POUND SEIZURE: LEGISLATION AND POLICY DEBATE IN AMERICAN NEWSPAPERS

1994 – 2005

By

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Using content-analysis methodology, this study looks at the practice of pound seizure, a little-known phenomenon whereby community animal pounds and shelters sell lost, stolen, and no-longer-wanted companion animals to research facilities, where they are then used in scientific experiments. Specifically, it analyzes one-hundred United States-based newspapers from 1994 to 2005 with a view to determining whether a relationship exists between the extent and type of coverage about pound seizure, on the one hand, and the presence of "moral shock," on the other hand. Moral shock is a term coined by James M. Jasper, who defines it as "a visceral, bodily feeling, on a par with vertigo or nausea" that results from "an unexpected event or piece of information [that] raises such a sense of outrage in a person that she becomes inclined toward political action." After identifying instances of moral shock within the examined newspapers, the study traces possible connections between them and policy and legislative changes relating to pound seizure in the United States.
Acknowledgments

It seems unlikely that someone would tackle pound seizure as a dissertation topic if he/she felt ambivalent about the subject. As much as I would like to think that I have presented the research is a balanced way, my personal bias does come into play. Pound seizure is vastly under reported in the media in the United States and Canada and I hope that by focusing a modicum of scholarly attention on the topic that more people will take an interest in understanding what is involved and legislate an end to the practice.

On a personal front I would like to thank the wonderful people who have assisted me in my journey. Professor Juris B. Dilevko, my supervisor, has been the epitome of patience. He has guided me through this process with a generosity of spirit, exquisite advice, and most of all unfailing grace. Without his gentle prodding and encouragement this work would not have been accomplished. Thank you, Juris!

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Semper fidelis
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Chapter 1
Introduction

This study is a quantitative comparative analysis of a little known issue, pound seizure that affects companion animals in the United States. The dogs and cats in peril can be those who are stolen, lost or surrendered to animal pounds or shelters. In the case of the latter, many of the people who hand over their pets for financial or other reasons are ignorant of the statutes that have dominion over their surrendered dogs and cats. The word shelter is synonymous with safety and sanctuary, however in a good number of states it means nothing of the sort. These pets are subject to pound seizure, which is the sale of companion animals from community pounds and shelters to research facilities and is a lexicon of misery and death. Animal advocates have characterized pound seizure as a betrayal of both the nation’s once loved pets and those who unwittingly send them to their doom. Few people even realize that this practice exists. While on the surface it presents as a situation evincing much sympathy, it is actually a complex problem to resolve because it is a battle between those who derive their livelihood from the traffic of animals and those who wish to end this egregious abuse. Throughout the country there are groups that are trying to change the laws to abolish the practice and there is a promising vision of justice on the horizon.

The purpose of this study was to examine the nature of the relationship between both the extent and type of newspaper coverage about pound seizure and the presence of 'moral shock'. Moral shock is a term that was coined by James M. Jasper. He stated that it occurs when “an unexpected event or piece of information raises such a sense of outrage in a person that she becomes inclined toward political action” because it causes “a visceral, bodily feeling, on a par with vertigo or nausea” (1998, p. 409).
The two questions that were addressed were:

1. What, if any, is the relationship between the extent and type of newspaper coverage about pound seizure, (and related terms) and the adoption of policy or legislation?
2. What, if any, is the relationship between the presence of “moral shock” within newspaper coverage about pound seizure and the adoption of policy or legislation?

The study sought instances of moral shock within the coverage and examined if there was a relationship between these and changes in policy and legislation about pound seizure in the United States during the twelve year period 1994 to 2005. The justification for including moral shock is that it has been used as a vehicle for prompting action in the ProLife movement, Human Rights, animal rights and other campaigns. Its implementation has the ability to act as a galvanizing force to encourage action by those who have been previously untouched by the issue or to solidify the resolve of the committed. The three events that are showcased in chapter three all employed moral shock to their advantage to create a groundswell to push their agendas forward.

This study analyzed the newspaper coverage of pound seizure, Class B dealers (defined below), and theft of pets which are sold to research facilities. I employed quantitative content analysis of American newspapers in the years between January 1, 1994 and December 31, 2005 for these and other preselected terms. This research sought to find out the nature of the relationship between the differences in local print coverage and the adoption of policy or legislation in the practice of pound seizure. Although pound seizure is a problem in Canada, the United States was
chosen as the region of study because of the greater number of animals who are part of the system and because the states fall into four distinct categories in their approach to the process. These categories are states that prohibit pound seizure, those where local authorities can decide (no legislation), those that allow pound seizure, and states where the practice is mandated.

The research examined two local newspapers from each of the fifty states in order to determine whether there was a difference in the extent and type of newspaper coverage about pound seizure. A list of the newspapers is included as appendix C. One of the newspapers was the newspaper serving the capital in the state in question, and the other newspaper was defined as the largest newspaper (by circulation) serving the state in question. In a local government context, local media are the primary or only sources of information about policy issues for citizens (Crow, 2010, p. 147).

The time frame of the study (1994 – 2005) was chosen for two reasons. First it represents twelve years in which newspapers in America were still being sold and read in paper form. The issue of pound seizure is generally not well known; however, Popkin (2006, p. 330) writes that “[n]ewspaper publishers can attract many small groups of subscribers with stories about subjects of no interest to the majority...[and]...can appeal to numerous intense minorities by offering liberal or conservative columnists, or running stories about issues of special interest only to small groups”. Lenton writes that “[a]ll politicians and their advisors read newspapers” (2004, p. 224). In fact, Walgrave et al. found that “…politicians read newspapers more than they watch TV news, and as newspapers, or at least some of them, are considered to be more reliable and trustworthy news sources (2008, p. 827).
It was critical for the study to examine pound seizure coverage in newspapers because research indicates that legislators and/or their assistants read some newspapers in order to keep abreast of issues that were important to their constituents. Shaw and Sparrow (1999, p. 328) posit that “[n]ewspapers are typically the locus for breaking news of political complexity and salience”. While Tan (2008, p. 31) writes, “[a] legislator needs the media to increase reelection chances, to put issues on public agenda, to convince other legislators to support policy proposal and to discuss policy alternatives”. Furthermore, newspapers were chosen because it would not have been possible to determine which websites legislators and their staff would view. D’Haenens et al. have concluded that “[m]oreover, readers of the print version tend to remember story topics regarding national and political news more than online readers” (2004, p. 365).

The second reason for the selected time frame is that many of the statutes concerning pound seizure were written or amended in these twelve years. For example, in 2001, Tennessee revised its statute. In 2002, Colorado, Maryland, New Hampshire, Oklahoma, Rhode Island and South Carolina revised their laws. The greatest number of states changed or updated their statutes in the year 2003. These states included Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Utah, Vermont, Virginia and West Virginia. Extending the time frame to encompass years prior to and years after allowed for the work up to the legislation and to see what had been said about it afterwards.

In addition to ‘moral shock’ and ‘pound seizure’, there are a number of other important terms that are found in the coverage. A buncher is an animal collector
who obtains pets from random sources – auctions, shelters, flea markets, by answering ‘free to a good home’ ads, and through the theft of pets. The animals are sold for profit. This term is also misused by some to refer to Class B dealers. While they seem the same, Class B dealers are licensed by the United States Department of Agriculture to purchase animals from random sources. The animals, mostly dogs and cats are then sold to laboratories, universities and other organizations for experimentation. Research organizations use these animals because they are often less expensive than Class A dealer (purpose bred) animals to purchase. A more extensive glossary of terms is included as appendix A.

I have included a virtual roadmap of what is to come to help the reader navigate this dissertation. After the general introduction that outlines the topic of pound seizure, chapter two provides the theoretical framework on which the study is based. This chapter will provide a lens through which the topic of pound seizure was examined.

Chapter three sets the stage by revealing the differences and similarities of the rights argument as it pertains to humans and animals. Communication, including that which is found in newspapers, plays an important role in transmitting the rights argument. This chapter also helps readers to understand the socio-cultural context of animals as it is seen through the eyes of a handful of the America’s foremost animal rights philosophers. Their divergent views reveal the fissures that have opened up in the animal rights argument.

Continuing on in this chapter we examine our relationship with animals. To understand how animals have been viewed over the last thousand years, the literature review traces the historical antecedents of the human-animal relationship from the perspective of philosophy, law and culture. The review provides an
overview of the difference between animal rights and animal welfare. Present day concern for animals is a result of many centuries of human interaction with animals. This journey begins with the way in which animals have been perceived from the point of view of Western philosophy. Philosophers differ about where animals stand in relation to humans but many are in agreement that cruelty directed at animals can escalate to crimes against humans.

From philosophy our attention turns to the way in which animals are dealt with by American law. In the United States, three levels of government have varying degrees of dominion over animals and the result is a labyrinthine network of laws that varies from jurisdiction to jurisdiction. Philosophy and law are the cornerstones of any modern society and it is evident that animals have barely registered in either discipline.

The changing role of animals in society is then examined. Of particular focus is the way in which people benefit from the human-animal bond. Companion animals are often the animals with which we are the most familiar. Judging from the billions of dollars spent each year in the United States on food and care dogs, cats, and other pets are integral to the lives of millions of people who consider them part of the family.

The literature review moves on to animal advocacy as a social movement with an overview of the world’s most successful animal rights organization and its leader. This opens up a discussion about the tactics that this and similar groups employ, how the issues are framed, and the implementation of ‘moral shock’ to engender action.
Concluding chapter three is an examination of three successful events that changed the course of animal law in the United States. Print and other media were heavily utilized to accomplish these landmark improvements demonstrating that communication helps to shape how we perceive an issue.

Chapter four examines the American legislative process. Following this is a case study that demonstrates the challenges that advocates experience when they try to change the law on pound seizure. It also showcases the dearth of press that is allocated to this topic.

Chapter five is devoted to research approach and method. It explains pound seizure in depth and provides an overview of animal sheltering in the United States and how forms of temporary accommodation for companion animals vary depending on the agency. This helps explain why some animals are safe from pound seizure while others are at risk. It is also in this chapter that the research approach, methodology, data coding and coding sheet are found.

The data analysis and findings are included in chapter six. They are categorized according to the state’s position (prohibit, local authorities decide (no legislation), allow, or mandate the practice) on the topic of pound seizure and are arranged in four distinct groupings (Group A, Group B, Group C and Group D). In some states there were a number of news stories, in others there were only a few. Those states that had no articles were not included.

Chapter seven provides a discussion of the findings. The most fulsome analysis is of manifest content but there is a micro analysis of the latent content from three of the study’s articles. There is also a micro analysis of the articles in which the newspaper
article’s author encouraged readers to contact their representation to voice their opinion for or against an upcoming proposed change in policy or legislation.

All studies have limitations and these are discussed in the final chapter. This concluding chapter reveals the results of the research and whether there is a relationship between the newspaper coverage and changes in policy or legislation and examines the inclusion of moral shock in the articles. Suggestions for further research are also made. A brief epilogue ends the research.

Throughout the study it is important to understand that animal advocacy is not based on sentimentalism. It is an argument grounded in the belief that all sentient beings deserve fairness based on their inherent value. Why should we care about fairness for animals? Similar questions have been posed in every rights argument since the beginning of time. Should we have cared that women had no vote, Africans were enslaved, or that Jews and homosexuals were persecuted? We must care because fairness and compassion go hand in hand. We share the planet with others and our collective welfare is intertwined.
Chapter 2
Theoretical Framework

There were a number of theoretical approaches that could have been chosen as frameworks through which to view this research. I readily acknowledge that critical theory, cultural studies and/or discourse analysis would have been viable alternative frameworks. Each has merits and would have provided a different critical analysis of the pound seizure situation in the United States. However, the three that I selected (media effects, policy adoption and public engagement) were chosen because the research was focused on newspaper coverage, sought to uncover a relationship between the coverage and incidences of changes in policy or legislation, and public engagement is an integral part of policy adoption. Soroka writes that “mass media are the primary conduit between the public and policymakers. Policymakers follow media reports on public opinion, and the media are the public’s chief source of information on what policymakers are doing” (2003, p. 28).

Media effects theory is the theoretical framework lens through which this study on pound seizure coverage is viewed. This theory has experienced significant changes over the last century and continues to evolve. In the nascent years, scholars like Harold Lasswell determined that the media message reached its target almost immediately and that these effects were strategic and evident (Neuman & Guggenheim, 2011, p. 169). This was known as the ‘profound effects’, ‘magic bullet’ or ‘hypodermic needle’ theory for its targeted delivery and was largely based on Harold Lasswell’s work on propaganda. A classic example of this effect was the panic that ensued during the radio broadcast in 1938 of H.G. Wells’ The War of the Worlds. The audience believed that creatures from outer space had actually landed on earth.
The next profound stage of scholarship came from Paul Lazarfeld and others at Columbia University who put forth the ‘minimal effects’ theory wherein they dismissed the great power of the media. Mid-century political scientists aligned with this viewpoint. Joseph Klapper in particular believed that “…that audience motivations and prior beliefs influenced the interpretation of persuasive messages…” (Neuman & Guggenheim, 2011, p. 172). This was based on his findings that few voters changed their allegiance in an election. Elihu Katz, a student of Lazarfeld, argued that the media’s message is transmitted to the audience through opinion leaders and then to the public (Katz, 1957, p. 61). This is known as the “two-step flow of communication” (Lazarfeld et al., 1948, p. 151) and is discussed in the literature review.

Yet another viewpoint was voiced by Severin and Tankard who consider that the minimal effects theory has gone too far in the other direction (2001, p. 267). If political messages were not effective there would be no pivotal swing vote in many elections.

Robert T. Craig attributes this fragmentation of consensus to the fact that “[c]ommunication theory as an identifiable field of study does not yet exist” (1999, p. 119). He goes on to say that:

“Except within these little groups, communication theorists apparently neither agree nor disagree about much of anything. There is no canon of general theory to which they all refer. There are no common goals that unite them, no contentious issues that divide them. For the most part they simple ignore each other” (p.119 – 120).

The range of opinions concerning media effects continues to this day. Bates and Swan (2007) state that “[m]edia play a significant role in public perception and public discourse” (p. 188). Where an issue has received more frequent or
concentrated media coverage, measurable changes have been reported. Yu et al. reported that the anti-smoking media campaign in California during the years 1989 through 1992 reduced the consumption of cigarettes by 232 million packs (1995, p. 1222). In 1998, partly as a result of Florida’s media campaign to dissuade youth from smoking, officials saw a 54% reduction in smoking in middle-school aged students (Pfau & Szabo, 2002, p. 1048). Nagelhout et al. (2012) in their study on the effects of newspaper coverage and a media campaign on smokers’ support for smoke-free bars and restaurants “suggests that media attention on the health aspects of smokefree legislation can have an important influence on the success of the legislation” (p. 28). Additionally, Elder et al., found that under some conditions that media campaigns can contribute to a decline in alcohol impaired driving and crashes (2004, p. 63).

There are still those who disagree. Chomsky and Barclay, building on Klapper’s view believe that “[i]f opinions are shaped by personal backgrounds and experiences, people may pay attention only to media messages that conform to existing beliefs and preferences” (2010, p. 388). While initially pessimistic about the influence of the media over public opinion, they do concede that “[a]lthough media institutions were slow to recognize and cover the AIDS crisis, media attention eventually increased as the death toll from the disease mounted” (2010, p. 390). Nevertheless there are those who are convinced that the media has the power to educate the public and influence public opinion.

Factored into any discussion about media effects needs to be the influence exerted on the media by government agencies, corporations and their lobby groups. This can be in the form of sponsored ‘news items’ in print and non-print media, ‘opposite the editorial page’ (op-ed) pieces that represent the opinions of someone affiliated
with the publication's editorial board, letters to the editor and advertising. Research provides many examples of this influence in the energy sector. In 2009, the American Petroleum Group ran advertising in the *Washington Post* predicting the loss of two million jobs due to the government’s climate change legislation (Union of Concerned Citizens, 2012, p. 4). The government of Alberta actively promotes the Keystone XL pipeline to Canadians and Americans. An advertisement in the *New York Times* in March 2013 pressed Alberta’s case by “tying the controversial project to core American values and to U.S. pride in its military” (Canadian Press, 2013).

But it isn’t just the general public that is the target: government officials and investors are also lobbied. “Corporations take indirect actions related to climate change through their memberships in, board seats on, and contributions to industry trade groups, think tanks…” (Union of Concerned Citizens, 2012 p. 12). Anderson (2009, p. 171) writes that “…Exxon Mobil distributed $3.9 million to 39 organisations challenging the science of global climate change”.

The second aspect in the theoretical framework is policy adoption. As with the media, public policy is “heavily influenced by organized business groups while mass-based interest groups and average citizens have little impact” (Bartels, 2014). “Public policy is a course of action made up of a series of decisions, discrete choices (including the choice not to act), over a period of time” (Rushefsky, 2008, p. 1). Cochran *et al.* (2009, p. 6) contend that “making public policy is extraordinarily complex [because] [i]t involves public opinion, media attitudes, expert ideas, active citizens, business and labor leaders, elected representatives, presidents and governors, judges, and bureaucrats”. This complexity translates into a time consuming journey that can take months or years of interaction until a policy is created. As an example of the arduous length of time it takes policy to be enacted or
amended Ashbridge (2004, p. 13) discusses the slow pace at which it took to enact public place restrictions on smoking in Canada.

Previous research has found a relationship between newspaper discourse and its influence on policy and legislation. Ron Nell Andersen Jones (2011) in his article on the demise of the newspaper decries its loss as a critical force as a legal instigator and enforcer (p. 559). He writes that “[w]ithout newspapers and newspaper organizations at the helm—instigating, enforcing, coordinating, and financing legal change, much, if not most, of the nation’s important open-government law from the last generation simply would not have come to pass” (p. 570). Others echo his sentiments. Schudson (1997) writes that ‘the newspaper is the historically central source of democratic conversation” (p. 305).

Yanovitzky (2002b) conducted a study about the impact of newspaper coverage of drunk driving policy making. His findings “support the proposition that intensive periods of media attention are instrumental to attracting policy attention to problems that are low on policy-makers’ agendas while creating a sense of urgency among policy makers to generate immediate short-term solutions to public problems” (p. 444).

In their study examining the shifting public opinion about climate change, Bruelle et al. determined that “[w]hen elected officials formulate their policy agenda, the aggregate distribution of public concern on various issues is a key consideration” (2012, p. 170). A level of stakeholder awareness about issues is necessary for the public to become concerned enough to make their views known to elected officials. Deserai Crow states that “[m]edia coverage of issues, measured by quantity, prominence, and frequency, will translate to corollary placement of those issues on
the governmental and public issue agendas” (2010, p. 145). The media’s coverage of issues is not consistent nor is it always predictable. Monika Bednarek explores an aspect of the news - its value. In terms of news value, first and foremost is negativity. This could be “…death, disasters, accidents, conflicts, war…” (2006, p. 16). There is saying in the news media that ‘if it bleeds, it leads’. Other values are recency (is it a new story), proximity (geographical closeness), relevance (how important the story is to the perceived audience) and superlatives (bigger or better). Another value aspect is demonstrated by where an item is located within the paper. This placement bias can mean the difference between whether a story is seen or not seen by the reader.

The third aspect, public engagement, is an integral part of public policy adoption. One measure of public engagement is voter turnout in elections. In the United States between 1994 and 2004, mid-term elections saw a steady decrease in voters (1994 – 57.64%), (1998 – 51.55%), (2002 – 45.31%), while presidential elections remained roughly the same (1996 - 65.97%), (2000 – 63.76%) and (2004 – 68.75%). These numbers are down from a high of 89.66% for the presidential election in 1968 and 79.85% for the mid-term in 1970 (International Institute for Democracy and Electoral Assistance, 2014). Since 1990, groups like Rock the Vote have been encouraging Americans, particularly the young to exercise their franchise though music, art, pop culture and technology.

Rowe and Frewer acknowledge a trend toward encouraging more people to be part of the “affairs and decisions of policy-setting bodies” (2005, p 251). Examples would be governments that try to involve citizens in land use studies such as an airport expansion or the placement of a nuclear plant. Governments seek to answer the concerns of stakeholders and make the process go more smoothly. “Public
involvement is a matter of urgency not only in the interests of promoting participatory democracy, or the idea that consultation gives better knowledge about the environmental impact, but also because the conflicts arising from protests against new developments are practical problems that need to be solved” (Soneryd & Weldon, 2003, p. 18). The media can play an integral role in helping to engage the public.

However, as in the case of media effects and policy adoption governments still exert pressure to encourage the public to support initiatives to which they are committed. An example is the Canadian government’s commitment to energy development even though a growing percentage of the population is against it. In December 2013, Nanos Research surveyed 1,000 Canadians about the Keystone pipeline and found that 48% were positive or somewhat positive about the project, down from 60% in April of that year (Grenier, 2014). The ideal situation in which governments seek participatory democracy and consultation about environmental impact and other issues is not always accurate or realistic.

Viewing the findings through the lens of media effects, policy adoption and public engagement informs the results of this study. The contention is that media can have an effect on public opinion and public opinion can bring about policy change.

The interplay among these three perspectives forms the basis of the contribution of this research to the literature of the information discipline as well as to the body of animal rights research.
Chapter 3
Contextualizing the Study

No advancement on any front occurs in a vacuum. Progress is a reflection of the world in which we live and the greater the increase in rights for women and minorities the greater the likelihood of tolerance for widening the footprint of rights for animals. During the period of time between 1994 and 2005 there were a number of significant events that occurred in the world. The following is a sampling of these events.

In 1996, an investigation by the Humane Society of the United States (HSUS) determined that Burlington Coat Factory was selling products made with fur from cats and dogs. Trim labeled as Mongolian Dog Fur turned out to be that from a German Shepherd dog. “Following this, the Burlington Coat Factory removed all domestic cat and dog fur items and donated $100,000 to the HSUS to help cover the cost of the investigation” (Coalition to Abolish the Fur Trade, 2014).

During the twelve years of the research study advancements in science provided more insight into zoönotic infections that are transmitted between species from animals to humans. These infections have been around for centuries and include Bubonic plague, influenza and rabies. In 1997, the British Government announced that Mad Cow disease (Bovine spongiform encephalopathy) had likely been transmitted to people. The next year, British scientists revealed that Creutzfeldt-Jacob, a degenerative neurological disorder was the same as Bovine spongiform encephalopathy. Also in 1997 one million, two hundred and fifty thousand chickens were killed in Hong Kong to stop the spread of an influenza strain that was potentially deadly.
In February 2003, another zoonotic infection, Severe Acute Respiratory Syndrome (SARS) was first identified in an American businessman in hospital in Vietnam. Both the businessman and the doctor Carlo Urbani who identified the threat succumbed to the disease. In March, the World Health Organization (WHO) issued a global alert on the disease. In reaction to the news, thousands of civet cats as well as pet dogs and cats were killed. The fear of zoonotic infections causes some people to overreact and does nothing to help the reputation of animals. Animals are often slaughtered in reaction to these perceived threats to humans. In early July, the organization declared that SARS had been contained.

In other animal news that pertained to humans, in the United Kingdom the foot and mouth crises began resulting in the slaughter of 270,000 cattle. This infectious, viral and sometimes fatal disease affects cloven hoofed animals and can be ruinous to animal farming communities.

From the destruction of animals to the creation of them, in Midlothian, Scotland Dolly the sheep became the first mammal to be successfully cloned from an adult cell. Our kinship with animals was also highlighted. A glimpse of human like gentleness occurred at the Brookfield Zoo in Chicago when a small boy fell into a gorilla enclosure. A video of the female gorilla, Binti Jua, just sitting with the injured three-year-old until he was rescued made the animal world famous.

3.1 Changing world for companion animals

The term Human Rights brings to mind the ideals of those activists whose goal is to ensure that every person on the earth has the right to life, liberty, and freedom from oppression. Over the years activists have included William Wilberforce, Mahatma Gandhi, Nelson Mandela, and Martin Luther King, Jr. Theirs has been a centuries-
long battle for human equality. History has shown us that forward thinkers are often denounced and ridiculed for their efforts and certainly these activists were no exception. However, no matter what obstacles were put in their way they pushed forward. Gradually more and more people learned about human rights and equality issues through newspapers and other forms of communication and this provoked more interest in the topics and eventually more people came onside. Small successes led to greater ones such as the emancipation of slaves and women gaining suffrage. Among the greatest achievements was the one that arrived in December 1948 when activists’ goals were entrenched in the United Nations’ *Universal Declaration of Human Rights*. This document legitimized the struggle even though human rights abuses have not been totally eradicated in the 21st century.

In the animal rights arena, among the most prominent animal activists are Peter Singer, Ingrid Newkirk, Henry Spira, and Tom Regan. Perhaps to some the mention of animal rights conjures up images of masked villains trashing laboratories to release research animals or undercover extremists videotaping lurid animal abuse in factory farms. The U.S. Department of Homeland Security has branded a number of animal rights organizations domestic terrorists (U.S. Congress, 2005). Such vilification is unwarranted. Profit plays a large role in animal exploitation. “Politicians, seemingly anxious to please the well-moneyed animal industries in their jurisdictions, eagerly responded with legislation that would shield these industries from the negative publicity and other threats presented by animal activists” (Girgen, 2008, p.65).

As animal advocates become more successful with their campaigns to end animal subjugation, those who profit from the use of animals lobby for protection. After a number of highly publicized undercover exposés into the abuse of animals, the
animal industrial complex is fighting to keep their operations away from the public gaze. The industry has backed anti-whistleblower legislation, commonly known as Ag-Gag bills in close to thirty states. The bills seek to criminalize undercover investigations of abuse and threaten jail time for those who act as whistleblowers. Even though animal advocates have defeated eighteen bills in the last two years, a handful of states have successfully added this legislation to their books. They are Idaho, Iowa, Kansas, Missouri, Montana, Utah and North Dakota.

“The 9/11 attacks provided a pretext for government crackdowns on dissent and provided new rhetoric to demonise animal advocates” (Sorenson, 2009, p. 242). This pejorative rhetoric did not begin then. In 1992, a decade before 9/11, the National Association for Biomedical Research successfully lobbied the government to criminalize activities that negatively impact animal enterprises. This resulted in the Animal Enterprise Terrorism Act. McCoy (2007, p. 54) writes that “[t]he classification of animal advocates as terrorists has encouraged a disproportionate and largely unfounded element of fear in the American public [and] ... has contributed to the enactment of federal legislation that targets individuals based solely upon their political ideology – namely, the Animal Enterprise Terrorism Act (AETA)”. All efforts to go against the establishment encounter resistance and animal advocacy is no different. Laws (2006, p. 146) contends that, “[t]he abolitionists, who fought to end slavery in the US between the 1830s and the Civil War, were derided by Southerners and called dangerous fanatics by Northerners”.

Many people who lobby for animal causes do not belong to blacklisted groups like ALF (Animal Liberation Front), which the American government labels as extremist. They are merely seeking the same goals for animals that activists have sought for
humans throughout the centuries: the right to care and protection from abuse and exploitation.

It would be an overstatement to characterize the Human Rights and animal rights movements as two sides of the same coin, but it is fair to say that both strive for the betterment of those with whom we share the planet. In each case the journey towards improvement is complicated by people who derive pleasure or profit from the servitude of others.

When it comes to the animal ‘industry’, profit is a powerful motive. Meat and poultry factory farming and ancillary industries annually generate $864.2 billion for the U.S. economy, which translates into 6% of the entire Gross Domestic Product. In 2010, the various industries employed 6.2 million people paying $200 billion in wages (American Meat Industry, 2014).

Forkasiewicz, (2014, p. 55) contends that, “[animal exploiters and their associations] incessantly mingle with legislators through intermediate councils and committees on which they buy seats and craft their bill proposals”. Added to those who try to thwart progress though legislative means are members of the everyday public, whose actions prove ruinous to animals. Stibbe (2001, p. 146) contends that the “coercive power used to oppress animals depends completely on a consenting majority of the human population who, every time it buys animal products, explicitly or implicitly agrees to the way animals are treated”.

Animal welfare legislation in the United States is found on the federal, state and municipal level. The United States Department of Agriculture (USDA) Animal Care is responsible for upholding and enforcing the Animal Welfare Act. The Animal Welfare Act and “its associated regulations require that federally established standards of
care and treatment be provided for certain warm-blooded animals bred for commercial sale, used in research, transported commercially or exhibited to the public” (United States Department of Agriculture, 2014). In 2002, Congress amended the act to include “birds as creatures deserving of legal protection” (Martin, 2014).

While this legislation provides a certain degree of protection there are unforeseen gaps and inconsistent enforcement that render a number of laws ineffective. An example of this is a ruling being appealed by the People for the Ethical Treatment of Animals (PETA) that concerns the abuse of avians. Martin (2014) writes that “the USDA prevailed in the first decision in the case in December, in part by arguing that it has the discretion to ignore bird abuse if it wants”.

U.S. District Judge James Boasberg rebuked the USDA writing that the “agency charged with implementing the Act—the United States Department of Agriculture—has, however, so far failed to defend the country’s feathered friends, both by not enforcing the Act against bird abusers and by not promulgating regulations specific to the mistreatment of avians” (Martin, 2014).

Kindy (2013) writes that “USDA inspectors cited less than half of poultry plants for such violations under the current guidelines. Animal welfare groups say this is evidence that enforcement is hit or miss. The documents also show that when USDA inspectors did cite plants, they referenced animal welfare standards set by the poultry industry, not standards set by the department itself”. Factory farming is among the worst offenders. For instance, Stallwood (2014, p. 303) contends that “[a]nimal exploitation is different from animal cruelty” insofar as “animal exploitation
occurs whenever animals are controlled for human purposes, including in animal agriculture, research laboratories, zoos, circuses...”.

A recent issue concerning animals in the film industry illustrates another gap in protection. In August 2011, Amy Kaufman wrote an exposé about animals in the entertainment industry in the Los Angeles Times. Many people assume that performing animals are cared for well. This is due in large part to the famous “No Animals Were Harmed®” end-credit disclaimer seen on film and TV productions. This is the hallmark of the American Humane Association (AHA). The AHA was established in 1877 and the organization is unusual insofar as its mandate is to protect both animals and children from abuse and neglect. The film industry is only one of its areas of concern, but is the most visible from the average person’s point of view. Consistent monitoring of animals on the set came about in 1939 after a horse fell over a cliff and died in the making of the film Jesse James. When this became public knowledge advocates for animals were outraged and today the accreditation of the AHA confers a level of animal welfare legitimacy on a production.

Because of the visibility of animals in the entertainment industry it is easy to assume that these ‘film stars’ are handled with care in keeping with their elevated status and importance to the production. So it comes as a shock that the Kaufman article was able to provide examples of films from 2011 that drew fire from animal rights organizations, in particular People for the Ethical Treatment of Animals (PETA) and Animal Defenders International (ADI). An example of the films in question was Water for Elephants. One of the storylines in the film includes an abusive trainer who meets his end because of his brutal ways. The movie had received the stamp of approval from the AHA because the animals appeared to have been treated properly on set. However, this was only part of the story. A widely viewed Internet video
showing an elephant (purported to be the one in the film) enduring training by electric shock and bull hooks brought into question the validity of the disclaimer (Kaufman, 2011). The owners of the organization Have Trunk Will Travel that provided the animal to the producers were quoted as standing by their care and training of the elephant. This disregard for the animal’s welfare annoyed and disappointed animal activists, who believe that both the human actors and the public had been duped about the animal’s standard of living. The animal had indeed been harmed. In Human Rights terms, this would equate to a person who is provided a safe workplace and freedom from harassment on the job but who has to endure sexual, physical or verbal abuse at home. For the victim of abuse the location is of less importance than the abuse itself.

This leads us to the situation where, in the 21st century communication is growing increasingly important. Among the avenues that are opening up is social messaging in films and television. Cieply (2010) contends that enveloping the concept in a story is a more effective tool to alter perceptions than vehicles that offer an overt message. He offers An Inconvenient Truth as an example of a global warming film that failed to reach all but a select audience. The younger or less educated audiences would never seek out the documentary (p. 18). In contrast the Day After Tomorrow, which transmitted a similar message of protecting the earth, was eagerly viewed by a vastly wider audience. Other topics around which there are mixed opinions have experienced social messaging. The gun control debate was examined in Michael Moore’s film Bowling for Columbine. The unjust treatment of those who have AIDS was showcased in Philadelphia.

In the example of Water for Elephants the film sends the message that abusing animals is wrong. This premise and receiving a stamp of approval for animal care are
subtle ways to telegraph a message that the studio is concerned with animal welfare. However, the public relations backlash the producers endured for allowing actual abuse to make a mockery of the message demonstrates the need to send consistent messages to the viewing public.

The aforementioned article illustrates that the treatment of animals in entertainment is not always what it seems. This is also true for a percentage of companion animals who are surrendered to community pounds and shelters across the United States. Ban pound seizure groups look to the handful of successful events that improved the lot of companion animals in the second half of the 20th century. To see if the same result is possible for this issue the research follows pound seizure coverage in the United States to determine if there is a relationship between the extent and type of newspaper coverage and the adoption of animal policy and/or legislation in the jurisdictions where it is occurring.

3.1.1 Pound seizure background

The background concerning the practice of legislating pound seizure dates to the years after World War II. In 1945, the National Society for Medical Research (NSMR) was formed to promote the use of animals in medical research (Edwards, 1991, p. 242). Among the NSMR’s most aggressive campaigns was the lobbying for access to unwanted dogs and cats in shelters throughout the United States. In 1949, Minnesota became the first state to enact a pound seizure law that required cats and dogs from publicly funded shelters to be released for research (Girgen, 2008, p. 48). Also in 1999, the state of Wisconsin took the legislation a step further by mandating that both public and private shelters release their animals. New York joined in 1952 (Metcalf Hatch Act) and by 1973, ten states mandated the process. The year 1973 also saw animal advocates waging a counter offensive with Hawaii, Maine and
Pennsylvania enacted laws prohibiting the practice. Rhode Island joined the states against pound seizure in 1972 and New Jersey in 1974. By 1979, New York had repealed the *Metcalf Hatch Act* and outlawed pound seizure. Shortly thereafter Massachusetts, Connecticut and West Virginia repealed their statutes. As a gauge of how many dogs and cats were part of the pound seizure process, Gilliam (2009, p. 106) stated that one hundred percent of the animals used at the National Institutes of Health (NIH) in 1963 were random source. By 1989, she noted that this had dropped to 60% of which 94,000 were dogs. The next figures available from the United States Department of Agriculture reveal that by 2007 only four percent of dogs (numbering 2,863) and 1.2% of cats (276) were Class B animals (Committee on Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research *et al.*, 2009).

During the pound seizure study time frame, significant changes occurred in the United States for non humans. Animal rights became an emerging field of legal study. Universities saw a rise in the number of animal law courses being taught, buttressing the argument that the rights of animals matter. Significant donations to ensure that this would happen began around the turn of the last century. In 2001, the Pearson Television Group donated $500,000 to Harvard Law School to fund a program in Animal Rights in the name of television host Bob Barker (Harvard University Gazette, 2001; National Association for Biomedical Research, 2011). Since that time Mr. Barker himself has endowed chairs in animal rights law at other venerable law schools such as Columbia, Duke, Georgetown, Northwestern, Stanford, UCLA and the University of Virginia. Animal law courses are currently being taught at 141 universities across North America (Animal Legal Defense Fund, 2012). “Many supporters of animal rights see legal advocacy as an increasingly promising strategy to protect animals, not only via friendly court decisions, but also by the
sense of legitimacy a recognized field of animal law could provide the movement” (Girgen, 2008, p. 67).

The time frame also saw a reduction in the number of Class B dealers from a high of 200 in the 1970s and 1980s to approximately 100 in the 1990s (Committee on Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research et al., 2009). In 1996, there were fifty dealers (Hurt, 1996, p. 1). The exact number of Class B dealers for each year of the study is unknown, but the numbers continued to dwindle. In 2005, the USDA inspections of Class B dealers increased to four times per year (Committee on Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research et al., 2009, p. 78). At of end 2013 there were seven in the United States.

The number of available pound animals decreased during the twelve years of the study. One gauge of how many excess pets there are in America is the euthanasia rate in pounds and shelters. Shelter pet euthanasia reached its peak c. 1970 when 23.4 million cats and dogs were killed (Animal People, 2004). The number fell to 17.8 million in 1992 and at the end of 2005 the figures for euthanasia sat at 4.9 million. Much of the improvement can be attributed to the bold sterilization campaigns around the country particularly in the north east. In 1994, the Doris Day Animal Foundation launched the first Spay Day to draw attention to the nationwide overpopulation of pets. Also in 1994, the Humane Alliance began to train the staff at shelters across the country on how to perform low cost, high volume sterilization surgeries on dogs and cats. Those jurisdictions where spay neuter was practiced saw a reduction in shelter intake, which diminished the number of animals languishing in pounds.
On the research side medical schools were discontinuing their controversial dog labs and turning to computer simulations instead. It is unknown if this was to reduce costs or to avoid negative press. Numbers of dog labs prior to 1994 are unknown but by March 2000, seventy of the nation’s 126 medical schools had made the change and one year later eighteen additional medical schools had joined their ranks (Curtin, 2000, p. B-01). This handful of changes had an impact on the pound seizure situation by thrusting animals into the legal spotlight, reducing the number of pets available, and cutting back on their use in experimentation.

What do all the abovementioned events have to do with the practice of pound seizure? The ever wider expansion of rights for women, African Americans and the Gay, Lesbian, Bisexual and Transgender community demonstrates that opinions change over time and with that change comes policy and legislative improvements to keep in step. As each bastion of legislative exclusion is toppled it provides a model for other rights groups to follow. In his second inaugural address in January 2013, President Barak Obama linked the progress of rights to freedom for everyone.

“We, the people, declare today that the most evident of truths -- that all of us are created equal -- is the star that guides us still; just as it guided our forebears through Seneca Falls, and Selma, and Stonewall; just as it guided all those men and women, sung and unsung, who left footprints along this great Mall, to hear a preacher say that we cannot walk alone; to hear a King proclaim that our individual freedom is inextricably bound to the freedom of every soul on Earth” (White House, 2013).

Furthermore, technological advancement allows for improved communication. Communication has the power increase public engagement. Public engagement can result in policy change.

The ever expanding rights footprint is a result of the way people view their fellow inhabitants on this planet. Changes in outmoded and flawed thinking coupled with policy and legislative improvements have benefitted women, visible minorities, and
other disadvantaged groups. Animal advocates hope that this increasing empathy for others will have an ameliorating effect on the treatment of animals.

3.2 Animal rights

Animal Rights is a broad topic that covers issues that relate to livestock, wildlife, pets, zoos, hunting, and animal experimentation. It is a contentious issue among the general public. Even within the animal rights movement there are factions that differ on the degree of rights sought and upon what the rights argument is based.

As a modern social movement it has its roots in the latter half of the 20th century. Finsen and Finsen (1994) write that before this movement, eliminating cruelty and promoting a more compassionate attitude toward animals were the only goals of anyone who thought about the welfare of animals (p. 3). The authors view the rights movement as not seeking “...humane reforms but challeng[ing] the assumption of human superiority and demand[ing] abolition of institutions it considers exploitive” (p. 3). Abolishing exploitive institutions is not easily achieved. The goals of the animal rights movement are ambitious and the reality is that most accomplishments in this arena are relegated to the domain of animal welfare. As a result many animal advocates agree that improvements of any kind are considered victories.

Members of the movement embrace a constellation of viewpoints that range from animal welfare to hard line rights. However, most scholars classify animal advocates into two and often three philosophical positions. On one end of the spectrum are welfarists, who believe that humans are justified in using animals so long as we do not cause them excessive or unnecessary pain. To satisfy human requirements, welfarists advocate the responsible use of animals under conditions wherein their basic needs of food, water, shelter, etc. are met. For Gary Francione (1996), a law
professor at Rutgers, the welfarist view - unacceptable to hardliners - consists of “sacrific[ing] the interest of some animals today in the hope that animals tomorrow will fare better” (p. 43).

Sztybel (2007, p.22) writes that “[f]undamentalists such as Francione charge that self-described animal rightists who support “welfarist” laws are really “new welfarists” and not, after all, animal rightists. Abolitionists like Francione occupy a position on the margins. Contending that the existing system is fundamentally flawed, they argue strenuously for an end to any form of animal exploitation. Their stance is that animals should never be used for food, entertainment, clothing, or research. Instead, animals should be accorded a full panoply of rights. Among the most eloquent exponents of this position is Tom Regan (2004a), who writes that,

“[w]e do not and should not say that human children lack moral and legal rights because they cannot understand what rights are, or because they cannot claim their rights, or because they do not respect our rights. What we should not say in the case of children, we should not say in the case of animals for the same reason” (p. 21).

Regan’s deontological approach to animal rights is grounded in the belief that a compatible moral theory does not cater to the majority at the expense of the minority. His is not an emotional appeal; rather, he states that rights should be based on inherent value.

Although abolitionists call for complete elimination of animal subjugation, their stand on the issue is highly nuanced. For instance, Regan’s view that higher animals deserve rights is at odds with Francione, who believes that all non-human animals are worthy of rights. Lyle Munro (2005a) and others feel that the two previous classifications are far too restrictive and have therefore opted for a third category that falls between welfarists and abolitionists. For this third group, labeled
pragmatists, the argument has become complicated. They have weighed the tangle of rhetoric on both sides and have assumed a position in which they straddle both camps: they seek a better existence for current animals as they await legislation and moral change that will create a landscape where animals are no longer used by humans. As middle-of-the-road proponents, some equate their position to those who advocated for the improvement of living conditions for slaves until they were emancipated. However, there is the fear that seeking improved conditions glosses over the problem and erodes the public sentiment for real reform.

These three sectors in the animal movement also approach lifestyle strictures differently. In addition to their philosophical position, rightists are frequently vegetarian or vegan, personally abstaining from any animal usage. Preylo and Arkawa (2008) view this as the adherent’s personal statement (p. 394) and Engel (2000) states that such behavior is demanded for moral consistency. On the other hand, studies have shown that welfarists detect no disconnect between rescuing companion animals, or lobbying for better living conditions for battery hens, while they sit down to a dinner of flesh (Herzog & Golden, 2009). This detached attitude causes some rightists to look down upon welfarists as intellectually ossified. On the other hand some welfarists deem the rights position unrealistic and too unyielding. This polarization of viewpoints leads to considerable infighting among the factions.

Regardless of the squabbling, animal advocacy continues to evolve. Two areas of growth in this movement are ecofeminism and critical animal studies. Ecofeminism is “a theory that has evolved from various fields of feminist inquiry and activism: peace movements, labor movements, women’s health care, and the anti-nuclear and animal liberation movements” (Gaard, 1993, p. 1). One of the foremost ecofeminist writers, Carol J. Adams, believes that a “progressive antiracist defense of animals
locates itself at the point of intersection of race, class, sex and species” (1994, p. 83). Others are in agreement. Co-founder of Feminists for Animal Rights, Marti Kheel (2006, p. 307) writes, “[t]he worldview that underlies animal abuse in Western culture derives from a similar mentality to the one which underlies the abuse of women”.

These scholars see a similar pattern of male domination of women, animals and nature. “As feminists, we can picture our connections to other animals and the earth as a whole, through the lens of metaphors about our shared oppression” (homefries, 2006, p. 392). (homefries is the pseudonym of Helen Matthews, an ecofeminist who studies the connection between animal liberation and social justice)

Others write that women in agrarian societies have a special connection to nature and are disproportionately affected by environmental destruction. Kruse, (1999, p. 178) contends that “[m]en exhibit much more support than do women for the exploitation and control of the natural world”. This might account for the greater percentage of women who are vegetarian (59%) versus men (41%) of the 7.3 million vegetarians in the United States (Statistics Brain, 2013).

It has also been noted that participation in the animal advocacy movement has always been heavily weighted toward women. Girgen (2008, p. 80) writes that “various surveys of activists estimate that women make up between 68 to 80 percent of those involved in the movement. Not only do female activists report greater involvement with animal rights, but they also hold stronger views”.

The other relatively new field of study is Critical Animal Studies, also known as Human-Animal Studies (HAS) or Anthrozoology. The “interdisciplinary field of animal studies emerges as a call to all of us to relinquish, once and for all, the habit and the
hubris of anthropocentrism and humanism and to broaden the sense of “our time” to include the catastrophe that is the systematic and relentless and ongoing exploitation, abuse, and killing of nonhuman animals” (Worsham, 2012, p. 715).

Shapiro and DeMello (2010, p. 3) write of an “explosive growth of the field” between the years 2000 and 2010. They point to the “23 college programs in HAS or a related field in the United States, Canada, Great Britain, Germany, Israel, and the Netherlands, as well as an additional eight veterinary school programs in North America, and over 30 HAS organizations in the United States, Canada, Great Britain, Australia, France, Germany, New Zealand, Israel, Sweden, and Switzerland” (p.3).

Steve Best (2014) contents that in ten years Critical Animal Studies will be taking its “rightful place [in academia] alongside Women’s Studies, African-American Studies, Chicano/a Studies, Disability Studies, and Queer Studies”. Sorenson (2014, p. xxviii) writes that, “[c]ritical animals studies distinguishes itself from the approaches of mainstream animal studies through its attention to activism and education, as opposed to producing obscure theories for elite consumption”. Activism includes conferences, publishing, public engagement, etc.

A key component of this activism is encouraging veganism, which is abstaining from consuming any animal product. In the United States there are approximately 7.3 million vegetarians or 3.2% of the population and one million vegans (Vegetarian Times, 2014). Kim Stallwood (2014, p. 298) points to an uphill battle in this arena writing that, “[the animal rights movement] fails generally to decrease the number of animals consumed; persuade people to go vegan; convince governments to pass meaningful legislation, and fundamentally challenge society’s attitudes towards animals” and is “no match for the animal industrial complex, the collective term used
to describe the many traditions, institutions, and industries that transform animals into products and services for human consumption”.

Veganism as a personal lifestyle choice runs counter to everything that ‘Big Farm’ wants to promote. In addition to the animal industrial complex’s billion dollar advertising campaigns, lobby groups like the Center for Consumer Freedom (2014) regularly denounce studies linking a diet high in animal fat to health risks for humans with backgrounders like, “[a] growing number of anti-meat zealots, usually driven by an animal rights agenda, are disseminating shoddy science in an effort to drive consumers toward a meatless diet”. While Stallwood (2014, p. 298) and others maintain that veganism is a “legitimate public policy issue”, it will likely take some time for veganism to resonate with the general public.

Overall, the animal rights movement has undergone a substantial change in the last fifty years. Diane Beers (2006), who has chronicled the movement in the United States writes, that “[l]ike many social justice movements, when animal advocacy began, it was a novel and sensational phenomenon that attracted a great deal of public attention (mostly hostile)” (p. 93). Today the animal rights movement is situated in a period of accelerating history due in part to the proliferation of media and the burgeoning accessibility of information. Added to this is the escalating popularity of engagement with social issues that serve an ethical purpose. In 2014, concern for animals has become a relentless world-wide movement and while the goal of each sector is different they are united in their desire to improve the lot of animals.
3.3  Understanding the Socio-Cultural Context of Animals

To understand how animal advocacy came into being it is necessary to explore how the human-animal connection has evolved over time. We begin by examining the way philosophy has looked upon animals.

3.3.1 Animals - a philosophical perspective

The modern day animal movement has its roots in ancient philosophy. Animals have been a source of curiosity, mystery, and service since earliest times. Before man could communicate effectively, he drew paintings on the walls of caves; the most common themes of these paintings were animals. Baky (1980) writes that the drawings at Lascaux and Altamira are particularly awe inspiring. Jasper and Nelkin (1992) suggest that animals may have been worshiped and seen as "embodiments of spirits" (p. 6). Building on the contention that animals conveyed cultural meaning, Boria Sax (2001, p. xiii) notes that the depiction of animals in these artistic renderings is much more sophisticated than that of the humans.

What is an animal? The term comes from the Latin *anima*, which means soul or with soul. Salisbury (1994) writes that today we define animals as all organic things that are not plants; this definition includes humans (p. 2). The author contends that our attitudes towards animals are a reflection of how we define them in relation to ourselves (p. 2). It is fair to say that scholars have been grappling with the notion of animals for centuries.

The philosophical debate surrounding animals goes back to the ancient world. The Greek philosopher Pythagoras was a pivotal figure within animism, the school of thought in which spirits exist in all manner of living entities and in non-animate objects such as mountains, rocks, thunder, and rivers. He believed that animals,
humans and vegetation were all forms that a reincarnated soul could inhabit. Metempsychosis, the transmigration of souls, meant that harming a living entity meant potentially harming a soul in transition, perhaps someone you had known. As an extension of his belief, Pythagoras was a vegetarian, and up until the seventeenth century the term Pythagorean was synonymous with choosing this dietary regimen (Corse, 2010).

Animals did not fare as well in other schools of thought. Aristotle, who lived several hundred years after Pythagoras, spent a great deal of time observing and dissecting animals. The original concept of the Great Chain of Being (scala naturae), which viewed the universe in rank order of spiritual progress from the heavens downward, is attributed to Aristotle. This ‘ladder of life’ located animals beneath humans in the hierarchy. Aristotle argued that while animals share human capacities, such as sensation and desire, they do not have the ability to reason nor do they have any interests of their own. Plants were created to nourish animals, and animals were created for the sake of man, even though humans and animals possessed similar abilities. Aristotle’s findings led him to deny that animals had moral equality with man.

Those who view the natural world as one in which humans may dominate and exploit animals cling to translations of the Old Testament word rādā that interpret man as having ‘dominion’ over beasts. And while animals’ lesser importance has been the foundation of belief throughout the ages, animal rights advocate Tom Regan (2001) takes the position that the Judeo-Christian Biblical teachings may be interpreted in two ways – despotism or stewardship. He criticizes the concept that “only humans have intrinsic value; the natural world possesses value only to the extent that it serves human interests” (p. 7). In his search for substantiating evidence, Regan
provides an alternative meaning for the Hebrew word ʁāḏâ as one that corresponds to a concept roughly translated as stewardship.

Preece and Fraser (2000), while acknowledging the colliding interpretations of ʁāḏâ, point to scriptures in which the duty and care aspect of the human/animal relationship is reinforced. They concede that the status of animals is complex in Biblical and Christian thought because “...animals are viewed through a pastoralist lens, whereby certain use of animals is seen as legitimate while diligent care of animals is highly valued” (p. 258).

Animal ‘differentness’ was embraced almost uniformly throughout early philosophical writings. The fourth-century church father Augustine believed that man and animals were distinctly different. He saw humans as rational creatures and therefore superior to brutish animals. Salisbury (1994) notes that, in the same way that the early church fathers made distinctions between Christians and pagans, they created a list of differences between animals and humans (p. 4). Being different did not bode well for animals, and this was often borne out in their treatment. Early scholars believed that not only did animals lack the capacity to reason, but that they also did not possess a soul. Animals, being without souls, would not be admitted to heaven. This argument continues to this day.

Animal inferiority is a common thread throughout philosophical writings. From Aquinas’ point of view, man had no duty to animals. Animals were without intellect and were therefore not made in God’s image. The only reason to avoid animal cruelty would be to lessen the risk that this would overflow into a similar treatment of other humans. Schinkel (2008) writes of a “long-standing tradition according to
which the morally proper treatment of animals does not rely on what we owe them, but on our benevolence” (p. 41).

The philosophical relegation of animals to a subservient position would be incorporated into scholastic thought for hundreds of years. Any philosophical consideration afforded them came to an abrupt halt with the publication of *Discourse on Method* in 1637, which outlined René Descartes’ mechanistic view of the natural world. This treatise has situated the author among the most fervent deniers of animal consciousness to date. Descartes believed in the split between the mind/body, soul/material world, and humans/animals. His conjecture that animals were purely physical entities, without feeling, and mindless automata convinced Descartes and his fellow scientists that the animals who cried out during experiments were not able to experience pain. This led to some very gruesome experiments on animals. The opinions of Descartes and his followers would hold sway for close to one hundred and fifty years. It would take until the late eighteenth century for mankind to arrive at the conclusion that higher animals share the same feelings as humans do.

Consideration for animals continued to be left on the sidelines in other philosophical traditions. Immanuel Kant’s influential moral theory opposed the idea that humans had any duties toward animals. While Kantian thought holds that animals have worth and dignity, they are only instruments of human life. Humans become cruel themselves if they are cruel to animals and it follows that kindness to animals trained humans to be kind to one another. For example, Scholtmeijer (1993) argued that non-human animals should be spared any cruelty because “the pain we give to animals alters our own moral and emotional state” (p. 18).
The idea that cruelty to animals begets cruelty to humans has been the subject of extensive study in recent years. Contemporary researchers have documented links among animal abuse, domestic violence, and increased felony offences. As Ascione and Arkow (1999) remark, “[v]iolence directed against animals is often a coercion device and an early indicator of violence that may escalate in range and severity against other victims” (p. xvii). Their ‘violence graduation hypothesis’ builds on William Hogarth’s 1751 engravings entitled the “Four Stages of Cruelty,” which illustrate youthful cruelty that portends more egregious abuse in adulthood. The fictional Tom Nero’s cruelty graduates from young animal torturer to murderer. Accordingly, Faver and Strand (2000) suggest that social workers who notice animal abuse in a household often find indications that other types of violence are also present (p. 238). Diana S. Urban, a Democratic representative from Connecticut, has sponsored a bill to force animal-control workers and child-welfare workers to cross report suspected domestic, child or animal abuse. In March 2010, she was quoted in the New York Times noting that F.B.I. profilers use animal abuse as one of four indicators to assess future violent behavior (Urbina, 2010). In addition, new laws in Illinois and other jurisdictions require veterinarians to report the suspected abuse of the animals they treat to police (Siebert, 2010). The link between animal abuse and interpersonal violence is therefore well documented.

Those awaiting a tectonic shift in philosophical viewpoints realized quickly that animals fared no better with social-contract theorists than with Immanual Kant. John Rawls argued that duties of justice are shared among those who are roughly equal. Rawls suggested a hypothetical way to determine what was just and unjust in society by creating a ‘veil of ignorance’ wherein no rational person knew their place in that society. However, this technique is not inclusive of those who have needs or interests outside the contract (Abbey, 2007). Because Rawls’ veil of
ignorance theory is predicated on rational equals, it excludes both non-humans as well as the mentally incapable. While it is agreed that animals are owed compassion and tenderness, there can be no reciprocity between them and humans (Schinkel, 2008).

A watershed moment for animals came in 1789 when Jeremy Bentham, a utilitarian, stated that the ability to suffer was the sole rationale for treating other beings kindly. Bentham’s now famous criteria was not ... “Can they reason? nor Can they talk?, but Can they suffer?” As a result, Bentham is often cited as the first modern proponent of animal rights. Through his writings animals inched their way toward inclusion into human’s moral community.

For many in the animal advocacy arena, utilitarianism offers more acceptability than other moral theories. Utilitarians hold that humans and non-humans should be given equal consideration in decision making that affects them. Sadly it would take until the mid 20th century for animals to be considered on their own merit because history has shown that the measure of an animal’s worth ebbs and flows.

The path along which philosophy has traveled has not been particularly kind to animals. However, it has offered examples to demonstrate that animal advocacy is not an emotional issue. It is an argument based on fairness and inherent value. Furthermore, scholars now agree that animals are sentient beings capable of feeling pain and fear. Readings in philosophy have also underscored that animal cruelty and abuse have damaging effects on humans as well as animals. Given this foundation we move on to examine the animal existence in the eyes of the law.
3.3.2 Animals – a legal perspective

What is an animal? From a legal perspective an animal is property. Animals owned by individuals or organizations are classified as private property. Those considered ‘wild’ fall within the jurisdiction of the state. It follows that if animals are property, then humans have dominion over them. Thus the subordination of animals is grounded both in philosophy and in law.

Waisman, Frasch and Wagman (2006) contend that this status of property “has kept nonhumans from being plaintiffs in lawsuits, a crucial requirement to increase one’s protections under the law” (p. 39). There are those who argue strenuously against this way of thinking. Francione (2000), for example, believes that all sentient beings have the right not to be treated as property:

“If we regard animals as our property, we will disregard their interests whenever it is in our interest to do so. This is particularly true in countries such as the United States, which regards property ownership as a natural right—a right that has its origin in religious doctrine and that is considered an absolutely essential cornerstone of social organization” (p. 75).

Property is the cornerstone of any legal system. Draeger (2007) argues that the “[c]lassification of animals as property does not make them objects any more than the classification of corporations as ‘persons’ makes them human” (p. 280). The irony, however, is that property status does confer protection on animals; if they lose that status, they lose a minimal level of protection. In an attempt to overcome this legal hurdle, David Favre (2008, p. 35) proposes a new category of property to join real property, personal property, and intellectual property: living property. Favre (2009-2010, p. 1071) posits that “[a]nimals already have a modest variety of legal rights...[and] it will be useful to acknowledge the existence of a fourth category of property, living property. Once this new category is separated out from other property, a focused scholarly consideration of the issues will result in a new list of
legal rights for at least some of these animals”. Others, like Bankoff (2006, p. 15), agree that if animals are to remain classified as property, then they at least deserve the designation of conscious or thinking property. It is hoped that by categorizing animals as conscious, living or thinking property the next step would be to change ownership language to guardianship.

This reclassification of animals into a fourth category is a way of using loaded language to change the perception of animals, thereby elevating them above mere property status.

Enlightened language aside, Terry Carter (2007), writing for the American Bar Association, states that “courts still view [animals] as ‘property’ rather than activists’ preference for other terms such as companion animals, special property, or even sentient property” (p. 40). For animal advocates, however, there is always hope lingering on the horizon. Carter contends that “[p]ublic sentiment can be a significant force for changing law and policy…. [their] perceptions, for example, became more sharply focused after [s]tories, pictures and videos showed the plight of pets stranded or dead in New Orleans after Hurricane Katrina” (p. 41). Nevertheless, McDaris (2006) states that, in the last forty years, there have only been a few tort and ‘custody’ cases that have broken away from legislative personal property strictures (p. 171). Tort law recognizes that certain human beings attach themselves excessively to property and that they deserve special compensation. McDaris’ contention is that these cases have the potential to nudge the law beyond the court’s view of companion animals as mere chattel.

Education is another example of how scholars are chipping away at the legislative fortress. Supported by million-dollar contributions and endowments, animal rights is
an emerging field of legal study taught at some of the most prestigious law schools in America—Harvard, Stanford, Columbia, Duke, Northwestern, Georgetown, and UCLA (Duke University Development, 2004). Advocates hope that more focus on animals in law school will create a groundswell of lawyers, judges and legislators who will look more favorably on the plight of endangered, neglected or abused animals.

This tidal wave of interest would seem to indicate that the United States provides the ideal landscape to agitate for change. However other forces are at play. Lovvorn (2006) reveals that “[a] 2003 Gallup poll painted an even bleaker picture of the prospects for this society embracing legal rights for animals. Nearly two-thirds of Americans oppose banning all medical research on laboratory animals. Sixty-one percent oppose banning all product testing on laboratory animals” (137). Lovvorn believes that animal personhood is both an unrealistic and unattainable goal (p. 142).

Even with legislation Sims, Chin and Yordon (2007) write that “[i]n the United States, crimes against animals are often unpunished or under-punished. For instance, an MSPCA [Massachusetts Society for the Prevention of Cruelty to Animals] study showed that out of 80,000 cases, only 268 were prosecuted....Yet, almost monthly a high-profile case of animal cruelty unpunished is met with gasps when readers encounter its description in the popular press” (p. 251).

Why are so few cases of animal cruelty prosecuted? Society’s conflicting views on what is acceptable treatment of animals might have a bearing on this. Hunting, zoos, circuses and the exploitation of animals in the food industry are examples of how cruelty has become commonplace. For example, Boggs (2011, p. 75) contends that
even with reforms factory farming conditions are “more crowded, more painful, more disease-ridden, more drug-saturated even than at the time of Upton Sinclair’s classic The Jungle (written in 1906)”.

Susan Roghair (Kistler, 2002, p. 227) says that “[m]ost people believe that farmed animals are treated humanely, when the truth is that animal welfare is the smallest concern of the animal food producers who are driven by maximum profits”. She details the ecological aspects involved with raising animals for consumption. The depletion of America’s natural resources include “[h]alf of this country’s fresh water supply goes to livestock production, from growing animal feed to washing down the slaughterhouse floor” and “meat industry is also responsible for a third of the fossil fuel used” (p. 227).

Methany and Leahy (2007, p. 325) write, “[s]ince World War II, the welfare of these animals has been impaired by intensive breeding, confinement in high-density housing, and painful surgeries performed without anesthesia” furthermore “the United States has among the weakest farm-animal-welfare standards in the developed world”. Rollin (1990, p. 3456) writes that

“...the anticruelty laws, which forbid willful, intentional, malicious cruelty or wanton neglect, and which are as much designed to protect society from sadists and psychopaths, who begin with animals and move to people, as to protect the animals. In these laws, harm done to animals or suffering inflicted on animals for human necessity-essentially defined in the broadest, possible way as economic benefit or even recreational benefit-is by definition exempt from the anti-cruelty laws. Thus, agriculture, animal research, hunting, trapping, rodeo, all cannot fall under the cruelty statutes”.

Stallwood (2014, p 298) writes that “[i]nstitutionalized animal exploitation by the animal industrial complex is fundamentally different than individual acts of animal cruelty” because the “animal industrial complex is principally for financial gain, which is why it is do difficult to stop”.

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Very little has been accomplished in the way of animal rights legislation. Virtually all improvements pertain to animal welfare and well-being. Sunstein and Nussbaum (2004) write that “[w]hen animal suffering is clearly involved, the choice between animal welfare and animal rights might not greatly matter” because “[i]n a sense, those who believe in animal welfare believe in animal rights, at least if we define animal rights to mean ‘protection against suffering’” (p. 5). This is thin gruel for those who advocate on behalf of animals.

Regardless of policy and legislative improvements in the United States animals still remain property. As property their needs are subservient to the needs and desires of those who own them. Neither philosophy nor law has proven to be free of human bias when it comes to animals. The path to an improved existence is still elusive. Change might have to come from another direction.

### 3.3.3 Animals - a cultural perspective

Rare is the Western person who has not had first hand experience interacting with an animal. For the average person, animals fall into two categories: either domesticated or wild. Domesticated animals are used for food, entertainment, clothing, research, service, or pets. Diamond (1999) contends that “a wild animal, to be domesticated, must be sufficiently docile, submissive to humans, cheap to feed and immune to diseases and must grow rapidly and breed well in captivity” (p. 398).

The best evidence suggests that, between 9,000 and 11,000 B.C., humans began the domestication process by changing the behavior of wild animals to ensure a constant food supply. Selective breeding of captive wild sheep and goats in Southeast Asia and the area now known as Iran transformed these herbivores into
creatures that were useful to man. Diamond (1999) notes that, compared to their wild counterparts, domesticated animals grew smaller, less intelligent and were bred for their high yields of wool or milk. Animals were crucial to those who possessed them providing both food and clothing.

Over the course of several thousand years other animals fell under the yoke of domestication – pigs, cattle, horse, and fowl. These new servants of man provided meat, milk products, transportation, leather, and wool. Harnessing animals to a plough increased the farmer’s ability to till fields and plant crops. Hitching quadrupeds to a wagon made migration from place to place possible. And for groups involved in territorial disputes, the invention of the stirrup was a significant step forward in early warfare. Mounted riders were more agile and could utilize their horse’s momentum to deliver a heavier blow to the enemy.

Throughout the world domesticated animals became central to human life. In 16th-century England, man and animals lived together in close quarters, often under the same roof (Thomas, 1983, p. 87). Shepherds could recognize the faces of their sheep and some farmers “…could trace stolen cattle by distinguishing their hoof prints…” (p. 95). Thomas contends that, “domestic beasts were subsidiary members of the human community, bound by mutual self-interest to their owners, who were dependent on their fertility and wellbeing” (p. 98). Jasper and Nelkin (1992) argue that portraying animals as partners to humans is a centuries-old tradition of sentimental anthropomorphism. The authors believe that “[a]nthropomorphic projections break down the boundaries that humans perceive between themselves and other animals” (p. 12). However, no matter how close animals and humans were thought to be throughout the ages, the lot of the average animal did not improve.
Scholars argue that animals are deeply entrenched in current society. John Sanbonmatsu (2005) views the world’s dependency on animals in terms of a global political economy that “to this day remains substantially dependent upon the cultivation, transportation, containment, killing, disposal, and medical torture of thousands of millions of animals” (p. 107). Sunstein and Nussbaum (2004) offer an example of how the use of animals is quietly woven into all manner of products. They write:

“[t]he blood of a slaughtered cow is used to manufacture plywood adhesives, fertilizer, fire extinguisher foam, dyes” and “her fat helps make plastic, tires, crayons, cosmetics, lubricants, soaps, detergents, cough syrup, contraceptive jellies and creams, ink, shaving cream, fabric softeners, synthetic rubber, jet engine lubricants, textiles, corrosion inhibitors, metal-machining lubricants” furthermore “her collagen is found in pie crusts, yogurts, matches, bank notes, paper, cardboard glue”, while “her intestines used in strings for musical instruments and racquets” and finally “her bones [are used] in charcoal ash for refining sugar, in ceramics, and in cleaning and polishing compounds” (p. 20).

The 2009 United States Department of Agriculture (USDA) statistics reveal that 33 million cattle, 113 million pigs, 8.6 billion chickens, and 245 million turkeys were consumed – 9.1 billion animals in total, not including fish, crustaceans, horses or rabbits for which the USDA does not keep statistics (Humane Society of the United States, 2010). Worsham writes that “the living beings we call animals are humanity’s designated victims who are brought into being to be abused and slaughtered in the interest of what we see as our superior form of life. We live off of animals in every sense available” (2012, p. 727).

Animals are integral to the economies of most nations. Yet Sunstein and Nussbaum (2004) maintain that similar statements were made about the slave trade. They write that “[a]bolition...would ruin Britain and its colonies, throw thousands of sailors out of work, and destroy its seafaring training ground” besides which “slavers were of impeccable character”, “the trade itself was not cruel” and this was “one of the
happiest periods of a Negro’s life” (p. 21). Most would agree that this is a tragically inaccurate viewpoint by today’s standards. The authors contend that arguments to defend a socially unacceptable practice tend to use similar whitewashing salvos.

Some animals are closer to humans than others. Dogs have integrated into all levels of society since ancient times. The evidence of this infiltration is provided by tomb paintings, texts and other artifacts (Dotson & Hyatt, 2008, p. 458). Boyko et al. (2009) estimate that the domestication of dogs began between 15,000 and 40,000 years ago. It is presumed that the first dogs descended from wolves that came in contact with humans. Cats as companions are thought to have arrived on the scene a mere 4,500 years ago (Finklestein, 2005).

Keith Thomas (1983) speaks of the privileged status of certain animals as domestic companions and pets. He identifies industrialization, the rise of cities, and less nature in daily life as the reasons for which pet keeping because popular. Our attachment, particularly to dogs, was evident toward the end of the Middle Ages (Menache, 1998). Today pets are common in virtually all societies around the world (Wood et al., 2007). Pets are embedded in American life and kinship with them results in them being treated with much the same care we give humans (Salisbury, 1994). One measure of this relationship is financial. An estimated $36 billion was spent on pet related services and products in 2005 (Cavanaugh et al., 2008).

Pets are the most familiar animals to the majority of Americans and they therefore play an important role in the lives of both children and adults (Serpell, 1999). For some adults pets serve as surrogate children (Menache, 1998). Unlike other domesticated animals, most pets are given names, creating a further bond between human and animal. Through the years dogs and cats have been more than mere
companions. Grier (1999, p. 95) writes that the early 19th century saw “a new
domestic ethic of kindness to animals” among middle-class Americans, who believed
that pet keeping was an important way in which to teach children about fidelity and
compassion. Thus the keeping of pets was seen as a “morally purposive act” (p. 96)
and no longer as a mere indulgence.

Allie Phillips (2006, p. 3) believes that the bond between animals and humans starts
in early childhood. Children are surrounded by animals. She cites examples of
animal representations on pajamas and other clothing, as toys, in early books, and
on children’s television shows – Blues Clues, Curious George and others. Our
portrayal of Mickey Mouse, Lassie and Black Beauty reveals animals with human-like
characteristics such as intelligence, compassion and emotion (Salisbury, 1994).

While people keep other pets, by far the most common companion animals in North
America are dogs and cats. In 2009, American households were home to 77.5
million dogs and 93.6 million cats (Humane Society of the United States, 2009). The
American Veterinary Medical Association (AVMA) (2008) states,

“[t]he [pet ownership survey] statistics reveal that almost all pet owners feel
a strong human-animal bond. About 49.7 percent of survey respondents consider
pets to be family, and 48.2 percent consider pets to be companions. The remaining
2.1 percent consider pets to be property” (p. 1).

Industry studies show that companion animals matter to people. Phillips (2006)
cites a 1997 Pfizer Animal Health/Gallop Organization survey of five Utah crisis
shelters “that revealed abused women would hesitate to leave their pet behind in a
violent home” (p. 3). She has also gleaned statistics from the AVMA which indicate
that 93 percent of owners are likely to risk their own lives in order to save their pet.
Planchon et al. (2002) affirm that for the bereaved, the death or loss of a companion animal is akin to that of a family member.

Culturally it could be argued that animals occupy a central place in the lives of most humans. Animals are utilized for food, clothing, entertainment or companionship. Those who deem this symbiotic relationship as unfairly balanced in favor of humans have helped give rise to a crusade to alter this inequity. This crusade came in the form of a social movement.

3.4 Animal Rights as a social movement

Animal rights follows a long line of social movements that seek improved conditions for others - women, visible minorities, homosexuals, etc. Scholars have categorized animal rights as a post-citizenship movement populated by members who already enjoy rights. They advocate goals for which they themselves will receive little or no benefit (Lowe & Ginsberg, 2002). Polletta and Jasper (2001) write that “[u]nlike the civil rights and early labor movements, which pursued full inclusion as citizens, post-citizenship movements are peopled by those who already enjoy most or all of the normal rights of citizens, including the ability to mobilize legally and to put pressure on political decision makers” (p. 287). Activists maintain that no entity could have fewer rights than does an animal.

Crossley (2002) contends that what distinguishes a social movement from mere protest events is “sustained interaction with opponents” (p. 4). He writes that “movements permeate the smaller crevices of our life world...” and are important because “they are key agents for bringing about change within societies” (p. 8). Social movements sweep away outmoded and ethically flawed thinking bringing about a new order. Legislative and policy change follows. Mika (2006) states that
social movement actors “frame their criticism of the status quo” in an attempt to “persuade those outside the movement to join their cause” they do this by “prescribing a remedy in a manner that resonates with potential participants” (p. 915).

A social movement is a community. It is comprised of adherents who support the goals and beneficiaries (in this case - animals) who benefit from any progress. Adherents fall into several categories. Constituents are those who identify with the movement. In the case of animal rights, all constituents are conscience constituents because they do not stand to benefit personally. There are also participants who are involved in the activities, contributors who financially support the movement, and members who may or may not be actively engaged in the activities. Denton, Smith and Stewart (2001) acknowledge that all social movements consist of groups that society views as illegitimate, so-called “out-groups” (p. 6). Encouraging those in power to loosen their hold on privilege is never easy. Animal advocates like Henry Spira (1985) believe that those in control will concede nothing without a struggle (p. 196).

It is generally accepted that Peter Singer began the modern animal rights movement with the 1975 publication of his book *Animal Liberation: A New Ethics for the Treatment of Our Animals*. His premise is that it is wrong to harm others and consistency dictates that it is immaterial whether the other is human or animal. Finsen and Finsen (1994, p. 181) argue that Singer developed his argument by examining the women’s and Black liberation movements. Jonathan Benthall (2007) notes that animal rights was one of the few 20th century movements to have arisen from the work of a philosopher (p. 1). Central to Singer’s belief is that, even though animals experience pain, humans fail to take the interests of animals seriously due
to species bias or speciesism. He contends that “[t]he attitudes toward animals of
previous generations are no longer convincing because they draw on presuppositions
- religious, moral, metaphysical - that are now obsolete” (Singer, 1975, p. 185).
Speciesism, the notion that humans are superior to humans, is a term coined by
Richard Ryder former Chairman of the Royal Society for the Prevention of Cruelty to
Animals (RSPCA) in 1970. However, it was Singer who brought the term into the
mainstream.

Sanbonmatsu (2005) praises Singer by saying that, as the world’s foremost
utilitarian philosopher, he has effectively argued that because animals are sentient
we have a moral obligation not to cause them suffering (p. 108). Singer’s book has
“had a greater influence on North American social movements than any other
published work of the very late-20th century, with the exception of Jonathan Schell’s
The Fate of the Earth...” (2005, p. 108). In conjunction with Tom Regan’s The Case
for Animal Rights, Singer’s book provoked animal action in a number of Western
countries. Sanbonmatsu (2005) concludes:

“[w]hile such movements have not yet staunched the oceanic flow of animal
blood, they have nevertheless raised consciousness about the system of animal
abuse, convinced millions of people to become vegetarians, put a stop to some
barbaric animal testing practices, and successfully lobbied for hundreds of animal
protection laws in numerous countries and states” (p. 108).

Peter Singer is considered by some to be the de facto leader of the animal rights
crusade, although Karen Davis (2011) and others concede that while he was
influential at the beginning “he has not sustained an animal liberation position, but
has developed instead an often damaging discourse of animal denigration”. Ms.
Davis writes that Singer “coauthored an op-ed in Newsday, “When Slaughter Makes
Sense,” in which he supported the mass extermination of millions of chickens in Asia
– which included burying them alive tied in plastic bags, burning, gassing and beating them to death – in order to protect humans from bird flu…” (2011).

How important is strong leadership to the movement? In media effects theory, Elihu Katz (1957) argued that the media’s message is transmitted to the audience through opinion leaders and then to the public. Rachel Einwohner (2007) believes that much of the "extant research on social movements describes the actions of movement leaders without according primary importance to leadership in movement dynamics; instead the actions of leaders are understood in terms of other concepts and processes" (p. 1309). She contends that what makes a leader is his/her “ability to ‘frame’ goals and issues or to put forth interpretations of these matters in such a way as to compel others to take action” (p. 1310).

Leaders know how to tailor communication to their audiences and use repetition, repetition, repetition (Heath & Heath, 2007, p. 9). Leaders in the animal rights movement occupy a pivotal position; their ability to maneuver the direction of the fight can make the difference between a successful campaign and one that is a failure. It is mandatory for these organizations to have a leader who is articulate, engaging, and unwavering of purpose. Moreover, it is the contention of some that social-movement adherents are drawn to strong compelling leaders. Popper (2005) believes that "people acquire more strength and belief in themselves as a result of their attachment to a transformational leader and what he represents for them at the psychological or symbolic level” (p. 62). He also suggests that "[t]he major emotions underlying all motivation to act in such contexts are empathy – the ability to enter into the feelings of others – and sympathy – the extension of empathy to the actual wish to help the other” and “the two basic principles underlie all the social and moral principles [are] caring for others and justice” (p.65).
In Jo Reger’s (2007) work on leadership in feminist groups, she found that “leaders are distinct from organizers, who can serve as movement “spokespersons” who put themselves forward or are selected by the media as “stars” but are not accountable as leaders” (p. 1352). She further argues that, “[s]cholars argue that political opportunities are needed for leaders to emerge” (1366). The popularity of social engagement and the burgeoning animal rights movement in the United States provided that opportunity. From this co-mingling has arisen the most recognizable animal rights organization in the world and has catapulted its leader – Ingrid Newkirk - onto the animal advocacy world stage.

3.4.1 People for the Ethical Treatment of Animals

A succession of animal rights organizations sprang up after the publication of Singer’s work. The largest and best known of these is People for the Ethical Treatment of Animals (PETA). PETA is based in Norfolk, Virginia, with affiliates in the United Kingdom, Germany, the Netherlands, India, and the Asia-Pacific Region. Founded in 1980 by Alex Pacheco (who left PETA in 1999) and Ingrid Newkirk, PETA is dedicated to establishing and defending the rights of all animals. The organization’s principle is that animals are not ours to eat, wear, experiment on, or use for entertainment. The web site states that “PETA educates policymakers and the public about animal abuse and promotes kind treatment of animals” (PETA, 2006). Beginning with one hundred members, the organization’s numbers swelled to 200,000 by 1989 (Rowan, 1989). Less than a year after that, 325,000 members had taken up the cause, filling the coffers at PETA to provide Ingrid Newkirk’s team with an operating budget of seven million dollars.
PETA catapulted to prominence in the early 1980s with undercover video tape evidence of experiments done on surgically crippled chimpanzees in a laboratory in Maryland. Lyle Munro (2005b) believes that, “[t]he most famous case of undercover surveillance in the animal movement’s history was the exposé of animal experimenter Edward Taub by Alex Pacheco in Silver Spring in 1981” (p. 88). Pacheco was working as a student volunteer at the Institute for Biological Research and reported the violations, which culminated in police raiding the lab and seizing the animals. The legal case reached the Supreme Court. The victory came when hearings by the U.S. House Subcommittee on Science, Research and Technology led to the 1985 amendment to the Animal Welfare Act. In 1983, PETA closed a Department of Defense “wound lab” in which the military had planned to fire high-velocity missiles into dogs, goats, and other animals. PETA also achieved the first-ever permanent ban on the shooting of dogs and cats in wound labs (PETA, 2006).

There were many battles to fight in the early days. Not the least of which was bad press. Myers (1990) writes, “[o]perating near the radical end of the wide spectrum of animal-welfare and animal-rights groups, PETA has helped move the debate on animal research into the national consciousness…” (p. A21). Rowan (1989, p. B2), who wrote about the group one year earlier, calculated the number of dogs used annually for research, testing and education in America at 180,000.

PETA’s mobilization techniques have changed over the years with the proliferation of the computer. Targets for action are listed on the web site. With each explanation of suspected malfeasance, PETA posts names, addresses and contact numbers of people to politely pressure. Members and non members are welcome to browse the site and choose those topics about which to take action. For cases of extreme cruelty or those pertaining to a specific region (e.g., New York) an e-mail blast is
sent to members and supporters asking for assistance to deluge legislators, government agencies, prosecutors, etc., with correspondence asking for justice for the animals involved.

PETA has grown into a mobilizing juggernaut. Ingrid Newkirk and her followers are relentless. Members contact the local office with suspected abuse information gleaned from first hand experience or the local media. Each claim is rapidly investigated. No animal is insignificant, no battle is too small. PETA lobbies against the transportation of live sheep from Australia to Egypt, pack animals in the Middle East, mink housed in cages, battery hens, and veal calves confined to enclosures. No violation of animal rights escapes PETA’s scrutiny, even the lowly frog to be dissected is championed.

Are PETA methods effective? Lyle Munro (2005b) quotes Adele Douglass, the leader of the American Humane Association,

“I know for a fact that the 1985 amendments to the Animal Welfare Act would never [emphasis in the original] have been passed without PETA protests and all the stuff that they were doing. Because then – and it helps us I have to say from the perspective that we’re at – when you have extremists and then we come in and where the extremists say ‘we want research ended this afternoon,’ and we say ‘we want the animals treated humanely,’ they pay attention to us because that’s the other option…I don’t think the laws since at least the 1980s would ever have gotten this far without those organizations” (p. 81).

Over the years PETA has been criticized for its ambiguous affiliation with the militant Animal Liberation Front (ALF) activists, who believe in direct action. Likening itself to the Underground Railroad, ALF destroys property to liberate animals and find sanctuaries for them to live out the rest of their lives. PETA acts as a conduit for ALF video tapes and often provides funds for legal defense. ALF was branded as a terrorist threat in 2005 by the U. S. Department of Homeland Security (U.S. Congress, 2005). Animal advocacy scholars find this labelling to be offensive.
Sorenson (2009, p. 237) states that “[t]he term ‘terrorism’ provides a means to stigmatise and delegitimize the actions of enemies”. He goes on to say that “[i]t is too distorted to be applied to actions we ostensibly consider ethical and praiseworthy, such as efforts to prevent cruelty and suffering including non-violent actions of animal advocates” (p. 238).

Some feel that animal advocates are being demonized, while other activist groups escape government denouncement. McCoy (2007, p.64) writes that “[u]nlike animal advocates, anti-abortion activists--who have a history of violence and murder--have not been labeled by the government as terrorists”.

Even with the controversy, PETA has grown increasing toward the mainstream over the last thirty years. Their stance has softened to capture more of the ‘undecided’ audience those to whom Tom Regan (2004b, p. 25) refers as ‘muddlers.’

In the last few decades the animal rights movement has contributed more to the betterment of animals than a thousand years of philosophy and several centuries of legislative wrangling. It is not difficult to understand why this avenue is the one pursued by advocates who want improvements to the lives of animals. Much of the allegiance that PETA and other animal advocacy groups enjoy is a result of a well defined strategy. Their focused tactics are integral to the strength of their strategy.

3.4.2 Tactics

For animal advocacy groups success is very much dependent on clear, concise goals articulated by clever and innovative leaders. Righting an injustice is time consuming and emotionally draining work. Lyle Munro (2005b) categorizes the strategies and tactics of non-violent animal rights action into publicity and interference. Under
publicity, there is persuasion strategy that makes use of “petitions, celebrity speeches, direct mail, surveys and opinion polls, information stands, articles, letter writing, bearing witness and pamphleteering” (p. 78). Also listed under publicity are protest strategies. These are “demonstrations, picketing, vigils, parades, marches and rallies.” More serious action involves non-cooperation. This can range from “civil disobedience, boycotts, legal obstructions, occupations, ethical vegetarianism to hunger strikes.” Intervention strategies are characterized by “animal rescues, sit-ins, blockades, and undercover surveillance.” Munro classifies non-violent sabotage as that which can be the “exposure of the abuser’s identity, litigation, lobbying and ethical investments” (p. 78). Multiple audiences demand multiple tactics to embrace the devoted as well as engage casual participants and the media (Mika, 2006, p. 915).

Why are some campaigns more successful than others? Jasper and Poulsen (1993, p. 640) believe that the outcomes are often influenced by the actions of the organizations themselves, their strategic response to the attack, blunders, their preexisting vulnerabilities, and their ability to counter-mobilize. Furthermore, why is the animal rights movement so appealing? Inglehart and Catterberg (2003) argue that “Materialists tend to be preoccupied with satisfying immediate physiological needs, while Postmaterialists feel relatively secure about these needs and have a greater amount of psychic energy to invest in more remote concerns” (p. 300). Guither (1998) believes that “[it] is the successor to the antiwar and human rights crusades of the 1960s and 1970s” (p. 5). He asserts that they were “on the fringe” for decades and have now become part of the mainstream landscape.
A recent study conducted in Texas gauged the degree to which participants considered violence against animals to be a legitimate social concern that deserved legal and criminal justice attention. The study’s authors reveal that,

“...[r]espondents exhibited a general level of concern about animal cruelty with 78% endorsing the attitude that intentional and malicious acts of animal cruelty should be a felony and 65% that acts of neglect should be felonies. Moreover, nearly 80% disagreed with the statement that police should not waste their time on cases of animal cruelty” (Vollum et al., 2004, p. 219).

Beers (2006) contends that, “[v]ictory has [always] depended on widespread publicity and media attention even more than on humane education and legal maneuvering” (p. 12). Capturing the minds and concerns of the audience requires a careful interpretation of the topic. This is where framing the issue becomes important.

### 3.5 Framing the issue

In any movement it is necessary for the information to be offered through a number of channels. To this extent, animal rights organizations employ every vehicle available to them. Framing the issue of animals is central to the success of the movement. Benford and Snow (2000) evaluate the credibility of any frame by whether it adheres to the factors of “frame consistency, empirical credibility, and the credibility of the frame articulators or claimsmakers” (p. 619). They explain that “the more culturally believable the claimed evidence, and the greater the number of the slices of such evidence, the more credible the framing and the broader the appeal” (p. 620). The authors have also examined how the “resonance of a collective action frame is affected by its salience to targets of mobilization” (p. 621). Benford and Snow look at how central the movement’s frames are to the “beliefs, values, and ideas” of the targets (p. 621). Do the frames resonate with their “personal,
everyday experiences” (p. 621)? Their third prescriptive is to make the frame echo culturally.

Stibbe (2001) acknowledges that “[i]deologies, embedded and disseminated through discourse, influence the individual mental representations of a society’s members, which in turn influence their actions” (p. 148). Williams (1995) contends that “[i]mages shape our perception in very subtle ways, developing a belief system more deeply held than rational thought” (p. 1171). Bates and Swan (2007) state that “[m]edia play a significant role in public perception and public discourse” (p. 188). However, Dan Mathews of PETA (cited in Simonson, 2001) stated that “[t]he shelf life of these causes is usually fairly short” (p. 399).

Media involvement in a cause can be by design or by happenstance. Kew (2003) acknowledges that while the media and the movement may cover the same campaign, their motivation may differ (p. 32). He categorizes news stories into three groupings – something outrageous is being done wherein the media portrays the perpetrators as deviants; something novel has occurred; or illegal cruelty is exposed satisfying consensus (p. 33). Kew (2003, p. 38) alludes to kindness vs. cruelty framing. For publicity hungry groups, media involvement is mandatory. Without it the story fades away. One of the ways to capture media attention involves employing an attention getting device. Few work better than moral shock.

3.5.1 Moral shock

Mika (2006) contents that social movements have multiple audiences that range from devoted to casual. Each audience segment needs to be considered in a campaign. Discourse or methods that resonated with the devoted might alienate the casual constituent or vice versa. Rachel Einwohner (2002) writes that “[t]he animal
rights movement occupies a somewhat contradictory position in American society” (p. 509). She believes that some of the goals have been accepted by the public – opposition to animal testing for cosmetic products and animal cruelty. But support for other initiatives is much slower. She cites the support for animal experimentation and the low proportion (6% in 2001) of Americans who refer to themselves as vegetarians. This ambivalence reveals a capacity for multiple and competing attitudes about animals. This trait was demonstrated by Henry Bergh, founder of the American Society for the Prevention of Cruelty to Animals (ASPCA) in 1866. As Cleveland Amory (1974) writes, “to the end of his life, he saw no incongruity in prosecuting horse and dog animal cruelty dressed from head to toe in fur – from his Russian fur cap and his fur-lined coat all the way to his fur-topped boots” (p. 207).

Herzog and Golden (2000) note that the debate surrounding reason and emotion has been studied by philosophers for centuries. Their study sought to determine if animal activists are more prone to visceral disgust than those who were non-activists (p. 487). While some might argue that animal activists are emotional and base their case for rights on sentimentality, the findings of Herzog and Golden indicate that animal activists showed more sensitivity to visceral disgust than those who promoted the use of animals or those who were non-aligned (p. 485), but that their argument was grounded in utilitarian or deontological approaches to ethics (p. 496).

Mika (2006) writes that “[s]ocial movements have long channeled their moral energy into causes in the name of the dispossessed” (p. 916). Ratcheting up the sense of outrage provokes people to react politically in response (p. 919). Moral shock, provoking visceral disgust, is therefore a valuable implement. Jasper (1998), who coined the term ‘moral shock’, believes it is an effective recruitment tool into social movements. It occurs when “an unexpected event or piece of information
raises such a sense of outrage in a person that she becomes inclined toward political
action” because it causes “a visceral, bodily feeling, on a par with vertigo or nausea” (p. 409).

Moral shock is not to be confused with moral panic, a term credited to Stanley Cohen
(1972), who wrote that moral panic occurs when “[a] condition, episode, person or
group of persons emerges to become defined as a threat to societal values and
interest...” (p. 9). Cohen cites the Mods and Rockers and Hell’s Angels as examples
of entities provoking moral panic. The Salem witch burnings could also be classified
as a form of moral panic.

Jasper (1998) observes that “[t]he most prosaic daily routines, seemingly neutral,
can provoke violent emotional responses when interrupted” (p. 398). An example of
this is when Regan (2004b) begins his book Empty Cages with a moral shock. He
describes in disquieting detail highlights from a program that Home Box Office aired
some years back entitled To Love or Kill: Man vs. Animals. The video is shot in a
restaurant in China where patrons can choose their meal by picking out one of the
cats or dogs crammed into cages in the kitchen. The selection is made, and the cat
is yanked from a cage and hit on the head with an iron bar a few times. Still
scratching and shrieking, it is plunged into scalding water for ten seconds. Removed
from this cauldron the cat is skinned alive with one swift yank of her fur. Still alive,
she is then thrown into a vat of water, gulps several times, and drowns (p. 1).

The animal movement is not alone in applying moral shock. Other social movements
employ similar shock messages to create a Gestalt shift – an instantaneous
refocusing of one’s viewpoint (Rollin, 1992). The anti-abortionist movement offers
photos of aborted fetuses to elicit empathy. Graphic photos or descriptions are the
most commonplace techniques; however, legal judgments can also act as a moral
shock. As an example, Jasper and Poulsen (1995) credit *Row v. Wade* for the surge in membership in pro-life organizations.

Any advocacy movement is based on the belief that its ideas have merit. Being complacent does not win adherents, nor does it create the groundswell necessary to change the landscape. Moeller (1999) in her book *Compassion Fatigue: How the Media Sell Disease, Famine, War and Death* acknowledges that media stories with strong emotional content are most effective. The media focuses attention with the “use of adjectives and adverbs, anecdotes and personal testimony and through the accompanying images” (p.109). The following three examples showcase the implementation of moral shock and how it helped change the course of events in the animal arena.

3.5.2 Successful events

Horrifying the public serves no useful purpose if it cannot be translated into action. The following three landmark events were able to successfully scissor through audience complacency and provoke ameliorating policy changes or legislation for animals. In each of these scenarios an organization or the media employed the technique of moral shock.

The first example of media discourse provoking a change in animal welfare took place in the 1960s. Two somewhat interrelated magazine articles resulted in Congressional hearings on proposed legislation focusing on the traffic in animals and on animals in research laboratories.
3.5.2.1 Pepper

In November 1965, *Sports Illustrated* (SI) magazine ran the story of Pepper, a five year old Dalmatian bitch that had disappeared from the family property in Pennsylvania. The family believed that their dog had been stolen. A week and a half later, records show that Pepper was used in a scientific experiment at Montefiore Hospital in New York City. After the experiment, Pepper’s body was cremated (Phinizy, 1965).

The SI article pieced together information about the dog and traced her owners’ efforts to get her back by searching and advertizing for Pepper’s safe return. Woven into the story was the almost simultaneous arrest of a dog dealer named William Miller in the same state for the improper loading of dogs and goats on his truck. The Lakavage family, Pepper’s owners, read the story in the local paper and noticed that there were two Dalmatians in the SPCA photo of the incident. Mrs. Lakavage drove to the shelter, missed Miller who had left on a different truck with his shipment, and pursued them to a dog farm in High Falls, New York. She was not permitted on the property without a search warrant, and even with the documentation Pepper would not have been located at the farm because Miller and his cargo had traveled instead to New York City where he had sold the two Dalmatians to Montefiore Hospital (Phinizy, 1965).

Subsequent investigation by the magazine revealed the frustrating odyssey that the police undertook to determine what had happened. Miller alleged that he had obtained Pepper from another person, who claimed to have gotten the dog from yet another person, and the trail became blurred by the lack of documentation. However, the notoriety of the situation and other alleged dog thefts like it caught the
ear of Senator Joseph Clark and Congressman Joseph Resnick of New York. Resnick introduced Pepper’s Law, a dog-napping law, a mere seven days later.

"On the very day it was introduced, they approved the Voting Rights Act, while the Senate agreed to add Medicare to the Social Security program. Yet little H.R. 9743—Pepper’s law—would elicit more public engagement in the months that followed than either of these watershed measures. Resnick’s bill broke a grueling stalemate over animal-welfare legislation and broke open a dispute that had lingered for 20 years between humanitarian activists and the emergent biomedical industry” (Engber, 2009).

The *Sports Illustrated* article was closely followed by another magazine’s exposé. On February 4, 1966, *Life* magazine published a collection of photos entitled ‘Concentration Camp for Dogs’ (Concentration Camp for Dogs, 1966) that detailed the shocking abuse of dogs at a Class B dealer. Class B dealers, of which there were seven operating in the United States in 2012, gather up dogs and cats and sell them to research facilities (Humane Society of the United States, 2010). These dealers are licensed by the United States Department of Agriculture. Dealers, or sometimes referred to as bunchers, obtain pets from random sources – auctions, shelters, flea markets, by answering ‘free to a good home’ ads and through the theft of pets.

Henry Luce, publisher of *Life* magazine, was shown photos of similar animal trade atrocities by people from the Animal Welfare Institute. They implored him to showcase the abuse. Luce agreed, but wanted his own photographs used in the spread (Unti, 2009). Frank McMahon, chief investigator for the Humane Society of the United States; Maryland state troopers and humane officers; and *Life* photographer Stan Wayman detailed the distressing existence forced upon dogs on Lester Brown’s property. The photographs show the animals tied up without shelter from the cold, emaciated, cowering, or dead; all were awaiting transportation to research institutions as experimental fodder.
In an age before the Internet and instantaneous communication by e-mail, magazines and newspapers brought world and local events to the doorsteps of Americans. *Life* was one of those magazines. Between 1960 and 1970, the subscription rate for *Life* magazine rose from 6 million to 8 million American households. Readership for *Life* or any other magazine has never been calculated on subscription figures alone. This is due to a ‘passalong’ rate that estimated that each *Life* issue was read by 4 – 5 people per copy (Doss, 2001, p. 1). In 1966, the population of the United States was approximately 195 million people, meaning a sizeable percentage of the nation had access to America’s ‘favorite magazine’ (Doss, 2001). While the number of people who saw this article cannot be calculated, Leavitt (1978) asserts that “[m] *Life* on the Concentration Camp article than on any other in the history of the magazine, and Congress received more mail on the pending bills - 80,000 letters (Long & Denison, 1999) - than on civil rights or Vietnam” (Leavitt, 1978, p. 47). Draeger (2007, p. 293) contends that these widely disseminated images of vulnerable animals helped change history.

In the early sixties public concern was mounting about animals used in science, and Congress saw considerable discussion surrounding this topic (Favre, 2008). The interlocking universe of media and public outcry focused the public glare on the theft of dogs and cats and their use in research and testing. These two topics, gruesomely showcased in the popular press, provided the tipping point for legislators on the national political stage and resulted in the adoption of the *Laboratory Animal Welfare Act* in 1966 (Favre, 2008, p. 364). This legislation, now known as the *Animal Welfare Act*, has been amended six times since then – 1970, 1976, 1985, 1990, 2002, and 2007.
3.5.2.2 National Institutes of Health (NIH) Cat Study

Animal rights scholars believe that public discourse also brought about a change in policy in New York City during the 1970s. The U.S. National Institutes of Health (NIH) fifteen-year study on the sexuality of cats conducted at the American Museum of Natural History created a public relations catastrophe for the institution (Wade, 1976).

In 1974, after taking a course with Peter Singer, animal rights neophyte Henry Spira founded Animal Rights International (ARI), a rather lofty name for a somewhat modest endeavor. Throughout most of its campaigns, ARI consisted of Henry and a part-time employee. Singer’s course inspired Henry to invite some of his classmates to get together to discuss what they could do to help animals. They were casting about for a meaningful way to make a difference when Henry Spira fell upon the research on the sexuality of cats being conducted at New York’s American Museum of Natural History (AMNH). Henry meticulously researched his topic. Like millions of other American households, Henry’s was home to a cat. Henry liked cats and felt that such a humble sentiment could become central to his battle. He sought to frame his campaign is such a way as to bring the average person over to his way of thinking – to create a Gestalt shift (Rollin, 1992). Henry was positive that, if presented with the facts about the research being conducted, the average American would think that ‘that doesn’t sound right.’

After accessing abundant documentation on the exploits of Dr. Lester Aronson, his assistant Madeline Cooper, and their experiments at the museum Henry put together a plan for his campaign. Singer (1998) quotes Spira’s thoughts about the upcoming confrontation, “[w]e wanted an issue which we merely had to describe it in order to put our opponents on the defensive. Here we had just such an issue: “Do you want
your tax monies spent to deliberately mutilate cats in order to observe the sexual performance of crippled felines?" (p. 55). Henry believed that the AMNH was a soft and vulnerable target. He then sought a meeting with the head researcher and director of the museum, but each of his attempts proved futile. His next step was to gather some like-minded friends and picket the museum on weekends. Most of the picketers held down jobs so weekends were the only times available to them. The picketing did little good but draw some fleeting attention to the plight of the animals. The issue was picked up by some low-level media, but that was about all. Realizing that his attempts were not succeeding, he called upon other animal rights/welfare organizations to join him. More attention was focused on the campaign, but nothing stopped the torture. Knowing that the funding for the museum’s research came from the NIH, Henry lobbied that organization to get the funding cut. Finally, after nearly a year and a half, a full page ad was placed in the New York Times (NYT) showing a picture of a cat being immobilized and text which outlined in detail what was transpiring in the experiments. This triggered a seismic media event and proved to be the tipping point in the campaign. Some readers of the NYT were disgusted that cats were being treated in such a manner. Others questioned the wisdom of the funding body that would allow such frivolous research to be paid for by the public purse.

Spira had employed moral shock to convince people that what was happening to these animals was reprehensible. Polletta and Jasper (2001) write that “[m]oral shocks produced, for example, by a photograph of tortured animals or the disaster at Three Mile Island can mobilize people who do not know each other or the organizers” (p. 290). Used sparingly, they can be supremely effective. When the NIH finally ceased funding the cat project after twenty months of protest, it was the
first victorious anti-vivisectionist campaign in America in over one hundred years (Singer, 1998).

Perhaps even without knowing it, Henry was employing resource mobilization by harnessing the energy of the public and capturing the attention of the media to further his cause. Henry also knew (perhaps unconsciously) that he was locked in a ‘war of position’ (Gramsci, 1988), wherein he had to meticulously research his opponent, understand where the vulnerabilities lay, goad the opposite side into making a blunder, and be prepared for counter-offensives.

Henry was quite clear about his priorities. ARI was not going to be satisfied with merely embarking on a consciousness raising endeavor or two. Nor did he want his efforts to be wasted on gathering funds for the cause. His goals were always tangible – he wanted to make a difference to individual animals and as many of those individual animals as possible. Heath and Heath (2007) quote Mother Teresa who once said “If I look at the mass, I will never act. If I look at the one, I will” (p. 165).

3.5.2.3 Hurricane Katrina

Perhaps the most notable example of media influencing animal legislation occurred during the hurricane season of 2005. This event will be forever etched in the psyche of animal lovers.

On August 29, 2005 Hurricane Katrina marched ashore at New Orleans, Louisiana. For several days prior to the event, radio, newspapers, television and other forms of media warned of impending destruction and a storm surge that had the potential to overflow the levies and spill onto low lying ground. All media outlets and public officials encouraged people in the storm’s path to evacuate the area. Those who had
the inclination and wherewithal to do so packed their families and treasured belongings and left. Those who stayed behind did so for a variety of reasons. Some had little choice, being poor and/or without transportation. Others had weathered hurricanes before and chose to be resolute. Still others would not leave their property behind. Among those who remained were people who would not abandon their companion animals. Few hotels or motels accepted animals, and evacuation centers did not provide space for pets. This category five hurricane, among the strongest to reach American soil, killed more than eighteen hundred people, did billions of dollars in damage, and caused the death of an estimated hundred thousand companion animals who were either left behind or perished with their keepers.

Hurricane Katrina marked a watershed in the way companion and service animals are provided for in an American disaster. According to the U. S. government, the reason the *Pets Evacuation and Transportation Standards Act* (PETS) was enacted was due to the public's concern for companion animals in the wake of Hurricane Katrina. The United States Department of Agriculture, Animal and Plant Health Inspection Service has the following message on its website (2010).

“After Hurricane Katrina, Congress passed the *Pets Evacuation and Transportation Standards (PETS) Act* and the *Post-Katrina Emergency Response Act* (PKEMRA) in response to public outcry about the safety and well-being of pet animals during disasters” (United States Department of Agriculture Animal and Plant Health Inspection Service, 2010).

The *Pets Evacuation and Transportation Standards Act* requires states seeking Federal Emergency Management Agency (FEMA) assistance to make arrangements for pets and service animals in their plans for residents facing disasters. The bill was introduced by the late Congressman Tom Lantos, a Democrat from California, and
Congressman Christopher Shays, a Republican from Connecticut on September 22, 2005. Congressman Lantos stated,

“I was watching television one night, Mr. Speaker, and I saw a 7-year-old little boy with his dog. His family lost everything, and all they had left was their dog. And since legislation such as ours was not yet on the statute books, the dog was taken away from this little boy. To watch his face was a singularly revealing and tragic experience. This legislation was born that moment. Many pieces of legislation we pass in this body are the result of months and years of study and research and preparation. Not this bill. This bill was born the moment the 7-year-old little fellow had to give up his dog because there was no provision to provide shelter for his pet” (GovTrack.US, 2006).

The bill to which Lantos referred passed the House of Representatives by a margin of 349 to 29 on May 22, 2006. It was signed into law on October 6, 2006, by then President George W. Bush. At the time of writing, all states have passed state legislation on animal disaster planning and response except Kansas, Kentucky, Michigan, Montana, South Dakota, and West Virginia. Currently in the process of formally writing these plans are Hawaii, Missouri, Ohio and North Dakota.

It is to be noted that concern for the companion and service animals is only one reason for this legislation. Leonard and Scammon (2007) believe that the “primary rationale for the PETS Act focuses in general on the safety of humans” (p. 49). Some of the people who died perished because they stayed with their pets (Wan, 2006; Cattafi, 2008). In a study of older adults in an evacuation scenario Rosenkoetter et al., (2007) found that “8.1% would stay with their pets, 56.8% would leave with their pets, and 16.6% would not leave without their pets” (p. 164). The welfare of companion animals appears to be central to the decision-making process of some pet owners.

Studies have shown that people in the midst of a disaster are often distraught and separating them from their pets can increase their distress. Hunt, Al-Awadi, and
Johnson (2008, p. 110) concede that the loss of a pet can be a significant stressor. Their study of the psychological effect of pet loss after Hurricane Katrina reveals that “pet loss was strongly associated with both acute stress and peri-traumatic dissociation, both of which are known risk factors for long-term post traumatic stress disorder” (p. 117).

Evacuating companion animals has the added benefit of lessening the public health and safety concerns for rescue workers and reducing the spread of disease. When animals are left to fend for themselves, they can become stressed, aggressive, malnourished or die. Bankoff, (2006) notes that the special vulnerability of pets (because of their close association with humans) exposes them to “greater risks of predation, starvation or to the effects of inclement weather” if care, food and shelter are suddenly withdrawn (p. 9). In order to sustain life, starving dogs and cats can spread disease by feeding on the carcasses of those animals who perished. The strays who manage to survive can go feral, and if not spayed or neutered, will breed unchecked and create a daunting uptick in the population.

For animal advocates, Leonard and Scammon (2007) raise an interesting point about the impact of the PETS Act. Depending on the legal interpretation of the Act, pets either have rights of their own or they are simply special possessions requiring special consideration. This could open the door to further debate and might provide an opportunity for other, less privileged animals, to be granted elevated consideration in the eyes of the law.

3.6 Summation

If we examine the three successful events through our theoretical framework lens of media effects, public engagement, and policy adoption there are patterns that can
be detected. In the case of Pepper media focus brought about intense public attention. Growth in public engagement with the issue appeared to correlate with the increase in media coverage given to the case of Pepper. On the other hand, the cat study in New York City began with limited public engagement. When advocates realized that public engagement was insufficient to change the situation they resorted to newspaper advertising which brought the cat study to the attention of the media. As the media scrutiny increased it provoked greater public engagement and over time policy adoption was brought about.

In the case of Hurricane Katrina it is evident that harnessing the media can create the groundswell necessary to change the landscape for the better. In early September 2005, the hurricane and its aftermath was the lead story for days in both print and electronic media. The tsunami of articles and programming created a surge of public engagement. The late Congressman Tom Lantos stated that he was watching television and saw a little boy who had lost everything have his dog taken away from him. He said that the "bill was born the moment the 7-year-old little fellow had to give up his dog because there was no provision to provide shelter for his pet" (GovTrack.US, 2006). The sheer speed with which the Pets Evacuation and Transportation Standards Act was passed is a testament to the belief that public sentiment can be a vital force to change legislation.

We see that the literature review has shown that the human-animal relationship has undergone substantial change over the centuries although non-human animals are still not included in the moral community due to their interests not being given an equal footing with those of humans. While animal rights advocates seek a world in which animals are accorded a status more than mere property, their goal of personhood for higher functioning animals is still out of reach.
The literature has also revealed that for centuries it has been known that cruelty to animals has a profound effect on both the humans who perpetrate the cruelty and the animals who suffer from it. However, even with legislation to prevent it, cruelty often goes unpunished. Animals matter to people, which is why a social movement has sprung up to argue that all sentient beings deserve fairness.
Chapter 4

American Legislative Process

To fully comprehend what is involved in the pound seizure issue it is critical to understand the legislative process in the United States. To create or amend a law is a rigorous and time consuming chain of events. Change cannot be wrought overnight and many stakeholders must be involved in the process. The following is an overview of how American law is enacted.

The foundation of the American legislative system is found in Article 1 of the United States Constitution. The Constitution outlines that all legislative powers are vested in the Congress consisting of a Senate and a House of Representatives. These two houses are equal partners and consent of both chambers is necessary for legislation to be enacted. Representatives and senators are both democratically elected. Members of Congress represent one of the nation's 435 districts apportioned by population and serve for a two-year term. Senators, of which there are two for each state, serve a six-year term.

Virtually all legislation follows a similar path. An idea is brought forward by a person, organization, group of stakeholders, member of either legislative house, or other entity. It could be the idea for a new law or an amendment to an existing law. Thousands of bills are submitted each year to address inequities or gaps in the legal fabric of the country. Justice and fairness are the reflection of the society they represent and as the community evolves, these concepts change with them.

The idea for improvement is brought to the attention of a member of the legislature who will work with staff to craft the idea into bill form and then submit it for
consideration. Bills can be presented in either house but they must eventually pass both houses before becoming law.

The House of Representatives and the Senate are divided into committees and from there into subcommittees that hold sway over specific areas of the nation’s business. All bills are referred to committees. The chair of the committee decides which bills will be discussed. Those few bills that are discussed can be debated within the committee or can go to public hearings for input from the general population. A bill can be amended by the committee and a substitute bill will be crafted. Either the original bill or the amended version can be voted out of committee by a majority vote. Or, the bill can be re-referred to another committee.

If the bill wends its way back to the House of Representatives it can take one of three paths. The majority of the House can vote to pass the bill, it can be debated and sent back to committee for discussion or it can be tabled, which usually means that it will not be considered again.

If the bill passes the House, it is published and sent to the Senate where it follows much the same path. If the Senate majority passes the bill it is sent to the Oval Office for the president’s signature. Once the bill has been signed it becomes law.

The Animal Welfare Act, originally signed into law in 1966 is the only federal law in the United States that regulates the treatment of animals in research, exhibition, transportation, and by dealers (United States Department of Agriculture, 2011). The individual states or municipalities therein have dominion over other aspects of animal control and transactions. These statutes or ordinances vary widely from state to state.
4.1 Case Study - Michigan Bill HB 4663 2009/10 (Koda’s Law)

The legislative power of the state of Michigan also resides in a bicameral body comprised of the House of Representatives and the Senate. As with the federal system, a bill must be passed in the House then be passed in the Senate prior to being presented to the Governor for signature before becoming entrenched in law.

This seemingly straightforward journey is sometimes met with challenges as in the case of Koda’s Law (sometimes referred to as Koda’s Bill) in the state of Michigan. The bill was named for a three-year-old Malamute dog who was surrendered to a Michigan county animal control shelter on June 13, 2007 by his owner Sherri Bertram of Fowler, a community in the middle of the state. It is unclear why the dog was surrendered. Allie Phillips (2010, P. 89) suggests that the economic downturn in the state might have left the family without the resources to care for him. According to the United States Department of Labor (2007), Michigan had the highest unemployment rate in the nation in that month of the year at 7.1%, which was a full percentage point higher than the second highest Mississippi.

The procedure at the shelter required that the surrendering person sign a document, which includes the phrase “I request that the animal be disposed of as seems advisable in the discretion of .... Animal Shelter” (p. 89). However, Phillips indicates that the shelter did not post signs that pets could be sold to research facilities so the family might not have been aware of the potential fate that awaited their pet. In January of 2009, Ms. Bertram, Koda’s surrendering person, was quoted in the Detroit Free Press attesting to the fact that the shelter told her “They said ‘no guarantee.’ They didn’t say anything about selling him” (2009, Satyanarayana, p.1).
In any event after five days at the shelter, on June 19, 2007, Koda was given to a Class B dealer who sold the dog to the University of Michigan where he died during the Advanced Trauma Life Support class. (It is worth noting that the public outrage from the investigation into this case resulted in the university ceasing the use of live pets in these classes in February 2009).

Michigan is one of ten states that permit individual counties or shelters to decide whether or not to release animals for research. The Michigan Statute MCLS § 287.388 to § 287.38p (2003) allows for the release of cats and dogs (except by public auction). The practice is waning and as of December 2011, the only two county animal control shelters that provide animals to Class B Dealers are Gratiot and Mecosta.

Animal advocates have been seeking an end to pound seizure altogether for many years and the death of Koda provided the impetus to push for change. Allie Phillips, J.D. drafted the wording for a bill with the assistance of the State Bar of Michigan Animal Law Section. Ms. Phillips has battled the practice in Michigan since 2001 and launched the successful campaign to ban pound seizure in Ingham County in 2003. In addition she provided legal advocacy to the successful pound seizure campaigns in Jackson, Eaton, and Montcalm counties (Phillips, 2011). She is a former Vice President of Public Policy and Human-Animal Strategic Initiatives for American Humane Association (AHA).

Huckleberry were co-sponsors. Phillips chose Rep. Espinoza because he was a seasoned legislator with many supporters in both political camps. He was animal friendly and outraged when he learned about pound seizure. His support was pivotal (Phillips, 2011).

On March 19, 2009 the bill was introduced by Rep. Espinoza in the Michigan legislature. It was read for the first time and then referred to the Committee on Agriculture. The printed bill, HB 4663, was filed on March 20, 2009. (Michigan has a two year legislative session. The one in which HB 4663 was introduced began in January 2009 and ended in December 2010.)

Throughout the next fifteen months the Committee on Agriculture had dominion over the bill’s journey. By the time it came back to the legislature, it was reported with recommendations with a substitute H-1 on July 1, 2010 and the content had been eviscerated. The committee had reworked the bill to allow owner surrendered dogs and cats to be sold to research facilities, but only if those facilities took them directly. Class B dealers were excluded from the transaction. Stray animals were not allowed to be sold. The committee believed that in order to achieve passage of the bill that these amendments were necessary. That same day, the bill was referred to a second reading.

On July 28, 2010 the bill was read for the second time in its new amended form and substitute H-1 was adopted. It was placed on third reading, placed on immediate passage, and read for a third time. It passed 78 – 20 in favor. The bill then had the daunting task of moving through the Senate.
The Michigan House of Representatives transmitted the bill to the Senate on July 28th. On August 11, 2010 it was referred to Committee on Economic Development and Regulatory Reform, where it sat for over a month. When it finally got a hearing, the committee decided that they didn’t know anything about the topic and re-referred the bill to the Senate Committee on Agriculture, chaired by Sen. Gerald Van Woerkom, a Republican from Norton Shores. Sen. Van Woerkom refused to give the bill a hearing for the duration of the legislative session and the bill died on the committee floor in early December 2010. Rep. Espinoza’s term ended in December 2010, so a similar bill could not be introduced by him in the next legislative session.

During the bill’s entire journey both animal advocates and status quo stakeholders petitioned the legislature. Phillips revealed that they “instituted a massive grassroots effort to engage Michigan citizens (over 8,700), animal shelters and rescue groups (120), businesses (116), veterinarians (42), etc. to support the bill, take action when asked, and to attend legislative sessions” (2011, p. 1). It was the largest grassroots movement in the American Humane Association’s 140 year history. Even with the high rate of public engagement, in the end it was all for naught, the status quo stakeholders were victorious.

Jill Fritz, Michigan state director for the Humane Society of the United States, refers to the ‘halo effect’ that surrounds issue of animals used in research (2011). Fritz says that Class B dealers like to fashion themselves as heroes in the (human) life saving business. These dealers further attempt to burnish their reputation by enumerating the merits of their trade – they operate a Michigan based business, they employ Michiganders and bring needed business to the area. In fact Michigan had the dubious distinction of being home to three of the nine remaining Class B dealers that broker live animals for experimentation in the entire country.
The question that plagues Allie Phillips the most is why the bill was not successful. Michigan, according to Ms. Phillips has some of the best animal cruelty laws in the country but they also have some of the worst animal sheltering laws (Animal Legal Defense Fund, 2011). Michigan is a highly agricultural and hunting state and many legislators need and rely on the support of these lobbying organizations for campaign funds and re-election. She maintains that these interest groups oppose increased protection for companion animals because it is a ‘slippery slope’ that could next impact their interests (2011).

Absent during this time frame was mention of this issue in the newspapers. In the two years that HB 4663 was before the legislature the terms Koda’s Law (or Bill) or HB 4663 were only mentioned nine times in newsprint throughout the entire United States. Five of those instances were in press release form from the American Humane Association.

1 Business Wire
July 2, 2010

"The House Committee on Agriculture voted July 1 to pass House Bills 6042 and 6043 (sponsored by Reps. Rick Jones and Fred Miller to ban gas chamber euthanasia of shelter cats and dogs) and House Bill 4663 (Koda’s Law, sponsored by Rep. John Espinoza to ban pound seizure of shelter dogs and cats by Class B Dealers). The bills were championed by the American Humane Association, the nation’s oldest non-profit organization with over 130 years dedicated to protecting animals and children from abuse and neglect, in partnership with the Animal Law Section of the Michigan State Bar.
"American Humane praises the committee passage," said Tracy Coppola, American Humane Policy and Government Relations Associate. "These pieces of legislation are significant steps toward making Michigan a more humane state for shelter dogs and cats. To make certain that these bills become law, we urge Michigan residents to request that their State Representatives and Senators support House Bills 6042, 6043, and 4663" (American Humane Association, 2010b).

2 Manufacturing Close-Up
July 8, 2010 (same as above)

3 Professional Services Close-Up
July 9, 2010 (same as above)

4 Wireless News
By a vote of 78-20, Michigan's House of Representatives passed House Bill 4663 (Koda's Law), which, if approved also by the Senate, would effectively end the 30-year practice of pet dealers taking shelter dogs and cats for sale to research facilities. Under current law, Class B dealers (named after their type of U.S. Department of Agriculture license) engage in the practice of providing shelter animals around the nation to research laboratories for experimentation. There are currently nine Class B dealers that broker live animals for experimentation in the United States, with three being located in Michigan. The landmark legislation was sponsored by State Rep. John Espinoza (D-Croswell) and authored by American Humane, the nation's historic voice of advocacy and awareness for the protection of children and animals. Founded in 1877, Denver-based American Humane provides public policy leadership, education and direct action incorporating a vast network of agencies, academic institutions, businesses and individual Americans to help protect children and animals from abuse and neglect. Previous efforts in Michigan to ban Class B dealers have gone county by county, and there are currently two remaining shelters in the state that practice pound seizure. The bill will now move to the Michigan Senate for consideration. (American Humane Association, 2010a).

If you can imagine the horror of having your family pet wind up in a shelter and then be sold to a dealer for scientific experiments before it can be picked up or find a new home, you can imagine the importance of this legislation. H.B. 4663 (also known as Koda's Law in honor of a dog who died after being a victim of pound seizure) would prevent Class B dealers (named after their type of U.S. Department of Agriculture license) from engaging in the practice of providing shelter animals around the nation to research laboratories for experimentation. There are currently nine Class B dealers that broker live animals for experimentation in the United States; three are located in Michigan. The bill will now move to the Michigan Senate for consideration, and American Humane will continue to advocate strongly for its passage. (Los Angeles Times, 2010).

If HB 4663 and HB 6042/6043 are not moved out of the Senate Agriculture Committee, currently chaired by Sen. Gerald Van Woerkom, R-Norton Shores, they have no chance of passing. Please take a few minutes to call or write Van Woerkom and other representatives and respectfully (but forcefully) ask that these bills that were passed by the House move to the Senate floor. HB 4663 bans pound seizure by Class B dealers. Gratiot and Mecosta county shelters are the only ones that still allow pound seizure. In the whole U.S. only nine Class B dealers still broker live cats and dogs into research labs. Sadly, shamefully, three of these dealers are still allowed to traffic live pets into laboratory misery in Michigan. Please push VanWoerkom to move for a hearing on HB 4663 and HB 6042/6043. We only have till Dec. 2 because the Legislature will be out of session for the rest of December. (Karry, 2010, p. A7).
While this bill was moving its way through the system in the state, the term ‘pound seizure’ was mentioned in Michigan in the *Jackson Citizen Patriot*. Judy Dynnik, executive director the Jackson County Volunteers Against Pound Seizure was featured four times in the newspaper (July 10, 2009; September 14, 2009; November 27, 2009; and November 11, 2010) discussing funding for their local animal shelter. Strangely absent was any discussion of the actual issue of pound seizure, a topic which should have been uppermost in her mind given her community affiliation.

A single news story from Oklahoma in the *Stillwater News Press* on April 18, 2009 discussed the dispute raging at the Oklahoma State University Center for Veterinary Health Sciences and its use of animals provided by Class B Dealers. The state mandates the process.

During the same time frame Utah was undergoing a change in state law on the issue of pound seizure. Readers of the *Salt Lake Tribune* and the *Deseret Morning News* (Salt Lake City) were provided with a series of nineteen articles on the topic in advance of the legislation that took effect on March 26, 2010 that moved the practice along the continuum from mandatory to voluntary release by individual shelters. Three further news stories post legislation featured the topic. Much of the newspaper rhetoric focused on investigations by the People for the Ethical Treatment of Animals into animal abuse in the research facilities to which the animals were sold. The legislation in Utah, which some might deem a success, really only moved it to a status in line with what is current day policy in Michigan.
In the case of Michigan, clearly the battle for HB 4663 was not played out in the world of newsprint.

Why did Koda’s Law not pass the Senate? Michigan, with its population of just under ten million, is a heavily agricultural and hunting state. In 2008, there were ten million acres of farmland, 56,000 farms and the state exported $1.7 billion in agricultural product (Michigan Government Information, 2009). The institutional use of animals in farming is very big business and “[h]istorically, farm animal welfare has not been a priority for U.S. animal-protection organizations; and a strong American agriculture lobby, coupled with low public awareness of farming practices, has led to little political pressure for regulation” (Matheny & Leahy, 2007, p. 334).

In 2009, there were 686,000 hunters who devoted 10.2 million days to the activity – a day for each person in the state (Michigan Department of Natural Resources & Environment, 2010). Hunters have the backing of the National Rifle Association (NRA), which is among the most powerful lobby groups in the United States (Palmer, 2012). The organization is ferocious in its defense of the U.S. Constitution’s Second Amendment ‘the right to keep and bear arms’. The NRA even publishes magazines on hunting – American Hunter, Shooting Illustrated and Shooting Sports USA.

With such a large number of people engaged in these pursuits, it is easy to see why politicians would listen to their concerns. Lawrence (1993, p. 186) contends that, “societies with their predilection for preserving the status quo and traditions, employ time-honored methods to enforce their mandates and quell dissenting voices”.

In addition to the minimal coverage in the media the halo effect theory should be considered. Certainly Michigan suffered and continues to suffer from record high
unemployment. When the Koda bill was wending its way through the legislature in 2009 – 2010, the rate fluctuated between 11.1% and 14.1%. In economic hard times preserving jobs is of paramount importance for a government. The flight of any industry from state borders only adds to the problem.

In April 2009, Kimberley Hayes Taylor wrote a news story in the *Detroit News* entitled “Desperate Day, Deserted Dogs” linking the foreclosure crisis with the rise in animals being surrendered to shelters or being abandoned in boarded-up homes, dumpsters, or parking lots. She quotes Allie Phillips, the director of public policy at the American Humane Association, who estimated that “because about 8,000 homes go into foreclosure each day 15,000 to 26,000 animals are in danger of losing their homes”. She wonders if people think is one more discarded dog really that important to a population that is losing everything they have, including their own beloved pet. Apathy might also have been a factor in the bill’s demise.

Rep. Spinoza’s term ended with the session in 2010. In June 2011, the Humane Society of the United States (States News Service, 2011) issued a press release stating that two bills, Grant’s Bill (to end gas chamber euthanasia in the state) and Koda’s Bill were expected to be introduced soon. The journey continues in Michigan.
Chapter 5
Pound Seizure: Approach and Study Method

The examples presented in section 3.6 illustrate that media discourse has had the ability to impact policy or legislation. However, further examination was needed to determine if this outcome was an anomaly or whether it is borne out with other less well known issues. The research conducted focused on the use of pet dogs and cats in university and scientific research. It also investigated the route they take to the laboratory, examining such issues as pound seizure, Class B dealers, and the theft of pets for the purpose of selling them as potential lab subjects.

Pound seizure is the sale of companion animals from community pounds and shelters to research facilities. This practice is required by law in two American states, Minnesota and Oklahoma. These jurisdictions require that publicly funded shelters and pounds provide animals to any Class B dealer who requests them. A Class B animal dealer is licensed by the United States Department of Agriculture (USDA) to obtain animals from random sources. The dealer in turn sells the dogs and cats to research facilities for use in experimentation. This transaction is profitable for the dog/cat dealer and offers a cost savings for the research facility. Ovack (1986) tallied the cost of 817 animals purchased from the local pound by the University of South Florida at $4,085. Commercial breeders would have charged $250,000 for the same number of animals.

Pound seizure is currently not allowed in sixteen American states and the District of Columbia. In the remaining states there is no legislation and/or pound seizure is permitted in certain circumstances. Pound seizure grew out of the need to fuel biomedical research after World War II. Unti and Rowan (2001) attribute this practice to the need for a cheap source of research dogs and cats. In the early
years laws for the procurement of animals were easily developed and passed (p. 22). Although it varies from location to location, most unclaimed dogs and cats are at risk of being sold if they remain at the shelter after three to five days.

Pound seizure is illegal in Denmark, England, the Netherlands, and Sweden. In Canada, while it occurs in other provinces only Ontario still legally requires that publicy funded pounds and shelters release unclaimed pets to a registered research facility. In Ontario, the *Animals for Research Act* stipulates that these facilities pay a nominal fee for the relinquished animal. Pound seizure is a contentious issue in every jurisdiction in which it is mandated.

In the United States animal sheltering takes three forms (Phillips, 2010). Municipal shelters that are required to take in every animal that is presented are referred to as open-admission shelters. The local government sets up these ‘pounds’ to control and enforce the animal population (Phillips, 2010, p. 11). They are funded by the government and do not usually charge to relinquish an animal although they are not averse to accepting donations for the service. Many animal control facilities euthanize animals who are not returned to their owner or adopted to someone else. Euthanasia rates are high and methods of killing the animals vary from shelter to shelter often depending on the funding available. The “American Humane Association considers EBI [euthanasia by injection] to be the only acceptable and humane means of euthanasia of animals in animal shelters” (American Humane Society, 2010). Methods that are derided by animal advocates as excessively painful and cruel include placing multiple animals in a gas chamber or killing by heartstick (intracardial injection through the muscles of the chest into the heart).
Private shelters can limit their intake of animals to avoid overcrowding. Their funding comes from sources other than the government such as private donors or foundations. Often their names include the terms ‘humane society’ or SPCA (society for the prevention of cruelty to animals). They are not necessarily affiliated with the Humane Society of the United States or the Society for the Prevention of Cruelty to Animals (Phillips, 2010, p. 12). Many private shelters have low euthanasia rates and label themselves no-kill shelters. While it varies from location to location most no-kill shelters only euthanize those animals with life threatening illnesses or injuries or that have grave behavioral problems.

Rescue groups are the third type of animal refuge. They are often charitable organizations with members who pull animals from shelters hoping to facilitate an adoption. Seldom do rescue groups have a physical location to house the animals. Rather they maintain a network of foster homes where the animal lives with a family until he/she is adopted. Rescue groups can be all-breed, size specific or breed specific. It is estimated that twenty-five percent of dogs in shelters in the United States are purebred. Also within the rescue group category are sanctuaries. Sanctuaries differ from rescues because their aim is not to find an adoptive home for the animal but to offer the animal a group environment to live out the rest of his or her life. Sanctuaries are the least numerous category and are usually reserved for those animals who have behavioral issues or are deemed unadoptable due to age or infirmary.

5.1 Research approach

The purpose of this research was to examine the news coverage of pound seizure, Class B dealers, and theft of pets which are sold to research facilities. This study employed content analysis of American newspapers in the years between January 1,
1994 and December 31, 2005 for these topics. This study looked at the nature of the relationship between print coverage and the adoption of policy of legislation in the practice of pound seizure.

The research examined two local newspapers from each of the fifty states in order to determine whether there is a difference in the extent and type of newspaper coverage about pound seizure. One of the local newspapers was the newspaper serving the capital in the state in question, and the other local newspaper was defined as the largest newspaper (by circulation) serving the state in question (or the second largest, if the largest was the newspaper serving the state capital), except for instances where that largest-circulation newspaper was a ‘national’ newspaper (in which case the second largest-circulation newspaper was selected).

One of the reasons for including only local newspapers is that pound seizure is a local issue for the majority of states (32 states or 64%). Individual cities, counties or shelters can decide whether or not to release animals in twenty-two states because animal control falls within their jurisdiction. Ten states allow but don’t necessarily practice pound seizure. It is up to local jurisdictions to decide.

Another reason is that in a local government context, local media are the primary or only sources of information about policy issues for citizens (Crow, 2010, p. 147).

5.2 Methodology – content analysis

The research methodology that was undertaken was quantitative content analysis. Riffe et al. (2005) explain quantitative content analysis as a systematic and replicable method of examining communication. It is used to quantify, describe, draw inferences and derive meaning from context.
In 1948, one of the founding fathers of communication research, Harold Dwight Lasswell (Shoemaker & Reese, 1991; Carney, 1972; Neuendorf, 2002) proposed the following framework as a way of describing the communication process - *Who (says) What (to) Whom (in) What Channel (with) What Effect*. Content analysis is one of a number of ways to examine communication. It is used to locate the presence of words, messages or concepts in forms of communication.

In general there are two categories of content analysis. These are conceptual (or thematic) analysis and relational or (semantic) analysis (Huckin, 2004). Hogenraad *et al.* (2003) refer to these as the two *traditions* of content analysis: the dictionary-based tradition and the correlational tradition. Conceptual analysis involves sifting through the communication content in search of an occurrence of the selected entity and noting its existence or frequency. Relational analysis mimics conceptual analysis in that the identified concepts are documented. However, it goes a step further by examining the relationships between/among them. Hogenraad *et al.* (2003) postulate that, “[n]ot only do these two traditions not stand easily together for a team photograph, but their indiscriminate use to analyze text not otherwise qualified may lead one to obtaining confusing results” (p. 222). As Bos and Tarney (1999, p. 659) report, unlike other methods of social research, content analysis has no handbook of instructions on how to proceed.

Neuendorf (2002, p. 31) maintains that, historically speaking, the first message analyses cannot be described as content analysis. Nevertheless, the roots of this methodology can be seen as far back as Aristotle and his studies of rhetoric. Neuendorf’s research has unearthed support for the notion that content analysis has drawn its methods from cryptography, library subject classification, religious
concordances, and other areas of scholarly inquiry. She also recognizes the influence that decryption has played in the search for meaning. Neuendorf (2002) writes that, “The Rosetta Stone, discovered in 1799, contained three parallel script types – hieroglyphs, demotics, and Greek letters. Thomas Young was able to ‘translate’ between/among the three scripts through a process of quantifying (counting) occurrences of signs on the stone and other ancient sources” (p. 31).

Krippendorff (2004a, p. 3) believes that the method may be traced to the 17th century, when zealous guardians of the Roman Catholic Church assiduously pored over texts analyzing each word in an effort to discover and suppress heresy. Thomas F. Carney, former Professor of History at the University of Manitoba, (1972, p. 27) wrote that most content analysts agree that sophisticated content analysis of religious writing was being done circa 1744.

While there have been other documented instances of content analysis during the intervening years, it was the Victorian era that gave rise to a new application for this methodology. Quantitative newspaper analysis (Krippendorff, 2004a; Carney, 1972) first appeared in a 1893 study about the type of news stories disseminated by newspapers in New York City. The results of this study revealed that, between the years 1881 and 1893, there had been a marked increase in the number of articles that focused on gossip, sports, and scandals. Due to the limited amount of newspaper ‘real estate’ to be filled, this increase not surprisingly coincided with a decrease in articles of a religious, scientific, or literary flavor. Studies using newspapers proved popular, because “[they] are so very countable” (Carney, 1972, p. 27). Carney goes on to say that news units are easily divisible into categories; thus, content analysis is the ideal method of scrutiny for this medium. Krippendorff
(2004a) contends that, "[q]uantitative newspaper analysis seemingly provided the needed scientific ground for journalistic arguments" (p. 5).

During the early 20th century other disciplines discovered the merits of content analysis and its popularity grew. Sociologists grew interested in the practice of social stereotyping (Krippendorff, 2004a) and chose topics for examination that included the portrayal of African-Americans in the Philadelphia press and the expression of nationalism in children’s books published in the United States, Great Britain, and other European countries.

Content analysis is used to come to grips with a number of political, social, scientific, legal, environmental and ideological questions, and can be conducted on any form of communication. This pervasive form of research may be used to examine virtually any form of communication. It can reveal trends, detect regional differences, examine behaviors and attitudes, or be used to sift through political rhetoric. The following examples illustrate some of the myriad ways content analysis is applied (Riffe et al., 2005, p.13-14).

(i) Theory generating device theory
An example of this application may be found in Zullow (1991). In analyzing the lyrics of the top forty American songs in each year from 1955 to 1989, Zullow (1991) sought to generate a theory that would link a song’s rumination about bad events and pessimistic explanatory style to a downturn in the economy. The outcome of the study led the author to conclude that these variables would act as a predictor to recession due to a decrease in consumer optimism and spending.
(ii) Authenticating authorship

Carney (1972) cites the example of *The Imitation of Christ*, frequently ascribed to Jean le Charlier de Gerson, Chancellor of the University of Paris. Literary scholars examined the categories and uses of nouns in the texts and concluded that all indications pointed to Thomas à Kempis (Thomas Haemmerlein) as the more likely author.

(iii) Framing of issues

An example of this is Blakely (2003). Utilizing social construction theory, Blakely (2003) puts the Spanish flu of 1918, the Asian flu in 1957 and the 1968 Hong Kong flu under the microscope. After analyzing 835 articles, he demonstrates that the social construction of influenza changed over time, that the changes were reflected in public health policies, and that the popularization of science impacted the social construction of the disease in the United States (Blakely, 2003, p. 884).

Another example is Shah *et al.* (2002, p. 339), which employed content analysis to advance a theory as to why former President Clinton’s job approval rating remained so high during the Monica Lewinsky episode despite increasingly critical news coverage. However, contrary to the position put forth by the political *cognoscenti* that the public found the scandal largely irrelevant, this study revealed that citizens’ political preferences are influenced substantially by frames and cues provided by news media (Shah *et al.*, 2002, p. 339).

For the purposes of this research, conceptual content analysis was chosen because it yields a systematic and consistent way to objectively identify information in a manner that is reproducible. Babbie (2001, p. 314), maintains that content analysis is a safe method of research. He cites the example of ruining a survey or experiment
and the impossibility of undoing the mistake. He notes that with this technique you can simply repeat the study (p. 314). Babbie also observes that this method lends itself to studies over a long period of time. This is an important consideration for a researcher who conducts a study on texts between the years 1994 and 2005. If in the future the scope of work is expanded to include the years up to 2015, the original data is not without value. A new content analysis may be conducted and its findings used in conjunction with the previous results.

While other methods of research were considered, I chose content analysis because I believe that it was the most useful method of framing the issue and deriving meaning from the artifacts left behind in the ongoing campaign to outlaw pound seizure in every jurisdiction it the United States.

5.3 Examining pound seizure legislation

The research was conducted on the pound seizure legislative situation in the United States. The United States was chosen as a research area because of the legislative diversity on the subject of pound seizure. Pound seizure in America falls into four categories. These are: states that prohibit the practice, states where there is no legislation (local authorities can decide), states that allow pound seizure, and states that mandate the practice. The research was divided into these four groups of states to determine if there was a difference in the amount of newspaper coverage depending on the legislation (or lack of legislation) about pound seizure. Prior to conducting the research there was a possibility of a fifth category. That would have occurred had a state changed its status during the twelve years of the study. Had the study revealed that a state or states had introduced a bill, but that the bill died somewhere along the legislative path, this would have been be taken into account and a separate category would have been created for this/these state(s). Coverage
from this group would also have been explored. However, this did not occur in the timeframe allotted to the study.

Two research questions were addressed:

1. What, if any, is the relationship between the extent and type of newspaper coverage about pound seizure (and related terms) and the adoption of policy or legislation?
2. What, if any, is the relationship between the presence of “moral shock” within newspaper coverage about pound seizure and the adoption of policy or legislation?

It was presumed that the research would result in two relationships. These were that those states with legislation about pound seizure would have more stories about pound seizure (as defined by raw number of stories, words per story, placement of story) than those states with no pound seizure legislation. The second presumption was that states with legislation about pound seizure use more techniques of moral shock (fear, degradation, abuse and neglect of animals) than those with no pound seizure legislation.

At this point it is important to clarify what I meant by adoption of policy or legislation. Adoption in this case does not mean whether a political party or group has made pound seizure part of its platform. My definition of the adoption of policy or legislation to relax or prohibit pound seizure applied only to whether this had become part of the written laws, bylaws or policies of the local or state government within the years 1994 to 2005.

There are sixteen states and the District of Columbia that prohibit pound seizure. They are Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts,
New Hampshire, New Jersey, New York, Pennsylvania (banned for dogs only), Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Individual cities, counties or shelters can decide whether or not to release animals in twenty-two states: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Texas, Washington and Wisconsin. No mention of pound seizure is found in the statutes of these states therefore this group has been labeled as having no legislation.

Ten states allow but don’t necessarily practice pound seizure: Arizona, California, Colorado, Iowa, Michigan, Ohio, South Dakota, Tennessee, Utah, and Wisconsin. There are currently only two states that mandate pound seizure. They are Minnesota and Oklahoma.

The research was conducted on all fifty states, excluding the District of Columbia due to the difficulty determining a ‘local’ newspaper in the area. Coverage from newspapers from each state capital was surveyed. Research indicates that these papers would be read by local and state law makers. As Lenton observed (2004, p. 224) all politicians and their advisors read newspapers. Walgrave et al. (2008, p.827) found that "...politicians read newspapers more than they watch TV news, and as newspapers, or at least some of them, are considered to be more reliable and trustworthy news sources". Shaw and Sparrow (1999, p. 328) say that "[n]ewspapers are typically the locus for breaking news of political complexity and salience".

Tan writes that, "Local media are more likely to cover regional issues and local issues than national media. Even when covering the same national events, local media usually provide a local perspective to make those events
In addition, the newspaper with the largest circulation in the state was examined because more copies of the paper being available increases the likelihood of it being read. These sources were searched through LexisNexis, which has a good selection of local papers in full-text. The time period for the study was from January 1, 1994 to December 31, 2005. This time period was chosen in part because the statutes in all states that do not allow pound seizure were enacted or revised during the years 2002 to 2003 and it was necessary to choose a sufficiently long time frame to work up to the legislation and to see what had been said about it afterwards. Also, during this period newspapers were still available in print form.

The search terms were: pound seizure, pound release, Class B dealer, buncher, buncher AND dog or pet, pets in research, random source dogs, shelter pets AND experimentation, and pet theft. The search terms all potentially pertain to pound seizure. The articles were examined by looking at the key word or words in context. Articles that included the term pet theft were only included if it pertained to experimentation or research. Pets that were stolen for other reasons, such as dog fighting would have been unlikely to find their way into the research stream. These articles were not included. If pound seizure referred to a drug haul or the seizure of pounds of other commodities it was not included. Only if the article specifically said that the pound seizure was about the practice of obtaining cats and/or dogs from animal shelters or pounds for the purpose of selling them to research facilities was that article included in the study.

These terms were put into LexisNexis. The requirements for the search were MegaNews, All; English full text, dated between January 1, 1994 and December 31,
2005. If there was more than one word in the search such as *pound seizure* the operator AND was used to locate documents that contained both words (pound AND seizure). The articles that became part of the study were those that included the above mentioned terms, were within the date range, were from the one hundred newspapers and met the criteria. Those articles that were weeded out did not meet the specifications of the study.

Quantitatively the research counted the number of articles on the topic and looked at the number of words, the placement of the article in the paper, the presence of photographs and what was portrayed in the photos. The only articles that were considered were those that detail pound seizure, not those that outline a bill wending its way through the legislative process. The horrors of pound seizure were identified and included if the narrative showcased the animals suffering, being frightened, tortured or abused or that their owners/guardians expressed sorrow, anguish, or disquiet at their loss or pain.

As mentioned previously, the definition of moral shock used comes from the man who coined the term. James M. Jasper (1998) contends that emotions are a part of culture. His interpretation of moral shock occurs when "an unexpected event or piece of information raises such a sense of outrage in a person that she becomes inclined toward political action" because it causes "a visceral, bodily feeling, on a par with vertigo or nausea" (p. 409). For the purposes of this research moral shock included stories that depict the horror of animal research, the use of adjectives and adverbs that describe the fear, degradation, abuse and neglect of the animal involved.
5.4 Data coding

Content analysis is the study of recorded human communications and is a form of unobtrusive research (Babbie, 2001). It is used to locate the presence of words, messages, or concepts in forms of communication. These words, messages, and concepts are then quantified and analyzed and in some cases inferences are made about the findings.

This study’s research purpose was to examine the relationship between the extent and type of newspaper coverage about pound seizure and the presence of ‘moral shock’ within that coverage and the adoption of policy and legislation in the United States during the period 1994 to 2005. These dates were the temporal boundaries of the study. The articles that were included in the sample were those that had one or more of the search terms. The search terms chosen were: pound seizure, pound release, Class B dealer, buncher, buncher AND dog or pet, pets in research, random source dogs, shelter pets AND experimentation, and pet theft.

The sample of the study was the list of one hundred newspapers (two from each state). The study utilized the resources of LexisNexis to retrieve these articles. The written content from these newspapers served as the units of analysis. Riffe, Lacy and Fico (2005) write that all content must be reduced to units in order to measure it. This can be a word, sentence, article, photograph, etc. based on a definable boundary (physical or temporal) or symbolic meaning.

To define what is meant by ‘extent’ in the question posed by the study the researcher counted the number of articles on the topic and looked at the number of words, and the placement of the article in the paper. The word ‘type’ is defined as whether the article is a news story, letter to the editor, etc. To operationalize the
concept of the ‘adoption of policy or legislation’ (to relax or prohibit) pound seizure applies only to whether this had become part of the written laws, bylaws or policies of the local or state government. An example of this would be that if, during the twelve year research period from 1994 to 2005, the state changed its position on pound seizure – going from mandating to allowing local authorities to decide, from having no legislation to prohibiting the practice, etc. This would have to be part of the state’s written laws, bylaws or policies.

The second aspect of the research question pertains to ‘moral shock’. Moral shock is a fuzzy concept. What triggers the emotion in one person can be different from that of another. To operationalize this concept, ‘moral shock’ is defined as coverage that depicts the animal’s fear, degradation, abuse and/or neglect in the pound seizure system. This could be in the research laboratory, Class B dealership, buncher’s property, etc. Ms. Liz White, who is the founder and board member of Animal Alliance Canada, was consulted to validate the researcher’s data on moral shock. Animal Alliance is the most active group against pound seizure in Canada. Ms. White is admittedly not an expert on what constitutes moral shock, but she is among the most knowledgeable people in Canada on the topic of pound seizure. She looked at the newspaper coverage and chose those that in her opinion depicted the fear, degradation, abuse and/or neglect of animals. These she deemed moral shock. A brief outline of Animal Alliance’s accomplishments in the realm of pound seizure in Canada is appendix I. A list of those passages that the author and Ms. White judged to be provoking moral shock is appendix J.

In addition to moral shock, the study’s content was scrutinized for both manifest (explicit) and/or latent (implicit) content. Babbie (2001) contends that this often results in a choice between validity and reliability. Validity being defined as “[a]
term describing a measure that accurately reflects the concept it is intended to measure (Babbie, 2001, p. G11). Elliott (2005, p. 204) defines it as, “[v]alidity refers to the ability of research to reflect an external reality or to measure the concepts of interest”.

Babbie (2001) writes that reliability is “[t]hat quality of measurement method that suggests that the same data would have been collected each time in repeated observations of the same phenomenon (p. G9). This is echoed by Elliot (2005, p. 203) who writes, “[r]eliability is generally defined as the replicability or stability of research findings over a short space of time”. Babbie (2001, p. 310) charges that manifest content which is visible and obvious, culminates in results that have high reliability whereas seeking latent content can diminish reliability especially when coding definitions are not rigid. This study examined both manifest and latent content.

It should be noted that all but two of the search terms were located in the chosen papers. The terms that were not found were shelter pets AND experimentation and pets in research. In total eighty-six articles from the LexisNexis database became the sample for the study.

It is worth including a note on the limitations of the database. LexisNexis does not distinguish between the term pound seizure and the words pound seizure, even when utilizing the operator AND in the search field. For this reason many of the articles in the population that contained ‘pound seizure’ only referred to drug seizures or the seizure of other commodities. These articles did not become part of the sample because they did not pertain to the practice of selling dogs and/or cats to research facilities.
Buncher is a term that has applications in other domains. In forestry, a buncher is a vehicle that acts as a harvester by grabbing a tree and shearing it off at the base. It is the shortened version of the term feller buncher. Many of the articles in the population were from forestry. Again, these were not included in the study because they did not refer to the practice of selling pets for research.

Another challenge of using LexisNexis is that actual photographs in the articles are not included in the on-line database. The database record might indicate that a photo accompanied the news story however the description of the photo was so meager that it would have been impossible to analyze it for moral shock value. Consequently, no photos were used in this research.

As mentioned previously to determine if the units of analysis indicated moral shock, the articles were searched for words or phrases that conveyed the horrors of the pound seizure process. Initially the research was going to only assess adjectives and adverbs, however so few were located that the study expanded to include verbs and phrases as well. There is a linguistic argument for including verbs. English is a verb-centered language, unlike French which is noun-centered. Verbs in English have more semantic weight and convey a more powerful message than nouns and adjectives. Matheson (2005) writes that “news texts favor factual information, and actions are more verifiable than emotions” (p. 23).

In order to contain the scope of the work the only adverbs, adjectives, verbs and phrases studied pertained to the issue of pound seizure. If pet theft was mentioned and it referred to animals in research, bunchers or Class B dealers, it was included. Some articles that were part of the study also contained other animal concerns.
However, if animals were stolen to be used as bait in dog fighting rings, as part of the illegal fur trade, or kittens were stolen as food for snakes then the wording was not included in the study.

The conceptual quantitative content analysis in this paper reports only descriptive statistics. As the research was designed to describe a process of change rather than to measure or infer difference, no inferential statistical analysis was done.

The study counted the number of articles on the topic and looked at the number of words and the placement of the article in the paper. The research examined and compared the distribution of the articles across the years, the frequency of terms, the types of articles, the titles, and the article’s authorship. These were then organized into the four categories of states depending on their stand on the pound seizure question (Group A prohibit, Group B no legislation, Group C allow and Group D mandate).

It is believed that this study could be repeated numerous times with similar results leading to an acceptable level of reliability. (Coding sheet is appendix B.)
This study is a quantitative comparative analysis of pound seizure. Pound seizure is the sale to research facilities of companion animals in the United States that are stolen, lost or surrendered to animal pounds or shelters. The purpose of this study is to examine the nature of the relationship between both the extent and type of newspaper coverage about pound seizure and the presence of ‘moral shock’.

The two questions that were addressed were:

1. What, if any, is the relationship between the extent and type of newspaper coverage about pound seizure (and related terms) and the adoption of policy or legislation?

2. What, if any, is the relationship between the presence of “moral shock” within newspaper coverage about pound seizure and the adoption of policy or legislation?

The research findings are categorized according to the state’s position on the topic of pound seizure as of the date of writing (2014). These groups are: states that prohibit pound seizure; those where there is no legislation (where local authorities decide), those that allow the practice, and those states where pound seizure is mandated. A note of clarification: this research study examined the issue from the perspective of state legislation. If a state statute allows the practice but local jurisdictions prohibit or don’t currently employ it, the state still fell within the category of states that allow pound seizure. An example of this is California.
6.1 States that prohibit pound seizure (Group A)

At this point in time (2014) there are sixteen states (plus the District of Columbia) that prohibit pound seizure. The states that prohibit pound seizure are: Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

States that prohibit pound seizure had a total of twenty-four articles, some of which included more than one of the preselected terms. In total, thirty terms were located. The term ‘buncher AND dog or pet’ occurred seven times, three times in Virginia, twice in New Jersey and once in both Illinois and Massachusetts. Pound seizure was found in six articles. In New Jersey it was found three times, and only once in Massachusetts, New Hampshire, and South Carolina. Random source dogs had two mentions in Illinois. Class B was mentioned four times, once in each of the Illinois, New Jersey, Maryland, and Virginia newspapers. Pet theft had the highest instance with eleven in total. New York and West Virginia mentioned it once each, Illinois and Virginia discussed this topic twice, and New Jersey five times.

Of the twenty-four articles there were eleven letters to the editor, eleven news stories, one legislative roundup mention, and a feature that discussed the obituary of an animal activist. (The differences and importance relative to news features, letters to the editor, etc. is discussed in Chapter 7 Discussion).

The number of articles over the years peaked at seven in 1996, fell to five, three, one, and dropped off altogether in the last year of the study as is shown in Figure 2 below.
The word count for news stories from the states that prohibit pound seizure ranged in length from 270 to 1,227 with one extensive article of 4,017 words. There was a single article at 560 words, two between 700 & 799 words and one between 1,000 & 1,099. The eleven letters to the editor were considerably shorter at between 108 and 246 words. Rounding out the articles, the legislative roundup came in at 818 words and the featured obituary was half that amount at 432 words in length. The features were located on pages 1, 4, 6, 11, 13, 16, 20, 28 and 43. One might debate that the closer an article is to the front of the paper the greater the likelihood that it will be read. In the same vein, if an article is buried in the body of the newspaper does this subtly demonstrates that it is of lesser value to the reading public? It is up to the editors of these newspapers to choose where to place news stories. Some are located on the front pages and others relegated the interior of the paper.
In the analysis of content, animals were characterized as ‘victims’ and ‘beloved pet’ by referring to them twice as ‘victims’ and once as ‘beloved pet’ and ‘healthy affectionate pet’. The human cost was illustrated with phrases ‘never to see a beloved pet again, never to know where it is and what it may be suffering, is trauma of the worst kind’; ‘part of the family ripped away’; and ‘grieving owner, ... forced to relinquish your dog’s companionship’. However, most of the coverage (15 examples) focused on the animal’s suffering. Two articles detailed the type of experiment that the dogs underwent. The author wrote that ‘students inject drugs into dogs to change the rate of their breathing or heartbeat’, and that ‘animals die, either from the experiment itself or subsequent euthanasia’. The next explicit experiment was the ‘cutting of a dog’s vagus nerve, which sends signals from the brain to the heart’.

Figure 2: States the Prohibit Pound Seizure - Total Number of Articles that Matched the Search Criteria by Year
Thirteen more examples were cited including ‘they are shocked, drowned, blinded, burned or starved’; ‘kept in filthy conditions and inadequate care’; suffering lameness, severe dehydration, bloody injuries, severe nasal and eye discharges, and respiratory illnesses; and ‘frightened and confused, he ends his life alone and in pain in a strange clinic’.

Of the sixteen members of this group of states that prohibits the practice, only nine carried news stories about pound seizure.

6.1.1 Illinois

The state of Illinois under 510 ILCS 5/11 (2003) does not permit animals to be released to research nor to Class B dealers. The only alternatives for the surrendered animal are adoption or humane euthanasia.

On the topic of pound seizure, the research revealed four articles during the time frame. All articles were from the Chicago Tribune. Three of the articles were letters to the editor cautioning readers that “petnapping is alive and well” and they “run the risk of having a cherished animal picked up by bunchers, who sell to Class B dealers” (Felten, 1996, p. 22); and leaving your animal alone risks “dooming him or her to a tortuous life...in dog-fighting rings, satanic cults or biomedical research laboratories” (Kalin, 1996, p. 18) or “…sold to a research facility where they are shocked, drowned, blinded, burned or starved” (Strickland, 1997, p. 22).

The fourth was a news story focused on students at the University of Illinois at Urbana-Champaign who decried the use of random source dogs from Class B dealers and protested the killing of animals as being not ethical. The coverage pitted David Gross, the head of the veterinary biosciences department at the university against
student Jennifer Kissinger, who filed a suit in federal court because she was expelled for refusing to take part in lethal experiments because she deemed them inhumane. Gross was quoted as saying “[i]t’s the immediacy of having a live animal in front of you and knowing that if you screw up you’re going to kill it” and “[I] resent these kids trying to take the moral high ground on these issues...I don’t think anyone cares more about animals than I do” (Manier, 2000, p. 1).

6.1.2 Maryland
Under Md. Criminal Law Code Ann. § 10-617 Md. Comm. Law Code Ann. § 16-701 (2002) dogs or cats can only be placed in a suitable home, retained in animal control or humanely destroyed. The sole article from this state concerns itself with stolen pets and Class B dealers. Gross (2005, p. A7) states the “Maryland Forum for Animals wants to help eradicate pet theft by persuading the USDA to not give licenses to Class B dealers. The group argues that the USDA does not strongly enforce its regulations”.

6.1.3 Massachusetts
Massachusetts holds the distinction of being first state to officially prohibit pound seizure in 1983. The current statute Mass. Ann. Laws ch. 140, § 151 (2002) clearly outlines that no animal that comes into the custody of a shelter can be turned over to a research facility or animal dealer.

This study only located one reference to the topic in the Boston Globe. It was a letter to the editor cautioning people to keep pets inside because “...bunchers steal outdoor dogs and cats and sell them to research facilities” (Malichisky, 2001, p. A10).
6.1.4 New Hampshire

This state is numbered among those that clearly outline in their legislation - RSA § 437:22 - that no animal from a shelter may be sent to any facility for the purposes of experimentation and/or vivisection. This came into effect on July 23, 1995.

In the *New Hampshire Union Leader* there was a news story about the death of Elinor L. Ware, who helped found the New Hampshire Animal Rights League in 1977. Her group successfully lobbied “lawmakers to stop pound seizures of animals for experimentation and the practice of classroom vivisection” in the state (Morris, 1997, P. A3). This was the only mention of pound seizure in the twelve years in which the study was focused.

6.1.5 New Jersey

Although this state does not allow pound seizure, as outlined in N.J. Stat. § 4:19-15.16 (2002), there were nine articles about the topic in the *Star Ledger* newspaper.

The first was a letter to the editor advising readers of the threat of pet theft and asking them to write to their representative in Pennsylvania who was drafting anti-pet theft legislation. (This indicates that readership of the newspaper flowed beyond state borders.) The writer suggests “[t]oo many of these pets are stolen for profit” and are “sold to puppy mills, dog fighting rings, Satanic cults and biomedical labs” (McNulty, 1996, p. 2).

All three of the next news stories in the summer and fall of 1996 are from a feature writer with the paper. The first column discusses the proposed federal legislation H.R. 3398: Pet Safety and Protection Act of 1996 asking readers to write their representatives and senators in favor of the bill. The bill sought to deny Class B
dealers the right to sell animals to research and prohibit research facilities from buying animals from the dealers (Stevenson, 1996b, p. 6). The news story opens with “pet owners having a golden opportunity to register their abhorrence of pet theft” and goes on to say “[n]ever to see a beloved pet again, never to know where it is and what it may be suffering, is trauma of the worse kind” (p. 6). The author cites “[s]olid evidence of widespread pet theft ...from the Animal Welfare Institute (AWI)” that maintains “family pets...were stolen from their yards, kennels or even parked automobiles and sold to research facilities for experimentation” (p. 6).

The news story continues with information from the AWI based on interviews revealing that the wife of the mayor in Austin, Minnesota scanned the lost and found ads for pets and helped retrieve fourteen of 18 missing dogs from the Mayo Institute, the research facility for the Mayo Clinic. One of the dogs “died despite the rescue, badly dehydrated from having been deprived of drinking water during his imprisonment” (p. 6). The news story then discusses the Animal Welfare Act that governs dealers and the USDA that is charged with enforcing the act. However, Class B dealers “often disregard the law” by moving “animals repeatedly over state lines and transfer[ing] them from dealer to dealer, making it impossible for pet owners to find their missing animals” (p. 6). Some dealers are woefully lax in their care as in the case of one dealer on whose premises “dogs and cats have been found suffering from lameness, dehydration, bloody injuries, severe nasal and eye discharges and respiratory illness” and “other animals were found dead” (p. 6). The proposed legislation H.R. 3398: Pet Safety and Protection Act of 1996 was not successful.

In the next news story Stevenson writes that in the fall of 1996, three bills were introduced in the New Jersey legislation to help students in the veterinary
technology program at Camden County College. The “new bills would remove the classification of ‘experimentation’ from the clinical and surgical procedures for the benefit of vet techs” and “would return pound seizure to legality” (Stevenson, 1996a, p. 11). She illustrates the problem by stating “[s]uppose for a minute that you, a grieving owner, are forced to relinquish your dog’s companionship for an unavoidable reason” and “your healthy and affectionate dog” is a “perfect candidate for surgical procedures…frightened and confused, he ends his life alone and in pain in a strange clinic” (p. 11). She goes on to ask “[i]s this the fate you want for shelter animals” (p. 11). She asks readers to please write the appropriate government committees to ask them to vote in favor of the bill.

The third is Lois Stevenson’s final column after 26 years. Among her list of accomplishments is that “we banned ‘pound seizure’, that permitted taking animals from shelters and pounds to use them for experimentation in laboratories” (Stevenson, 1996c, p. 4).

The next article falls under the category of legislative roundup. It begins by stating that “[e]ach year in the United States, an estimated 2.5 [million] pets are stolen from their owners…many are sold to biomedical research labs…” (Marsico, 1997, p. 24). The New Jersey Assembly endorsed a crackdown on pet theft. The bill sought stiffer penalties for those convicted of stealing pets. Diane Allen (R-Burlington) is quoted as “[p]ets are stolen from cars, and back yards, and by individuals who answer newspaper ads offering free animals to people who will provide good homes” (p. 24).

In July 1997, a letter to the editor from the executive vice president of the Humane Society of the United States responds to criticism of their record. She writes that
“[t]he society, with 10 staff members working full time on animal issues, has been a leader in ending pound seizure (which forces animal shelters to relinquish pets to research labs)...” (Forkan, 1997a, p. 18).

Diane Allen (R-Burlington) is featured again in February 1998 about pet theft legislation. She states again that “[e]very year... an estimated 2.5 million pets, mainly dogs and cats, are stolen from their owners, and many end up in biomedical research labs...” (Hester, 1998, p. 28). At Allen’s urging the state Senate approved legislation 37-0 to increase the penalty for theft of a companion animal. The new bill could provide a sentence of three to five years in prison and a fine of up to $15,000 for stealing and selling a pet. Merely stealing a pet would bring a sentence of up to 18 months in jail and a fine of $10,000. The news story goes on to say that “[f]ederal legislation is pending that would prohibit people for collecting and offering for sale for use in research animals that cannot be traced” (p. 28). Bill S252 was signed by the governor of New Jersey in September 1998.

Morris County in the state experienced a rash of pet theft. The Morris County Society for the Prevention of Cruelty to Animals issued an alert in June of 1998. The Morris County Sheriff’s Officer Patty Clark is quoted as saying “[p]et theft is no doubt a big thing...stolen dogs are often bred or sold for laboratory experiments” (“Morris County SPCA warns of Dog Thefts”, 1998, p. 43).

The final mention is a letter to the editor from a resident warning readers not to give pets away to a good home for free. She writes “[t]here are unsavory people who look specifically for free ads...often these animals are sold to a research lab for experiments... 'bunchers' are ...more prevalent than one might think” (Mayock, 2002, p. 8).
6.1.6 New York
In the state of New York no animal can be released for any purpose other than adoption or the redemption of its owner under statute NY CLS Agr & M § 118 (2003). The 1994 article in the Times Union outlined the sobering statistics of missing dogs. Delaney (1994, p. D4) quoted Bette Rapaport, president of the National Dog Registry as stating “[n]early one out of every five dogs in the United States will be lost or stolen this year”. The article vaunted the merits of tattooing dogs on their legs. (this was in the era before micro chipping became a more popular and less painful method of animal identification.)

6.1.7 South Carolina
In South Carolina the law S.C. Code Ann. § 47-3-60 (2002) states that animals that are not claimed may only be disposed of by adoption, euthanasia or being turned over to an organization such as a Humane Society whose purpose is to care for animals. The state does not permit pound seizure. A single mention of the issue was located in the Post and Courier (Charleston).

In a letter to the editor the author commended the Berkeley County Supervisor for agreeing to stop animals from his shelter being used in medical research. The writer states that “this practice of sending animals into research is opposed by every humane organization across the country” (Linville, 1998, p. 10). This highlights the communication gap between local shelters and state legislation because pound seizure had at that time been prohibited in South Carolina for more than ten years (Reitman, 1992, p. 35).
6.1.8 Virginia

In Virginia pound seizure is prohibited under Va. Code Ann. § 3.2-6546; § 3.2-6547; § 3.2-6557 (2008). Three articles were located in the Virginia-Pilot. The first was a letter to the editor warning of pet theft. The writer counseled that “[p]ets are stolen from our neighborhoods and yards, our homes and automobiles or obtained through ‘free to a good home’ ads by thieves who may sell them to ‘dog dealers’ licensed by the U.S. Department of Agriculture” and “become the victims of satanic cults and research laboratories” (Abbott, 1996, p. 7).

The second was a news story on the same topic. The author states that the “most profitable reason to steal a pet...is for sale to research laboratories” because “a dog can command as much as $700 and a cat, $300” (Mills, 1997, p. 16). She goes on to say that “Class ‘B’ dealers, licensed by the USDA, and ‘bunchers’ or unlicensed dealers, keep them supplied with animals...” (p.16).

Four years later, but continuing in the same vein was a letter to the editor from a staff writer at PETA who advised readers to keep a close watch on their pets because “[c]ats and dogs have been snatched up by ‘bunchers,’ who steal animals and sell them for use in experiments” (Welsh, 2003, p. B8).

6.1.9 West Virginia

Since 1989, no cat or dog can be sold, given, transferred to any person or institution for educational or scientific research or activities. The animals may only be adopted or reunited with their owners under W. Va. Code § 19-20-23 (2003). The article in the Charleston Gazette states that one million dogs will be stolen and “these pets will end up as lab experiments” (“Advice given to thwart pet theft”, 1994).
Summation

Of the sixteen states in the ‘prohibit pound seizure’ group, news stories were found in nine of the states. These states are: Illinois, Maryland, Massachusetts, New Hampshire, New Jersey, New York, South Carolina, Virginia and West Virginia. There were a total of twenty-four articles, two thirds (eighteen) of which were from the first half of the study time frame. Twenty-nine percent of the articles (seven) were from 1996.

6.2 States where local authorities decide (no legislation) (Group B)

Individual cities, counties or shelters can decide whether or not to release animals in twenty-two states because animal control falls within their jurisdiction. The states where local authorities decide are: Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oregon, Texas, Washington, and Wyoming. In the states where local authorities hold sway over animal control issues, there were twenty-nine articles located. These articles contained thirty-nine mentions of the terms. Buncher was mentioned twice, once in Georgia and twice in Missouri. Buncher AND dog or pet occurred nine times. Newspapers articles with the term included those in Indiana (three times), Florida (once), Georgia (twice), Missouri (twice), and Nebraska only once. Class B dealer showed up a total of nine times. This term was found once in Arkansas, Georgia, and Indiana and twice in Florida and four times in Missouri. Again pet theft was the most mentioned. Thirteen times spread over Indiana (once), Louisiana (once), Georgia (once), Texas (twice) seven times in Missouri and a single mention in Oregon.
Pound seizure was located three times, once in Georgia and twice in Texas newspapers. There was a single book review, an editorial, seventeen news stories, eight letters to the editor and two local digest news compilations.

Of those news stories that were covered, seven were placed in the first two pages of the first or second section of the paper. The others were buried in the back pages. Letters to the editor were located further into the body of the paper. The number of articles fluctuated with peaks each in the years 1996 and 2000 as is illustrated in Figure 4.

Figure 3: States Where Local Authorities Decide (no legislation) are shown in shade/grey
The articles ranged in length over the research period. In the first year of the study the two articles had 236 and 502 words. By far the most coverage of the issue was in the two newspaper articles in the year 1995 at 1,128 and 2,030 words. The length of coverage fell off again in 1996. Three news stories with word counts of 489, 613, and 1,089 were retrieved. A single article in 1998 contained 430 words. In 2000, four features were located numbering 422, 749, 807 and 986 words. Once again the letters to the editor were shorter having between 84 and 340 words. The placement in the newspapers was unevenly balanced between high visibility and low visibility. Six news stories were printed on pages one or two. The remaining eleven were located on pages three through 42.
Two themes were evident. The characterization of the animals as victims by twice calling them ‘beloved pets’ and they were ‘ripped from their homes’. The human tragedy was only discussed once. It showed that there was a ‘fear that their beloved pet had been stolen’.

As in the newspapers from the previous group of states, most of the content (25 instances) revealed that the real horrors of pound seizure are visited upon animals. Two news stories discussed the specifics of the experimentation. The articles stated that ‘Labrador retrievers and other big dogs are used in cardiovascular and other experiments’ and ‘dogs are used in testing chemicals, cosmetics and shampoos’. Other content was more unsettling. There was the ‘tabby with a bad eye, cowering in a litter box’, the ‘beagle punched in the face’ and the ‘terrier mix being dragged outside and casually shot’. Other news stories told of animals being ‘subjected to unspeakable atrocities’; ‘delivered into suffering and death’; ‘they warehouse them in filthy disease-ridden kennels’; and the animals ‘never make it out alive’.

Given the disquieting descriptions of the animal suffering in these newspapers it was somewhat surprising that more than half (59%) of the states in this group did not have any mention of pound seizure at all.

### 6.2.1 Arkansas

A single news story from the *Arkansas Democrat-Gazette* detailed the federal agent raid on Martin Creek Kennels, owned by C.C. Baird a Class B dealer. The U.S. Attorney Bud Cummins “acknowledged that there is some question whether some of these dogs were pets that were stolen” (Satter, 2003, p. 13). Chris DeRose, of the Last Chance for Animals, detailed that they had someone working on the inside of the kennel for five months and had evidence including “videotape of a beagle being
punched in the face and a terrier mix being dragged outside and casually being shot in the head because the dog had ‘snapped’ and was not considered good for research” (p. 13). DeRose further explains that “Class B dealers often buy animals, including stolen pets, from people who know the dealers and approach them at auctions” and “[t]he animals are bought for about $15 a piece and sold to research labs for between $250 and $800 a piece” (p.13).

6.2.2 Florida

The St. Petersburg Times had three articles. The first discussed the disappearance of a Siberian Husky named Tai and the events surrounding her eventual rescue hundreds of miles away when a dog dealer’s operation was raided and 150 dogs were taken into custody. Sheriff’s deputies took the animals from Ervin Stubane, who had a license to sell dogs for research. “His ranch was raided after a videotape allegedly showed him shooting a dog and selling its meat to a couple” (Olinger, 1995, p. 1A). After seven months away Tai had “become afraid of people, and urinated at the sight of strangers” (p. 1A). Olinger goes on to report that the animal cruelty charges were dropped against Stubane because in Wisconsin owners are permitted to shoot their dogs. However, in 1994 “after a federal investigation found that Stubane couldn’t account for many of his dogs, he became the first dealer in the history of the Animal Welfare Act to permanently surrender his license” (p. 1A). It had taken thirty years for this to happen.

The second article in the paper was an editorial letting readers know that many of the dogs and cats used in research labs and university classes are “family pets that devoted owners are searching for” and that “some pounds and shelters sell animals before owners have time to claim them” (“Animal profiteering a disgrace”, 1995, p. 8A). Two common methods to find these animals are to search classified ads for
There was a letter to the editor from the director of SPCA of St. Petersburg, Largo. She was commenting on a previous letter from a couple who, upon finding a kitten in their carport, brought it to the local SPCA. They were intercepted by a woman outside the facility who was looking for a kitten for her two cats. The director counseled against this for a number of reasons, including that there were documented reports of bunchers "who collect or steal pets to sell to research and that they have been known to wait near shelters to intercept animals being turned in" (Lockwood, 1996, p. 2)

6.2.3 Georgia
Both Georgia newspapers provided articles. In the Atlanta Journal and Constitution a reader wrote that "...people known as 'Bunchers' steal people's pets and sell them to research facilities" (Stevens, 1998, p. 08JA).

In the Augusta Chronicle a writer cited the book Stolen for Profit: How the Medical Establishment is Funding a National Pet Theft Conspiracy, putting forth that "[o]ur pets are delivered into suffering and death by 'dog dealers' licensed by the Department of Agriculture. These dealers, and their unlicensed accomplices known as 'bunchers', steal pets from our neighborhoods, buy them at flea markets and at huge 'dog auctions' and take them from 'free to good home' ads. The[n] they warehouse them in filthy, disease-ridden kennels" (Dougherty, 1997, p. A4). She exhorted the readers to write to their U.S. representatives and senators to abolish Class B dealers. (It is worth noting that the paperback version of Stolen for Profit
was printed as *Stolen for Profit: The True Story Behind the Disappearance of Millions of America’s Beloved Pets*, making this a less inflammatory title than the hardcover.)

The final reference to pound seizure and research animals was also found in the *Augusta Chronicle*. Similarly it was a letter to the editor. The writer is a member of an animal rescue organization in the state, which had been maligned by the director of Animal Control for being dog dealers and making money from the shelter animals they rescue. The letter writer responded by saying that they had saved 700 animals in the past year and that the maligning director had worked at several research facilities that test on live animals prior to her employment at animal control. She argued that “these animals suffer on research table” and that they are “the victims of a multi-million dog-selling business in this country” the “Labrador Retrievers and other big dogs are used to do cardiovascular and other experiments...animals are gathered by ‘bunchers’...bought from pounds, stolen from yards and gotten from ‘free to good home’ ads” (van der Linden, 2001, p. A04). The writer further stated that the animals “are kept in horrible conditions, taken across state line, and are sold to the highest bidder at auctions, usually held in very remote places” (p. A04).

### 6.2.4 Indiana

There were four articles in the *Indianapolis Star*. Three were during the month of January 2000. The first feature warned of 25 dogs being stolen in the Muncie area. A spokesperson for the American Pet Association was quoted as saying that “[t]he most common dog thieves are called ‘bunchers,’ professional dog-nappers who steal pets to sell to research labs for testing” (Buchthal, 2000, p. 01A). He went on to say that when bunchers move into an area pet theft increases dramatically and that “dogs are used in testing chemicals, cosmetics and shampoos” and that he had
“never heard of an animal who has entered a (testing) lab and come out alive” (p. 01A).

The second feature focused on teaching Indianapolis pet owners “how to prevent professional dog thieves, known as bunchers, from targeting local homes” (Scandlen, 2000, p. 01B). The author continued by saying that “[b]unchers steal purebred, healthy dogs to sell to research labs for testing” (p. 01B).

The third mention of animals in research was part of a local digest update. Again the focus was on Class B dealers selling “pets to animal-research facilities for profit” (“Let it Out”, 2000, p. E2). Readers needing assistance were directed to the Midwest In Defense of Animals’ phone number and website.

The fourth item was a letter to the editor addressing the ‘free to a good home’ ads that the paper ran. The writer cautioned readers to be aware of bunchers who “gather free pets until they have enough to make a trip to a lab worthwhile and then sell them for $25 a head for experimentation” (Smith, 2005, p. 15A).

6.2.5 Louisiana

The Advocate in Baton Rouge had a single reference to pound seizure terms. The news story highlighted the increase in pet theft in the Baton Rouge area. A dog owner relayed the story of having two dogs taken from his backyard. One dog was wandering the streets but the other was found chained to a fence with six other dogs at a nearby house. The article went on to say that “[s]ome stolen pets wind up being used as subjects in scientific experimentation” and that “[s]ome pet thieves pose as [animal control] officers, and [Animal Control Director Hilton] Cole said imposters have been reported in East Baton Rouge Parish” (Moore, 1996, p. 7B).
6.2.6 Missouri

The *St. Louis Post-Dispatch* had eleven articles about pound seizure. The first offered recommendations from In Defense of Animals for protecting pets from being stolen. The next article in 1995, Joe Hollerman a staff writer with the newspaper wrote a major piece about people’s dogs who had gone missing. He interviewed David Garcia of the Humane Society of Franklin County, who said the spayed dogs who were taken “…likely one of two things happened to them: they got sold off for research or they were simply taken out in the woods and abandoned” (1995, p. 1E). Garcia went on to say that bunchers “drive around with a pickup with a camper top, a load of dog biscuits and scout for family pets” (p. 1E).

The third was a letter to the editor about a “shocking” new book *Stolen for Profit: How the Medical Establishment is Funding a National Pet Theft Conspiracy* that details what happens to some of the pets that are stolen by dog dealers. The writer states that “many beloved pets wind up in puppy mills, dog-fighting rings, satanic cults and biomedical-research laboratories” and that “[c]ompanion animals who trust humans are naturally the most desirable to animal researchers” (Purvines, 1996, p. 3). She goes on to write that “[o]ur dogs are delivered into suffering and death by ‘dog dealers’ licensed by the Department of Agriculture” (p. 3). Purvines adds that dealers and bunchers “steal pets from our neighborhoods, buy them at pounds and from huge dog auctions” and “then warehouse them in filthy, disease-ridden kennels, where many of them perish prematurely” (p. 3).

Two weeks later the *St. Louis Post-Dispatch* ran a news story revealing that the U.S. Department of Agriculture figures indicate that more licensed dog dealers operate in Missouri than anywhere else in the nation. The author of the article stated that there were local experts who “consider Missouri the hub for top-dollar canine dealing, a
theory many attribute to lack of state supervision until 1992” (Wishart, 1996, p. 1A). The USDA had set up public meetings in the following week, one in St. Louis and the other in Kansas City, to address the concerns. Wishart continued by saying that dogs were being stolen and “being loaded in pickups and sold to Class B dealers, who sell [to] research laboratories” (p. 1A).

Two letters to the editor followed from either side of the pound animals in research argument. The Executive Director of the Missouri Association for Agriculture, Biomedical Research and Education in St. Louis wrote that “intensive investigations have resulted in no proof that stolen pets end up in research labs” (Talcott, 1996, p. 8B). The other letter was from the representative of the Humane Society of the United States, who wrote that although Congress passed the Animal Welfare Act in 1966 with “the intent of preventing the sale or use of stolen animals in research” that “overwhelming evidence clearly shows that this problem still exists” (Fekety, 1996, p. 8B). She goes on to report that internal reports at the USDA reveal that “a serious number of acquisition records were either false, fraudulent or fictitious” and that “animals still continue down a chilling path that ends at a research facility” (p. 8B).

The next article is a review of a book on how to ‘save animals’. It counsels people to phone people who place ‘free to a good home’ ads and “warn them that ‘bunchers’ seek out such animals to sell to laboratories” (“Every Step Helps”, 1999, p. 54).

Another news story concerned the Pet Theft Bill (HB 1961) addressing the theft of animals in Missouri. The columnist stated that many of the pets “are taken by ‘bunchers,’ who make a living selling the animals to research labs...” (Newman,
In 2005, there were three articles in the *St. Louis Post-Dispatch*. The first detailed the conviction of C.C. Baird and his wife Patsy for the “severe mistreatment and neglect of a multitude of animals” (Frankel, 2005 p. A01). The agreement with the USDA meant the family paid a fine of $262,700, lost their four animal breeding and dealer licenses and were liable for a further quarter of a million dollar fine if they were caught with animals before 2010 (A01).

The second article that year showcased Pet Theft Awareness Day. Newman (2005 p. 33) writes that “[n]early 2 million companion animals are stolen every year” and “[t]he number includes those acquired under false pretenses from ‘free to a good home’ ads, as well as those stolen from yards and seized from animal shelters”. She goes on to say that the animals are sold to research laboratories.

The last article from Missouri again features the C.C. Baird pet theft ring and their conviction for money laundering. The Williford, Arkansas family “stole cats and dogs from Missouri, Arkansas and other states and then sold the pets to research laboratories” (“Couple in major pet theft ring plead guilty to federal charges”, 2005, p. C3).

### 6.2.7 Nebraska

The *Omaha World Herald* provided a single article. The author of the letter to the editor writes about a Rock County, Wisconsin man who is slated to be sentenced “for hideously torturing and killing an estimated 20 cats and numerous dogs that he and his children obtained through ‘free to a good home’ ads” (Butkiewicz, 1998, p. 20).
The writer warns that “[b]unchers sell ‘free’ dogs and cats to Class B animal dealers who then sell them to laboratories for animal experiments” (p. 20).

6.2.8 Oregon

The *Oregonian* newspaper ran a lengthy news story that illustrated the ways in which the animal advocacy lobby had changed research, business and society. Among the details of how poorly animals were treated in other aspects of society is the story of how Pepper, the Dalmatian who was stolen and sold to a laboratory for experimentation and euthanized, became the tipping point for the enactment of the *Laboratory Animal Welfare Act* in 1966. It related how “her owners spotted her in a newspaper photo being unloaded, with two goats and several other dogs, from an animal dealer’s truck in New York. Before the family could rescue Pepper, they learned she’d been euthanized following an experiment in Montefiore Hospital in the Bronx” (Long & Denson, 1999).

6.2.9 Texas

There were four news stories in the *Houston Chronicle*. The first article discussed the unsuccessful action of animal rights advocates to block the sale of shelter pets to research facilities. Six contracts were "approved by the court to allow St. Joseph Hospital, Baylor College of Medicine, Texas A&M University, the University of Houston, UT and Sargent’s Wholesale Biologicals to buy animals for medical research for $40 each” (Greene, 1994, p. A 14). The second article reported that Joe Feduccia, coordinator for the Houston Ad Hoc Committee Against Pound Seizures had asked the court to look into turning the shelter over to an animal group such as the SPCA. The report stated that, “Feduccia, a strong opponent of the county’s policy of selling pound animals for medical research, argued that private groups could run the shelter more effectively and more humanely” (Stinebaker, 1998, p. A28).
The third news story stated that three colleges in the area were abandoning their contracts to purchase pound animals for research from Harris County. Two commissioners had voted to discontinue the sales over the past few years but had been outvoted. Commissioner Steve Radack stated that he would “renew his call for a policy to ban permanently the sale of animals from the county animal shelter for medical research” (Stinebaker, 2000, p. A15). County Judge Robert Eckels, who voted to end the sale of animals and then changed his position on the issue six weeks later in 1997, stated that “[i]t’s always been an uncomfortable position for me because my dog is one that was destined for medical research, and I got him from the county pound, and he’s been a great pet” (p. A15).

In 2004, Chunhua Zen Zheng a staff reporter with the *Houston Chronicle* interviewed residents who believed that their dogs or cats were stolen. Two of the people reported seeing “a white pickup truck with an extended cab in front of their houses” (2004, p. 01).

**Summation**

There are twenty-two states that have no legislation regarding pound seizure. Of these states news stories were found in only nine. These states are: Arkansas, Florida, Georgia, Indiana, Louisiana, Missouri, Nebraska, Oregon and Texas. The twenty-nine articles were fairly evenly spread over the course of the study with peaks in the years 1995, 1996, 2000 and 2005.

**6.3 States that allow pound seizure (Group C)**

Ten states allow but don’t necessarily practice pound seizure. These states are: Arizona, California, Colorado, Iowa, Michigan, Ohio, South Dakota, Tennessee, Utah, and Wisconsin. Twenty-seven articles were part of the study. In the articles there
were twenty-nine search terms located. In these states the term buncher AND dog or pet was found five times, once in Michigan and twice each in Ohio and Wisconsin.

Class B dealers appeared fourteen times. Newspapers carried the term twice in Colorado, ten times in Michigan, once in Ohio and Wisconsin. Pet theft was located five times. Colorado had one instance, and both Ohio and Wisconsin had two.

Pound seizure only occurred three times, once in each of Tennessee, Utah and Wisconsin. In the entire study the term pound release was used only once and that was in Michigan. Pound release is used more frequently in Commonwealth countries like the United Kingdom and Australia. The term random source dogs appeared once in Ohio.

Most of the findings came from seventeen news stories. There were eight letters to the editor, one editorial and a single local digest roundup.
The incidence of news articles peaked in 2003, which is illustrated in Figure 6.

![Figure 6: States that Allow Pound Seizure - Total Number of Articles that Matched the Search Criteria by Year](chart.png)

This group had twenty-seven articles in the newspapers. The sole article in 1994 had 271 words. In 1996, four news stories had 528, 555, 979, and 1,176 word counts. There was a single feature in years 1998 to 2000. These news stories ranged from 493 to 732 in length. In 2001 four more articles were located, all of which were in the 300 to 600 range. The single new story in 2002 and the four in 2003 were all in the 400 – 600 territory. Letters to the editor fell between 135 and 316 in length, with a single outlier of 500 words.

News stories from these states figured more prominently judging by their placement in the papers. Of the seventeen feature articles 10 were found on the first page of
the first or second section of the newspaper. The other seven found a home on pages three through ten.

The content analysis brought to light six instances of the animals being characterized as victims. They were viewed as ‘innocent dogs and cats’; that ‘family pets are preferred because they trust people’; and news stories described them as ‘animals accustomed to love from humans’. The animals were ‘beloved pets’, ‘easy to work with’, then ‘to have their innocent lives taken’.

Once again people were seen as being ‘victimized by pet theft’ and ‘live with the fear that their beloved pets might be taken from them by criminals who lack basic human compassion and decency’. One of the news stories carried the words of a congressman who uttered that the ‘thought of these animals in research laboratories is understandably unsettling’.

Two examples of the emotional toll on humans included a woman who worked in a hospital that performed vivisection. She gave her dog away to someone who answered a free to a good home ad only to discover the next day that a ‘new dog had just arrived that morning in the lab that matched her pet’s description’ and ‘it was her dog’ that was going to be used for experimentation. The other was about a young puppy who disappeared from the yard of a little girl who ran up and down the block crying ‘where’s my puppy, where’s my puppy?’

Twenty instances showed the fear, degradation, abuse or neglect endured by the animals. Wording included being ‘chopped on while they’re still alive’, ‘used in painful biomedical research’, and people ‘inserting electrodes into the brains of cats’. They ‘lived and died under horrific conditions’ and researchers ‘perform painful
experiments on them’. Twice it was mentioned that tattoos meant the ‘ear will be cut off’ . Torture was mentioned several times and one man was charged for ‘cramming 25 dogs into three small cages’.

Four of the ten states had no coverage of pound seizure at all. As was mentioned in one of the news stories...perhaps it is America’s dirty little secret.

6.3.1 Colorado

There were three articles in the Denver Post. The first news story covered the protest outside the University of Colorado (CU) medical school in 2000. Sixteen protesters showed up with their pet dogs in an effort to stop the university from using dogs in their research. It was mentioned that seventy, of the country’s 126 medical schools, had stopped using dogs. The article stated that “CU buys the dogs from class B dealers – described as those who buy, rather than raise, dogs. Medical school officials say the school buys from out-of-state vendors who get the dogs from pounds where unwanted animals are euthanized” (Curtin, 2000, p. B-01).

The second news story focused on the same topic. One year later, 88 of the nation’s medical schools had ended experimentation on dogs and the protesters were seeking to have CU join them. They were targeting the “killing of at least 56 dogs during physiology labs” (Whaley, 2001, p. B-01). The protest revolved around a resolution to be introduced by Rep. Alice Madden, D-Boulder that asks the university to stop buying dogs from Class B dealers.

The third news story was about the University of Colorado Board of Regents vote in May 2001. Cobbled together were the issues of sexual orientation as a non-bias policy and using live dogs in the medical school’s physiology labs. The regents
“asked for a public discussion on the dog labs after state Rep. Alice Madden, D- Boulder, proposed an unsuccessful legislative resolution asking CU to stop buying dogs from Class B dealers” (Curtin, 2001, p. B-01). Madden told of an out-of-state vendor suspected of dealing in stolen dogs that CU once used. She “predicted a footnote in the annual appropriations bill disallowing CU from using state funds to buy dogs” (p. B-01). (In the spring of 2003, the university stopped buying dogs from Class B dealers)

6.3.2 Michigan

The Detroit Free Press had a single article and the Lansing State Journal had eleven articles.

The Detroit Free Press news story featured the new director of development for the Michigan Humane Society. Her “special cause is abolishing the ‘pound release’ practice” which was described as “when shelters turn over animals for use in live-animal testing at cosmetic companies, universities, medical centers and research facilities” (Konrad, 1996, p. 3F). She persuaded commissioners in her home county to end the practice and euthanize animals instead because she stated that “I’d have them put down rather than have them chopped on while they’re still alive in a laboratory” (p. 3F).

The next two articles concerned the sale of animals by Ingham County Animal Control Department. A proposal had been put forth to ban all sales of animals for research but it had morphed into the limiting of the sale of animals to “colleges and universities, hospitals and veterinary researchers located within 200 miles of Mason, and also to licensed Class B animal dealers that agree to sell only to those institutions and researchers” (Leach, 2001b, p. 1B). The Ingham County “sells about
150 animals, mainly dogs, for research each year” at a price of $10 per animal (p. 1B). The cost to adopt an animal is between $30 and $48 and it was stated that “[a]nimals taken by Class B dealers are those that would be most adoptable” (p. 1B). This would effectively deprive the shelter of between $3,000 and $5,700 depending on the adoption revenues.

The following day’s news story revealed that the Ingham board had instituted the changes. This meant that the sale of animals to pharmaceutical and commercial companies was eliminated. It further stipulated that “[r]esearch facilities and Class B dealers can buy animals marked for euthanization at the shelter for $10 each” (Leach, 2001a, p. 1B).

In April 2003, a letter to the editor denouncing the practices of the Ingham County Animal Control saying that the “staff policy is to refuse to write down information regarding a lost pet or a found animal” and that the “general conditions for the animals are deplorable” (Ogar, 2003, p. 6A). The writer further states “[a]nd how many beloved family pets have to be sold to a Class B dealer to be sent to research before this horrific practice is stopped!” (p. 6A).

Several weeks later another letter to the editor was published from the head of R&R Research, one of the Class B dealers in the state. He states that “these regulated, frequently inspected providers are another link in the chain of medical progress” that “before an animal goes into the research system, the pound has exhausted the time limit for owners to claim it, resulting in euthanasia” and “[i]mpeding the flow of these doomed animals will not stop animal research” (Woudenberg, 2003, p. 14A).
The next day an article appeared stating that the Ingham County commissioners had approved an amendment to the policy of selling animals to research. They would let rescue groups know 24 hours in advance of animals being either euthanized or sold to research so that they could marshal resources to save the animals. Other proposed changes included “random checks of animals sold to Class B dealers will be made to ensure they are being sold in accordance with county policy” (Leach, 2003c, p. 1B).

Two days later the newspaper published an anonymous column stating that “the proposed changes [to the legislation] are more than reasonable…” (“Pet Problem”, 2003, p. 6A). The writer went on to say that “…despite some claims, that animals are not sold for research on things like cosmetics” that “[t]hey are sold, and eventually killed, to further knowledge about human and animal maladies” and “[t]hat’s a significant distinction” (p. 6A).

The local digest roundup the following day stated that a local humane society had “offered to take all adoptable dogs from the Ingham County Animal Shelter that would otherwise be euthanized or sold to a Class B dealer for resale for research” (“Local Digest”, 2003, p. 3B).

The Lansing State Journal reported that one week later the Ingham County commissioners “approved a ban on the sale of animals from the county animal shelter to Class B dealers for resale” (Leach, 2003a, p. 1B). The shelter “would continue to allow animals to be sold directly to Michigan State University, the University of Michigan and Wayne State University for scientific and veterinary purposes” (p. 1B). It was noted that “45 people spoke out on research sales, with those opposing outnumbering those in support by more than 6-1” (p. 1B). Also in
June of 2003 the newspaper ran a story about a local youngster who was in an upcoming film. The story line involved “a teenager with cerebral palsy who helps break up a group of ‘bunchers’ stealing dogs to sell to research labs” (Leach, 2003b, p. 3B). The columnist thought that the recent events in Ingham about the sale of animals made the story more relevant (p. 3B).

A letter to the editor was printed later that month saying that “[m]any ordinary citizens signed petitions, available for scrutiny, to STOP the practice of selling Ingham County shelter animals to Class B dealers” (Owen-Fekete, 2003, p. 9A). The writer continued that “…some animals left at the shelter will be put to death, but do any of these former pets deserve possible torture through vivisection” (p. 9A).

The final article was a feature looking at both sides of the pound seizure issue. The news story labels Class B dealers as the controversial middlemen of scientific research who purchase animals for $10 and re-sell them for $200 to $800 each to universities, hospitals and elsewhere. The owner of R&R Research was quoted as saying that “[t]his is a highly regulated industry” and that “[o]ur animals are cared for extremely well” (Golembiewski, 2003, p. 1A). He admitted that he handles 1,000 animals a year making a profit of 5 to 20 percent per animal. The universities don’t have space so the “animals stay with him for 10 to 30 days, are vaccinated, tested for heartworm and are sometime medically treated to prepare them for laboratories” (p. 1A). The author characterizes the ‘sellers’ such as the Ingham Shelter as serving as community dog catchers. He writes that “[c]ounties are obligated to keep the streets free of roving dog packs, cattle and dangerous wild animals” (p. 1A).
6.3.3 Ohio

The state of Ohio allows for the release of dogs only to a nonprofit research or teaching facility. However, at time of surrender to the shelter an owner may stop the dog from going to a research facility. This is set out in ORC Ann. 955.16 (200) There were four articles from the *Columbus Dispatch* that referred to this issue. Three were letters to the editor. The first letter explained that “[m]edical research and vivisection often requires dogs and cats that are purchased from Class B dealers...” and “the pets come from pounds, shelters, neighborhoods and ‘free to a good home’ ads” (Hoisington, 1996, p. 6A). The writer continues on that ... “dealers also participate in large-scale auctions, where stolen pets become untraceable. Even if a pet’s ear is tattooed, it is likely that during this process the ear will be cut off” and “[f]amily pets are preferred because they trust people” and “[t]hey will be submissive and endure pain and torture only to have their innocent lives taken in the name of profit” (p. 6A).

The second letter to the editor was in rebuttal to the previous one. Ohio State University professor of physiology and internal medicine railed at the idea that a bill introduced by U.S. Reps. John D. Fox, R-Pa. and Tom Lantos, D-Calif. Chairmen of the Congressional Friends of Animal Causes would make it “virtually impossible for research institutions to obtain animals not bred for that purpose, the bill would curtail important research and medical training that require the use of random-source dogs and cats” (Wood, 1996, p. 11A). She goes on to say that it would be “impossible for research institutions and medical schools to obtain unwanted pound animals that otherwise would be killed. An estimated 10 million to 20 million unwanted cats and dogs are euthanized annually in the United States. I fail to see anything morally or ethically wrong with using 10 percent of these doomed animals...” (p. 11A).
The third newspaper article related the story of a man from West Virginia “who had pleaded guilty to 25 counts of animal cruelty for cramming 25 dogs into three small cages...” (Dreitzler, 1998, p. 10E). He “told authorities at the time he was cited on the animal cruelty charges Feb. 7 that he had obtained the dogs legitimately and intended to sell them to a Kentucky kennel for resale to a research lab” (p. 10E).

In the last letter to the editor the writer cautions the public about giving pets away free to a good home. She writes that “[p]ets obtained free are more likely to be abused and discarded because ‘there are plenty more where they came from” and “[b]unchers gather free pets until they have enough to make a trip to a lab worthwhile and then sell them for a fee per head for experimentation” (Howard, 2002, p. 08A)

6.3.4 Tennessee

The Tenesseean had a sole article, which centered around animal rights activists calling for an end to experiments on cats at Vanderbilt University. The activists became aware of the research by an electrical engineering professor when they discovered he had purchased the cats for $5 each at the local pound. The study involved “…inserting electrodes into the brains of cats” (Snyder, 1999, p. 1B). The animal rights activist stated that “the research was ‘gruesome,’ and painful to the animals, which are destroyed after the experiment” (p. 1B). Letters from three doctors and two veterinarians said that the “research was irrelevant and could be done without using animals” (p. 1B).
6.3.5 Utah
There was one article in the Deseret News. In 1999, Utah was one of the four states that mandated pound seizure. This letter to the editor states that “[s]helters were intended to be sanctuaries for our lost pets, not warehouses for laboratories” and “…many scientific papers have been published refuting the validity of results using shelter animals as subjects and most realize that it is unethical to take animals accustomed to love from humans and instead perform painful experiments on them” (Sharp, 1999, p. A12).

6.3.6 Wisconsin
In Wisconsin the Milwaukee Journal Sentinel had four articles. The Madison Times had two. The first news story was about pet theft and the bills that were being introduced to combat the theft by limiting Class B dealers. The proposed federal legislation would only allow research facilities to accept pets from public pounds that get owner surrendered animals and breeders who raise animals for research purposes. Rep. Steve Gunderson (R-Wis) is quoted that he and other Americans “feel a deep attachment to the pets we own” and that the “thought of these animals in research laboratories is understandably unsettling” (Japserse, 1996, p. 4).

One month later this issue was again in the news with proponents of the federal legislation stating that “dogs and cats increasingly are being stolen and are winding up in the hands of dealers and, sometimes, in medical research” (Hurt, 1996, p. 1). The spokeswoman for the Medical College of Wisconsin suggested that existing state and federal laws are sufficient to prevent pets from being used in research. The executive director of the Wisconsin Association for Biomedical Research and Education opined that “the legislation would cost researchers in the state an extra $3 million in additional animal costs and result in the elimination of about 130 jobs and
student stipends” (p. 1). The news story began by describing a family working in their front lawn while their four-month-old puppy played in the back yard. He was gone fifteen minutes later. The story ended with their five-year-old daughter running up and down the block crying “where’s my puppy, where’s my puppy?” (p. 1).

In the same issue of the paper was a column about how to protect your pet from theft. It noted that microchipping was the preferred safeguard and stated that some research facilities scan animals although the Medical College of Wisconsin did not. Tattooing your pet was not the optimum method because “[t]attoos can easily be altered, and if the tattoo is on an ear, the pet’s ear can be chopped off” (“Some Tips to Protect Your Pet from Theft”, 1996, p.8).

The next summer a letter to the editor from the executive director of the Humane Society of the United States wrote to defend the organization and its role as leader in “ending both pound seizure (where animal shelters must relinquish pets to research labs), and dog fighting…” (Forkan 1997b, p. 11).

The *Capital Times* article in 1994 featured a lost dog who her owner believed had been whisked away by bunchers. The final article from the state also came from the *Capital Times* on the topics of pet theft and spay/neuter. The writer suggested that [stolen] pets that aren’t returned are “typically used in dog fighting, sadistic acts or experimentation” (Swanson, 2002, p. 6A). She added that the animals are “obtained by ‘bunchers,’ then sold to Class B dealers who are licensed by the U.S. Department of Agriculture to sell them to research facilities, sometimes funded by your tax dollars” (p. 6A).
**Summation**

In Group C, those that allow pound seizure, there are ten states. Of these there were six states that had news items. These six states are: Colorado, Michigan, Ohio, Tennessee, Utah, and Wisconsin. There were twenty-seven articles. Fifty-nine percent (sixteen) of the articles fell in the last half of the research period (from 2000 until 2005). Nine of these were from the year 2003 and all came from the state of Michigan. These nine items accounted for one third of the entire articles from the group.

### 6.4 States that mandate pound seizure (Group D)

In the last category of states are the two that mandate the practice of pound seizure. These states are Minnesota and Oklahoma.

![States that Mandate Pound Seizure](image)

**Figure 7: States that Mandate Pound Seizure are shown in shaded/red**
There were only six articles from this group of states. Of these, four came from Oklahoma and two from Minnesota. As in the case of the other groups of states, some of the articles carried more than one of the search terms. Of the seven terms located, Class B dealer(s) was mentioned once, pet theft once and pound seizure five times. Newspapers from Minnesota had two mentions of pound seizure and all the other terms were found in the papers from Oklahoma. All articles were in the form of news stories in the paper. The early years of the study had all the articles. There was none after 1997.

![Figure 8: States that Mandate Pound Seizure - Total Number of Articles that Matched the Search Criteria by Year](image)

**Figure 8: States that Mandate Pound Seizure - Total Number of Articles that Matched the Search Criteria by Year**

Five of the six news stories were located within the body of the newspaper (pages 5 to 11). One was on page 2 in the second section of the paper. The stories varied in length from 397 words to 914. The content analysis revealed only one phrase that indicated the horror of pound seizure "come and get live animals and cut them
apart” (Lassek, 1997b, p. A7). There was no wording that conveyed the characterization of the animals as victims or beloved pets or the misery that pound seizure causes the people involved.

6.4.1 Minnesota

In Minnesota statute Minn. Stat. § 35.71 (2002) requires that all impounded animals, except those with a tag or those whose surrendering owners have stipulated against research must be made available after five days to any licensed institution that requests them.

In July 1995, the Star Tribune featured a story about two women who were jailed for blocking a truck from the University of Minnesota at the St. Paul Animal Control Center. The interim director of research, Cynthia Gillett, confirmed that her staff had purchased 30 dogs and ten cats since March (Smith, 1995). Ms Gillett stated that “[t]he university uses many of the animals in research for its large surgery program, including transplant and cardiovascular surgery research” (p.5B).

Later that year the same paper ran an article about the St. Paul City Council and its vote to stop selling unclaimed dogs and cats to the university labs. The mayor noted that this would not change the current practice because the shelter workers would still comply with the state pound seizure law (Smith, 1995, p. 2B). The article went on to state that purpose bred animals cost the university between $250 and $600 each. Those from the pound were only $42.50.

6.4.2 Oklahoma

The Oklahoma state legislation under statute 4 Okl. St. § 391 to § 400 (2002) requires the release of animals upon request to a research facility. Owners who
surrender their pets can oppose research. The law also allows cities to pass ordinances to ban pound seizure. The state law was enacted in 1951 (Lassek, 1997b).

Four articles were found, all of which were printed in *Tulsa World*. The first discusses the issue of stolen pets as viewed by Mary Warner, founder and president of Action 81 Inc. The nonprofit foundation charts the incidence of pet theft in 47 states, the District of Columbia, and seven foreign countries. Warner’s contention was that “many of the animals that disappear during the year are actually stolen and sold to dealers” and “the dealers in turn sell the dogs and cats to research labs for use in medical research, teaching and testing” (Taylor, 1996, p. 10).

The conflict between the state law on pound seizure and the city ordinances that disallow the process was the subject of the next three news stories. Since 1973, a Tulsa ordinance prohibited research facilities from acquiring animals from city shelter. On February 4, 1997 the City Attorney wanted to remove the clause to bring the city in line with state law. City Councilor Darla Hall, a dissenting voice was quoted as saying “[w]e do not want pound seizure which allows these facilities to come and get live animals and cut them apart” (Lassek, 1997b, p. A7).

The next day, the argument focused on the different interpretations of the state law as to whether it forced cities to hold pets for research. The 1951 law states “[i]f a demand is made on a pound supervisor for a greater number of dogs than he has available for release to the institution, the supervisor shall withhold thereafter from execution all unclaimed and unredeemed dogs until the demand has been met” (Lassek, 1997c, p. A11). Tulsa at the time was spending $66.57 to hold an animal for three days whereas the law would require the city to impound unlicensed pets for
15 days at a cost of $332.85 and licensed pets for $665.70 for 30 days (p. A11). Councilor Hall did not want to conflict with state law she however reasoned, “but if we have an option to keep the 1973 provision in because of our lack of facility space and funding resources, we need to exercise that option” (p. A11).

Three weeks later the paper ran an article stating that “Tulsa City Council [was] expected to approve a council consensus asking the state legislature to repeal the pound seizure law that forces cities to hold unclaimed animals for research” (Lassek, 1997a, p. A11). The city stated that it doesn’t have the physical or financial resources to withhold animals from execution. Nor does the city “condone the use of animals for research purposes” (A11). (Tulsa’s request to have the state repeal the legislation fell on deaf ears. Fifteen years later animals are still subject to pound seizure in the state.)

**Summation**

As of 2014, there are only two states that mandate pound seizure – Minnesota and Oklahoma. Both states were represented with new stories. Two articles came from Minnesota and the other four from Oklahoma. All six articles were from the first years of the study, the years 1994 to 1999.
Chapter 7
Discussion

This chapter will discuss the findings from Chapter 6 and why they are important. Augmenting this are additional analyses that help further shed light on what the data are telling us.

In Chapter 6, we saw that only twenty-six (52%) of the fifty states had news coverage of pound seizure. Breaking this down further it is revealed that newspaper coverage fluctuated from group to group. Group A states that prohibit the practice had nine (56%) of sixteen states with coverage; Group B states that have no legislation there were nine (40%) of the twenty-two states; Group C states that allow pound seizure had six (60%) of ten states; and finally both (100%) of the two states in Group D where the practice is mandated had news coverage on the topic.

In the pound seizure study thirty-two percent (28) of the LexisNexis articles were from the years 1996 and 1997. A possible explanation for this would be that in 1996, Rep. Charles T. Canady (R-FL) introduced the Pet Safety and Protection Act (HR 3398) the proposed federal legislation to prohibit random source dogs and cats from Class B dealers being used in research. Several of the articles mentioned this legislation. Because dealers fall under the jurisdiction of the United States Department of Agriculture pound seizure opponents have been eager for its passage into law. The outlawing of Class B dealers would deal a blow to the process of pound seizure because the dealers act as middlemen who acquire the pets from the shelters and ferry them to the awaiting research institutions. Although it is not impossible, it is unlikely that there would be the personnel at these laboratories to orchestrate such transactions. In all likelihood random source pets would cease
being part of the research stream. (It is interesting to note that in October 2009, Sen. Daniel Akaka (D-HI) yet again reintroduced the Pet Safety and Protection Act (S. 1934) in the Senate and in that same week Rep. Mike Doyle (D-PA) reintroduced the same legislation (HR 3907) in the U.S. House of Representative. After thirteen years, it had still not been passed.) More about this can be found in the Epilogue.

The graph labeled figure 9 illustrates that after the flurry in 1996 the number of articles trailed off and rose again in 2003. Eighty-one percent of the eleven articles (9) in the year 2003 came from Michigan. Eight of these nine Michigan articles pertained to the successful campaign in that state to ban pound seizure in Ingham County in 2003.

Figure 9: Total Number of Articles in the Study that Matched the Criteria by Year
Broken down into the pound seizure scenarios (Group A - prohibits; Group B - no legislation; Group C - allows; and Group D - mandates), the figure 10 table shows the four groups by year. This provides a comparative picture of what the research found and further illustrates the rise in newspaper coverage during the time of the proposed Pet Safety and Protection Act in 1996 and the efforts to end pound seizure in Ingham County, Michigan in 2003.

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<td>Group C - Allows</td>
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<td>21</td>
<td>13</td>
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**Figure 10: Comparison of Number of Articles by Year on Pound Seizure Position – Prohibit/No Legislation/Allow/Mandate**

The breakdown of article types revealed that more than half (59%) of the eighty-six articles (51) were news stories (referred to as bylines in appendices D, E, F, and G), followed by twenty-seven (31%) letters to the editor. Three of the articles were local digest compilations of the news. There was a book review, an editorial, a legislative roundup, and there was a feature that included the obituary of an animal activist.

It might seem logical to assume that most of the coverage in a newspaper would be news stories. It is interesting therefore to have nearly one third of the contributions in the study be from letters to the editor. This possibly reveals that the topic of pound seizure is important to readers. Wahl-Jorgensen (2001, p. 303) writes that the “letters to the editor section has survived throughout a large period of the history of mainstream mass media” and that it is one of the few outlets available for
the public to voice an opinion. What is puzzling is that in states (Group A) where the practice is already outlawed the letters to the editor accounted for a high percentage of the articles (40%). In states where it might be assumed that animal advocates are lobbying to have the laws changed, the percentage of reader input was either much reduced (Group B – 30%), (Group C – 30%) or non-existent as in the case of Group D which mandates the practice. There are a number of reasons that might impact these results. Who has jurisdiction at the newspapers over which letters are published and on what basis are they chosen? Do advertisers exert their influence? Is there a space constraint? Are letters to the editor published in each issue? Or perhaps these results speak to the depth of ignorance that surrounds this issue of pound seizure?

Of the fifty-one news stories throughout the country, nineteen percent (17 articles) were located on page one of the first section (7) or on the first page of the second section (10). The rest were found scattered throughout the papers. This shows placement bias as proximity of the story to the front of the paper increases the chances of readership. Why did the stories lack prominence? There are a number of factors involved. It could be because this is a subject that the editors felt would resonate with only a few local readers.

Those newspapers in Group C states, those that allow pound seizure accounted for most (10 articles) of the high visibility news stories. Most of the letters to the editor were found near the back of the newspapers. The two exceptions to this were letters warning of pet theft in early 1996. One was on page two of the *Star-Ledger* in New Jersey and the other on page 3 of the *Post-Dispatch* in Missouri. The placement of letters to the editor varies from one media organization to the next perhaps on their perceived value to the paper. Wahl-Jorgensen (2001) contends that there are one
hundred readers for each letter because the writer contacts his/her friends and family acting as their own marketing engine, thereby widening the paper’s exposure (p. 310). Pounds (2006, p. 32) suggests that “[p]apers do not only publish letters with the laudable intent of fostering public participation in the life of the community, but also because they recognize that letters have selling power”. If this is correct, then it is in the newspaper’s best interest to publish as many letters as possible to sell more papers and keep their readership engaged. Letters to the editor provide the grassroots opinion on a topic, which sometimes runs counter to the position taken by the news media. Wahl-Jorgensen also contends that editors “prefer the emotionally charged, personal stories of individuals” rather than content from activist groups (p. 304).

Whatever the content of the letter, it is difficult to determine if policy makers or their staff read these letters, although McNair (2000, p. 109) believes that it is “well known that politicians read letters [to the editor] to gain an insight into public opinion”. The National Council of Teachers of English (2014) insist that “[l]etters to the editor and opinion pieces are very powerful advocacy tools” and that “[t]he editorial section of a newspaper is widely read by the public and is monitored by elected officials”.

On the subject of reading newspapers, Yanovitzky (2002b) in citing a paper that he co-presented to the annual meeting of the American Political Science Association in September 2000, states that his study found that legislators spent 1.8 hours each day reading a daily newspaper (p. 424). While they also devoted an hour and a half to watching the news, the majority of them believed the news media to be the “single best source of information on national events and events in legislator’s states or districts” (p. 424). However, Nielsen (2010, p. 23) stresses that the “…limited
literature on letters [to the editor] has predominantly detailed how letters do not work...” and similarly ‘do not accurately reflect public opinion”. If politicians believe this, then nearly one third of the articles in this study are of lesser value than those that are news stories.

Authorship was also noted in the articles. Participation in the animal advocacy movement has always been heavily weighted toward women. In some cases these women are part of the ecofeminism, animal rights or welfare movements. Others are unaffiliated and only want to be kind to non-human animals. Whichever the case, research indicates that women are more likely to oppose animal research than men. In a study conducted in 1996, Pifer found that seventy-three percent of females opposed research versus forty-eight percent of males (1996, p.43). Beers, (2006, p. 156) adds that “[w]omen had always formed the backbone of animal advocacy...”.

In the Group A states (those that prohibit pound seizure) eighty-one percent of the letters to the editor were from women. The gender of the other two contributors was unknown. The authorship of news stories was more evenly divided with four women, four men and three whose gender was unclear. A similar trend was revealed in the Group B states with no legislation. Seven women wrote letters to the editor versus one man. In this group, newspapers ran articles authored by eight women, four men and two who were unknown.

In Group C states that allow pound seizure, men and women each contributed four letters to the editor. Six female reporters covered the story in these states somewhat dwarfing the two that were written by men. There was also an article written by an unknown person.
Of the six articles to be found in Group D states that mandate the practice, all came from female journalists in Oklahoma.

The results of this study echo the findings of other research that conclude women are more likely to align themselves with animal causes. Finsen and Finsen (1994, p. 246) estimate the participation of women advocates in the animal movement at seventy percent. Wesley Jamison’s (1998, p. 60) research has shown that, "[a]nimal rights activists are not socially marginal or isolated people. The movement is characterized by distinct types of behavior and activity -- the influential, active, attentive, and general. Typically, the animal rights activist is white, college-educated, middle-class urban or suburban background, in his or her middle thirties, and most frequently female". Emily Gaarder (2005) addresses the point of gender disparity in animal rights organizations. Upon examining the literature she discovered that five aspects came into play as to why women formed the majority of advocates. She found they were similar to the themes and opinions among the women activists in her study. At all levels of participation women dominated due to "gendered economic structures" having more time to devote to animal causes; "recruitment networks" wherein women learned of animal rights through animal welfare; "empathy based on shared inequities" because women relate to oppression and abuse; "social learning explanations" it is more acceptable for women to express emotion and caring; and "biological theories" because their natural instinct is to nurture (p. 78).

Corwin Kruse (1999) points to inherently different views of nature held by men and women dating back to the Industrial Revolution. He promotes the idea that "[m]en exhibit much more support than do women for the exploitation and control of the
natural world” whereas “[w]omen became guardians of the home and, in the case of the middle and upper classes, the benevolent reformers of the less fortunate” and therefore “anti-vivisection became a component of women’s civilizing role” (p. 178). Women seem to identify with this as a crusade worth fighting for and this offers a promising vision of justice.

My research also includes an analysis of the titles used in the newspaper articles. The findings reveal that Group A titles favored information concerning the theft of pets. Of the twenty-four entries ten (41%) included warnings to owners about theft of their animals. These included ‘Petnapper alert’, ‘Saving your pet’, ‘Keep cats inside’, ‘New federal legislation aimed at curbing pet theft’, ‘Protect pets’, ‘Morris County SPCA warns of dog thefts’ (1998), ‘Assembly endorses pet theft crackdown’, and ‘Beware of pet thieves’. The one really lengthy title ‘A dog’s life when scientists at the Tufts veterinary school fractured the legs of six dogs to see how they healed and then euthanized the dogs, all in the name of research, the ensuing outcry reopened the argument over how far is too far when it comes to using animals to advance medicine’ was one of the few that focused on animal experimentation.

Group B titles were more inclined to detail the research aspect and the risk to pets. Examples include: ‘Chamblee cats are at risk if left outdoors’, ‘Muncie dog owners fear pets were stolen for testing or fighting’, ‘Missouri is hub for dog dealing’, ‘Preying on pets’, ‘When giving up a pet’, and ‘Missing pets and research’.

The titles in Group C were heavily weighted toward the research aspect of the story. These were the most research specific titles in the study. Among those that were included were: ‘Activists seek end to dog use in labs’, ‘Regents debate lively topics: CU labs’ use of dogs’, ‘Dogs set for research receive new home’ (2003), ‘Proposal limits sale of animals’, ‘County changes policy on sale of shelter animals’, ‘Ingham
amends animal research sales rules’, ‘County OKs partial ban on animal sales’, and ‘Pet given to good home may end up in laboratory’. There were four others in this same vein.

Five of the six Group D titles pertained to pound seizure and problems with the shelter. They were: ‘Animals’ fate divides Coleman, council’, ‘In defense of animal rights 2 women jailed after blocking ‘U’ truck from entering pound’, ‘Pound Seizures draw ire’, ‘City expected to approve pound law repeal request’ and ‘Shelter problems argued’. The fourth was about lost pets that had been stolen and sold.

The analysis of the titles indicates that in states where pound seizure is outlawed there is still concern that pets are being stolen for the purpose of research. The literature review indicates that stolen animals are sometimes ferried over state lines by Class B dealers and sold for experimentation in bordering states where legislation is not as stringent. Most of the titles in the study encapsulated the gist of the article and were sufficiently enticing for pet owners to read. But would legislators find the titles as beguiling.

Research indicates that government officials read local newspapers for items that pertain to their jurisdiction. It is Lenton’s belief that “[a]ll politicians and their advisors read newspapers” (2004, p. 224). From the perspective of what might be of interest to legislators, there were three titles in Group A states, where pound seizure is prohibited, that mentioned the law or policy. They were ‘New federal legislation aimed at curbing pet theft’, ‘Legislation to aid veterinary students hits a snag’, and ‘Assembly endorses pet theft crackdown’. There were only two instances in Group B states (where there is no legislation). These two titles were: ‘Cities need
more pet protection’ and ‘Organization fights for legislation that’s friendly to animals’.

In Group C states, where the practice is allowed, there were eight titles or twenty-nine percent of the twenty-seven articles that included a mention of policy or legislation. These were: ‘Proposal limits sale of animals’, ‘County changes policy on sale of shelter animals’, ‘Ingham amends animal research sales rules’, ‘County OKs partial ban on animal sales’, ‘Bill would do almost nothing to reunite owners, lost pets’, ‘Change pound seizure laws’, ‘Pet thefts increasing say backers of proposed law: Medical researchers in state say legislation is unnecessary, costly’, and ‘Congress considers protection for pets’.

Group D states, where pound seizure is mandated, included two titles that mentioned legislation - ‘City expected to approve pound law repeal request’ and ‘Animals’ fate divides Coleman, council’. It is difficult to surmise whether local or state officials read the news items that pertain to pound seizure.

As for the newspapers themselves, the study utilized two papers from each of the fifty states. One was the local newspaper serving the capital in the state in question, and the other newspaper was defined as the largest newspaper (by circulation) in that state. A breakdown of the papers revealed that in Group A states, where pound seizure is prohibited, only five articles came from the local paper and the papers with the largest circulation had nineteen articles. Group B states, where local authorities decide due to no pound seizure legislation, the results were similarly lopsided with eight articles from the local papers and twenty-one from the papers with the highest readership. The article distribution in Group C states that allow the practice was different with twenty-one articles published in local papers
and only six in the more popular newspapers. In Group D states that mandate pound seizure two of the articles came from the local paper and four came from the paper with the largest circulation.

Those states that have legislation on their books to prohibit, allow or mandate pound seizure had an almost even local vs. largest circulation article distribution (28 vs. 29). States that have no legislation featured the topic in local papers approximately one third (8) of the number of times of those that were in the most popular paper (21). In the entire study local newspapers accounted for thirty-six of the articles and the largest circulation papers held fifty news stories. Research indicates that both politicians and the general public read newspapers. In a local government context, local media are the primary or only sources of information about policy issues for citizens (Crow, 2010, p. 147).

In actuality, all the news coverage was local to a degree, because all the newspaper articles in this study were those that originated with the paper in question. There was no insertion of newswire articles across multiple newspapers due to the fact that wire service articles such as those from Associated Press (AP) are often removed from newspaper archives due to licensing agreements. It is unknown how the inclusion of these types of articles would have affected the research results.

The total number of articles retrieved through LexisNexis for this study was eighty-six. In an effort to determine how this sample size measured up to two other somewhat controversial issues, a search was done in the same one hundred newspapers in the same twelve year time frame. This exercise yielded substantially greater numbers of articles than in the coverage of pound seizure. The term 'ProLife’ resulted in a total of 854 mentions, ten times the number of this study. The term
‘LGBT’ (Lesbian, Gay, Bi-sexual, Transgender) was found on 2,504 occasions, nearly thirty times as many as in this study.

Given the modest number of articles in this pound seizure study, other avenues were explored to further augment the research findings. A small group of papers was analyzed for latent content. By its very nature latent content is subjective and while it comes at the cost of reliability, it does add a different complexion to the research.

7.1 Micro analysis – latent content

Babbie (2001, p. 310) refers to coding for latent content as a method of tapping into the underlying meaning of communication. For this reason three articles were chosen from the sample to closely examine for a micro study of latent content. The articles chosen came from near the beginning, middle, and end of the study time frame.

The first article came from the Milwaukee Journal Sentinel entitled ‘Pet thefts increasing, say backers of proposed law: Medical researchers in state say legislation is unnecessary, costly’.

a. While Lisa and Dale Amundson of West Bend worked on their front lawn, they let their 4-month-old puppy, Scottie, play in the back. Fifteen minutes later, he was gone. “He just vanished without a trace,” Lisa Amundson said. But not necessarily into thin air. The Amundsons believe the disappearance of their dog this summer was theft, not a case of a wandering or lost animal.

b. Proponents of federal legislation aimed at pet theft say that dogs and cats increasingly are being stolen and are winding up in the hands of dealers and, sometimes, in medical research. “Sure, it’s a problem,” said Sgt. Jim Grover of the Washington County Sheriff’s Department. “Somebody’s taking these dogs.”

c. There are no Class B dealers in Wisconsin but there are at least 10 to 15 in surrounding states, and some Wisconsin institutions that use animals for research rely on Class B dealers for their supply. The last Class B dealer in Wisconsin had his license revoked because he had been procuring animals illegally, the USDA said.

d. “We feel comfortable (about) the vendor we buy from in Minnesota,” said Toranj Marphetia, a spokeswoman for the Medical College of Wisconsin. She added that existing state and federal laws prevent researchers from ending up with people’s
pets. The legislation would cost state researchers $3 million in additional animal costs and would result in the elimination of about 130 jobs and student stipends, said Gale Davy, executive director of the Wisconsin Association for Biomedical Research and Education. Researchers would spend more to get animals from other dealers or breed the animals themselves.

e. USDA officials estimated that up to 50% of the records of Class B dealers are falsified, said Sally Fekete, director of animal sheltering issues for the Humane Society of the United States. That means that those animals come from sources other than what their paperwork indicates, she said. One source may be the common classified advertisement: "Pet free to a good home."

f. Karen Knowles, who owns a dog training center in Grafton, said she had a client who placed such an ad for her dog. The client, who worked at a Wisconsin hospital, ended up giving her dog to a man who came to her house with his son. The next day, while the client was at work, she told her co-workers about her good luck in finding a new home for her dog. After hearing about the pet, one of her co-workers told her to come with him because a new dog had just arrived that morning in the lab that matched her pet's description. "It was her dog," Knowles said. "She never would have guessed in a million years that this man would sell her dog. She had turned several people down, and she thought she was a good judge of character." Knowles said pet thefts are a much bigger problem than most people realize.

g. "My little girl didn't understand it," Amundson said of 5-year-old Ashlyn. "She kept running up and down the block crying. She kept saying, Where's my puppy? Where's my puppy? It's very frustrating to me because you're very helpless."

The second article was from the Tennessean entitled 'Animal activist press VU to not use cats in study'.

h. The research, conducted in the lab of electrical engineering professor A.B. Bonds, studying electrical signals involved in vision by inserting electrodes into the brains of cats (Snyder, 1999, p. 1B).

i. Michael Budkie, an animal rights activist from Milford, Ohio, said during a news conference yesterday at the Clubhouse Inn in Nashville that the research was "gruesome," and painful to the animals, which are destroyed after the experiment.

j. He shared letters from three doctors and two veterinarians who said Bonds' research was irrelevant and could be done without using animals.

k. Bonds said he purchased some cats from the Metro pound in the past when it was difficult to obtain animals bred for laboratory research. But now Vanderbilt obtains its lab animals only from facilities approved by the U.S. Department of Agriculture, university officials added.

l. It's unethical to do those experiments in humans, he said, and the information cannot be gleaned any other way.

m. Budkie, who was trained as an animal health technician but who currently directs Stop Animal Exploitation Now, an organization in Cincinnati, was unrelenting. "We'd like to see animal experiments eliminated," he said. "We believe it is antiquated technology and doesn't provide useful information about human disease."
The third newspaper article came from the *Arkansas Democrat-Gazette*. The title was ‘125 canines, 1 cat seized from kennel(296,264),(911,287).’ It was dated September 5, 2003. The background of the article is:

n. Federal agents last week seized 125 dogs and one cat from a Sharp County kennel that is the focus of an investigation into violations of the national *Animal Welfare Act*, U.S. Attorney Bud Cummins announced Thursday.

o. Some appeared thin, their ribs showing through their skin, and others had obvious eye infections. The lone cat, a gray short-haired tabby with a bad eye, cowered in a litterbox inside a large cat carrier set apart from the dogs.

p. “We haven’t made any arrests or shut down anybody’s business,” he said. However, Sharp County Sheriff Dale Weaver and Chris DeRose, the founder and president of a national nonprofit animal-advocacy organization based in Los Angeles called Last Chance for Animals, confirmed that the kennel is Martin Creek Kennels, owned by C.C. Baird, who lives on the premises near Williford. About 600 animals, mostly dogs, probably remain in the kennel, Weaver and DeRose said. Cummins said federal agents did not seize all the animals “for a variety of legal reasons.”

q. Cummins acknowledged that “there is some question whether some of these dogs were pets that were stolen.”

r. According to the USDA, the Bairds are federally licensed Class B animal dealers. The *Animal Welfare Act* permits anyone with a Class B license to operate a business that includes buying and reselling animals, including sales at auctions. The animals are legally sold for medical research, said DeRose, who directed an investigation that he said lasted 15 years and culminated in his agency’s turning over its findings to federal authorities about 10 months ago. Cummins said he “couldn’t confirm or deny” whether the federal investigation resulted from the animal organization's investigation, in which DeRose said that “we documented tons of stuff inside. We had somebody working on the inside for almost five months.”

s. DeRose said his evidence, turned over to the government, includes a videotape of a beagle being punched in the face and a terrier mix being dragged outside and casually shot in the head because the dog had ‘snapped’ and was not considered good for research.

t. DeRose said Baird sells animals to nearly 50 research facilities across the country. He said Class B dealers often buy animals, including stolen pets, from people who know the dealer and approach them at auctions. The animals are bought for about $15 a piece and sold to research labs for between $250 and $800 apiece, he said.

The latent content might lead us to conclude that the buncher/Class B dealer/pound seizure system is peppered with unscrupulous people. The theft of pets is one example of the issue. The USDA closed down the last Class B dealer in Wisconsin (citation ‘c’) for obtaining animals illegally. In citation ‘f’ the bringing of a child to pick up a ‘free to a good home’ pet could be construed as a calculated effort to fool
the woman into believing that the dog was actually going to a good home instead of
the research table. In citation ‘e’ the overseeing body of the government that
regulates Class B dealers, the USDA, estimated that up to 50% of the records of
Class B dealers are falsified, which further showcases the problem with the system.
In citation ‘q’ once again there is some question as to whether the pets on the Class
B dealer’s property have been stolen.

The micro analysis revealed another aspect of the system. Money and jobs are
driving forces. The executive director of the Wisconsin Association for Biomedical
Research and Education (citation ‘d’) stated that legislation to restrict Class B
dealers from supplying random source animals would cost the institution an added
$3 million and would result in 130 jobs being lost. In citation ‘k’ Mr. Bonds stated
that he bought animals from the pound when it was difficult to obtain animals bred
for laboratory research. The real issue here might be the cost of the purpose bred
animals and his reluctance to spend the extra funds.

Citation ‘t’ revealed the profit margin that Class B dealers enjoy. They purchase
animals for $15 and then sell them to research facilities for $250 to $800. That
works out to between 1,566% and 5,233% increase on each animal.

Another issue that has been raised is that legislative and institutional oversight is
haphazard. The USDA admitted that up to half the records are falsified (citation ‘e’).
If the governing body recognized that there was such duplicity, then it begs the
question as to why this had not been addressed.

The relevancy of the research is also questioned. In citations ‘j’ and ‘m’ the validity
and usefulness of the research on animals was in dispute. Using animals was
described as irrelevant, an antiquated technology, and not providing useful information about human disease.

While the analysis of latent content is very subjective, this study unearthed four possible themes in the three selected articles. There are a number of dishonest people in the pound seizure system, money and jobs are driving forces, there are those who question the relevancy of research for humans that is conducted on animals, and that the overseeing body, the USDA is not protecting the animals as outlined in the *Animal Welfare Act*.

### 7.2 Micro analysis – contact your representative

During the twelve year study there were four occasions in which authors of newspaper articles or letters to the editor asked readers to contact their representative to support or show opposition to legislative bills. The first instance took place in the *Star-Ledger* in New Jersey on April 21, 1996. The author of the letter to the editor encouraged readers to ask their family and friends to write or call their representative to support Rep. Jon Fox of Pennsylvania’s anti-pet theft legislation, known as H.R. 3398.

On July 21, 1996, the next column also in the *Star-Ledger* discusses Rep. Fox’s proposed federal legislation H.R. 3398: Pet Safety and Protection Act of 1996 asking readers to write their representatives and senators in favor of the bill. The bill sought to deny Class B dealers the right to sell animals to research and prohibit research facilities from buying animals from the dealers. Unfortunately the proposed legislation H.R. 3398: Pet Safety and Protection Act of 1996 was not successful in part due to the vigorous opposition of the National Association for Biomedical Research.
On October 20, 1996, in the same newspaper journalist Lois Stevenson wrote that in the fall of 1996, three bills (S-1526, A-2365, A-2371) were introduced in the New Jersey legislation to help students in the veterinary technology program at Camden County College. The “new bills would remove the classification of ‘experimentation’ from the clinical and surgical procedures for the benefit of vet techs” and “would return pound seizure to legality” (Stevenson, 1996a, p. 11). Ms. Stevenson asked readers to please write the appropriate government committees to ask them to vote against the bill.

These bills (A-2365, A-2371 and the identical bill number S-1526) were introduced on September 26, 1996 and were referred to the Assembly Education Committee. On February 3, 1997 they were reported out of Assembly Committee as substituted and had a second reading. On February 27, 1997 the substitute bill was adopted. The changes to the bill satisfied the sponsors Sen. John H. Adler, Democrat; Assemblyman George Geist, Republican; Assemblyman Joseph Roberts, Democrat; and Assemblywoman Nilsa Cruz-Perez, also a Democrat. The changes in the bill ensured that a licensed veterinarian authorize the treatment of the animal as necessary, the animal does not undergo any elective surgery, and that the animal is returned to the shelter once the treatment takes place and is offered for adoption. The bill did allow veterinary students to assist a licensed veterinarian in the sterilization of animals.

On March 16, 1967, the Augusta Chronicle ran a letter to the editor, from a reader who cited the book Stolen for Profit: How the Medical Establishment is Funding a National Pet Theft Conspiracy, putting forth that “[o]ur pets are delivered into suffering and death by ‘dog dealers’ licensed by the Department of Agriculture.”
These dealers, and their unlicensed accomplices known as ‘bunchers’, steal pets from our neighborhoods, buy them at flea markets and at huge ‘dog auctions’ and take them from ‘free to good home’ ads. They warehouse them in filthy, disease-ridden kennels” (Dougherty, 1997, p. A4). She exhorted the readers to write to their U.S. representatives and senators to abolish Class B dealers.

(As of June 2014, even with reader input Class B dealers continue to be licensed by the USDA.)

### 7.3 Specific analysis

Gleaned from the research study were two groups of articles in which newspaper coverage of the pound seizure argument had the potential to initiate a change in policy or legislation. The first concerned the Ingham County Animal Control Department in Michigan during the years 2001 – 2003. Michigan is one of the ten states that allows the practice of pound seizure.

On October 9, 2001 a news story in the *Lansing State Journal* covered the proposal to limit the sale of animals from the county to colleges, universities, hospitals and veterinary researchers and only those that are within a 200 mile radius of the town of Mason. The proposal would allow the sale of animals to Class B dealers if they agreed to sell only to those specified organizations. This was not the intent or the original wording of the proposal. According to Allie Phillips, who was at that time the secretary-treasurer of the Friends of the Ingham County Animal Shelter, the proposal had gotten off track. The proposal before the board of commissions was only vaguely similar to what was originally requested.
Another point for limiting the sale of animals was brought up in the newspaper coverage. The going rate at the shelter for Class B dealers was $10 per animal. On average Class B dealers purchased 150 dogs each year. The cost for a member of the public to adopt an animal at that time was between $30 and $48. A co-founder of the organization petHELP, which encourages adoption of animals, stated that the Class B dealers would choose the pets that were the most adoptable, thus depleting the selection for the general public. If this were true, then the Class B dealers were depriving the county coffers of between $3,000 and $5,700 annually.

The next day, the news story in the same newspaper announced that the Ingham County Board of Commissioners modified their policy to eliminate the sale of animals to pharmaceutical and commercial companies. This change was the first improvement in the pound seizure situation at the Ingham shelter in seventeen years.

Eighteen months later on April 9, 2003 a letter to the editor was published in the Lansing State Journal accusing the County Animal Control of refusing to write down information pertaining to lost or found pets. The author of the letter referred to the shelter as a jail and complained that the conditions were deplorable and that selling to Class B dealers should be stopped.

Several weeks later on May 29, 2003 the Lansing State Journal published a letter from the owner of R&R Research, the most recognizable Class B dealer in the state. He described the service that Class B dealers provide as, ‘another link in the chain of medical research’ and spoke about the life-saving breakthroughs that animal research offers to mankind.
The next day a news story in the same paper revealed that the commissioners, after two evenings of public comment from people opposing the sale of animals to research, had amended the current policy and would let rescue groups know 24 hours in advance of animals being either euthanized or sold to dealers so that they could marshal their resources to rescue them. Class B dealers were also to submit to random checks to ensure that they were selling to organizations in accordance with the policy.

On June 2, 2003 there appeared an anonymous column in the paper announcing that the proposed changes were more than reasonable.

The *Lansing State Journal*'s local digest roundup of news on June 3, 2003 reported that a local humane society had offered to take all adoptable dogs from the shelter that might be either sold or euthanized.

The *Lansing State Journal* dated June 11, 2003 revealed that the Ingham County Commissioners has changed its stand on Class B dealers. They had instituted a ban on selling animals from the shelter to Class B dealers. The shelter would still continue to sell animals directly to Michigan State University, the University of Michigan and Wayne State University.

In a situation in which art imitates life, three days later the same paper ran a feature about a local boy who was cast in the role of a teenager with cerebral palsy who helped to break up a group of bunchers who stole dogs for resale to research labs.

Again another week goes by and a letter to the editor is printed lauding the commissioners for stopping the sale of pets to Class B dealers.
The final installment of the saga came on July 13, 2003 in a feature examining the argument from both sides. It revealed that for every $10 animal a Class B dealer acquired at the shelter, they re-sold them for $200 to $800. The owner of R&R Research complained that dealers get a bad rap. It is not difficult to envision that he would be unhappy to lose that revenue stream. Animal activists argued that the dealers were routinely cited for animal care standard violations under the Animal Welfare Act. They also cited reports of the dealers selling lost pets to labs, dog fighting rings and target shooters.

The second instance in which newspaper coverage of the pound seizure argument might have influenced a change in policy or legislation took place in Oklahoma. This state is one of only two states to require that animals be released upon request to a research facility. The state law was enacted in 1951 and does permit cities to pass an ordinance to ban pound seizure and owners who surrender their pets can oppose research.

In February of 1997, there was a small flurry of three articles in Tulsa World that followed the debate between City Attorney David Pauling and City Councilor Darla Hall that centered on the topic of pound seizure. Since 1973, the city of Tulsa has had an ordinance that prohibits research facilities from acquiring animals from the shelter.

The first news story on February 4, 1997 outlined the background of the skirmish. Attorney Pauling wanted to bring the city in line with state law to avoid any conflict and Councillor Hall was noted as being against pound seizure.
On February 5, 1997 the debate continued for readers. Interpretations of the law were discussed as to whether cities could refuse to send their shelter animals to research or not. The coverage evolved into the cost to house an animal in the shelter in Tulsa. The city was spending $66.57 to hold an animal for the three day requirement prior to it being reunited with his/her family, adopted to another family, or killed by euthanasia. The state law required that stray animals be held for fifteen days and surrendered animals for thirty days if a research facility needed them. The sheltering cost would balloon to between $332.85 and $665.70 per animal. Furthermore the city did not have room in the shelter to house them. It would be cost and space prohibitive for the city to accede to these demands. (It should be noted that the legal experts in the city did not examine the state legislation very carefully because it is quite explicit in its wording that cities are at liberty to enact ordinances to restrict the practice of pound seizure.)

The article trailed off indicating that the attorney believed that the only way to stop pound seizure was to change the state law and that the councilors wanted the legal department to draft a resolution to be sent to the Legislature to abolish it.

On February 27, 1997 the council was expected to approve a council consensus to ask the state Legislature to repeal pound seizure. It continued by explaining that the city did not have the resources to meet the demands of the state law and that it did not condone pound seizure. (As of June 2014, pound seizure has not been repealed in Oklahoma.)

7.4 Policy adoption

Animal advocates seek to change pound seizure policy in all those states where there is no legislation, or where it is mandated or allowed. “Public policy is a course
of action made up of a series of decisions, discrete choices (including the choice not to act), over a period of time” (Rushefsky, 2008, p. 1). Cochran et al. (2009, p. 6) contend that “making public policy is extraordinarily complex [because] [i]t involves public opinion, media attitudes, expert ideas, active citizens, business and labor leaders, elected representatives, presidents and governors, judges, and bureaucrats”. This complexity translates into a time consuming journey that can take months or years of interaction until a policy is created.

Previous research has found a relationship between newspaper coverage and its influence on policy and legislation. RonNell Andersen Jones (2011) in his article on the demise of the newspaper decries its loss as a critical force as a legal instigator and enforcer (p. 559). He writes that “[w]ithout newspapers and newspaper organizations at the helm--instigating, enforcing, coordinating, and financing legal change, much, if not most, of the nation's important open-government law from the last generation simply would not have come to pass” (p. 570). Others echo his sentiments. Schudson (1997) writes that “the newspaper is the historically central source of democratic conversation” (p. 305).

As central as the newspaper has been historically to promoting policy change, this research found that pound seizure is not a topic that benefits from sufficient coverage in the newspaper realm. To overcome the lack of press coverage animal activism has moved increasingly on-line, where the proponents can have dominion over the content of the messaging and can target their core audience more effectively. Van Laer, (2010, p. 405) writes that the “Internet has a substantial impact on the manner in which contemporary movements and activists organize, coordinate, and mobilize...”. Access to information in the form of the Internet became more widespread in the twelve years of the study. In 1995, it is estimated
that 14% of Americans had on-line access and ten years later this jumped to seventy-two percent (Pew Internet, 2013). Animal advocacy groups such as the Humane Society of the United States and the People for the Ethical Treatment of Animals have taken increasing advantage of their web presence to disseminate information about important issues to anyone who came across their sites. In addition to standalone websites, Facebook has become a haven for online mobilization. Twitter, the microblogging service founded in 2006 allows instantaneous broadcasting of messages. PETA sends 2 million e-mails per week to their mailing list (Obar et al., 2012, p. 12). Malcolm Gladwell believes that “[w]ith Facebook and Twitter and the like, the traditional relationship between political authority and popular will has been upended, making it easier for the powerless to collaborate, coördinate, and give voice to their concerns” because “[s]ocial networks are effective at increasing participation by lessening the level of motivation the participation requires” (2010, p. 215). In addition, Lyle Munro (2005b) lists a number of persuasion strategies that makes use of “petitions, celebrity speeches, direct mail, surveys and opinion polls, information stands, articles, letter writing, bearing witness and pamphleteering” (p. 78). Also listed under publicity are protest strategies. These are “demonstrations, picketing, vigils, parades, marches and rallies.”

There have been instances when it appears that media attention to animal causes was involved in provoking change. It happened in 2005 when the media coverage of the plight of desperate animals during Hurricane Katrina was followed by the passage of the PETS Act. For advocates seeking an end to pound seizure, it is yet to be seen whether newspaper coverage alone will be enough.
Chapter 8

Conclusion

The purpose of this research was to examine the newspaper coverage of pound seizure, Class B dealers, and theft of pets which are sold to research facilities. The overall aim of this study was to make a contribution to the literature of the information discipline and to animal rights research.

8.1 Conclusions

This study employed content analysis of American newspapers in the years between January 1, 1994 and December 31, 2005 for these topics. This study looked at the nature of the relationship between print coverage and the adoption of policy of legislation in the practice of pound seizure. Two research questions were addressed:

1. What, if any, is the relationship between the extent and type of newspaper coverage about pound seizure (and related terms) and the adoption of policy or legislation?
2. What, if any, is the relationship between the presence of “moral shock” within newspaper coverage about pound seizure and the adoption of policy or legislation?

The research examined two local newspapers from each of the fifty states in order to determine whether there was a difference in the extent and type of newspaper coverage about pound seizure.

The first presumption was that the research would result in two relationships - that those states with legislation about pound seizure would have more stories about
pound seizure (as defined by raw number of stories, words per story, placement of story) than those states with no pound seizure legislation. The second presumption was that states with legislation about pound seizure use more techniques of moral shock (fear, degradation, abuse and neglect of animals) than those with no pound seizure legislation.

The preliminary presumption that states with legislation would have more coverage about pound seizure was supported. Of the eighty-six articles in the study, fifty-seven (66%) came from those states with legislation on their books (those that ban, allow, or mandate the practice). The second presumption assumed a greater presence in the newspaper articles of the depiction of moral shock in states that had legislation. This also proved to be correct. The research illuminated thirty-six descriptions of the horrors of the pound seizure practice within the newspaper coverage in those states, although this was not substantially greater than the twenty-five descriptions from those states that had no legislation.

In chapter two, we saw that the theoretical framework for this research was based on media effects theory, policy adoption and public engagement. The contention is that media can have an effect on public opinion and public opinion can bring about policy change.

However, examining the results of this research through the lens of media effects theory has proven somewhat difficult due to the small number of articles in the sample. Research indicates that where an issue has received more frequent or concentrated media coverage, measurable changes have been reported or have occurred. For example, Yu et al. reported that the anti-smoking media campaign in California during the years 1989 through 1992 reduced the consumption of
cigarettes by 232 million packs (1995, p. 1222). Furthermore, a study of the U.S. presidential election in 1968 revealed that if the media paid more attention to an issue, the viewers rated that issue more important (McCombs & Shaw, 1972, p. 183). Pound seizure did not benefit from more attention.

In the case of Pepper, media focus brought about intense public attention. There seemed to be some association between the increase in media coverage given to the case of Pepper and a corresponding growth in public engagement with the issue. The deluge of letters and phone calls to legislators preceded the passage of the *Laboratory Animal Welfare Act* in 1966.

The NIH cat study in New York City began with limited public engagement and the increased media and newspaper advertising appears to have coincided with greater public engagement. Eventually policy adoption was brought about. Hurricane Katrina media coverage was intense. Coverage dominated print and electronic media for days after the event. The plight of families losing their animals brought another impact of Hurricane Katrina to the public’s attention. While not necessarily or directly attributable to that media coverage, the passage of the *Pets Evacuation and Transportation Standards Act* seemed to follow almost immediately, perhaps responding to increased awareness of, and engagement with the issue. However, the late Congressman Tom Lantos did state that he was watching television and saw the little boy who had lost everything have his dog taken away from him. He said that the “bill was born the moment the 7-year-old little fellow had to give up his dog because there was no provision to provide shelter for his pet” (GovTrack.US, 2006).

If, as Soroka contents “mass media are the primary conduit between the public and policymakers” (2003, p. 28), the lack of press coverage given to pound seizure
restricted the flow of information to both stakeholders. De Vreese writes that theoretical frame-setting is “the interaction between media frames and individuals’ prior knowledge and dispositions” (2005, p. 52). Limited awareness of the practice might mean that even when the topic was discussed in the newspapers that the article was dismissed due to ignorance.

The findings from this study were inconclusive when it came to a relationship between the extent and type of newspaper coverage in this study and the adoption of policy or legislation. One reason for this could be that Deserai Crow (2010, p. 145) notes that the “coverage of issues, measured by quantity, prominence and frequency” moves issues onto public and government agendas. Clearly this was not the case for pound seizure because the modest number of articles over twelve years span and their sporadic distribution were not sufficient to move the argument forward. A level of stakeholder awareness about issues is necessary for the public to become concerned enough to make their views known to elected officials. The newspaper coverage of pound seizure did not provide this.

Page and Shapiro contend that “[w]hen Americans’ policy preferences shift, it is likely that congruent changes in policy will follow” (1983, p. 189). However, as was discussed in chapter two, public policy is “heavily influenced by organized business groups while mass-based interest groups and average citizens have little impact” (Bartels, 2014). The research has shown that the medical and pharmaceutical industries want low cost animals for research purposes.

Placing this lack of newspapers articles about pound seizure in the context of media coverage of animal rights issues generally, it is not surprising because the lack of media coverage of animal rights issues is a well-documented problem. Sorenson
(2009, p. 238) writes that mainstream media operates a “...general pro-capitalist filter” and that “[p]articular sponsors, who purchase advertising, want to maintain a ‘buying mood’ among audiences and their financial power limits content. While information from establishment sources is readily used, information from dissident groups is not”.

In Oliver and Maney’s research into the coverage of protest events in the Wisconsin State Journal and the Capital Times, the authors noted that “...some conflictual issues received relatively little coverage, particularly animal rights and abortion” (2000, p. 476).

This study did have a flurry of activity in the years 1996 and 1997 which accounted for nearly one third (32.5%) of the total number of articles. It is possibly explained by the proposed federal legislation to curtail Class B dealers from selling random source dogs and cats for research that was introduced in 1996. (The legislation has still not been successful as of date of writing)

The results further revealed that nine of the Group A’s sixteen states (56%) where the practice of pound seizure is outlawed had articles published. In Group B states where there is no legislation, only nine of the twenty-two states (41%) had any coverage of the topic at all. Where pound seizure is allowed (Group C) there were six of ten states (60%) with news stories. Both Group D states (100%) that mandate sending shelter and pound animals to research had coverage. These numbers are sparse by any standard.

Furthermore, although the words per story appeared relatively consistent across all states, story placement or prominence was not. There was only one story in the
Group A states that ban the practice that figured prominently. However, it might seem reasonable to conclude that in states where pound seizure is no longer a concern, the topic is no longer front and center in the hearts and minds of the reading public. Group B states with no legislation had seven articles on the first pages of the first two sections. Group C states, which allow pound seizure, had ten of its seventeen news stories showcased on the front pages of the first two sections of the paper. Only one story was found in the first section of the paper in the Group D states that mandate pound seizure. Overall the issue lacked prominent coverage in the few times that it was mentioned. This might be due to a number of factors: pressure from the pharmaceutical industry or universities with medical schools that needed research animals; economic drivers such as high unemployment (as was discussed in Michigan during the efforts to pass Koda’s law); editorial input from advertisers; or publisher bias. Any of these could have contributed to the lack of coverage.

The study found that there were only two instances in which newspaper coverage of the pound seizure argument might have influenced a change in policy or legislation. (as detailed in the Specific Analysis in Chapter 7 Discussion.) The first concerned the Ingham County Animal Control Department in Michigan during the years 2001 – 2003. Michigan is one of the ten states that allow the practice of pound seizure however, at the end of the newspaper coverage Ingham County Commissioners instituted a ban on selling animals from the shelter to Class B dealers. Even though they would continue to sell animals directly to Michigan State University, the University of Michigan, and Wayne State University animal activists view the change in Ingham as a minor victory. However, it would be premature to suggest that the newspaper coverage the issue received was the catalyst for this improvement.
The Oklahoma example did not reveal an improvement in pound seizure policy. Rather it was a situation where the status quo was maintained. Regardless of the state’s mandate on selling animals to research, Tulsa determined that the city would continue to refuse to do so because it was cost and space prohibitive.

These two examples had something in common that had not occurred in the newspaper coverage of pound seizure in the other newspapers - frequency. Both had articles that were clustered within a short time frame, one of Crow’s (2010, p.145) troika of requirements (quantity, prominence and frequency) to move issues onto government and public issue agendas. In the case of the *Lansing State Journal* there were nine articles with in the span of four months in 2003. These were April 9, May 29, May 30, June 2, June 3, June 11, June 14, June 21 and July 13. The three articles in *Tulsa World* were printed February 4, February 5 and February 27, 1997. The relationship between newspaper coverage and policy or legislative changes might depend on a cluster of news articles within a short time frame to focus readers’ attention on the topic.

Studies have been done on other aspects of public policy concerns that reveal something similar. Yanovitzky (2002b) conducted a study about the impact of newspaper coverage on drunk driving policy making. His findings “support the proposition that intensive periods of media attention are instrumental to attracting policy attention to problems that are low on policy-makers’ agendas while creating a sense of urgency among policy makers to generate immediate short-term solutions to public problems” (p. 444). Although even with media attention and public engagement, Rushefsky writes that “one-time, comprehensive decisions are rare” and “the fact that policy decisions are rarely final means that an interest group that loses today has opportunities tomorrow to achieve its goals” (2008, p. 28-29).
One of the interesting aspects of the pound seizure research analysis showed that twenty-seven articles (31%) of the eighty-six articles were letters to the editor. This indicates a degree of public engagement and possibly reveals that the topic of pound seizure is important enough to readers for them to communicate this to the editor of the paper. Research indicates that in the cases of Pepper, the National Institutes of Health cat study and Hurricane Katrina, legislators were provided with a great deal of angry feedback from constituents. While not necessarily attributable to the media coverage or the feedback, the passage of legislation seemed to follow almost immediately. Public engagement is a necessary part of the policy making process, however Graber (2006) believes that public anger does not last and that both politicians and journalists have learned this lesson. This might be one of the reasons that even with public support, Koda’s bill was unsuccessful.

While there may have been instances in which newspaper coverage of the pound seizure argument might have had an influence on policy of legislation, research did not find a relationship between the presence of moral shock and the adoption of policy or legislation.

In addition to the research questions being addressed, three themes arose from the research. They were that pound seizure was relatively unknown, that there were gaps in enforcement of animal protection, and that profit played a significant role in the practice.

The general lack of awareness about pound seizure might account for the small number of articles retrieved in the search. However, it is not just the public that is ignorant of the practice. When Ms. Phillips approached Representative Espinoza of
Michigan requesting that he back Koda’s bill, he was outraged when he learned about pound seizure. As an elected official it might be expected that he be aware that it was taking place. In 1998, when Berkeley County Supervisor agreed to stop animals from his shelter being used in medical research he did not appear to know that South Carolina had banned pound seizure for over ten years.

The Oklahoma state legislation under statute 4 Okl. St. § 391 to § 400 (2002) requires the release of animals upon request to a research facility. The law allows cities to pass ordinances to ban pound seizure and since 1973, a Tulsa ordinance prohibited research facilities from acquiring animals from city shelter. When the city was wrestling with the notion of changing their policy to be in line with the state, the legal experts in the city did not examine the state legislation very carefully because it is quite explicit in its wording that cities are at liberty to enact ordinances to restrict the practice of pound seizure.

In another example of the lack of clarity about the situation is highlighted when Ms. Bertram surrendered her dog Koda she stated that the shelter did not post signs nor was she informed that the dog might be sent to research.

This brings us back to what the literature review revealed. Even with current legislation, which seems to offer a certain degree of protection for animals, the unforeseen gaps and inconsistent enforcement render many laws inefficient. Many crimes against animals go unpunished.

The research uncovered seven examples of where legislative oversight might be less than effective. “Maryland Forum for Animals wants to help eradicate pet theft by persuading the USDA to not give licenses to Class B dealers. The group argues that
the USDA does not strongly enforce its regulations”. In New Jersey, it was written that Class B dealers “often disregard the law” by moving “animals repeatedly over state lines and transfer[ing] them from dealer to dealer, making it impossible for pet owners to find their missing animals”. In Arkansas, the U.S. Attorney Bud Cummins “acknowledged that there is some question whether some of these dogs were pets that were stolen”. Ervin Stubane, who had a license to sell dogs to research, had his ranch raided after a videotape allegedly showed him shooting a dog and selling its meat to a couple. The animal cruelty charges were dropped against Stubane because in Wisconsin owners are permitted to shoot their dogs.

In Missouri, internal reports at the USDA reveal that “a serious number of acquisition records were either false, fraudulent or fictitious”. In Colorado, the university’s out-of-state vendor was suspected of dealing in stolen dogs that CU once used. In Michigan, critics of the Ingham County Animal Control stated that “staff policy is to refuse to write down information regarding a lost pet or a found animal”.

The third theme is that money and jobs are driving forces. In Michigan, R&R Research admitted that the company handles 1,000 animals a year making a profit of 5 to 20 percent per animal. R&R employs Michiganders and bring needed business to the area. Also in Michigan, it was stated that for every $10 animal a Class B dealer acquired at the shelter, they re-sold them for $200 to $800. In Arkansas, Baird sells animals to nearly 50 research facilities across the country. The animals are bought for about $15 a piece and sold to research labs for between $250 and $800 apiece. In Virginia, it was noted that “most profitable reason to steal a pet...is for sale to research laboratories” because “a dog can command as much as $700 and a cat, $300”.
In Minnesota, purpose bred animals cost the university between $250 and $600 each. Those from the pound were only $42.50. In Wisconsin, legislation to restrict Class B dealers from supplying random source animals would cost the Medical College of Wisconsin an added $3 million and would result in 130 jobs being lost. While the cost to research facilities varies across the country it is obvious that Class B dealers make a good margin on the traffic of animals and research facilities utilize their services to keep costs down. This keeps researchers employed.

This study also echoes the viewpoint that cruelty to animals has an overflow effect on humans. Whether it begets increased cruelty to others or takes an emotional toll on those who are affected by it, cruelty has the power to injure beyond the original target. The final thread is that communication helps shape the way an issue is viewed.

Additionally, the manifest content revealed three threads running through the newspaper articles. These were: the horrors of pound seizure for the animals, the characterization of them as victims or beloved pets, and the emotional toll that the system takes on the humans involved. The latent content added another dimension to this. Examples show that the pound seizure system could be seen as being peppered with dishonest people. The relevancy and usefulness of the research conducted on random source pets was also called into question.

The study did reveal one change that pertains to pound seizure - the reduction of animals being used in research. Universities and corporations are concerned about their image. If they want to avoid negative public reaction they must change their policies and practices. By 2000, seventy of the accredited medical schools in the United States had stopped using live animals in research. Eighteen others had
followed suit by next year. The University of Colorado ceased buying dogs from Class B dealers in 2003. In 2014, there are only five medical schools with live animal curricula remaining. They are: Johns Hopkins University School of Medicine, Uniformed Services University of the Health Sciences School of Medicine, University of Mississippi Medical Center, Oregon Health & Science University School of Medicine, and University of Tennessee Health Science Center College of Medicine (Chattanooga campus only). This reduction in usage means fewer pound animals will be sent to laboratories.

Another change in the years of the study was the rise in the number of American university law schools that added courses in animal rights to their curricula. As of 2012, the number stood at one hundred and forty-one.

The publicity surrounding Pepper, the NIH Cat Study, and Hurricane Katrina coincided with in a change in legislation. While there is nothing to definitively link the press coverage of pound seizure with a shift in the public’s awareness of the way in which animals are treated, it might just be that coverage influences public opinion without legislative change.

**8.2 Research contribution**

The fact that there was relatively little media coverage regarding the practice of pound seizure, such that the outcomes with respect to this thesis were inconclusive, may say something important in and of itself. This scant coverage of the practice revealed little in the way of progress. If there had been a great deal of coverage during the time frame and there had been no improvements in legislation or policy this would have been a more frustrating outcome for animal advocates. The expectation that following in the continuum of the women’s, LGBT, indigenous
peoples, persons with disabilities, etc. movements that more coverage would be associated with improvements was not demonstrated. This is an important point for advocates to consider. If practices such as pound seizure are relatively unknown to both the general public and legislators, as in the case of Koda’s bill, then the likelihood of progress is slim.

The current study occupies an important position in the understanding of the issues surrounding pound seizure and Class B dealers. Scholarly examination of these issues is non-existent, nor has any other dissertation tackled the topic. Further impoverishing the information landscape is the fact that to date there have been only two books published on pound seizure, one in 1985 and the other in 2010. It is hoped that other animal advocates will find this topic of interest and further examine this practice.

Animal advocacy is already an important topic of research in philosophy, law, sociology, women’s studies, etc. Nudging it across the border into the information discipline opens up the topic to another potential audience. Illuminating the lack of awareness about pound seizure and finding new readers are the contributions to the literature.

Universities are attuned and responsive to public opinion. If institutions want to avoid negative public reaction it is hoped that research like this will encourage universities and other facilities to move away from using live animals in experimentation and toward online computer models. This may achieve the actual end of the need for animals in the research process. No more bunchers, no more pound seizure.
While a single thesis on the topic of pound seizure may seem to be a modest contribution to the literature, Neuman and Guggenheim believe that, “[a] mathematically tiny effect can accumulate over time to play a decisive role” (2011, p. 172).

8.3 Limitations of the study

As in any form of research this study has limitations. Chief among these is the challenge of using an online database to retrieve articles. Weaver and Bimber (2008) in their comparison of LexisNexis and Google News to retrieve newspaper articles brought to light a significant gap in the LexisNexis database system. Because news content from wire stories is stripped from the newspaper prior to it going into archive on LexisNexis, there can be serious gaps in the coverage of a topic (p. 516). The authors contend that “[s]tories originating with services such as Associated Press (AP) are almost always removed when stories are archived due to licensing agreements” (p. 517).

It is important to understand how pervasive newswire content is. Their website states that Associated Press (AP) is a news network that employs 3,700 people, two thirds of whom are news gatherers. AP was founded in 1846 and is among the largest independent news gathering networks in the world. Popkin (2006, p. 329) posits that “[i]n an era when many papers were intensely partisan, the Associate Press profited from being ferociously non-partisan…so that papers of every political persuasion could safely use news from other cities and states”. The organization is a not-for-profit news cooperative which is owned by its American newspaper and broadcast members. Their employees work in 300 locations around the world filing news stories for distribution within their network and to agencies that subscribe to
their service. AP journalists staff every statehouse in the United States (Associated Press, 2012).

When news breaks a local journalist documents the story and files it with the service. The story becomes available to member broadcasters and subscribers. Newspaper editors can also search content on the AP service and elect to utilize articles in their editions. Weaver and Bimber (2008) contend that it is unknown what the percentage of articles in local papers is acquired through the newswire service but they speculate that it could be substantial (p. 517). Therefore it is quite likely that pound seizure articles for this study were more abundant than the LexisNexis service has revealed.

Another limitation was that national newspapers were not included. The research focused on the newspaper in the state’s capital city and the largest circulation newspaper in the state. Tan writes that, “Local media are more likely to cover regional issues and local issues than national media. Even when covering the same national events, local media usually provide a local perspective to make those events relevant to the local audience” (2008, p. 9).

Photographs were not examined because they were not available on the LexisNexis site. The small sample size of eighty-six documents is another limitation. The research only reports descriptive statistics. As the research was designed to describe a process of change rather than to measure or infer difference, no inferential statistical analysis was done.

The research was done in a time period that was moving toward newer forms of digital and social media, and so newspapers may not have been the best media to
examine for the effects being sought. I have tried to present a balanced perspective, however my personal pro-animal rights beliefs may have influenced the thesis.

8.4 Future Research

While it is hoped that this research will be a starting point for others to further investigate pound seizure in the United States, I envision my next logical step would be to research the success of ban pound seizure campaigns in Denmark, Sweden, Holland and England. As an example of their forward thinking when it comes to animal experimentation, on March 11, 2013 European lawmakers banned the use of animals in cosmetic testing AND the sale of products that had previously been tested on animals. This decision effectively staunched the flow of cosmetics from other jurisdictions where animals are still utilized in this process. Intelligence gleaned from the European decisions to stop the practice of pound seizure could well inform American campaigns for change.

The results of this study show that further research should be conducted to shine a spotlight on this vastly underreported animal issue. The literature review showed that public sentiment is a significant force to influence policy and legislation. However, legislative changes take time. American political system was designed to be slow and deliberate in order to prevent tyranny by the majority (Rushefsky, 2008, p. 30). King et al. (2005) contend that legislators “do not adopt a policy in a single, discrete moment” (p. 1214). However, the authors feel that social movements can draw attention to an issue, educate legislators and prompt those legislators to take some form of action (p. 1215). While passage of the legislation is the end goal, the mere introduction of a bill should be deemed a success because it signals progress.
For people who care about animals, pound seizure should be viewed as a bellwether. If we cannot be compassionate to those animals with whom we share our lives and who are closest to us, there is little chance that the lives of other non human animals will improve substantially in the foreseeable future. Gandhi believed that the treatment of animals says much about our moral progression as a society. If sending once loved pets to vivisection is any indication then our progress is inherently flawed.
Chapter 9

Epilogue

The Class B dealer in Arkansas who was the subject of a raid in which 125 dogs and one cat were seized (showcased in the micro analysis of latent content) has had his day in court. The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture filed a 108 page civil complaint with the owners of the Class B dealership in March 2004 (Satter, 2005). As noted earlier, after the Attorney General of Arkansas reviewed the case, “C.C. Baird and his wife had their licenses revoked and were fined $262,700 which was the largest civil penalty ever levied against a Class B dealer under the Animal Welfare Act” (Flaim, 2006, B15). Mr. Baird’s home, kennel and 700 acres of property worth in excess of $1 million were also surrendered (B15). Further adding to the Class B dealer’s notoriety, Home Box Office (HBO) produced a television special about the case. Dealing Dogs: The Betrayal of Man’s Best Friend was first telecast in 2006.

A follow up on the proposed federal legislative efforts to restrict Class B dealers from selling shelter pets to research. In 1996, Rep. Charles T. Canady (R-FL) introduced the Pet Safety and Protection Act (HR 3398), which if passed would have prohibited the sale of random source dogs and cats to laboratories by Class B dealers. On June 21, 2011 Mike Doyle (D-PA) and Chris Smith (R-NJ) reintroduced the Pet Safety and Protection Act (H.R. 2256). This was the fifteenth time since 1996 that the bill had been introduced in either the U.S. Senate or the U.S. House of Representatives. In 2008, advocates thought that the proposed legislation had reached its tipping point with 131 cosponsors of the Pet Safety and Protection Act in the U.S. House of Representatives, and 20 in the U.S. Senate. However, the 110th Congress came to an end without passage. The Pet Safety and Protection Act (PSPA) of 2013-2014
(H.R. 2224) was re-introduced by Representative Mike Doyle (D-PA) on June 3rd, 2013. The bill still shows no sign of becoming law.

Federal legislative stalling aside, there has been movement on a somewhat unexpected front. As a result of the recommendations put forth in the study *Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research* (2009) the National Institutes of Health (NIH) put out a notice in March 2011 detailing the phasing out of funds for the acquisition of Class B dogs in research. This elimination of Class B dogs should be in effect no later than 2015 (National Institutes of Health, 2011). A similar notice for cats was issued by the organization in February 2012. The impact of this cannot be understated because the NIH is the largest funding source of medical research in the world (National Institutes of Health, 2012). Staunching the flow of Class B dealer animals through the researchers’ pipeline would greatly diminish the number of shelter animals used in research.
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Except where indicated otherwise, all newspaper articles were accessed through LexisNexis, a Division of Reed Elsevier Inc.


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Appendix A - Glossary of Terms

**American Humane Association (AHA)** was established in 1877 to protect both animals and children from abuse and neglect in the United States. The film industry is only one of their areas of concern, but is the most visible from the average person’s point of view due in large part to the famous “No Animals Were Harmed®” end-credit disclaimer seen on film and TV productions.

**Animal abolitionists** call for complete elimination of all animal subjugation. This means that animals would no longer be owned or used in any capacity – food, clothing, entertainment, experimentation, etc.

**Animal advocate** is a person or group of people who try to improve the lives of animals. An advocate can be an abolitionist, welfarist or a pragmatist.

**Animal experimentation** is the use of non human animals for the testing of chemicals, drugs, cosmetics, household products, etc. to determine the safety of these products for human use. The practice also known as animal testing can require that the substance being tested be injected into, ingested by, inhaled by, placed on the skin of, or into the eyes of the animal. The non human subject is often referred to as an animal model.

**Animal rights** is the concept and/or movement that puts forth that all or some non human animals have their own interests and deserve a life free from pain and suffering. Animal rights is a broad topic that covers issues that relate to livestock, wildlife, pets, zoos, hunting, and animal experimentation.

**Animal Rights International (ARI)** was founded in New York City in 1974 by the late Henry Spira after he took a course on animal rights given by Peter Singer. ARI’s two most celebrated campaigns were to stop laboratory animal experiments at the National Institutes of Health (NIH) and the institutionalization of farm animals. The organization is no longer active.

**Animal testing** (see animal experimentation)

**Byline** in a newspaper is the name, date and writer of the article. In the case of this research it indicates an article, not an editorial nor a letter to the editor.

**Buncher** is an animal collector who obtains pets from random sources – auctions, shelters, flea markets, by answering ‘free to a good home’ ads and through the theft of pets. The animals are sold for profit. This term is also used by some to refer to Class B dealers.

**Class A dealer** is licensed by the United States Department of Agriculture to sell animals that are purpose bred for research. The animals are often expensive for the laboratory to purchase.

**Class B dealer** is licensed by the United States Department of Agriculture to purchase animals from random sources. The animals, mostly dogs and cats are then sold to laboratories, universities and other organizations for experimentation. The animals are often less expensive than Class A dealer animals to purchase.

**Companion animal** (see pet)
**Draize test** is an eye irritancy test that requires chemicals to be put into the eyes of live animal subjects to determine the toxicity of a substance. Its use has been for cosmetics and the animal subjects tend to be rabbits.

**Editorial** in a newspaper is a column offering the opinion of the editor(s) or publisher of the periodical.

**Hurricane Katrina** occurred in August 2005 and affected the states of Louisiana, Mississippi, Alabama and Florida. It was the most deadly storm of the 2005 season, and killed more than 1,836 people, countless animals, and caused an estimated $81 billion in damage.

**LD50 test** is the dosage or a chemical, pesticide, or other substance required to kill fifty percent of the animals in the test. The substances are administered in a variety of ways. They are injected into, ingested by, inhaled by, placed on the skin of, or into the eyes of the animal.

**Legislation** is a process or an act of making laws.

**Letter to the Editor** is a letter sent (via mail or other means) to a newspaper or other publication from a reader about an issue of concern.

**LexisNexis** is an organization that provides electronic access to legal, journal and newspaper articles through their paid service.

**Moral shock** is a term that was coined by James M. Jasper. He stated that it occurs when “an unexpected event or piece of information raises such a sense of outrage in a person that she becomes inclined toward political action” because it causes “a visceral, bodily feeling, on a par with vertigo or nausea”.

**National Institutes of Health (NIH)** is part of the United States Department of Health and Human Services. It serves as the national medical research agency and provides the largest source of research funding the world. It is comprised of 27 institutes and centers.

**People for the Ethical Treatment of Animals (PETA)** is based in Norfolk, Virginia, with affiliates in the United Kingdom, Germany, the Netherlands, India, and the Asia-Pacific Region. Founded in 1980 by Alex Pacheco (who left PETA in 1999) and Ingrid Newkirk, PETA is dedicated to establishing and defending the rights of all animals. The organization’s principle is that animals are not ours to eat, wear, experiment on, or use for entertainment.

**Pet** is a domesticated household animal that is kept for companionship. Pets in the United States are most often dogs and cats. They are also known as companion animals.

**Pound** is a government set up facility to control and enforce the animal population of an area. They are required to take in every animal that is presented are referred to as open-admission shelters.

**Pound Seizure** is the sale of companion animals from community pounds and shelters to research facilities.
**Pragmatist** (in this context of this writing) is an animal advocate who seeks a better existence for current animals as they await legislation and moral change that will create a landscape where animals are no longer used by humans. A pragmatist occupies the middle ground between an abolitionist and a welfarist.

**Rescue** groups are the third type of animal refuge. They are often charitable organizations with members who pull animals from shelters hoping to facilitate an adoption. Seldom do rescue groups have a physical location to house the animals. Rather they maintain a network of foster homes where the animal lives with a family until they are adopted. Rescue groups can be all-breed, size specific or breed specific. It is estimated that twenty-five percent of dogs in shelters in the United States are purebred.

**Shelter** can be a pound or private shelter. Pounds are set up and financed by the local government. Private shelters funding comes from sources other than the government such as private donors or foundations and can limit their intake of animals to avoid overcrowding.

**Social movement** comprises a group of people who band together to agitate for or actively resist a social change. Examples of social movements are the Human Rights movement, women’s movement, gay rights movement, and the animal rights movement.

**Speciesism**, the notion that humans are superior to animals, is a term coined by Richard Ryder former Chairman of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in 1970.

**Utilitarianism** is a theory of ethics that advocates that the action or actions that maximize(s) happiness and minimize(s) suffering is the appropriate course of action to take. Jeremy Bentham, a Utilitarian, held that humans and non-humans should be given equal consideration in decision making that affects them.

**Vivisection** is the surgery or experimentation conducted on live non human animals.

**Welfarists** believe that humans are justified in using animals so long as we do not cause them excessive or unnecessary pain. To satisfy human requirements, welfarists advocate the responsible use of animals under conditions wherein their basic needs of food, water, shelter, etc. are met.
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### Terms:
- B: Buncher
- B+: Buncher AND dog or pet
- CL.B: Class B dealer
- PT: Pet theft
- PS: Pound seizure
- PR: Pound release
- RS: Random source dogs

**Total**

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GR indicates the group of states – A, B, C, or D.
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Newspapers in regular font are state papers, those in bold are largest circulation.

Duplications indicate more than one search term in article.
# Appendix D

## Newspapers in Group A States

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Newspapers in regular font are state papers, those in bold are largest circulation. Duplications indicate more than one search term in article.
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## Appendix E

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## Appendix E

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Newspapers in regular font are state papers, those in bold are largest circulation. Duplications indicate more than one search term in article.
### Appendix G

**Newspapers in Group D States**

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<th>GR</th>
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Newspapers in regular font are state papers, those in bold are largest circulation.
Duplications indicate more than one search term in article.
Appendix I - Animal Alliance Canada

Ms. Liz White has extensive credentials in the animal rights and rescue community in Canada. She is the founder and board member of the Animal Alliance of Canada. She is also the head of the Animal Alliance Environmental Voters Party. She began campaigning against the practice of pound seizure prior to 1987 when she joined the Toronto Humane Society. Her campaign there continued until 1990. At that time a private members bill, Bill 21, was brought forth by the New Democratic Party (NDP). When the NDP formed the Ontario government in 1990, Ms. White formed Animal Alliance and Ms. White and her organization began their campaign to stop the practice of pound seizure and the use of animals in cosmetic and household product testing. Her efforts to ban pound seizure were thwarted due to pressure from the research community. Likewise the government’s move to ban cosmetic testing was stopped by Ontario Premier Bob Rae as a result of extensive pressure from the powerful research community.

In the years 1990 -1992, Ms. White and her group provided assistance to a sympathetic Councilor in the City of Oshawa which resulted in Council voting to stop the sale of Oshawa’s lost pets to research. Their success signaled the beginning of a shift in strategy. Animal Alliance began seeking to determine which municipalities provided animals and pressuring those Councils to stop the practice. They were successful in almost every jurisdiction where they knew pound seizure was occurring. However the government of Ontario would not disclose which pounds relinquished animals. This is the government’s policy to this day.
Ms. White and Animal Alliance worked to have the *University’s Act* amended in Alberta. Prior to the amendment, the Act required the use of pound animals as the source of research subjects. This change in policy came about when the Calgary Animal Services refused to supply lost pets for research (1994) and much later when the Edmonton shelter followed suit.

In the mid-1990s, city animal services stopped providing animals to research in St. John’s Newfoundland due to the efforts of Animal Alliance. In 2003, the group successfully stopped the Winnipeg city pound from supplying dogs to the University of Manitoba.

Finally, in 2010 after an ongoing campaign, the University of Guelph announced that it would no longer procure lost pet dogs for research – affecting approximately 700 animals. Then in 2011, the Ontario Veterinary College agreed to stop using dogs and cats, some of which came from pounds, in live terminal surgeries, also affecting many animals.

Now in 2014, Ms. White and Animal Alliance are launching a Ban Pound Seizure campaign to see if they can amend the laws in Ontario and implement legislated bans in other parts of the country (White, 2013, p. 1).
Appendix J – List of Passages

List of Passages
live animals and cut them apart
chopped on while they’re still alive
horrific practice
sacrificed
painful medical testing
torture through vivisection
plight of animals
ear will be cut off
submissive and endure pain and torture
doomed animals
dozen of cats die in her locked home
cramming 25 dogs into three small cages
inserting electrodes into the brains of cats
gruesome and painful to the animals
used in painful biomedical research
perform painful experiments on them
lived and died under horrific conditions
tattoo is on an ear the pet’s ear can be chopped off
some appeared thin, their ribs showing through their skin
obvious eye infections
tabby with a bad eye, cowering in a litter box
beagle punched in the face
terrier mix being dragged outside and casually shot
delivered into suffering and death
warehouse them in filthy disease-ridden kennels
animals suffer on research tables
kept in horrible conditions
abuse cats for the fun of it
dogs are used in testing chemicals, cosmetics and shampoos
subjected to unspeakable atrocities
never make it out alive
pets delivered into suffering and death
warehouse them in filthy disease-ridden kennels
hideously torturing and killing an estimated 20 cats and numerous dogs
killed 77 cats and kittens
emaciated dog
student inject drugs into dogs to change the rate of breathing or heartbeat
cutting of a dog’s vagus nerve, which sends signals from the brain to the heart
lethal experiments
dooming him or her to a torturous life
they are shocked, drowned, blinded, burned or starved
filthy conditions and inadequate care
dehydrated having been deprived of drinking water during imprisonment
suffering lameness, severe dehydration, bloody injuries, severe nasal and eye discharges, and respiratory illness
frightened and confused, he ends his life alone and in pain in a strange clinic
violence to animals