

## *The Silver Spring Monkeys\**

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I discovered animal rights in 1978, when I first entered a slaughterhouse and witnessed the violent deaths of terrified dairy cows, pigs and chickens. What I saw changed my life. Shaken by the slaughtering, I sought and joined the animal protection community. As a newcomer to the movement, anxious to learn what others could teach me, I could not have been more fortunate than to find two brilliant activists, Nellie Shriver, founder of American Vegetarians, and Constantine Salamone, an artist, feminist and animal rights activist. They became my teachers. Over the next few years my animal-related experiences increased as I joined the Hunt Saboteurs' outings in Britain, sailed on the *Sea Shepherd* in the Atlantic, studied endangered humpback whales in Alaska aboard the RV *Jingur* and learned all I could about mankind's exploitation of other species.

Upon moving to Washington, DC in 1980, I joined forces with Ingrid Newkirk who had accomplished major victories for animals in her eleven years as an animal law-enforcement officer. By the spring of that year we had formed People for the Ethical Treatment of Animals (PETA), both believing that this young movement needed a grassroots group in the USA that could spur people to use their time and talents to help animals gain liberation. Our emphasis was to be on animals used in experimentation and food production, while at the same time being out on the streets, bringing as many animal issues to the public's attention as we could. In the summer of 1981, after my third year as a political science and environmental studies major at George Washington University, I discussed with Ingrid the need to gain some first-hand experience in a laboratory. It now shocks me to think how easily we fell upon the atrocities at the Institute for Behavioral Research (IBR), because it suggests that such conditions are common to many other facilities. I simply found IBR listed in the US Department of Agriculture directory of registered animal research facilities and chose it because it was a stone's throw from where I lived.

I was greeted at IBR by a research assistant. I told him that I was seeking employment, and he referred me to Dr Taub. Taub took me into his office and explained that research was being conducted on surgically crippled primates to monitor the rehabilitation of impaired limbs. There were no paid positions available, he said, but he offered to check to see if they could use a volunteer. I called the next day, as he suggested, and was offered the opportunity to help Georgette Yakalis, his student protegee. On 11 May 1981 I began work and was given a tour by Taub himself.

The Institute was divided into two areas. The rooms near the front were used for work with humans. They appeared unremarkable. The animals were kept in the back. As we went through the doors to that section, I had my first indication that something was wrong. The smell was incredible, intensifying as we entered the colony room where the monkeys were kept. I was astonished as I began to comprehend the conditions before me. I saw filth caked on the wires of the cages, faeces piled in the bottom of the cages, urine and rust encrusting every surface. There, amid this rotting stench, sat sixteen crab-eating macaques and one rhesus monkey, their lives limited to metal boxes just 17<sup>3</sup>/<sub>4</sub> inches wide. In their desperation to assuage their hunger, they were picking forlornly at scraps and fragments of broken biscuits that had fallen through the wire into the sodden accumulations in the waste collection trays below. The cages had clearly not been cleaned properly for months. There were no dishes to keep the food away from the faeces, nothing for the animals to sit on but the jagged wires of the old cages, nothing for them to see but the filthy, faeces-splattered walls of that windowless room, only 15ft square.

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\* In PETER SINGER (ed), *In Defense of Animals*, New York: Basil Blackwell, 1985, pp. 135-147.

In the following days the true nature of the monkeys' sad existence became apparent. Twelve of the seventeen monkeys had disabled limbs as a result of surgical interference (deafferentation) when they were juveniles. Sarah, then eight years old, had been alone in her cage since she was one day old, when she was purchased from Litton Laboratories and then forgotten. According to a later count, thirty-nine of the fingers on the monkeys' deafferented hands were severely deformed or missing, having been either torn or bitten off.

Many of the monkeys were neurotic, particularly Chester, Sarah and Domitian. Like a maniac, Sarah would attack her foot and spin around incessantly, calling out like an infant. Domitian attacked his arm mercilessly and masturbated constantly. Chester saw himself as the troupe leader, powerless to defend his fellows, enraged at the world. It was astounding that Taub and the other researchers expected to gain any reproducible, let alone reliable, data from these animals, considering the condition of the animals themselves and of the colony and surgery rooms. The surgery room had to be seen to be believed. Records, human and monkey, were strewn everywhere, even under the operating table. Soiled, discarded clothes, old shoes and other personal items were scattered about the room. Because of a massive and long-standing rodent problem, rat droppings and urine covered everything, and live and dead cockroaches were in the drawers, on the floor and around the filthy scrub sink.

No one bothered to bandage the monkeys' injuries properly (on the few occasions when bandages were used at all), and antibiotics were administered only once; no lacerations or self-amputation injuries were ever cleaned. Whenever a bandage was applied, it was never changed, no matter how filthy or soiled it became. They were left on until they deteriorated to the point where they fell off the injured limb. Old, rotted fragments of bandage were stuck to the cage floors where they collected urine and faeces. The monkeys also suffered from a variety of wounds that were self-inflicted or inflicted by monkeys grabbing at them from adjoining cages. I saw discoloured, exposed muscle tissue on their arms. Two monkeys had bones protruding through their flesh. Several had bitten off their own fingers and had festering stubs, which they extended towards me as I discreetly took fruit from my pockets. With these pitiful limbs they searched through the foul mess of their waste pans for something to eat. I began to understand the size of the problem and the opportunity that had been presented to me. When I came home in the evenings Ingrid and I agonized about the problem and together considered how best to use the information. We knew that I must document everything carefully and that months would have to elapse to show the consistent pattern of behaviour and neglect that I was witnessing. If I blew the whistle now or after a few weeks, it would be too easy for Taub to discredit me.

Soon I had a chance I had not expected. Even though I had made it plain to Taub that I had no laboratory experience, within a week of starting work I was put in charge of a pilot study. With the opportunity to work alone, I could better document the operation of the facility and the life the monkeys lived there. Taub called the study a 'displacement experiment'. I was given two monkeys and told to put them in separate cages in a room. The monkeys, Augustus and Hayden, were deprived of food for two to three days, and I was to go alone into their room, set up video equipment to record events and feed them about fifty raisins each. After some weeks I was to withhold their food for three days and then, instead of giving them the raisins, I was just to show them the raisins but not allow them to eat, and then record their frustrated reactions.

Perhaps I was too recently initiated into this scientific environment, but I asked Taub and Yakalis three times what the purpose of the experiment was and what I should keep my eyes open for. On each occasion they responded that they hoped to find something 'interesting', in which case they 'could get [grant] funding'. It made me wonder if this typified scientific method. Working at IBR was becoming more and more of a strain. I was beginning to appreciate the monkeys as individuals and had especially close relationships with Billy, Sarah, and

Domitian. Night after night, I agonized over what to do.

The stench of the laboratory permeated everything. When I got home I would have to strip, stand under the shower and scrub to get the smell out of my skin and hair. I could see the evidence of IBR's filth and decomposition under my nails and in the lines of my skin. If only I could have scrubbed the image of the monkeys out of my mind. It became increasingly difficult to go back to IBR every day, yet I knew that I would have to continue if I was to succeed in helping these monkeys and other animals in similar situations.

Meanwhile I had begun to keep a log of my observations. After about a month I was put in charge of yet another experiment: the 'acute noxious stimuli test'. I was to take a monkey from the colony and strap him into a homemade immobilizing chair, where he would be held at the waist, ankles, wrists and neck. The acute noxious stimuli were to be applied with a pair of haemostats (surgical pliers) clamped and fastened on to the animal, and locked to the tightest notch. I was to observe which parts of the monkey's body felt pain. (The noxious stimuli used to be administered by using an 'open flame' - a cigarette lighter.) Taub's protocol (*Mechanisms Mediating Biofeedback Learning*, 1980, App. E, p. 77) stated that the stimuli were to be applied to the monkeys every four months. The work was conducted in such a haphazard way that this schedule was never adhered to. As I was working alone, I was able to fabricate data to avoid hurting them.

Before beginning the test on my own I was instructed in how to apply the haemostats. Domitian was unfortunate enough to be chosen as the 'example' animal and was placed in the chair and the haemostat clamps were latched as tightly as possible on to his testicles. Terrified, he thrashed violently and screamed. This was repeated three times over a forty-five minute period so that I could witness a 'positive' reaction: an enraged creature, desperately thrashing against the restraints to escape the pain. That same day the surgical pliers were twice thrust into Domitian's mouth and raked against his teeth and gums. Such was my introduction to the acute noxious stimuli test.

By the time I was put in charge of administering the test on my own, I had requested (and received) a set of keys on the pretext of doing more work on the weekends and in the evenings. I was now freer to explore the entire laboratory and take photographs of the monkeys, the cages, the rodent droppings, the dried blood on the floors, the restraining chairs and so on.

Inside an ice-choked freezer I found two plastic bags labelled 'Herbie' and 'Caligula'. I asked Yakalis what had happened to these monkeys. She said that she did not know Herbie had died but that Caligula had developed gangrene from a filthy, unchanged bandage. She told me that Caligula had been in such bad shape that he had begun to mutilate his own chest cavity, and she then confided that putting him in a restraining device, and administering the noxious stimuli test, with his chest ripped open, and having to experience the stench of his rotting body, was the most disgusting thing she had ever done. After the acute pain test, she said, he was destroyed.

As time went on I discovered that I was not the only one who came in late at night. Several times, while taking pictures around midnight, my heart would jump as one of the two caretakers came in to pick up a paycheck or to 'clean' the colony room. The caretakers took turns coming into the laboratory at any time of the night, and as no schedules were assigned to them, they often did not come in at all. I also found that they were paid not by the number of hours they worked, nor by the number of cages they were supposed to clean, but simply by the number of rooms in their charge. They were paid \$10 a day. The colony room, with seventeen monkeys, was only damp-mopped, because there was no drain in the floor to take any water away. Every few days the faecal trays, sometimes filled to the top, were emptied but never cleaned. To feed the monkeys, the caretakers would simply open the cage doors and throw in half a scoop of monkey chow - when and if they fed them at all. The markers I put in the chow

cans indicated there were many days, often several at a time, when the monkeys went without food. When they were fed, the food would fall through the wire mesh into the faecal trays below, as no bowls or food receptacles were ever used. The employees usually worked carelessly and as fast as they could, getting out as soon as possible.

I soon began to take more photographs, hiding my camera and risking discovery by photographing the monkeys in the restraining chair during the day. At that point I was still under the impression that all animal experimentation was exempt from anti-cruelty code enforcement, so I still hadn't determined what action I would be able to initiate. There were many times when I felt very alone, unsure of whom I could approach with the evidence or of what recourse would be available to prevent Taub from continuing his practices.

Then, after about two months, I found out that a revision of the Maryland statute had excluded language designed to exempt animal experimenters. Elated, I began to prepare my criminal case against Taub. One of the first things I had to do was to stop giving the monkeys the fresh fruit I was smuggling in for them. The food sacks which were clearly marked with an expiry date (after which the food is nutritionally deficient) had all expired four months before I started work at IBR. I realized that Taub would use any improvement in their health brought about by my independent feeding of them to defend his treatment of the animals. I also discovered that virtually all the medication in the laboratory had expired, some in 1979, others as far back as 1969. The broken and the intact containers were kept in a filthy refrigerator, strewn about next to a bag of putrified apples that were actually covered with cobwebs. Near this refrigerator was the shell of another. This one had been converted into a chamber containing a plexiglass immobilizing chair. A monkey would be placed in the chamber, and electrodes attached to his body. The monkey would be forced to try to squeeze a bottle of fluid with his surgically crippled arm in order to stop the painful electric shock that coursed through his body. The ceiling and walls of the chamber were covered with blood. I remembered Taub's assistant, John Kunz, telling me that some monkeys would break their arms in desperate attempts to escape the chair and the intense electric shocks.

On several occasions things were so bad that I risked appearing suspiciously concerned about the primates and suggested that a veterinarian be called in to treat the most serious injuries. At one point Billy's arm was broken in two places and I repeatedly asked that a veterinarian be called. Then, it was finally openly admitted to me that they did not use a veterinarian. Billy's extremely swollen, broken arm was left untreated.

Conditions were so bad that it was clear that it would be crucial to bring in some expert witnesses who could vouch for the conditions I was witnessing. I cautiously approached five people with expertise in various related fields. They were Dr Geza Teleki, an ethologist and global expert in primatology; Dr Michael Fox, a writer, veterinarian and ethologist; Dr Ronnie Hawkins, a physician who had worked with laboratory primates; Dr John McArdle, a primate anatomist and former primate researcher; and Donald Barnes, a lay psychologist who had radiated monkeys for seventeen years in the military before rejecting such practices. These people accompanied me through the laboratory at night, signing affidavits afterwards. I was grateful for their support because their professional assessments of the state of the animals and the laboratory would lend credence to my testimony in any future legal proceedings.

On 8 September I took my affidavit and those of the five expert witnesses, as well as my notes and photographs, to the Silver Spring, Maryland, police. After their preliminary investigations Detective Sergeant Rick Swain obtained the precedent-setting search and seizure warrant from Circuit Court Judge John McAuliffe. The first raid of a research facility in the United States took place at IBR on 11 September. Swain and a search team of six confiscated the monkeys and the files.

We had considered carefully the problem of where we could house seventeen traumatized,

fragile monkeys. The National Zoo, the facility most capable of assisting, refused to help. Local animal shelters, although sympathetic, were not equipped. We were finally forced to adapt the basement of a local activist's home. After the installation of drains in the floor, new windows, a ventilation system, insulation, etc., their refuge was ready.

A devoted PETA volunteer built new cages that were more than twice the size of those at IBR. For the first time since their capture in the jungle, our refugees had something to sit on comfortably and enough room to extend their cramped and pitiful limbs. They even had food containers and objects to handle and explore. Our delight at seeing them relish even these minor improvements was shadowed by our anxiety about what might follow. We were on an uncharted course, and the future of the animals was to be tested as their case passed through the courts.

The events of the next few days did not augur well. Taub's attorneys swung into action, demanding the return of their client's property. We were shocked to hear them introduce two recent US Department of Agriculture reports of inspections of IBR, marked 'Minor deficiencies' and 'No deficiencies noted'. Judge David Cahoon listened to the assurances of improvements given by a veterinarian who had worked earlier for Taub, yet refused to hear from our experts, who were prepared to swear that a return to IBR would jeopardize the monkeys' safety and well-being. Taub's motion to have the monkeys returned was granted. The abused were to be returned to their abuser the next day.

That night the monkeys disappeared. Bench warrants were issued for the arrest of Ingrid, Jean Goldenberg, director of the Washington Humane Society/SPCA, and Lori Lehner, whose home had been the monkeys' temporary resting place. Lori spent a night in jail before it was decided that there was insufficient evidence against any of the women.

Taub then held a press conference, demanding the return of the monkeys, which he now valued at between \$60 and \$90,000 each (a total value, according to Taub's arithmetic, of between \$1,020,000 and \$1,530,000 for an experiment costing a total of \$221,000). Taub then offered only a \$200 reward for their return.

The problem now was that without the monkeys there could be no criminal prosecution of Taub. Yet to return the monkeys would most likely mean their further suffering and death at Taub's hands. Negotiations began between the police and the monkeys' new guardians, through an intermediary. Secret conditions were agreed upon - mainly that if the monkeys were returned, they would not be returned to IBR. But the guardians' trust was betrayed, not by the police but by the court. No sooner were the monkeys back in Maryland than Judge Cahoon cancelled a full hearing without ever allowing any of the State's witnesses to testify. He immediately ordered the monkeys back to IBR. A crowd gathered at Lori's home, and people stood in the street and cried as the monkeys were loaded into Taub's rented truck. Wellwishers and those who had come to love the monkeys then stood vigil outside IBR, hoping for new developments to save the monkeys.

Taub was now charged with seventeen counts of cruelty to animals: one count for each monkey. Meanwhile the national Institutes of Health (NIH) announced its suspension of Taub's grant after conducting its own investigation and set a date for Taub to account for his expenditures and research results. At later hearings of the US House Subcommittee on Science, Research, and Technology, at which I testified on the conditions at IBR, the NIH admitted that in the IBR case, their system had failed.

Five days after the monkeys were sent to IBR, one of them was injured and another, Charlie, died of what Taub described as a 'heart attack'. These two wild male macaques had been placed together in a cage just 17% inches wide, while a commercial steam cleaner was operated in the room - resulting in a fight, as even a novice could have predicted. The police demanded Charlie's body, which was sent to Cornell University for a necropsy. The examiner

reported back that the cause of death could not be determined because some important parts were missing, namely Charlie's heart, lungs, kidneys, a testicle and several glands. Judge Cahoon, finally realizing his mistake, reversed his earlier order and shipped the monkeys out of IBR and into safekeeping at NIH's Poolesville, Maryland, primate quarantine centre. There they joined almost 1,000 other unfortunate primates. The NIH was ordered not to take any 'extraordinary measures' unless authorized by the court. None the less, Hard Times had to be destroyed after being in great pain and paralysed from the waist down for two days. Taub's surgery had caught up with Hard Times. Taub fought to deny this monkey even his final release, arguing that he wanted to keep Hard Times alive to complete his experiments. Next Nero's arm had to be amputated when a chronic bone infection that had originated months earlier in Taub's laboratory threatened his life. Again Taub fought the action. Today Nero is in much better shape, without his mutilated arm.

As for the criminal trials, the first one lasted a week, during which time Taub was defended by two of Washington's most prestigious law firms, Arnold and Porter, and Miller, Miller, and Steinberg.

The animal experimentation community didn't know what to do; it could take the risky step of ostracizing one of its own, or clutch Taub to its bosom and blame the whole incident on 'lay ignorance'. For the most part it chose the latter course. We had cogent testimony from experts, but clearly we presented a threat to others in the animal experimentation industry. Taub's defence fund grew. He sat flanked by six attorneys, his public relations representatives behind him, while Roger Galvin, the Assistant State's Attorney, stood alone, presenting the case for the State of Maryland.

Taub was vociferous in his own defence, even appearing to frustrate his counsel by his loquaciousness. The *Washington Post* viewed his stance as that of 'a professor lecturing a class full of students'. He had nothing but contempt for our concerns and went so far as to charge that photographs introduced by the prosecution were 'staged' and to insinuate that someone had bribed the caretakers into doing a sloppy job.

It soon became clear that psychological suffering, a lack of cage space and critical sanitation problems would not be considered violations of the law by the courts. We knew we were in for an uphill fight.

On 23 November 1981 Taub was found guilty of six counts of cruelty for failing to provide proper veterinary care to six of the monkeys. It is hard to describe our feelings when the verdict was announced, but at last now, whatever might happen to the monkeys as we continued to fight for their safety, the public would know that something was definitely wrong with the way in which some segments of the scientific community operated. The criminal conviction had chipped a hole in the wall that protects animal experimenters from public scrutiny.

As we had expected, Taub appealed his conviction. The second trial was even more difficult. This time the new judge required that the prosecution present only evidence relating to the six monkeys who had figured in the conviction — no matter what the other monkeys had been through, the jury would not be allowed to know. The twelve jurors were instructed that they must find Taub not guilty if they could not unanimously determine that the monkeys had suffered physical pain extending beyond their deafferent limbs. Again, we were pleased to have the support of our original experts, joined now by Colonel Simmonds, DVM, of the Uniformed Services University of the Health Sciences, Dr Robinson and Dr Ott of the San Diego and Brookfield zoos, and Dr Roberts of the US Army. Their testimony countered statements from Taub's associates -defence statements that could only be considered outrageous.

Two researchers, friends of Taub from the University of Pennsylvania, testified that monkeys were nothing more than 'defecating machines', that it was acceptable not to administer

veterinary care for a broken arm and that an infestation of cockroaches provided a 'good source of ambient protein' for laboratory primates. To testimony by one of Taub's expert witnesses that there were 'no data' to suggest that heavy accumulations of excrement were a health hazard, Mr Galvin rebutted that if this were true, the American public had been fooled into thinking they needed sewage systems.

Unfortunately, there were many things that the jury was never allowed to consider in making its decision, things it was never allowed to hear, know about or see. For example, the jury was not permitted to hear about the discovery of two 55-gallon barrels filled with the corpses of monkeys and weighted down with used auto parts and wood. The jury could not ask, 'What became of them? How did they die?' The jury was never allowed to hear that Taub was denied a grant application because between 80 and 90 per cent of his animal subjects died before the end of his experiments. It could not see the 1979 US Department of Agriculture inspection report that read: 'Floors were dirty with blood stains all over them.' It was never allowed to know that Taub operated illegally, in violation of federal law, for seven years, while receiving hundreds of thousands of federal tax dollars. The jury did not know that Caligula suffered from gangrene and mutilated his own chest cavity, that blood splattered the wall and ceiling of the converted refrigerator chamber, that the NIH had investigated Taub and found him in violation of its own guidelines, that Charlie had died of an unexplained 'heart attack'. It was never allowed to see or hear of the surgically severed monkey hand or the skull that Taub used as paperweights in his office. And, perhaps most unfortunately, the jury was never allowed to see the living evidence, the monkeys themselves.

With all the new restrictions and limitations, four of the jury members felt there was insufficient evidence left to convict Taub without doubt, while eight of the jurors wanted a guilty verdict on all six counts. The verdict, of course, had to be unanimous. After two and a half days of deliberation the jurors reached agreement. The jurors unanimously found Taub guilty on one count. Later conversations with members of the jury showed how hopelessly restricted they had felt. A local newspaper report described the jurors' 'unprecedented' interest in following through on the case and their concern for the fate of the monkeys.

Taub was not to be stopped. He appealed this conviction to the Maryland Court of Appeals in Baltimore and this time succeeded. The court, after months of waiting, ruled that animal experimenters who receive federal tax funding do not have to obey the State anti-cruelty laws. No matter how heinous the deeds committed by an animal experimenter in Maryland, the court held that the experimenter could not be prosecuted. Sadly, the court did not consider whether or not Taub had treated the monkeys cruelly. The court made it clear that it was not interested in resolving this question. Rather, as stated in its decision, 'The issue in this case is whether the animal cruelty statute ... is applicable to research pursuant to a federal program ... we do not believe the legislature intended [the cruelty statute] to apply to this type of research activity under a federal program. We shall, therefore, reverse Dr Taub's conviction . . .' (*Taub v. State*, 296 Md 439 (1983)). The court's opinion enraged not only the Maryland State's Attorneys Office but also the many scientists and supporters who saw Taub slip through a crack in the criminaljustice system.

At the time of writing, the fate of the monkeys is undetermined. Taub, encouraged by the reversal of his conviction, appealed against the NIH's decision to terminate his grant. The appeal was rejected, but Taub has now applied for a new grant. If this application is successful, he has pledged to continue his experiment, which involves surgically crippling the monkeys' remaining normal arms and, ten days later, 'sacrificing' them. This would probably take place at the University of Pennsylvania, where some of his closest colleagues are employed. We have vowed never to let this happen.

The Taub case has been an intense, consuming battle, accompanied by many small battles. It devoured our time and resources, taught us some new values and confirmed some old ones. It

renewed our resolve to research our targets carefully and thoroughly before 'going public'. It made us understand how valuable persistence is.

After working for animal protection at the grassroots level, with demonstrations, letter-writing campaigns and boycotts, and lobbying at the state and federal levels, conducting investigations, bringing criminal and civil cases to court, testifying before state and federal legislative hearings, participating in conferences and federal regulatory enforcement agency hearings and meetings, several things have become clear. First, the animal protection movement has not been aggressive enough or persistent enough. It has often taken a simplistic approach in attempting to solve problems. Second, organizations and individuals have allowed tactical and other differences to prevent them from co-operating with each other on mutually agreeable projects. There is a dire need to agree to disagree and get on with the work. Third, we will not make meaningful changes for animals on a large scale until we have effectively harnessed the widespread support that exists in this country. Without doubt, the potential is there. I believe our job must be to alert people to the severity of animal exploitation and abuse and to the needlessness of it all. This educational process can be accelerated by getting public leaders and popular figures to speak out for animal protection and by working with the mass media. Animal rights must fill the air.

I believe that it is best to take a strong ethical stand and to be strategically assertive, never forgetting - not even for a minute - our ultimate goal. Realizing that total abolition of some aspects of animal exploitation may never come, we should not simply demand 'total abolition or nothing at all', as that often ensures that those suffering today will continue to suffer. Nor should we hold a conservative line, which will also make tomorrow's suffering assured and accepted. Difficult as it may be, I believe that tactfully and strategically we must combine parts of both approaches: we must fight for today's reforms while aiming for and advocating abolition.