement as a whole. As I will show, this conceptualization of the radical flank effect, and specifically the positive radical flank effect, is limited in terms of not specifying the gains radicals achieve exclusive of the gains made by moderates.

In both the positive and negative radical flank effect models, radicalized actors do not have a desirable impact for their own goals. Instead radicalized actors play one of two roles -- the “sacrificial lamb” that helps moderate actors, or the “black sheep” that delegitimizes the entire movement. Gupta (2002) calls attention to the simplicity of this conceptualization and how “empirical investigation of radical flank effects rarely ventures into an exploration of broader
As I demonstrate, radicals have an independent long-term effect on science as an institution, where they force scientists and other actors involved in animal research to continually re-evaluate and justify their use of animals. By examining a movement over a longer period of time, I found that radicals are not just sacrificial lambs or black sheep, but rather important actors that scientists react to independently of the moderate faction. This chapter focuses on intra-movement processes related to this radical flank effect and pushes the literature forward by exploring the effects of outsider protest tactics over long period of time.

This research is also unique because I rather than focusing on how politicians interact with activists, I focus on a non-state institution. Focusing on the nature of the movement’s target is helpful for clarifying differing outcomes of protest activity across movements. For movements with non-state targets, like businesses, scholars found that outsider protest tactics may depend on the type of business. Gaining public support in a way that threatens the targeted business’s profits is an effective form of leverage, but only for certain types of firms (Bartley & Child, 2011; Easley & Lenox, 2006; King & Soule, 2007; Luders, 2006). Creating threat depends largely on the type of firm, the firm’s sense of obligation to stakeholders, and the level of the firm’s political influence. Lemonik Arthur (2011) explores this question of effects by focusing on higher education and the university as “distinct type of organization.” (10) She calls attention to how “colleges and universities maintain formal autonomy from other sectors and still act different from businesses.” (page 10 and see Stevens et al 2006) In doing so, she demonstrates how activists influenced adoption of Asian American, Women Studies, and Queer Studies in higher education through both insider and outsider tactics.
It is important to understand the nature of the target to understand the often on-going and long-term effects of protest activity. This is also true of science, a field that has historically been insulated from public scrutiny, but is increasingly responsive to public opinion and political decision-making. For movements seeking to change the practices of science, understanding how this institutional environment provides structures for access and change is important to understanding activists’ opportunities.

**Practice Opportunity Structures and Science Studies**

In this project I argue that the effects of disruptive or militant direct action are conditioned by the opportunities afforded by the targeted institution (Einwohner, 1999). Science as an institution is unique in that historically it was an autonomous field, insulated from outside influences (Epstein, 1996; Jasanoff, 1995). In the mid-20th century that autonomy came under scrutiny because of international factors, such as the Nazi abuse of prisoners in scientific experiments, and movement activity that exposed abuses in the U.S., such as the Tuskegee project and murder of Blacks in syphilis experiments. This scrutiny created a permanent crack in the institutional autonomy of science that continues to open scientific practices to public and activist influence.

The use of animals in research is culturally and structurally embedded in science. In his work on the philosophy of science, Bruno Latour asserts that science is a political practice, where the collective use of some piece of work creates a snowball effect that establishes that work as “knowledge.” As Epstein (1996) describes,
The most effective claims are those which become “obligatory passage points”: the journal article that all must cite… the technology that all much employ to accomplish their own research… The more well traveled such passage points, the more fully institutionalized the knowledge claims become. (15)

Scientists, and institutions of science like the National Institutes of Health, see animals, as a scientific tool necessary to further medical knowledge (Arluke, 1992; Conn & Parker, 2008; Guerrini, 2003). Using animals is an “obligatory passage point” before laboratory findings can be used with humans. That use was virtually unquestioned and unregulated by federal law and regulatory agencies before the mid-20th century. As Einwohner describes in her research on animal rights campaigns (1999), science is difficult to affect because of “structural commitments” to using animals as experimental tools. Scientific practices, especially those that are structurally embedded, are relatively static and difficult to challenge. The use of animals is one such structurally embedded practice that science has established as necessary for further medical advancements.

As Einwohner (1999) argued, this embeddedness makes it difficult for activist to change the use of animals. She examined three animal rights campaigns and found that the nature of the practice afforded activists different opportunities for influence, with science being the least available to change. Scholars of animal studies and professionals involved in animal research also contend that laboratory science is particularly hard to change because of the seeming necessity of animal research and because of its autonomy (Arluke, 1992; Carbone, 2012; Conn & Parker, 2008; Garner, 2010; Gluck & DiPasquale, 2002; Guerrini, 2002; Munro, 2005). Despite intense scrutiny of animal use throughout the 19th and 20th century (Beers, 2006; Stark, 2012) the reliance on animals in research has maintained a protective barrier against drastic changes.
Instead the movement has used institutional means for making small welfarist changes in how animals are used, as well as extra-institutional tactics to drive more change.

In his book on AIDS activism, Steven Epstein (1996) discusses the tension and balance that comes with using both institutional and extra-institutional tactics. Citing Jasper and Nelkin’s (1992) examination of the animal rights movement, he writes,

Though activists continued their bitter criticisms of government agencies and individual scientists, they resisted the notion — found, for example, in the animal rights movement — that the scientific establishment was “the enemy” in some absolutist sense. (226)

This conceptualization of the animal rights movements does not consider the mutually reinforcing ways that the moderates and radical flank may work in tandem, exemplifying the balance of “insider and outsider” politics that Epstein found in the AIDS organization, ACTUP.

Science affords specific types of opportunities to activists to influence change. Some activists choose to use structural opportunities to push for incremental changes, while others use extra-institutional protest to push for more radical change that may not be feasible in the short term. The animal advocacy movement is often characterized as containing two separate movements, the animal welfare movement and the animal rights movement. This characterization may not convey the more complex patterns of influence animal advocates have had on animal research over the past century. Examining the influence of aggressive extra-institutional protest helps shed light on the more complicated effects of reformist and radical tactics.

Data and Methods
Interview Sampling. Most of my interview participants work in University of California laboratories, and all of my participants work in laboratories that function under the same program of federal oversight, NIH funded facilities. I focus on NIH funded institutions because they are obligated to comply with both prongs of the regulatory system. This creates the most consistency in experiences of my informants. But UC animal research facilities still vary across campuses, which is why I drew participants from multiple campuses. For instance, UC Davis has one of the largest primate facilities in the country, with more than six thousand rhesus macaques alone (according to USDA statistics). UC Irvine and UC Riverside contract out all research they want to do with primates and do not maintain primate colonies on campus. UC San Francisco, UC Los Angeles, and UC San Diego support small primate colonies.

The campuses also vary in terms of activism. For instance, UCLA experiences demonstrations on campus and against suppliers of animals to their campuses, while UC Irvine has virtually no public protesting. (Both campuses experience militant direct action.) Comparing the attitudes of animal research professionals across these campuses will capture how influences outside of regulatory oversight, such as grassroots activism, may factor into their experiences. Although this comparative leverage is important, I did not find any patterns or differences based on UC campus.

Recruiting informants was extremely difficult; not only do laboratory professionals have demanding work schedules, animal welfare in the laboratory and during experimentation is a sensitive topic for scientists (Arluke, 1992). Recruitment was also especially difficult for this group because people involved in animal research can be cautious of potential activists. Activists sometimes target researchers at their homes as well as at their facilities. Home demonstrations
became a common tactic in the past ten years because activists felt ineffective protesting outside of public facilities. Because of these threats researchers and other research professionals are cautious about discussing their laboratories and their research. Despite these obstacles, I obtained a diverse pool of participants that offers a representative account of how regulatory oversight affects animal research professionals.

I sent out requests for interviews to all faculty in departments related to biomedicine and pathology at each of the above UC campuses, totaling 248 emails. This resulted in ten interview participants. I also sent out personal requests for interviews to any scientists who had made public statements about the ethics of animal research, which resulted in five interviews. The other interviewees were contacted via snowball references. I conducted forty-three in-depth interviews with principal investigators involved in animal research and other professionals in these laboratories. These other professionals included post-docs, graduate students, and facilities managers who have more knowledge of the hands-on practices inside animal research facilities. My recruitment techniques make self-selection a component of this study. I used comparative analysis to seek out differences in responses based on years in the field, area of study, species used, and other variables that may influence responses.

*Interview Questions.* Unlike Chapter 2, the interview data on how extra-institutional tactics influence scientists was attained in a less direct style. The questions on the effects of regulatory oversight were very direct; from the outset, I asked scientists how regulations influenced their work, and the recruitment solicitations made it clear that this was the central focus of the interview. I included one question, at the end of each interview, asking how protests and “violence” by animal rights “extremists” influenced their research and facilities. I was
vigilant to not ask scientists and other laboratory professionals I interviewed about activists, nor to comment on activists, until the very end of the interview. I did this to prevent exacerbating the already underlying tension I felt in these participants. The tension may have been because participants research my background and suspect I am an animal activist. More likely than this, because most of these professionals are too busy to spend time looking up my background, this group already feels scrutinized for their practices with animals (Arluke, 1992; Arluke & Sanders, 1996; Conn & Parker, 2008). They already feel defensive about the controversial experimental methods they use.

Their defensiveness is also apparent in how often participants referred to activists without my even alluding to protests or controversy about their work. In fact, more often I used language to make participants feel that I was aligned with their work, by using terms like “violence” and “extremists.” When participants brought up protests, or laboratory break-ins, before I asked about them I would use the opportunity to ask them how these protests influenced their work. As I will describe in the results portion of the chapter, these intersections between how activists affect their laboratory practices together with regulations shed light on how direct action works in tandem with law and policy reform. This, combined with field research I conducted at the annual Institutional Animal Care and Use Committee conference, solidified my findings on this mutually reinforcing dynamic between radicalism and reformism.

Field Research. I attended a four-day national conference for Institutional Animal Care and Use Committees (IACUCs), held by the Public Responsibility in Medicine and Research (PRIM&R). PRIM&R’s IACUC Conference is the largest for this area, and according to attendees is integral to keeping up with changing regulatory requirements and management of
laboratory animal facilities. The conference included an intensive daylong workshop on IACUC administration, a daylong symposium for the American Association for Accreditation of Laboratory Animal Care, and two days of IACUC panels, open forums, and workshops. This field research gave me insight into the concerns, priorities, and responsibilities of the compliance officials for animal research facilities, including veterinarians. As mentioned, it also allowed me a relatively inconspicuous glance into the world of regulatory oversight. Although I was given a grant to attend the conference, and although the conference organizers were given all of the Institutional Review Board and summarizing documents for this project, conference attendees did not know my role until they asked me.

During meals, receptions, panels, workshops, and other events I was able to observe open conversations between regulatory officials and other professionals who work inside labs. (Again, in all circumstances, when conference attendees asked me about my background, I was forthright about my study.) For instance, I was able to participate in a “Speed Mentoring” event, where for five minutes per person I talked one-on-one with five laboratory managers and IACUC committee members about how to manage an animal laboratory effectively. Because of limitations with my IRB status, I was not able to use the Speed Mentoring event to ask questions, nor was I permitted to ask any questions of conference attendees unless I showed them a Study Information Sheet and asked their permission for an interview. Regardless, I found that being present during conversations and presentations, and, during the Speed Mentoring event, simply stating “I’m interested in being a member of an IACUC” was enough to open the floodgates.

Using the above qualitative and ethnographic data, I found that extra-institutional protest has two described effects. Militancy and disruptive protest affects actual laboratory procedures
and the production of knowledge by influencing how scientists and institutional regulatory officials keep scientific records. This influence shows how disruptive protest and the contentious scrutiny of these activists exerts tremendous pressure on the institution of science. I also found that scientists conscientiously assert themselves as concerned caretakers of animals, who are cooperative and aligned with the welfarist, or institutional, side of the movement.

Findings

Extra-institutional protest affects the production of scientific knowledge in a way that demonstrates the radical flank’s power to influence the institution of science. This influence, together with scientists’ seeming affinity with welfarists, exemplifies a “positive radical flank effect,” whereby radicals pressure scientists to change while moderates facilitate the actual change in welfare policy. In the following I will first show how activists using extra-institutional protest tactics, like public naming-and-shaming, demonstrations, and other expositional tactics exert a tangible effect on record keeping, an integral component in the process of producing scientific knowledge. Movement militancy, such as laboratory break-ins, is also effective for creating security concerns for scientists, although this seems primarily effective with younger scientists, not older ones. I discuss how this type of pressure is effective because of scientists’ concern about public opinion. Finally, I discuss how scientists want to be seen as concerned for animal welfare, which facilitates a cooperative spirit with animal welfarists. These two mutually reinforcing pressures create what I conceptualize as a “Good Cop, Bad Cop” effect, in which activists successfully steer institutional change through both militancy and moderation.
In the following I begin with the effects of more extreme forms of protest, like laboratory break-ins, home demonstrations, and even personal intimidation. I discuss this briefly because there was minimal evidence that scientists feel threatened by this behavior. Rather they feel more threatened by the public exposure and shame that these tactics can bring to them and their work. Related to this, I discuss how scientists are concerned with the effects that public protest can have on public opinion of science. Although American Medical Association annual meeting records and the New England Journal of Medicine demonstrate this concern since at least the early-1900s, I focus explicitly on interview and field observation to show that current attitudes toward militancy reflect an enduring concern with public opinion. Then I discuss how another extra-institutional tactic, exposure through acquisition of laboratory records, is also a major concern for scientists. The creation of the term “FOIA-able” reflects this concern and also reflects how extra-institutional protest tactics influence the production of knowledge. I conclude this section discussing how scientists present themselves as highly concerned for animal welfare, and convey a sense of gratitude toward animal welfarists who have improved the field of science.

**Militancy and Security Threats.** Clandestine animal rights groups, such as the Animal Liberation Front, have consistently engaged in militant direct action against animal researchers and other movement targets since 1977. (See Figure 6) The Animal Liberation Front is the oldest of these clandestine groups. Activists function in independent and underground cells that break into animal laboratories, damage equipment, steal records, and take animals to be placed in adoptive homes. This multi-pronged tactic inflicts economic sabotage, impedes further animal research by destroying laboratory equipment, rescuing animals, intimidating researchers, and exposing records otherwise unavailable to the public. Extremist cells also target researchers’
homes for vandalism and take up other forms of intimidation. (There have been no incidents of physical harm to individuals in the U.S. to date.)

Militant direct actions spiked in the late 1990s to early 2000s, but the researchers I interviewed said that they and their personnel feel a continuing activist threat. As Chapter 2 presented, increased security against lab break-ins increased the costs of maintaining animal laboratories. The costs incurred included installing alarm systems, adding security personnel, and other provisions to prevent break-ins. One participant, Paul, used animals in research in the late ’70s and early ’80s before leaving neuroscience to pursue a veterinary degree. He told how his laboratory was quiet until the early ’80s, when animal rights activists began targeting his school and its animal research facilities. He said of the security provisions that,

It was basically just beefing up the lock systems and having multiple lock systems with multiple doors, and having guards who roamed the halls, that sort of thing. It was interesting because when I started at ------- in ’78 some of mine and I, just for fun, there were tunnel systems that connected a number of buildings and we would explore these tunnels and went to a variety of places. It was really easy to roam around when I started. It became much more difficult by the time I left in 1982.

This was a typical response to my question about how “violence” from animal rights “extremists” affected animal facilities. These actions were widespread and effective enough to have an impact.

Tracey, vice-president of an international laboratory animal breeding corporation, also discussed the increased security in her facilities. As she described the cost of maintaining facilities to accommodate changing welfare regulations she said, “not to mention that money that went into beefing up security the building itself.” But, as I discussed in Chapter 2, according to
my interviews increased costs did not directly dissuade researchers from using animals in their research.

What about the personal intimidation that could come with these kinds of actions? Only a few researchers I interviewed felt personally affected by the threat of militancy, or that colleagues were affected. Barry, an executive director of research administration described a time when younger researchers quit their work because of the threat of activist militancy.

There were some problems several years ago where some junior researchers were afraid of being attacked, so they stopped their research. But the senior ones they have to keep working in the work they’re interested in no matter what happens. Even if there are times when, as you said, their house is attacked, you know, I mean as a result the police sometimes will be sitting outside their houses protecting them. So the junior researchers have said “Enough of this! I won’t do this kind of work anymore!” But the senior scientists they continue their work.

One junior researcher said she felt threatened by animal rights activists. Terry, a postdoctoral fellow who used to work with primates, did not say that militancy made her question her research pursuits. But she did change her behavior as a result of it in other ways. I asked her if “violence” by “extremists” affected her work, and she said,

I have been a little bit frightened when I worked with primates, and made a point to not talk to people about the work I did unless I knew them. You know, I definitely heard stories about various researchers, like the one at ---- whose house was bombed, or rather his neighbor’s house because the bomber got the wrong house … When I worked with primates I did have a website, I didn’t … nobody in my lab had any contact information anywhere on the internet, I mean, we tried to keep a low profile, and that’s probably not what I would have done otherwise. I mean, I had a website prior to entering, and I completely took it down. But, no… in terms of directly affecting me, no it hasn’t.
This reaction was not peculiar to Terry, but she was the most forthright about feeling intimidated. To avoid public shaming and harassment by activists Terry changed her public behavior. This shows a tangible effect of militancy that most researchers may have felt, but were not open with me about.

Most researchers vacillated between telling me that militancy made them feel threatened, and saying that militancy didn’t affect at them. This wavering reflects the fence researchers balance on, both validating activists’ intimidation and asserting its negative effects. For instance, I asked Albert if picketing and public protests affected his research. He said,

> Our physiologists started to pursue intellectual curiosities that's that aren’t as relevant to public health, so I won’t use my salary for that. The answer is yes, if it hadn’t been for animal activists, I would have moved into primates.

I responded, “Wait, just the actions? The violence?” He went on to say,

> Well, both. Both. When my home was picketed, someone came up and said, ‘they like you.’ So I think the violence, I don’t know, it’s not a big concern. If you’re intimidated by violence. But, uh, it would almost be impossible to set up a primate facility. It would be so cumbersome, and there are other places who can do it.

In one response Albert said he altered his research because of protest tactics, and that “it’s not a big concern.” This contradiction reflects a deliberate attempt not to answer my question honestly, which implies an effectiveness of these protest tactics. Researchers are hesitant to validate activists’ attempts to intimidate or shame researchers, but they also express a need to convey that militant tactics threaten to undercut support for activists. Such responses were common among
the older generation scientists, and scientists who were actively engaged in confronting animal rights activists.

Cathy started her research in the 1990s and served as an IACUC member. She also was deeply involved in organizing a pro-science group that campaigned against animal rights activists who targeted her campus. Her posture was extremely rigid when I walked into the office for our interview; her face completely affectless for the duration of a very uncomfortable 58 minutes. I knocked on her door with a bright smile, which quickly soured when she turned her desk chair towards me, scowled, sighed, and pulled her chair to the edge of the desk. She motioned her head to the seat opposite of her, and I sat down. She was loquacious about the rigorous regulations on her campus, but when I asked about “violence,” she said, “that wasn’t in your project description.” I didn’t think Cathy could get colder with me, but she did. I dropped the question.

I suspect that Cathy’s demeanor was colored by the constant threats she received from activists, home demonstrations, and militancy that occurred on her campus. Although most researchers said that security threats do not influence their research, I saw evidence that the threat of exposure through militant actions does influence their work.

Naming and Shaming

Science became increasingly influenced by public opinion in the past half century (Epstein, 1996; Jasanoff, 1995; Moore, 2007; Stark, 2012). Atrocities committed in the name of science, such as the human experimentation during the Holocaust and the Tuskegee syphilis study, tarnished the institution’s image and lowered the public trust that researchers behave ethically. This lack of trust may also influence public opinion about the humane treatment of
animals (Beers, 2006; Guerrini, 2003; Guither, 1998; Stark, 2012). In Figure 1 we see shifts in public opinion towards scientists and their treatment of animals. The Roper Center for Public Opinion Research did not repeat the same survey question for each round, but the questions do provide a proxy for public sentiment towards animal protection in science. I have provided the wording for each question so it is clear how I used these surveys to capture shifts in public attitudes towards scientists’ treatment of animals.

FIGURE 1

<table>
<thead>
<tr>
<th>Question Wording</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you think scientists really try to not hurt animals?</td>
<td>1948</td>
</tr>
<tr>
<td>Scientists treat animals humanely.</td>
<td>1985</td>
</tr>
<tr>
<td>Government regulates how animals are treated in labs.</td>
<td>1993</td>
</tr>
<tr>
<td>Pharmaceutical companies treat animals ethically when testing.</td>
<td>2008</td>
</tr>
</tbody>
</table>
Public opinion toward scientists and their treatment of animals shifted dramatically from 1948 to 1985. Here, I highlight the shift to emphasize scientists and administrators involved in animal research are concerned about public opinion.

One method activists use to influence scientists is to publicly name a laboratory or scientists who are conducting abusive research and shame them. Activists targeting issues ranging from international human rights (Keck & Sikkink, 1998) to corporate social responsibility (Bartley & Child, 2011; Soule, 2009) use this tactic to sway public opinion against their targets and to build support.

Animal advocates expose shocking practices with animals that are otherwise isolated from public view within laboratories. These range from day-to-day activities that are normal within laboratories but still dismay the public to abuse that is not supposed to be normal. The scientists and laboratory personnel I interviewed expressed concern about this exposure. Even scientists who proclaimed that no lab practice shamed them, still had been affected by activists. Arnold, a scientist specializing in agricultural research, told me about a public event that was cancelled because of his administration’s fear of public shame.

We’ve had PETA activists target Picnic Day. We have animals around to play with, and used to have our two fistulated cows there, and you can put your hand into the rumen. We used to have lines of people who wanted to put a glove on and put it in and say ‘EW! I just put my hand in a cow!’ You know? So, PETA targeted us for that. I forget which one, PETA or HSUS. And they said they’d protest, so given the gutless administration they just shut it down and didn’t do it anymore. And those cows are still in the dairy; we just stopped the outreach. Nothing has changed.
Nothing had changed except they stopped holding the public event, which demonstrates that the threat of public protest with its consequent effect on public opinion influenced this administration’s practices.

Most of my informants also spoke about the threat of public opinion influencing scientists’ behavior, especially those using primates and dogs. Terry, the postdoctoral fellow who had worked with primates, told me that “one thing that’s been changing a lot in this field is the way that a lot of people seem less willing to take on primates because the regulations are so burdensome, and partly because of public opinion against them.” I said, “By public opinion, do you mean protesters or the general public?”

I guess I mean protesters, but I think there’s also some concern that beneath the protesters there’s a sense from some people that the research is, you know? ::sigh:: I guess that the research is not warranting the expenses with them.

Terry went on to describe how the hassle and security makes using primates very difficult. As mentioned in the previous section, Terry was also concerned about public exposure of her name when she used primates. The confluence of security, public opinion, and expense make using primates much more difficult for scientists than it was before the 1985 amendment to the Animal Welfare Act and the activists’ increased extra-institutional protest.

Activists also publicly expose normal day-to-day practices to shame scientists. For instance, Judy, an activist with more than 20 years’ experience working against animal research, said that her organization uses simple data on the number of dogs used in research to shock the public.
We use the issue of releasing the animals to broach the topic of animal testing and more often than not the response we get is complete ignorance… There’re about 65,000 dogs still in labs, and 96% are beagles… it’s an entryway to start a conversation. So when we do public education, this staggering level… ::sighs:: the ignorance is just staggering. When you tell people these stats on dogs in labs and those numbers, they’re shocked because they thought it was banned. ‘How is this still happening?’ Animal testing survives to the extent that it does because of secrecy.

As discussed in Chapter 3, animal welfare laws give activists means to obtain records on the number of animals used in laboratories. (Except for rodents, birds, and cold-blooded animals excluded from legal protection.) These records are used to shame both science as a whole, as Judy discusses, and specific laboratories.

I found strong evidence, both in the interviews and field research at the national IACUC conference, that using records and the threat of exposure influence the scientists’ practices. So far, this project has explored the attitudes of scientists and made arguments about how activists influenced scientists’ attitudes toward using animals in research. I have not considered whether activists influence scientists’ actual practices until this chapter. Next, I show that record keeping and discourse on scientific records are heavily influenced by extra-institutional protest activity and the threat of exposure.

“FOIA-ble” and the Protest Effects on the Production of Science

I first heard the word “FOIA-able” on the first day of the national IACUC conference that is organized by the premier organization for ethics in science, Public Responsibility in Medicine and Research (PRIM&R). The first day was a workshop called “Essentials of IACUC Administration-Intensive.” It drew about 100 people to a long conference room with a stage at the front. I sat next to Dan in the back. He was on his computer most of the time, answering
emails, sighing, periodically rubbing sleepiness and frustration out of his eyes. He told me he was the research director at his East Coast campus. He had come to the conference, he said, because his compliance manager had just quit, and that “after ten years this stuff gets pretty old.” Also attending were new administrators learning the ropes. Later, at the wine reception, I talked with a young woman who had just become an IACUC associate after working as a secretary in the office for two years. “I was supposed to learn everything today! Ha!”

The workshop was designed to acquaint new administrators with the basics of animal protection oversight, and update the new developments or problems that laboratories have in maintaining accreditation with AAALAC, the Association of Assessment and Accreditation of Laboratory Animal Care. During the first presentation there was a “Now it’s your turn…” section where problematic scenarios were presented to the audience and we were encouraged to problem solve together. One such problem was dealing with FOIA “complaints.” FOIA refers to the Freedom of Information Act and a tactic that activists use to elicit information from laboratories. Activists often file FOIA requests (they are not typically referred to as “complaints”) for public data the labs do not voluntarily release. The activists use the records to find violations of animal welfare regulations and to expose routine laboratory practices they find abusive. I discussed the use of this legal provision in Chapter 2. In this chapter we examine how activists in extra-institutional protests use lab record images and data to build public support.

During the discussion on FOIA “complaints” the presenter encouraged the audience to consistently purge records to prevent activists from obtaining them. One woman I had met earlier that morning worked at the U.S. Department of Veterans Affairs (“the VA”) and from across the room I heard her guffaw then say, “The VA can’t purge our records!” The room stirred. Several
Veterans Affairs administrators were present and collectively nodded and sighed. The presenter said, “Well, then you need to make sure you make your records FOIA-able.” This was the first time I heard this term. “FOIA-able” refers to adjusting your record keeping so that even if activists obtain records, they cannot be used against the laboratory.

The use of this law as a key term in animal research provides an important insight into how extra-institutional protest has affected laboratory practices and the production of scientific knowledge. The term “FOIA” is used as a noun, an adjective, and a verb. It is such a well-known activist tactic that the term is now widely used by activists and professionals in animal research. I heard the term “FOIA-able” used five times during the conference, and there were constant references to the IACUC officials as “gatekeepers” who managed “damage control.” Virtually every conversation seemed to revolve around damage control with records, or refer to it at least once.

In an “allegations” portion of the IACUC administration workshop, presenters discussed how IACUC members should address regulations violations. Asked how to write up a violation by a principal investigator without alerting activists – “and maintain safety from activists” – the speaker recommended getting rid of draft versions because all notes are FOIA-able and encouraged making letters concise and brief. Record keeping was the central concern for IACUC administrators in terms of interaction with activists. The primary concern wasn’t break-ins, or home demonstrations; the concern was to ensure that activists couldn’t use records during protest events or in their outreach literature. The concern to keep records from activists was so heightened that the following year PRIM&R devoted an entire panel to the topic. On Friday, March 20th, a panel called “Fallout from FOIA” was held. The announcement for the panel read,
Recently, animal rights groups have requested information on institutions’ assurance documents and self-reports, and this information has been used to issue press releases to ask that the USDA do return visit inspections, and to target institutions for a variety of purposes. As such, this has led to a discussion on the resistance to reporting because of the fear of fallout from FOIA, and on what, how, and how much to report to OLAW and USDA.

The announcement calls attention to one “outsider” tactic -- news releases -- that FOIA’d records are used for. “Variety of purposes” may also refer to tactics like public demonstrations. Importantly, by calling to attention to “how much to report to OLAW and USDA,” we see evidence that IACUC administrators change their record keeping practices in response to activist threat. The panel highlights that activists influence science by pressuring change to how records are kept. Given that IACUC officials are charged with maintaining records, including what procedures with animals are reported in laboratory records, we see that activists are affecting the production of scientific knowledge.

Scientists and veterinarians are also influenced by the threat of being FOIA’d. Alice was the head of animal research facilities who called attention to the threat of FOIA early in our interview.

Yeah, and I mean there’s more watchdogs groups out there too, you know? Who can FOIA anything. That’s a big thing with IACUC, they get protocols FOIA’d on a regular basis, especially when it comes to primate research. That can be troublesome from a PIs perspective, not just here but on a national level. We had that here where some of these more radical groups will get the name of them and start hassling them at home, or who knows what.
Records obtained through FOIA usually have much information censored, especially that which might identify the PIs. But IACUC administrators like Alice still feel threatened by the prospect of their records being publicly available and used by activists. This threat of finding identifying information about scientists can be included in what PRIM&R meant by “variety of purposes” in the panel announcement. This fear can lead to scientists and other laboratory workers to change how they deal with record keeping.

Paul, a veterinarian who worked in laboratories for more than 10 years told me how activists hurt animal welfare because the threat of being FOIA’d influences his choices of how to deal with sick animals. His campus has satellite vivarium facilities and he often has to deal with veterinary issues remotely. Paul said he would prefer to have the lab assistant take pictures of the sick animal and email them to him,

And yet, we don’t do much of that because I know if my medical records are publicly accessible then these pictures or videos that are used for medical communications would be publicly accessible. So rather than do what I think would be a better practice through tele-practice, I don’t. Because I know if someone were showing me a video of a monkey with diarrhea or something like that, that monkey with diarrhea could be on the next placard outside our institution where they want to protest.

Instead of dealing with sick animals immediately through email, Paul routinizes visits to the remote laboratories to triage animals. This change in Paul’s practices that resulted from activist intervention and the threat of FOIA’d records being used on “the next placard outside our institution.” Paul described this unintended effect of activist scrutiny as a negative effect on “animal welfare” because it takes more time for him to visit satellite laboratories. (Interestingly,
another interviewee who worked as a researcher at the same institution complained that it takes too much time for veterinarians to triage sick animals.)

This project is not about whether this change in practice, or any other change, has made life “better” or “worse” for animals used in research. Rather this project highlights that these changes in practices exist and that they demonstrate a real influence by activists who use extra-institutional protest activity to affect scientists and other professionals involved in animal research. The fear of FOIA and changes in record keeping demonstrate that the production of scientific knowledge is affected by civil society, specifically, by activists. Coupled with this demonstrated fear is that using FOIA as a tactic has led to a change in language. Scientists and IACUC administrators created the term “FOIA’d” and “FOIA-able” to refer to activists using legal means to get records. Lab insiders use “FOIA’d” and “FOIA-able” to refer to what the insiders understand to legally required records that, from their point of view, open the labs and their workers to antagonistic outsider review. The terms reflect their unease with a collective attempt to subvert the open access process to the extent legally possible.

Using the Freedom of Information Act is an institutional tool that activists use, as I discussed in Chapter 3, but using these records in public demonstrations or in pamphlets to gain public sympathy is extra-institutional. The three sections above on militancy and security threats, naming and shaming, and FOIA threats described how confrontational and extra-institutional protest activity affect scientists. Coupled with this influence of “outsider” tactics, is the influence of institutional protest, or “insider” tactics. This coupling of effects by a movement with a very distinct cleavage between moderate welfarists and radical liberationists (to be simplistic) creates mutually reinforcing, two-pronged influence on laboratory science.
Good Cop, Bad Cop. The animal advocacy movement, using both institutional and extra-institutional protest activity, has brought about changes in laboratory practices with animals, and the changes are ongoing. One characteristic that supports this change is the mutually reinforcing effect of combative and cooperative protests. I call this dynamic between two factions of the movement and the movement’s target “good cop, bad cop.”

“Good cop, bad cop” is a classic interrogation technique in which the “bad cop” assumes a suspect’s guilt with a combative and aggressive demeanor to create fear. The “good cop” doesn’t necessarily assume innocence, but gives the benefit of the doubt. The “good cop” seeks cooperation and uses the fear that the “bad cop” creates as an opportunity to get what is desired. Although not orchestrated or planned as it is with law enforcement, this is a dynamic that animal advocates unintentionally recreate in challenging science. The movement has liberationist activists, who see laboratory science as inherently cruel to animals in terms of caging animals for life and/or in terms of painful experimental procedures. The movement also has welfarist activists, who may or may not see animal research as necessary, but who cooperate with scientists to make research as humane as possible for animals. These two factions facilitate a “good cop, bad cop” dynamic with science. Welfarists tend to assume that scientists are doing the best they can. Liberationists create fear in scientists using militancy, naming and shaming, and using FOIA to expose discrediting information. Liberationists tend to assume that scientists are guilty of cruelty, and their less cooperative and more combative tactics reflect this assumption.

In this chapter, I discuss how combative, extra-institutional tactics threaten scientists and other professionals involved in animal research, and how scientific practices of record keeping
are changing as a result. In Chapter 2 I discussed how institutional tactics, specifically the Animal Welfare Act and its accompanying regulatory apparatus, facilitated the entrance of animal advocates into the institution of science. This incursion changed scientific practices by legitimizing issues of ethics and the moral standing of animals. Albert, a scientist with more than four decades of experience in animal research, told me that “the movement has alerted the public that animals have feelings. I don’t remember ever being told that animals have feelings.” Along with informing the public that animals “have feelings” the activists also caused scientists to be aware of animal welfare during experiments. Albert did not remember ever being told that “animals had feelings” before exposure to the animal advocacy movement. This is striking given his extensive training in animal laboratories and two decades of research with animals before activists targeted his laboratory. As mentioned at the beginning of the chapter, Albert repeated several times during our interview that he “is an animal welfarist.” In fact, every scientist and professional within the laboratory said they were committed to animal welfare. This isn’t surprising.

I should note that saying they care about animal welfare is not the same as behaving as if they care about their welfare. It could be reasonably argued that keeping an animal in cage its entire life, even without the experimental procedures, is not humane. Although depriving animals of their natural state and freedom is an important debate that bioethicists have with scientists, I am more concerned with the legitimization of animal welfare and the dynamic between that legitimacy and the pressure that aggressive extra-institutional protest creates in conjunction with that legitimacy.
Albert went on to discuss how his administrators responded after the Animal Liberation Front targeted his laboratory, when more moderate activists sought to change how his laboratory used animals. Albert was somewhat scattered in his responses, and when I asked him how his administration and laboratory dealt with protesters after the first ALF break-in, his response seemed to lump together his administration and NIH.

Yeah, they have really good directors. And what they will do rather than fight animal rights people, is they will try to ascertain what’s reasonable, that they feel they want. In fact, there was just a general rule, if you want to know what you’re doing wrong, talk to an advocate who is against you. So I think that, you know, the NIH has worked with advocates and if there’s a real problem, they’ll take care of it.

The response confused me as I had asked about his IACUC, but this is important to know as Albert also worked with NIH grant-making committees and had insider knowledge of how this federal agency functions. He said that the NIH was open to working with advocates, and that he, himself, also was open to that. Despite having his laboratory targeted, Albert, at least in rhetoric, is open to cooperating with animal advocates. I asked him, “and what about your IACUC here? How do they react to your protocols following these kinds of public protests and break-ins?”

All of my committees (IACUC) have been very reasonable, not intimidatable (sic), and it’s one of the good things about a university. It looks like you’re not easy to intimidate, and I’m not. You know, being Irish… we’re not intimidatable (sic).

Like other scientists, Albert was balancing between acknowledging the positive contributions of animal advocates while not wanting to validate that militancy influences decision-making. This
rhetorical tight-rope walking made it difficult to interpret how scientists were actually affected by combative “outsider” protest.

By the end of gathering interview and ethnographic data at the IACUC conference, I saw evidence of how this rhetorical balancing demonstrates a balancing in practice as well. I presented the more direct evidence of scientists feeling threatened by militancy, naming and shaming, and being “FOIA’d,” and am presenting evidence of a rhetorical concern with animal welfare. Scientists are dealing with the “good cops” moderates who cooperate with them to change animal practices, and they are dealing with the “bad cops” radicals who constantly push with more combative and aggressive tactics.

Charles, a researcher with more than two decades of experience, used the metaphor of a “vertigo experience” in dealing with aggressive activists who condemned work that he and his colleagues saw as “purposeful and important.” Following a break-in at his laboratory, and consequent pressure from other activists using tactics such as FOIA requests, Charles described his experience as involving a period of self-reflection.

(T)he vertigo experience about how what we’re doing, which we think is a purposeful and important, is not simply just uniform because other people in society feel like whatever you’re doing is bad. You’re doing BAD things instead of what we’re trying to do. So that was tough, but it was also helpful for clarification … it made them really rethink what they (the scientists) were doing. He (the scientist) said it was good for ensuring that everything they did was appropriate.

What Charles meant by “uniform” was the realization that the entire society didn’t perceive their work as “purposeful and important” as he and his colleagues assumed. Instead of taking for granted that their work using animals was important and useful for society, activists forced these
scientists to reflect on their work, to clarify what they were doing and why they were doing it. Although the statement that what “they did was appropriate” is central to the ongoing debate, this questioning and need for clarification in response to activists reveals a significant influence of extra-institutional activity.

Scientists are not open about their experience of change resulting from activist pressure. Typically, as discussed earlier in the chapter, scientists vacillate between denying any influence and lamenting how activists thwart science and prevent advancement (Conn & Parker, 2008). Ten of the scientists interviewed expressed a desire to cooperate with moderate activists and to change their practices in response to them. Six of these scientists still vacillated between denial and resentment, but after 30 minutes, which I spent trying to establish a sense of understanding their difficult positions, ten scientists expressed wanting to incorporate welfarists concerns.

Conclusion

The scientists, postdoctoral fellows, laboratory managers, IACUC members, industrial breeder, and research directors I interviewed expressed a telling tension. Aggressive activists using extra-institutional action threaten science in tangible forms; I found evidence of this threat most directly in changes in record keeping. In conjunction with this there are activists who cooperate with scientists and other laboratory professionals to work toward small improvements in the use of animals in research. There is a simultaneous use of “insider” and “outsider” tactics that creates a constant push for more change.

As opposed to coopting the movement altogether, the faction of the movement that is at risk for cooptation and alleged impotence, is empowered by the militant faction of the movement
that constantly problematizes the sheer existence of animal research Aggressive, extra-institutional tactics keep constant pressure on researchers to change. Moderate activists using institutional tactics seize on that pressure to push for incremental changes. Epstein (1996) describes individual activists and organizations in the AIDS movement trying to balance insider and outsider tactics, which creates almost impossible conflict with science. Organizations would protest and chant “the blood is on your hands” then turn around and try to meet with scientists to discuss future steps in AIDS research. This is a difficult interpersonal dynamic that was an obstacle for activists. In the animal advocacy movement, this contradiction functions differently and in a way that helps perpetuate constant incremental change in animal research.
CONCLUSION

This dissertation explores the long-term effects of the Animal Welfare Act, a federal law that animal activists continue to spend much lobbying effort strengthening. I respond directly to animal studies scholars and activists like Gary Francione who claim that federal laws protecting animals in research are ineffective and detrimental to the movement. This project addresses three major criticisms of policy goals and institutionalization: 1) policy reform and the resulting regulatory apparatus do not change targeted practices in meaningful ways (Francione 1996, Francione 2010, Edelman 2002), 2) activists and organizations become professionalized and non-threatening when policy reform becomes the primary goal (Piven and Cloward 1977, Lowi 1971), and 3) in pursuing policy goals, the moderate faction wastes resources and de-escalates the movement (Francione 1996). I address each of these criticisms by exploring the mutual influences between activists, regulatory policy, and the movement’s target.

To address the first criticism I examine how regulatory oversight established through the Animal Welfare Act affect scientists and other animal laboratory professions. The second third and criticisms are addressed through an exploration of how the movement is affected by the Animal Welfare Act post-implementation, specifically, whether mobilization became tempered and non-threatening, or diversified by pursuing policy reform.

The broad argument here is that the long-term outcome of policy reform that activists pursue depends on the nature of the institution being targeted. For the animal advocacy movement, the Animal Welfare Act contributes to continuing change for animals because advocates are provided structural access to the decision-making on laboratory standards of animal welfare. The increasing bureaucratization of animal research has changed the meaning of
animals in a way that is pushing them from laboratory objects to laboratory subjects. We see especially with chimpanzees, who have been established as sentient and moral beings through records of federal agency committees. With further research we might find that this bureaucratization has similar effects with other movements, like environmentalism. Environmentalists also seek improved environmental standards through policy reform, leading to increased bureaucratic oversight of the institutions activists target.

I also find that pursuing and achieving policy reform does not decrease more threatening and disruptive forms of protest, like property destruction and other militant tactics. In fact, neither moderate tactics, like pursuing federal legal change, nor radicalized tactics are detrimental to continued mobilization or to the efficacy of the movement. An over-time analysis of the movement reveals that the two types of tactics—radicalized and moderate—work in mutually beneficial tandem over long periods of time.

In the first chapter I discussed the multiple strategies and tactics, including disruptive protests in the early part of the 20th century that resulted in the passage of the Animal Welfare Act of 1966. It took activists a century of effort to reform animal research to achieve the first law regulating animal research; a law that set minimal oversight of how scientists acquire animals. The movement continued to use available political opportunities to promote continuing reform of regulatory oversight of animal use. After two more minimal amendments in 1970 and 1976, an amendment in 1985 regulated the actual use of animals in research, with non-scientists gaining access to oversee laboratories. The rest of the dissertation looks at the still developing effects of this law.
The second chapter describes the effects of regulatory oversight on scientists and other professionals involved in animal research. Although the AWA did not change laboratory practices with animals as activists envisioned, it created paths of access into the institution of animal research for potentially influential animal advocates. Veterinarians and IACUC members are charged with enforcing regulations within the lab and can influence laboratory practices when they resist institutional constraints protecting the status quo. Bioethicists, who are not institutionally constrained but have limited access inside the lab, are increasingly influential in decision-making through deliberative state committees, such as the National Institute of Health’s recent committee that considered the ethics of using chimpanzees in research. Together, these non-scientist actors can promote change from within institutions, such as changing the content of discussions on information gathering committees (bioethicists) or directly confronting scientists about their research (IACUCs and veterinarians). The AWA does not change practices on its own, and the economic repercussions of increasing regulations alone do not restrain scientists. Rather it is the continuing work of activists and inside actors that realize the promise of change. For science, as a unique institution, federal laws creating these kinds of structural positions within the targeted institution can provide important inroads for change.

For policy reform and animal protection, I argue that because of science’s unique position in society, with its autonomy prioritized and protected, activists’ use of federal law to promote change does not sabotage the movement’s persistence, diversity, urgency, militancy, or its tactical creativity. Policy reform established structural access to decision-making within science and continues to provide non-scientist actors opportunities to influence practices within laboratories.
But some scholars argue that political incorporation leads to professionalization of social movement organizations and negates the sense of threat that militancy or disruptive activity can create. In Chapter 3, I argue that the AWA did not decrease militant direct action and other aggressive forms of extra-institutional tactics. Despite the professionalization of organizations involved in regulating animal research, a contingent of the movement remained skeptical that regulatory oversight would affect scientists in meaningful ways. This contingent engaged in militant actions against scientists and laboratories through the end of the 1970s and throughout the 1980s and ’90s. I show how intra-movement conflict, although painful for activists, has not tempered the movement’s vitality and strength, as demonstrated by its increasing militancy. In fact, conflict continues to diversify the movement in terms of ideological and strategic approaches, giving activists, and potential activists, multiple avenues to participate. In terms of the over-time effects of this in-fighting, I find evidence that disagreements over the support of AWA created a beneficial strategic and tactical diversity in the movement.

Finally, I find that aggressive outsider tactics, like home demonstrations and laboratory break-ins, that occur simultaneously with moderate insider tactics, like policy lobbying and incremental changes in laboratory conditions, complement rather than sabotage each other. Aggressive extra-institutional protest influences scientists in identifiable ways, specifically the practice of scientists making records “FOIA-able.” This shows that activists are creating a threat. The movement has influenced laboratory practices, for instance revising official laboratory record keeping to protect against activists’ use of them to name and shame scientists. Scientists also rhetorically embrace the interests of animal advocates, by self-identifying as “animal welfarist.” This helps establish and reinforce the legitimacy of animal welfare and the
conditions for moderates to change laboratory practices incrementally. At the same time, the radical flank pushes beyond small improvements for animals and creates a pressure to end the use of animals all together, we see with chimpanzees. I describe this independent, yet tandem effect as a “good cop, bad cop” dynamic between the movement and scientists.

My interviews showed that scientists seek to immolate welfarists (perhaps only symbolically) while feeling threatened by radicals. I characterize this tandem effect as a “good cop, bad cop” effect, which is the same as radical flank effect except that I highlight the scrutiny and vigilance that radicals inflict on the scientists’ autonomy. Benevolent moderates cooperate with scientists on small reforms within the lab, but they have little, if any, clout in coercing change because scientists have little incentive to cooperate. The militant activists create that clout and pressure, perforating scientific autonomy by exposing abusive practices and making scientists feel threatened. This tandem effect of radicals and reformists is especially effective because even activists perceive the two factions as separate movements, so that neither compromises the efforts of the other faction.

Two important implications of this dissertation are particularly daunting and misunderstood. First, am I saying conditions for animals in laboratories are better because of the Animal Welfare Act? Second, am I saying American democracy is an effective pluralist system, where the state facilitates compromise and change for social justice? I can think of only one simple answer: It depends on whether activists are persistent, tenacious, and continue to use “any means necessary.”

I am not trying to operationalize animals’ happiness, and so I will not argue that animals are experiencing less pain and suffering in laboratories because of regulations. I am not an
animal behaviorist, I am a sociologist who is analyzing how the Animal Welfare Act affects scientists and activists. I argue that scientists and their practices are not as protected as they once were. The walls that protect science are cracking, and advocates are getting inside. Simply, the Animal Welfare Act is not good or bad on its own. Rather it is one tool that does not hurt the movement. The infighting caused by this debate is painful for activists, and I cannot speak to whether activist burn out occurs because of it. And I don’t want to address hypotheticals. This is important for me to address as there are many activists in the field who claim that if it weren’t for moderates the radical faction would be stronger and more effective.

“What if all activists were militants, and collectively attacked animal research as a whole? Wouldn’t that be the most effective use of effort?” Well, maybe, and I really enjoy thinking about those kinds of scenarios. But that’s not what is happening. This dissertation examines what is actually happening. Some activists believe in U.S. democracy and believe that laws will help protect animals. Some activists reject the system, and some will fight for animals by any means necessary, including using a system they believe is deeply flawed. Some of these activists fight with each other, and spend their time critiquing other activists. But many activists agree to disagree and carry on with the strategies and tactics they choose. The movement continues to grow. Organizations continue to proliferate; new activists continue to emerge; laboratory break-ins and home demonstrations continue to happen; advocates continue to cooperate with scientists to increase cage sizes or eliminate the use of chimpanzees. This is the strength of the animal advocacy movement: its persistence and its diversity.

If the U.S. system is designed to absorb and eliminate disruptive protests, I see no evidence that it has actually done so with the animal advocacy movement. What I do see is
evidence that science is becoming increasingly aware of, and obligated to, animal welfare concerns. For many animals, like rodents and birds, this is purely symbolic, but for others, like chimps, an obligation to animal welfare is resulting in dramatic changes.

The movement’s interests in animals well-being has taken root in science. I see the institutionalization of this diverse (and still aggressive) movement as ivy that is cracking open the walls of laboratory research. Ivy can be a decoration on buildings, or it can be a structural assault, invading cracks in the walls and weakening the integrity of the building. When activists target non-state institutions, especially those not beholden to public opinion, they have to work much harder to exert leverage over those institutions. Institutionalization of animal welfare in science, through federal law and regulatory oversight, has established both reformist and radical animal advocates as legitimate actors scientists can no longer ignore.
BIBLIOGRAPHY


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1. For the duration of the dissertation I will refer to activists and organizations who limit their demands to only ending experimentation as “abolitionists” and those who limit their demands to improving conditions for animals in laboratories as “welfarists.” There are some activists and organizations using transgressive extra-institutional protest for welfarist demands, but it is rare. I use the terms “radical” and “moderate” synonymously with “abolitionist” and “welfarist” to reflect the generalizability of this divide in the animal advocacy movement and to reflect the more common coupling of “radical” tactics for “radical” demands.

ii. Examples of these articles are available from the author upon request.

iii. It should be noted that in Europe vulnerable people were used from as early as the 1600s, but these experiments were conducted as therapeutic procedures, not research. For instance, in 1667 Jean-Baptiste Denis transfused sheep’s blood into a young man suffering from a fever, with positive results until the second transfusion. The young man, and others who underwent the same procedure, suffered from what we now know is hemolytic reaction (Guerrini, 2003). At this time blood transfusions from animal to animal and animal to human were all the rage, and when conducted on sick people the results were recorded in publications such as *Philosophical Transactions* (King, 1666). (At this time philosophy and medical sciences were intertwined.) I use this very early example to illustrate how human experimentation was also experimental therapy, and this ethical dilemma has persisted until the present. Early scientists and physicians were using any method possible to uncover the mysterious workings of the healthy body and of
the diseased body, but their choice of vulnerable people violated ethical conduct. Their pursuit then, and now, is an entanglement of curiosity, utilitarianism, beneficence, and widespread panic over disease.

iv. Given this statement of definition, I should mention that I use the same term interchangeably with “animal research.” “Vivisection” means dissection of a living body, but because there is no comparable term for the deliberate endangerment of life of an animal or human subject, this term is used in this dissertation. In the following chapters I will discuss the deeper meanings of this word, and how scientists eventually rejected it as a term for the research they do with animals. But for clarification when I use this term it means the *deliberate endangerment of the subject’s life, or infliction of pain or suffering, for experimental or research purposes.*

v. Figures of these trends in public opinion are available upon request to the author.

vi. During this time the market burgeoned with books on animal ethics, such as Peter Singer’s hugely successful book, *Animal Liberation.* For the purpose of this brief history I focus on organizational work on animal research and legislation.

vii. The AWA was expanded to also cover other animal industries, like roadside zoos and dogfighting, but I am leaving this out of the project so I can focus on animal research.

viii. All of these statements are relevant only to federal funded research. Contract animal testing laboratories are not obligated to abide by Guidelines established by the NIH, and are not obligated to report on the number of rodents, farm animals, or birds they use. They are also not obligated to establish IACUCs. Records from these private organizations are highly flawed all together. Tables and figures are also available by request to the author.

ix I should note here that some scientists I interviewed were very adamant to tell me that
regulations have not “increased.” Rather, existing regulations become more specific. This
distinction is important conceptually, but for the purpose of measuring whether regulations have
become more burdensome, this is a useful proxy.

* This sampling of all organizational mentions was conducted through Edwin Amenta’s National
Science Foundation project (1023863) on social movement organizations and newspaper
coverage.