CHAPTER XVI
HUMANE REFORM AND THE PROBLEM OF VIVISECTION

The use of animals in experiments was the most contentious issue that engaged the attention of humane advocates between 1866 and World War I. Some wanted to abolish it, while others sought to control and regulate the practice. Scientists, on the other hand, rejected both approaches and chose to brook no interference whatsoever. During the period encompassed by this study, almost every campaign to abolish, limit, or—through inspection or other means—regulate vivisection, failed, largely because of the scientists’ superior cultural and political influence. The unfortunate legacy of this confrontation—a complete lack of authentic oversight bearing on the use of animals in research, testing, and education—was to last until 1966, when the Laboratory Animal Welfare Act received the approval of the United States Congress and President Johnson signed it into law.

Concern about vivisection had its roots in the same eighteenth-century trends that set the stage for the broader interest in cruelty to animals. By the latter half of the nineteenth century, the desire to spare animals from suffering came squarely into conflict with the goals of a scientific medicine that increasingly relied on experimentation. Those who used animals in physiology demonstrations offended the cardinal principle of humane ideology, that the deliberate infliction of painful and prolonged suffering was morally wrong. This led animal protectionists to sponsor legislative campaigns,
prosecutions, undercover investigations, and exposés designed to abolish, limit, or bring vivisection into disrepute.

The tension surrounding experimentation plagued organized animal protection in the United States from its earliest days, making the humane cause more controversial than it might otherwise have been. In addition, the issue greatly complicated practical humane work, as the growing enterprise of experimental physiology spurred an ever-higher demand for animals from pounds and shelters. By seeking to acquire animals for experimental use, scientists attacked humane advocates on their home ground.

Albert Leffingwell and the Regulationist Philosophy

The fact that vivisection had the strong support of increasingly influential medical scientists alarmed animal protectionists. They took particular offense at the increasingly widespread practice of classroom vivisection, fearing that impressionable young observers could easily be socialized into cruel habits. In the 1890s, the American Humane Association (AHA) campaigned against exposing young students to cruelty in science education, reflecting the influence of Albert T. Leffingwell, M.D. (1845-1916), the nation's most active medical critic of animal experimentation during the years 1885-1915. From 1880, when he first took up the question, until his final days, Leffingwell consistently advocated the regulation of vivisection, not its abolition. Leffingwell was involved with most of the half dozen reform-oriented societies that sprang up between 1897 and 1907. He testified at many state and federal hearings during the period 1896-

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1 Susan Lederer, almost uniquely among historians of medicine and science in the United States, has taken the regulationist approach seriously; see Subjected to Science: Human Experimentation in America before the Second World War (Baltimore: Johns Hopkins University Press, 1994), 34-35.
1910, providing ammunition for regulationists and abolitionists alike, and pro-experimentation advocates considered him their most formidable adversary.  

After receiving a medical degree from the Long Island College Hospital in 1874, Leffingwell studied medicine further in Europe. For a time, he used animals for teaching demonstrations in physiology at the Brooklyn Polytechnic Institute. However, a remonstrance from the institution’s president, David H. Cochran, led Leffingwell to reevaluate his position and to undertake a thorough investigation of the subject. Following the controversy generated by Henry Bergh’s 1879-1880 campaign to prohibit vivisection in New York State, Leffingwell wrote an article for Scribner’s, arguing that finer distinctions could be drawn between the worst kinds of abuse and those experiments that involved no pain or distress.

A vegetarian, Leffingwell distinguished himself from those humane advocates who objected to any scientific usage whatsoever but tolerated the slaughter of animals for food. “To object to killing animals for scientific purposes while we continue to demand their sacrifice for food,” he observed, “is to seek for the appetite a privilege we refuse the mind.” In “a world of butchering of animals for food, for sport, for clothing, for adornment, and for convenience,” Leffingwell wrote on another occasion, “to expect that

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society will prohibit even the most painful forms of scientific research and let all the rest exist is to expect the impossible."

Leffingwell conceded that vivisection provided valuable knowledge in physiology, although he was more skeptical of its contribution to therapeutic medicine. He firmly opposed the infliction of pain for the presentation of well-established facts in classroom demonstrations, but sanctioned all experiments or demonstrations conducted with a recognized anesthetic, including those that ended with the termination of an animal’s life. Original investigations that necessitated the infliction of pain, Leffingwell believed, should only be permitted under the strictest supervision, comparable to that instituted in Great Britain in 1876.

The 1880s proved to be a barren decade for legislative action concerning vivisection, after Bergh in 1880 and White in 1883 abandoned such efforts. By 1892, however, Leffingwell helped to place the issue onto the agenda of the AHA, which until that year had mainly focused on cruelty in livestock transportation. At its convention, AHA delegates adopted Leffingwell’s position, in a resolution bidding the states to prohibit all painful procedures used simply for the demonstration of established knowledge, thereby formalizing a change in strategy and ideology that would mark the

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4 Leffingwell, “Does Vivisection Pay?” 399; and idem, “For Restriction and Limitation of Vivisection,” 877.


6 On White’s retreat from such initiatives between 1883 and 1889, see Craig Buettinger, “Women and Antivivisection in Late Nineteenth-Century America,” Journal of Social History 30 (June 1997), 866.
post-Berghian challenges to vivisection. After 1892, outright abolition would rarely be
the subject of legislative campaigns. Moreover, regulation won the support of longtime
leaders such as White and George Angell.7

The AHA’s focus on classroom use of animals in medical schools, colleges, and
high schools reflected Leffingwell’s respect for the approach embodied in English
legislation, which prohibited teaching demonstrations with animals. As early as 1884, he
pointed out that Austin Flint’s classroom presentations at Bellevue Hospital Medical
College, which reproduced Magendie’s excruciating exposure of the spinal cord of a dog
to illustrate the functions of the spinal nerves, would not have been permitted under Great
Britain’s 1876 Cruelty to Animals Act.8

In 1894, under Leffingwell’s leadership, the AHA appointed a committee to
sample educated opinion concerning vivisection. The organization’s circular letter
elicited 2086 responses from prominent educators, physicians, clergymen, and social
leaders. Among the many who opposed classroom vivisection were William Dean
Howells, Frances Willard, Lady Henry Somerset, and William T. Harris, the United
States Commissioner of Education. But the scientists queried generally regarded the
practice as useful.9

R. 1892, 29-36. The resolution circulated as an appendix to several of Leffingwell’s articles, including “An
Ethical Basis for Humanity to Animals,” Arena 10 (Sept. 1894), 474-82.


9 AHA, “Opinions Concerning Vivisection and Dissection in Schools,” Selections from Report of
the American Humane Association, 1895; and “Vivisection in the Schoolroom,” Literary Digest 12 (16
Nov. 1895), 15-16.
The AHA resolution appeared as part of Leffingwell’s essay on “Vivisection in America,” an appendix to the American edition of Henry Salt’s *Animals’ Rights*. In this essay, too, Leffingwell underscored the possibility of abuse, given the absence of any legal limitation or formal supervision, and deplored the increasing secrecy that surrounded experimentation in many institutions. Inspection and oversight would clarify the issue by helping to establish the facts, particularly regarding the infliction of pain in experiments or demonstrations that promised little practical value. “Men will differ,” Leffingwell wrote, “regarding the justification of research where pain is not involved; but never need the advocacy of use bewilder us into blind condonation of revolting abuse.”

To the scientists’ claim that calls for supervision impugned their character, Leffingwell offered the fiduciary analogy of a university treasurer who refused to issue receipts and vouchers to account for his expenditures; “Why so many precautions against prodigality of money, and such acute sensitiveness towards the slightest impediment against prodigality of pain?” Only by emulating the British example, he argued, could America avoid the well-chronicled cruelties of continental laboratories. His declared hero in advancing the case for strict supervision of vivisection was Herbert Spencer, whose comments on the subject Leffingwell displayed on the wall of his study.

In subsequent essays, Leffingwell dealt with the spread of classroom vivisection to high schools. Ultimately, he concluded, “No experimentation upon living animals which involves the sensation of pain, or the flow of blood, should ever be shown to

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11 Leffingwell, “Vivisection in America,” 163-64; and idem, “Shall Vivisection Be Restricted?” *Popular Science* 50 (Dec. 1896), 266.
classes of students in schools. There are no compensating advantages to the positive
dangers the practice involves. There are no scientific truths necessary to be known,
which may not be fixed upon the memory of any pupil without this risk.”

By the mid-1890s, Leffingwell had begun to engage defenders of vivisection in
regular exchanges about the need for regulation, actively challenging misrepresentations
of his views. Although the scientists usually lumped all their opponents together as
uncompromising foes of vivisection, Leffingwell consistently articulated a philosophy of
openness and oversight and conceded the value of some experiments. Moreover,
Leffingwell refused to serve the anti-vivisection societies in any official capacity.
Leffingwell disagreed with their positions, and believed they had “made mistakes,” but
he also credited them with having kept a difficult issue alive while enduring considerable
personal abuse. “I am not an anti-vivisectionist,” he told the 1895 AHA convention, “for
I believe in the practice, when it is rigidly guarded against all abuses, limited to useful
ends, and subject to public criticism and the supervision of the law.” While Leffingwell
was quick to point out that he had “never written a line against vivisection when
surrounded by adequate safeguards against cruelty or abuse,” anti-vivisectionists like

12 Albert Leffingwell, “Physiology in our Public Schools,” Journal of Education, repr. in Journal
of Zoophily [hereafter JOZ] 3 (Aug. 1894), 122-23; idem, “Vivisection, Physiology, and Hygiene in
Schools,” Journal of Hygiene 45 (1895), 253-57; and idem, “A Dangerous Ideal,” (1894), repr. in The
Vivisection Question, 91-96, quote on 96.

13 Leffingwell, “Shall Vivisection Be Restricted?” 265; idem, “Concerning a Prize Essay,” in The
Vivisection Question (New Haven: Tuttle, Morehouse, and Taylor), 37-41; and idem, “A Reply to
White and Mary Lovell did not feel that there were irreconcilable differences between them.\footnote{Buettenger, “Women and Antivivisection,” 859; Leffingwell, An Ethical Problem, 217-18, 329; and idem, Does Science Need Secrecy? A Reply to Professor Porter and Others (Providence: 1896). This last address, and the statement to which he responded, were published by the Boston Transcript the previous year, see “Concerning Vivisection,” Boston Transcript, 13 July 1895, 13; and “Does Science Need Secrecy?” Boston Transcript, 28 Sept 1895, 15. Leffingwell reiterated his position in AHA, Ann. R., 1901, 57. On the attitudes of White and Lovell, see “Comments and Reflections,” JOZ 6 (Oct. 1897), 109.}

At Lovell’s instigation, the Women’s Christian Temperance Union (WCTU) strongly supported the AHA initiatives, fearing mass exposure to classroom cruelty would create an entire generation of desensitized students who might prove a menace to others.\footnote{Union Signal, 8 Nov. 1894, 1; and “Twenty-Third Annual Convention Report,” Union Signal, 3 Dec. 1896, 5. The WCTU promoted its own version of moral and scientific education, through state-level requirements for compulsory temperance instruction in the schools. See Philip J. Pauly, “The Struggle for Ignorance About Alcohol: American Physiologists, Wilbur Olin Atwater, and the Women’s Christian Temperance Union,” Bulletin of the History of Medicine 64 (Fall 1990): 365-92.} Animal advocates engaged in humane education campaigns also fell in behind the AHA initiative, convinced that the routine use of live animals in classroom experiments would undermine their own efforts. White’s 1893 campaign to amend Pennsylvania’s 1869 anti-cruelty law to prohibit such usage failed. However, in 1894, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) succeeded in securing a ban on vivisection in Massachusetts elementary and secondary schools, a rare legislative victory in this arena.\footnote{“Proposed Amendment,” JOZ 1 (Dec. 1892), 184; “Society News,” JOZ 2 (June 1893), 88; and “Vivisection Discussed,” Public Ledger, 27 Apr. 1893, 3. On Massachusetts, see “The Bratalization of Childhood,” JOZ 3 (May 1894), 77; and “Society News,” JOZ 3 (June 1894), 83. While it undertook very little action, even the ASPCA in the post-Henry Bergh era expressed concern over the issue. See “Has Cat-Dissecting Become a Mania in New York Schools,” New York World, 25 Mar. 1900, 8-9.}
The Battle Over Regulation: 1895 - 1915

Leffingwell’s philosophy also shaped the course of federal and state legislative initiatives between 1895 and his death in 1916. However, it was not the charge that classroom vivisection would desensitize young people that captured attention. It was the far more volatile claim that the unchecked and unregulated use of animals would inevitably result in the unethical use of human subjects, and that it had already done so. In the argument that some humans might wind up as fodder for medical experiments or as unwilling victims of unauthorized procedures by doctors they had trusted, humanitarians found a compelling issue.¹⁷

As early as 1884, Leffingwell cited the potent example of Magendie’s questionable procedure on a cataract patient to illustrate “how greatly the zeal of the enthusiast may impair the responsibility of the physician and the sympathy of man for man.” By the 1890s, such concern was widespread among humane advocates, who expressed growing fears that medical doctors, desensitized to the suffering of innocent creatures, might find it easier to take the next step, to continue their experiments upon vulnerable classes of human beings. Society’s failure to impose restrictions on vivisection, and the toleration of unchecked cruelty to animals, would hasten the day when experiments on human beings could begin.¹⁸

¹⁷ Lederer, Subjected to Science, 6, 16.

In fact, Leffingwell and other critics of vivisection were among the first to identify an area of limited but egregious abuse in American medicine at the turn of the century—the performance of non-therapeutic experiments on human patients. The most notorious cases of human vivisection that came to light involved the use of orphans and other disadvantaged children. The concern for vulnerable populations that had led humane societies to take up the defense of animals and children now surfaced in an alarming context.19

Between 1896 and 1900, adopting a strategy previously used by the anti-slavery and temperance movements, humane advocates made three attempts to pass legislation to regulate animal experiments in the nation’s capital. Several times, these bills were accompanied by similar initiatives that aimed at the unethical use of human subjects in non-therapeutic procedures. Washington was a major center of research and testing, home to many government laboratories that used animals. The regulationist initiative proved threatening enough to draw a new generation of experimental physiologists into the defense of vivisection.20

19 This is the subject of Susan Lederer’s Subjected to Science and her articles, “‘The Right and Wrong of Making Experiments on Human Beings’: Udo J. Wile and Syphilis,” Bulletin of the History of Medicine 58 (1984), 380-97; “Hideyo Noguchi’s Luetin Experiment and the Antivivisectionists,” Isis 76 (1985), 31-48; and “Orphans as Guinea Pigs: American Children and Medical Experimenters, 1890-1930,” in Roger Cooter, ed., In the Name of the Child: Health and Social Policy, 1870-1940 (London: Routledge, 1992), 96-123. Walter Cannon’s biographers, decidedly less sympathetic to animal advocates, nevertheless concede that anti-vivisectionists correctly identified an abuse of human patients that initially went unchallenged by the medical community; see Benison et al, Cannon, 176-78.

As Leffingwell noted, the District of Columbia proposals did not encompass scientific inquiries concerning antitoxins, inoculation, and other bacteriological investigations. They did not interfere with tests of drugs or medicines. They called for the licensing of experimenters and the limitation of sites where experiments could be conducted. In addition, they required the use of anesthetics during the entirety of any experiment, and stipulated that any animal experiencing or likely to experience pain after the procedure be humanely killed before recovery. The legislation prohibited all painful classroom demonstrations. Finally, the cat, dog, horse, ass, and mule were excluded from use unless the experimenter could certify that no other animal would do.21

Dr. William Welch (1850-1934) of the Johns Hopkins University Medical School coordinated the campaigns to defeat the federal bills advanced in this period, and he did so masterfully. While the regulationist bills had little or no chance of passage, Welch and his colleagues treated each one as a critical threat to the reputation and future of medical science. The defense of animal experimentation was part of a larger project to vindicate the value of laboratory science in medicine, and to educate legislators, medical professionals, and the public alike about the new fields of bacteriology and immunology.22

Although there was the rare occasion on which a scientist might concede the desirability of substituting "legal regulation for individual discretion," the most common


attitude taken in all of the battles over experimentation was that such oversight was the first step toward total suppression.23 Yet advocates did not so much see regulation and restriction as part of an opening wedge as a transitional palliative, as the mission statement of one regulationist organization made clear:

[Vivisection] cannot be prohibited at this time. We believe the day will come when science will find a way to do all that is now accomplished by this means, and to do it without recourse to cruelty. In the meantime, we do believe that it is possible to overwhelmingly reduce the number of victims sacrificed by very unscientific experimenters and to insist on the use of such anesthetics as shall prevent suffering.

Through this approach, the statement continued, over the long term, the subject could “be put to death painlessly.”24

Medical experimenters, on the other hand, saw the matter differently. The extreme hostility and skepticism that many supporters of the bill demonstrated toward any animal use, Welch suggested, left scientists no choice but to oppose any attempt to impose a system of oversight that might be controlled by such parties. Welch also argued with conviction that the federal bills would result in the prohibition of certain necessary procedures.25

Medical scientists frequently relied upon the argument that no competent supervisory body existed. Admittedly, the regulationist proposals were rudimentary,


24 William J. Shultz, The History of the Humane Movement in the United States, 1910-1922 (New York: Columbia University Press, 1924), 146-47. In their uncritical rush to adopt experimenters’ argument about the opening wedge, scholars in the history of medicine have failed to consider the sincerity, viability, and reasonableness of the regulationist proposals. It is worth noting that both Shultz and Roswell McCrea, each the author of a non-partisan analysis of humane work in the early twentieth century, judged regulationist approaches “apparently sincere.” See McCrea, Humane Movement, 123, n. 2.

incomplete, and in some particulars poorly conceived. Moreover, they placed sweeping oversight over government laboratories that served the interests of the entire country with a group of local officials from the District of Columbia. Nevertheless, the District of Columbia bills were in step with the times. In fact, the proposals' resonance with Progressive-era ethos of regulation and rationalization probably accounted for some of the support they received. During the successive legislative attempts of 1896-1900, six Supreme Court justices and a substantial number of clergymen, academics, and physicians endorsed the regulationist approach.\textsuperscript{26}

While dwelling on the obvious imperfections in the rudimentary system of regulation laid out in the bills, Welch and his colleagues overstated the case with their claim that regulation was unworkable. If the scientific community had acquiesced to some kind of oversight, an acceptable cadre of qualified professionals (like those veterinarians who would comprise the core of the Department of Agriculture's meat inspection services) could surely have been trained for the task. In the same vein, scientific objections about the anesthesia requirement might have been resolved by further refinement. But the scientists would have none of it.\textsuperscript{27}

At the same time, defenders of experimentation were perfectly capable of misrepresenting the impact of regulation. Nowhere was this truer than in their persistent claims that the Cruelty to Animals Act of 1876 had severely crippled British physiology


\textsuperscript{27} Welch, "Objections to the Antivivisection Bill," 288; and Welch, "Argument Against Senate Bill 34," 1243.
and experimental medicine. This was a claim they usually underscored with an 1898 letter from Lord Lister and anecdotes about others who left Great Britain to conduct their work elsewhere because they were unable to secure licenses to do so at home.28

By 1904, after resounding defeat, the AHA had abandoned the issue of vivisection, and moved on to other priorities. However, other organizations launched serious campaigns in the states where animal protection was strongest—Massachusetts, New York, and Pennsylvania. In these arenas, too, Leffingwell’s regulationist philosophy exerted great influence. The typical formula involved initial introduction of the bills and successive modifications from year to year in order to meet objections by the remonstrant parties. Advocates also sought to strengthen their prospects by conscripting

28 Welch, “Argument Against Senate Bill 34,” 1325-27. Medical historian Gerald Geison concludes that anti-vivisection sentiment and the Cruelty to Animals Act of 1876 played very little role in retarding English physiology. Anti-vivisection, Geison asserts, exerted its most deleterious impact on English physiology before 1870. Paradoxically, he argues, passage of the 1876 Act “may have done English experimental physiology more good than harm.” Gerald L. Geison, “Social and Institutional Factors in the Stagnancy of English Physiology, 1840-1870,” Bulletin of the History of Medicine 46 (1972): 35-36. Although it had the sanction of England’s most important humane organization, the RSPCA, the Act did not really satisfy anyone. Moreover, the leaders of the Association for the Advancement of Medicine by Research (AAMR) successfully persuaded the Home Secretary to rely upon their expertise in administering the Act, regaining, in Richard French’s words, “an all-important degree of autonomy for the medical scientists.” The AAMR worked exclusively in the interests of scientists. Experimental medicine increased exponentially in the years following the passage of the Act, as did the number of licenses issued and experiments performed under its aegis. See French, Antivivisection, 218-19. French’s discussion of accomplishments in experimental medicine implicitly denies claims that the Act retarded British medical science; see pp. 392-405. The evidence for evaluating the impact of the Act is very slender, but on the whole it supports the idea that it was only scantily enforced during its first thirty years of operation. Home Office reports provided no indication of how many license applications it denied outright, or revoked for violations. On the other hand, experiments conducted under Certificate A, which released scientists from the obligation of providing anesthesia, increased at a phenomenal rate. In 1907, doubts concerning the efficacy of the Act necessitated a second Royal Commission on the subject. See French, Antivivisection, 170-76. On the Royal Commission of 1906-1912, see Albert Leffingwell, The Vivisection Controversy: Essays and Criticisms (London: London and Provincial Anti-Vivisection Society, 1908), 324-41; and John Vyvyan, The Dark Face of Science (London: Michael Joseph, 1969), 66-79.
stronger or more enterprising legislative sponsors, or by hiring more effective legal counsel.  

The Massachusetts campaigners were badly overmatched by the many institutions committed to vivisection in that state. Although every year’s legislative campaign brought a few headlines, there was no danger of any of the bills passing out of committee. In a few years, the main proponent of the bills, the New England Anti-Vivisection Society (NEAVS), drew back to a more insular and sectarian medical critique of vivisection, and gave up trying to secure legislation. The MSPCA, though it continued to decry abuse, did not campaign actively on the issue.

Pennsylvania was a different story. Not only did it witness important legislative battles over vivisection, pitting major institutions and enterprising animal organizations against one another. It also saw the first serious attempt to prosecute vivisectionists in court, and a significant round of controversy over pound access and pet theft. The involvement of Caroline Earle White, an able campaigner and the head of both the Women’s Pennsylvania Society for the Prevention of Cruelty to Animals (WPSPCA) and the American Anti-Vivisection Society (AAVS), also ensured that events in the state had the full attention of humane advocates and animal experimenters in other parts of the country.

In the 1890s the University of Pennsylvania laboratories were using 25-50 dogs a week, and, like most other nineteenth-century experimental institutions, it advertised for

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29 Some details of these campaigns are in Saul Benison, A. Clifford Barger, and Elin L. Wolfe, Walter B. Cannon: The Life and Times of a Young Scientist (Cambridge: Harvard University Press, 1987), 171-86.
dogs in local newspapers. The opportunity to supply animals attracted young boys and unemployed men without scruples, and regularly resulted in allegations of pet theft. During the first decade of the twentieth century, the problem of animal theft increasingly drew the attention of humane societies in the larger urban areas. Not all stolen dogs were sold for vivisection; those of good breeding were sometimes spirited away by kennel dealers, and thieves also sold animals individually to other citizens. Nevertheless, animal protectionists felt certain that advertising by the medical schools encouraged an illicit trade.30

Indeed, given this system of procurement, people’s companion animals frequently did end up in research laboratories. A university medical school would buy dogs from any persons who brought them to the door, without attempting to determine the animals’ pedigree or possible ownership. In 1908, Harvard physiologist Walter Cannon, troubled by the persistent accusation that university laboratories were willing to purchase stolen pets, issued a set of voluntary rules for the reduction of such incidents. Attempting to defend the university against such a charge, a Penn physiologist assured Philadelphians that the laboratories wanted only curs, not family pets, for their work.31

In Philadelphia, citizens seeking lost or stolen animals regularly visited the university kennels, a practice the WPSPCA and the AAVS encouraged. During the same period, humane advocates began to address the problem from the supply side,

30 “Comments and Reflections,” JOZ 2 (Jan. 1893), 1, 4-6; “What Humane Workers are Doing,” Our Fourfooted Friends 5 (Nov. 1906), 2; and Anna Harris Smith, “A Stolen Dog,” Our Fourfooted Friends 7 (Oct. 1908), 11-12.

encouraging the police to pursue dog thieves. For a time, the Philadelphia police cordoned off access to the university’s medical research department in order to bring this illicit dog traffic under control. In 1913, the WPSPCA gave a gold watch to the police officer who secured the year’s largest number of convictions for dog theft. Despite such approaches, citizens continued to find their animals in the custody of the Penn kennelmen.32

In 1909, White and her colleagues generated considerable support for a bill that would have limited classroom use of animals to instructors only. In addition, the proposal required experimenters to keep a careful account of the animals they used, the purpose of their experiments, and information on whether or not they had administered anesthesia. Scientists quashed the legislation with the help of Republican political boss Boies Penrose.33

Experimenters used their political influence again in 1911, when the humane movement in the state succeeded in the passage of “The Right of Entry Bill,” authorizing search warrants. The bill provided that a constable, police officer, or humane agent could enter any building on the suspicion that cruelty to animals was taking place therein.


33 AAVS, Ann. R. 1910, 6; Keen to Cannon 10 Mar. 1909, Keen Papers, APS; and Benison et al., Cannon, 286-87.
Frank Rutherford of the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA) told the press that his organization hoped to use the new power to reach cruelty in such out of the way places as coal mines. However, experimenters took no chances, and the bill as approved specifically provided that no warrant could be issued for entry into premises where scientific research was conducted or where biological products were being produced.  

A legislative hearing on several bills in early 1913 was inconclusive but notable for the statements of Samuel Geyer, kennel keeper at the University of Pennsylvania, and Henrietta Ogden, a humane worker who had secured access to the kennels over a long period. Geyer related that he had complained about inadequate conditions for a long time but that his superiors had paid no attention.

The House committee did not report the bills. In June, however, in another pioneering action, the WPSPCA acted on Geyer's revelations to institute a prosecution. Dr. Joshua Sweet, assistant professor of surgical research at the University, and five other professors were indicted under the 1869 cruelty to animals statute based on sworn affidavits by two sisters, Henrietta and Bertha Ogden. The Sweet trial marked the first instance in which an animal experimenter faced cruelty charges before a judge and jury in an American court of law. Having discovered cruelty, White noted, "we should not feel

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35 "Jumping Hard on Vivisection," Phila. Star, 26 Feb. 1913, and "Awful Horrors of Vivisection Told on Hill," Phila. Star, 9 Apr. 1913, Lee Papers, Vivisection SBK 5. Testimony from the hearing is reprinted in the JOZ 22 (Apr. 1913), 61-62, and JOZ 22 (May 1913), 76-78, and 22, 6 (June 1913), 92-94. Geyer's employers had suspected his loyalty for some time; see Pearce to Flexner, 12 Apr. 1913, Pearce Folder # 1, Simon Flexner Papers, American Philosophical Society, Philadelphia, PA [Flexner Papers, APS]. The kennel keeper turned his keys over to a Penn supervisor in the corridor after the hearing.
justified when bearing the title of a Society for the Prevention of Cruelty to Animals, in passing it over on account of the prestige of the University, and at the same time prosecuting any poor man who because of poverty may put too heavy a load upon his horse or drive him when in an unfit condition for work.”

The case centered on Geyer’s clandestine collaboration with the Ogdens. For several years, Henrietta Ogden had been paying Geyer for animals in order to prevent their vivisection, find them homes, or provide a painless death. Over two years, she estimated, she had purchased some 800 dogs. Eventually, however, university officials discovered her collusion with the kennelman and barred her from the premises. For six months thereafter, she had passed through a hole in a fence in order to gain access to the kennels.

When the case went forward, the prosecution did not include allegations of cruelty in the performance of experiments, and the WPSPCA did not contend that vivisection itself was illegal. The trial began on April 15, 1914 in the city’s Quarter Sessions Court; the City Hall courtroom was packed. The prosecution relied on testimony from Geyer, who said that dogs went without medical care and treatment for days after being experimented on, and that they were fed garbage and rotting table scraps.


from the university kitchens. The WPSPCA contended that the experimenters housed dogs, their stomachs removed or their backs crushed, in a crowded room with many others, where they were left to lie on a cement floor strewn with sawdust. Geyer also told of several animals who never received the help their unfortunate circumstances seemed to require. Sweet testified in his own defense, and the court ordered three women ejected after they hissed at some of the defense counsel’s comments.38

For humane advocates, the high point of the Sweet trial came with Judge Amadee Bregy’s charge to the jury, in which he declared that

the law of Pennsylvania does not allow pain and suffering, torment or torture to be inflicted upon dogs for any purpose except the relief of the suffering of the dog itself. They have no right to torture a dog or violate the law as I have read it to you for the purpose of scientific information. The law says that any person that does a thing as I have read it to you, that is, if a person is guilty of wanton and cruel torture of an animal, shall be guilty of a crime. The law does not say they shall not be guilty if they do it for a scientific purpose. Scientific purpose does not excuse cruelty.39

The charge was all the more stunning because Judge Bregy had excluded testimony and evidence about vivisection and the rationale for some of the procedures being performed, underscoring that the experimenters were on trial for alleged cruel treatment after the operations. The WPSPCA’s counsel publicly declared that the judge’s explication was a clear declaration that vivisection itself was a crime under state law, and that the


WPSPCA would soon begin to issue warrants for scientists who experimented on animals.40

The case took a different turn, though, when after many hours of deadlock, the jurors reported that they saw little prospect of reaching a common verdict. One man, it seemed, refused to discuss or to express his opinion of the case with fellow jurors. Besides this, there was confusion as to the meaning of “wanton.” With no verdict after 46 hours of deliberation and balloting, Judge Bregy discharged the jury.41

Plans to retry Sweet and to try his colleagues never went forward. However, Caroline Earle White felt encouraged, because for the first time a court had declared that there was “no legal permission for experimentation upon animals, that whenever it is accompanied by what is proven to be cruelty, we can prosecute and punish under the general State law against cruelty.”42

On the other hand, press reaction to the trial was decidedly hostile toward the WPSPCA, and Cannon, Flexner, and pro-vivisectionist doctor William Williams Keen believed that it had hurt the anti-vivisection cause.43 Researchers publicly claimed

40 “Judge’s Charge Hits Vivisection,” N. Y. Times, 18 Apr. 1914, 3.


42 “Notable Prosecutions,” JQZ 23 (May 1914), 67.

victory in the Sweet affair, believing that newspapers around the country had rallied to their cause by calling into question “the whole hazardous business of attempting to interfere with the beneficent processes of experimental medicine.” Rallying to the doctors, the New York Times noted that “even if guilty, the cause of animal experimentation cannot suffer.” Nevertheless, even without a conviction, the implications of Bregy’s interpretation alarmed experimenters all over the country. The potential for prosecution under extant anti-cruelty statutes in Pennsylvania and other states was an unpalatable risk, and it became an immediate priority. In state after state, experimenters began to seek amendments exempting vivisection from coverage under the laws against cruelty to animals.44

Of all the state level arenas in which vivisection reform surfaced, none exceeded New York in its complexity.45 The situation in New York was complicated by the presence of competing organizations and approaches, a factor that led to confusion, rivalry, and occasional bitterness. New York was also distinguished by the presence of the Rockefeller Institute, founded in 1904 as an institution devoted to biological research, much of which involved animals. From the start, the Institute was a lightning rod for the


45 On the New York campaigns, see Bernard Unni, “'The doctors are so sure that they only are right'”: The Rockefeller Institute and the Defeat of Vivisection Reform in New York, 1908-1914,” in Darwin H. Stapleton, ed., Creating a Tradition of Biomedical Research (New York: Rockefeller University Press, forthcoming).
controversy over vivisection; its founding directly sparked the formation of several new animal organizations.46

The first of the new groups, the Brooklyn-based Society for the Prevention of Abuse in Animal Experimentation (SPAAE), formed in 1907. The SPAAE built its regulationist position around Leffingwell’s ideology, and its principal goal was to bring vivisection in New York under legal control. Its director was an attorney, Frederick Bellamy, and its advisory group included Leffingwell, naturalist John Burroughs, and social gospel minister John Haynes Holmes. Antoinette Gazzam, a woman of independent wealth from Cornwall, New York, paid its operating expenses.47

During its 1908-1914 lifespan, the SPAAE’s object was to “secure legislation which shall restrict the growing practice of vivisection as to limit it to competent experimenters, place it under such control as shall prevent unnecessary cruelty to animals, and render abuse a misdemeanor, without hampering the legitimate advancement of science.” To effect these purposes, Bellamy drafted what was to become the Davis-Lee bill, in 1908. For several consecutive sessions, the Davis-Lee legislation sought to establish conditions concerning the use of animals. It called for the use of anesthesia in experiments, although it provided exceptions for tests of food and drugs, inoculation experiments, studies concerning the communicability of disease, investigations of recovery from surgery, and several other procedures. It prohibited the


performance of experiments for demonstrating facts, when not conducted "as part of the course of study in a regularly incorporated college, or laboratory." Finally, it called for two annual reports, "stating in general the methods and anesthetics used, the number and species of animals used, and the nature and result of such experiments performed during the previous six months," to be filed with the State Commissioner of Health. Entry to laboratories, and the right to initiate prosecution, could only be gained from a Justice of the New York Supreme Court upon the presentation of affidavits or other persuasive evidence.48

The SPAAE's position was greatly strengthened by the endorsement of the American Society for the Prevention of Cruelty to Animals (ASPCA). In a development that greatly alarmed New York area experimenters, the Davis-Lee bill received the public support of the ASPCA Board of Managers, which had grown very wary of the vivisection issue since Henry Bergh's death in 1888. During the period 1908-1912, however, with the founder's nephew, Henry Bergh, Jr., once again active on the board, the ASPCA expressed cautious support for the principle of regulation that would not interfere with "reasonable, proper, and necessary investigation."49

By 1910, however, the ASPCA's internal debate over vivisection had grown contentious. The ASPCA board included at least one staunch opponent of vivisection,


Rush Hawkins, and several strong advocates of vivisection reform, notably Jefferson Seligman.\textsuperscript{50} After board members voted to support a regulationist bill, Bergh spoke out against a proposal calling for a standing committee to investigate the conduct of animal experiments in New York State.\textsuperscript{51} Bergh's recommendation did not prevail, as President Wagstaff and other ASPCA board members joined the SPAAE in calling for a statewide commission to investigate the practice of vivisection in New York. The ASPCA would repeat this call in 1911 and 1912, when versions of the SPAAE bill again came before the legislature. Despite his counsel of caution, Bergh went along with the decision and frequently served as the ASPCA's spokesperson on the subject.\textsuperscript{52}

The other society active at this time was the New York Anti-Vivisection Society (NYAVS), incorporated in 1908 by Diana Belais (1858-1944). Belais was the most combative of critics to emerge in the wake of the Rockefeller Institute's founding. In the early years of her activism, she showed a knack for publicity, which she gained perennially through her "Open Door" rhetoric, which became so powerful in the debate that animal experimenters eventually co-opted it. Belais grew less effective as the years passed, lapsing into an insular medical sectarianism that left her with few supporters and


fewer friends within the established organizations. But in her first years of activism, she was a force to be reckoned with.\textsuperscript{53}

Just as the SPAAE initiative got underway, Belais launched her own legislative campaign, providing for inspection of laboratories by a committee of persons appointed by the state's Board of Regents, half of whom were to be drawn from the roster of the NYAVS. Belais also began a determined campaign against Davis-Lee. Her active opposition to Davis-Lee would hurt its chances in the years ahead, due to the confusion and ill will created by two competing bills that treated the same question.\textsuperscript{54}

Notwithstanding the scientists' efforts, the Davis-Lee bill, endorsed by 700 doctors within the state, was favorably reported out of the New York Senate Judiciary committee, the first time that a restriction bill had ever been released from committee anywhere. Leffingwell and Bellamy both testified, and the reporting of the bill occurred despite attempts by the Medical Society of the State of New York to promote withdrawal of the doctors' endorsements, and the discord created by Belais's NYAVS, whose bill calling for an inspectorate died in committee. Early adjournment of the legislature


\textsuperscript{54} SPAAE, 1907-1909 Report, 9, 15-16. Belais seems to have either alienated or avoided cooperation with other people working on behalf of animals. Sue Farrell's Vivisection Investigation League (1911) began as a splinter faction of the NYAVS. When a number of groups working on the vivisection issue formed the Interstate Conference for the Investigation of Vivisection in 1912, Belais's organization did not participate, nor was she involved with the 1913 Washington conference that brought together most of the other active anti-vivisection and vivisection reform advocates.
frustrated attempts to move Davis-Lee through a comparable committee in the New York Assembly.55

The SPAAE’s Davis-Lee legislation surfaced during the 1908-1909 session as well, along with the Brough-Murray bill, Belais’s proposal, again demanding an inspectorate one half of whose members were to come from the NYAVS roster. This time, Bellamy secured endorsements for Davis-Lee from over 27 humane societies in the state. However, neither bill made it out of committee, as the New York Medical Society rounded up a strong panel of witnesses, including the Rockefeller Institute’s Simon Flexner, to testify at the March 1909 hearings. Again, the confusion arising from two conflicting bills complicated the situation.56

Ultimately, the scientists were less worried about technical-legal challenges than the breaking of ranks. In particular, the 1908-1909 campaign elicited a notable statement of support from William James, himself an experimenter, who expressed his approval of a regulatory framework and his skepticism about the ability of scientists to police themselves without oversight. He issued his letter after a personal exchange with Leffingwell. “Against any regulation whatever I understand the various medical and scientific defenders of vivisection to protest,” James noted. “Their invariable contention, implied or expressed, is that it is no one’s business what happens to an animal, so long as the individual who is handling it can plead that to increase science is his aim. This contention seems to me to flatly contradict the best conscience of our time.” Although

55 The foregoing discussion is based on SPAAE, 1909-1911 Report.
his scientific colleagues were aware of James's longstanding sympathy for that position, his public endorsement of regulation was a severe blow. Walter Cannon, James's former student, was especially wounded by his one-time mentor's charge that researchers were acting without candor.57

Although supporters of the SPAAE and ASPCA certainly would have preferred to see their bill considered separately from those sponsored by the NYAVS, they could not manage it. The consideration of both bills jointly within legislative committees played into a key strategy of the state's pro-vivisection forces, their refusal to acknowledge any differences between the regulationist SPAAE and other groups concerned with vivisection, especially the NYAVS. The assignment of both bills to the same hearing made it easier to lump together all proposals as equally unreasonable. Indeed, Flexner and other scientists did not hesitate to adopt this position in their direct communication with animal advocates.58

Whatever the aims of animal organizations, or the suspicions of the scientists, the legislative sponsors of such legislation did not support abolition. Instead, they expressed their desire to place the right to conduct experiments into the hands of competent professional men operating in accredited institutions. In the same vein, some key supporters of vivisection reform, like John Haynes Holmes, consciously distinguished

57 “Prof. James on Vivisection,” New York Post, 22 May 1909, 4; and Benison et al. Cannon, 198-201. Leffingwell discussed the letter and his meeting with James in An Ethical Problem, 119-222. James expressed an early opinion on vivisection in an unsigned editorial, “Vivisection,” Nation 20 (1875), 128-29. Leffingwell and other critics were aware of James's support for their position at least as early as 1901; see FOZ 10 (Feb. 1901), 5.

58 “Anti-Vivisection Laws are Demanded of Legislature,” N. Y. Herald, 9 Mar. 1911, Lee Papers, Vivisection SBK 3; and Flexner to Frederick Bellamy, 7 Feb. 1913, and Richard M. Pearce to Frederick Bellamy, Feb. 1914, Box 3, Folder 9, RU-UV, 600-1.
between the SPAAE approach and one rooted in dogmatic anti-vivisection in deciding whether or not to retain membership in various societies. 

Ignoring or discounting such perspectives, the pro-experimentation community held nothing back in its attempt to quash legislative threats. Animal experimenters' principal argument was that all restrictive bills should be opposed as "the entering wedge" for a full-blown campaign of abolition. New York's scientific community also attacked proposed legislation by arguing that the 1876 Cruelty to Animals Act had severely inhibited medical progress in that country.

From the scientists' perspective, the ASPCA's active support for regulation was the most threatening dimension of the era's legislative campaigns. In February 1909, three ASPCA board members—Henry Bergh, Gordon Bell, and Jefferson Seligman—met with Flexner and Columbia University physiologist John G. Curtis to exchange views. The scientists took the position that "any restriction on vivisection, no matter how slight, would seriously hamper scientific research." The ASPCA representatives countered with their view that while vivisection was very likely "free from unnecessary cruelty" in the hands of experimenters like Flexner and Curtis, the probability of abuse by others was nevertheless very high, and certainly difficult to stop under the present statute. With some gravity, the committee members reported, "The doctors are so sure that they only


are right and that no one else knows or can know anything about it, that they impressed your committee as imbued with a dangerous enthusiasm."\textsuperscript{61}

After this encounter, the ASPCA committee recommended a system of licensure, a board to pass upon the qualifications of applicants, inspect laboratories, and require and maintain full detailed reports of laboratory procedure. The committee counseled against support for the limitation of classroom demonstration, believing that "vivisection is necessary also to demonstrate to students, facts already known." In this particular, the ASPCA backed away from the longstanding position articulated by Leffingwell, which of course conformed to England's Cruelty to Animals Act of 1876.\textsuperscript{62}

In a critical letter to the \textit{Times} in January 1911, Bergh, Jr. underscored the fact that the ASPCA arrived at its policy after a series of attempts to persuade scientists to support "such legislative measures as would do away with the abuses, but not interfere with the reasonable practice of vivisection." These efforts had failed because of the scientists' "oft expressed ironclad intolerance of any proposed restrictive legislation whatsoever." In the aftermath of the scientists' attack on a bill "merely asking for an impartial State inquiry into the practice of vivisection, as at present conducted," the ASPCA's efforts "to effect any reforms through the cooperation of the medical fraternity ceased," in favor of "active measures to secure that protection to our dumb wards against the infliction of all needless suffering which had justly been denied to them."\textsuperscript{63}

\textsuperscript{61} ASPCA Board Minutes, 14 Jan. 1909, MB 6, 70-71; and ASPCA Board Minutes, 11 Feb. 1909, 75-76, MB 6, ASPCA-NY.

\textsuperscript{62} ASPCA Board Minutes, 11 Feb. 1909, 76.

\textsuperscript{63} Bergh, "In Fight to Stay."
As it turned out, the ASPCA did not stay in the fight. In 1911-1912, the ASPCA participated in one more year of activism to gather signatures and generate support for the SPAAE legislation. After that, recognizing the futility of trying to overcome an increasingly influential cadre of researchers who flatly refused to be regulated, the ASPCA left the fray. More importantly, neither the ASPCA nor any other organization took steps to perpetuate the campaign for vivisection reform once the SPAAE passed from the scene several years later.64

On its own, the SPAAE waged the fight for one more legislative session. As it happened, this was the last run at regulation coordinated by the SPAAE or any other group in New York State. The organization disbanded after this final campaign and was heard from no more. Albert Leffingwell, its principal ideological inspiration, passed away in 1916. Like the SPAAE and the individuals who supported it, the demand for vivisection reform evanesced; it would not resurface again until the 1950s.65

After a decade of effort, vivisection reform had run its course. Only the NYAVS and the VIL remained, and the former, especially, grew ever more dogmatic and shrill in

64 ASPCA Board Minutes. 5 Oct. 1911, MB 6, 162-63; and ASPCA Board Minutes, 9 Nov. 1911, MB 6, 164-65, ASPCA-NY. There was at least one critical change within the Board of Managers that may have contributed to the decision. In the latter half of 1911, a contentious debate about Alfred Wagstaff's continued service as President erupted, leading to a special meeting at which members turned back a proposal backed by Jefferson Seligman, to make the presidency a full-time paid position. In the aftermath of this setback, Seligman, a supporter of vivisection reform, resigned from the Board. See “The Special Meeting,” ASPCA Bulletin 2 (May 1911), 56-57; ASPCA Board Minutes, 9 Feb. 1911, MB 6, 142-43; and ASPCA Board Minutes, 11 May 1911, MB 6, 147-48, ASPCA-NY.

its condemnation of vivisection and modern scientific medicine. Diana Belais pushed the 
NYAVS toward a new strategy, supporting bills that exempted the dog from experiments. 
The humane societies that had fallen behind the SPAAE proposals for reform now 
abstained from further participation, leaving the field almost exclusively to Belais's 
organization.\textsuperscript{66}

Flexner believed that the ASPCA's withdrawal from the issue after the 1910-
1912 campaigns was a critical turning point. That retreat made it possible to maintain 
that there was a legitimate humane movement, which accepted the necessity of 
vivisection, which could be distinguished from the unreasonable anti-vivisectionists, who 
rejected it. The SPAE's proposals, drawing support from the more staid and moderate 
animal organizations, had denied Flexner and his colleagues this important and 
strategically useful claim.\textsuperscript{67}

While the participation of the ASPCA deeply troubled the scientific community, 
the AHA, headquartered in Albany, remained aloof from the conflict. After Stillman 
became its president in 1904, the organization ceased to campaign on the issue and its 
pamphlets on the subject went out of print. Stillman was anxious to avoid controversy 
and kept his dealings with vivisection reform advocates to a minimum. While he never 
offered an unequivocal endorsement of vivisection, Stillman acknowledged some of its

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\textsuperscript{66} Funding for the SPAE probably collapsed. In 1910, Antoinette Gazzam, who supported the 
organization after her mother's death, was the subject of lurid headlines after being sued by another woman 
for alienation of her husband's affections; "Theft of Love by Miss Gazzam Costs $50,000," New York 
Vivisection SBK 2. In a 1914 N.Y. Times article, Bellamy was listed as counsel to the Vivisection 
Investigation League; "Why Go to the Legislature?" N.Y. Times, 25 Feb. 1914, Lee Papers, Vivisection 
SBK 6.

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\textsuperscript{67} Simon Flexner to Cannon, 24 Nov. 1924, Cannon Folder # 6, Flexner Papers, APS.
medical benefits, and at least one defender of experimentation quoted him as having had “too positive and satisfactory [an] experience with serum treatment to doubt its extraordinary curative value.”

For the scientists, driving a wedge between critics of vivisection and the broad mainstream of animal protection societies was an important priority. From about 1909 onward, William Williams Keen attempted to dissuade prominent citizens from serving as honorary vice presidents of the AHA. Unbeknownst to Stillman, Keen exerted his personal influence with President Taft, who threatened withdrawal of his patronage if the AHA permitted any discussion of vivisection at its international conference in 1910. In a move that angered some other humane advocates, Stillman assured the president that the subject would not be on the agenda, and deflected all efforts at the conference to raise it. Moreover, Stillman played into the hands of the scientists, making overtures to reassure them that the AHA would pose them no trouble. At the height of the

68 In 1901, Stillman declared himself in favor of strict regulation, although there is no evidence that he ever campaigned on the issue; see AHA, Ann. R. 1901, 58-59. For his quote concerning antisera, see S. G. Brabrook, “Vivisection of Dogs,” Boston Herald, 2 Sept. 1908, Lee Papers, Vivisection SBK 1. In late 1879 and early 1880, W.O.S. defended vivisection in an exchange of letters published in a Saratoga newspaper. See Henry B. King, “Vivisection Again,” undated letter, Daily Saratogan, ASPCA-NY, SBK 8: 213. Upon his assumption of the presidency, Stillman’s main goals were to establish the AHA as a stable organization and to encourage the growth and cohesion of its smaller member societies. For many of these groups, vivisection was not a concern. They were small operations in communities with no vivisection, just trying to raise money to sustain their most basic programs, manage local animal control, secure and improve their facilities, and build their endowments.

controversy over vivisection regulation and the composition of the 1910 conference, he invited Flexner, Keen, and (apparently) other medical scientists to join the AHA.  

Stillman’s humane colleagues may not have known about his recruitment of experimental scientists to membership. But they were not deceived about the AHA’s retreat from any active role in pursuit of reform. In 1910, Mary F. Lovell, a longtime officer, challenged Stillman to assume responsibility for securing laws to guarantee public access and inspection. In early 1914, J.B.Y. Warner and Frederick Bellamy of the SPAAE went much further. The two issued a circular letter to AHA members, deploring the organization’s refusal to consider any aspect of the vivisection issue during its October 1913 conference in Rochester. What had happened, they wondered, to the organization’s earlier and fruitful inquiries concerning animal experimentation and human experimentation? “Can the great American Humane Association afford to put itself on record as refusing in its so-called and much advertised “Open Forum” even the discussion of any phase of this problem,” they chided, “while it devotes hours of its time to the discussion of such trivial subjects as the proper number of ‘ventilating holes in a work horse’s feed bag’ or the ‘best size of a street drinking trough’?”

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70 Flexner joined; see Flexner to Keen, 9 Nov. 1911, and Keen to Flexner, 2 Dec. 1911, in Keen Folder # 1, and Nathaniel J. Walker to Flexner, 8 Nov. 1911, AHA Folder, Flexner Papers; and Keen to Cannon 16 Dec. 1913, Cannon to Keen, 18 Dec. 1913, Keen Papers, APS.

71 Mary F. Lovell, “An Anomalous Position,” JOZ 19 (Nov. 1910), 127-28. As late as 1912, Lovell, Leffingwell and White were listed as AHA directors.

Vivisection Reform as a Divisive Issue

In the Progressive era, humane advocates who challenged animal experimenters had to confront the rapidly expanding cultural authority of medical science, and the increased political power and influence guaranteed by such éclat. Medical researchers could proudly claim that science was delivering on its promises, and they did so within the aura of credibility conferred by the period’s reliance on experts. Moreover, at precisely the same time that scientific medicine was coming into its own, many anti-vivisectionists and humane advocates were adopting positions at odds with other reform movements. Differences of opinion with the sponsors of certain public health programs, for instance, left some animal advocates isolated from other movements, and created the perception that they were opposed to vital human interests. Over time, its affiliation with sectarian medical beliefs also worked to marginalize the cause. A conviction like antivaccination, for example, placed anti-vivisectionists at odds with reform organizations allied with the United States Children’s Bureau, which promoted inoculation therapies.\(^73\)

If it is difficult to gauge the popularity of anti-vivisection, one can at least say that at the time of the movement’s greatest vitality it was not popular enough to overcome the influence and favor that medical scientists enjoyed with federal and state legislators. By this time, too, the experimentation community had built a network of influence that made it a relatively simple matter to ward off both regulationist and anti-vivisection initiatives. Participating scientists, backed by wealthy and established institutions, were often well-known and well-connected men. Researchers usually managed to kill off threatening

bills in committee before they ever reached the assembly floor where, presumably, constituents might have secured the support of their elected representatives for inspection, oversight, investigation, and other measures.\textsuperscript{74}

Even so, vivisectors took nothing for granted. Diana Belais's 1912 call for an "Open Door" was a compelling catchphrase that disturbed and haunted scientists. Although Belais did not prove effective in the legislative arena, her slogan hung over the debate for many years. In 1920, the medical scientific community actually co-opted the "Open Door" slogan that Belais first promulgated. Under their own "Open Door" policy, research institutions would permit "responsible" officials from animal organizations to tour their facilities. As it turned out, this was not the beginning of a new epoch, as most visitors to laboratories found some strings attached. Contested accounts of laboratory visits, requested or made, make it hard to determine the extent to which an "Open Door" really existed, but the door was never really open to all parties.\textsuperscript{75}


Efforts to combat anti-vivisection also took the form of censorship. On a number of occasions, experimenters persuaded sponsors to exclude anti-vivisection exhibitions from fairs, exhibitions, and other forums. Such exhibits were a special provocation to pro-vivisection advocates, who believed the exhibits highly effective while remaining critical of their inaccuracies. Thus, it became a high priority to suppress them wherever and whenever possible, cutting off one avenue of communication with the public.\textsuperscript{76}

The grant of suffrage to women was an even more serious concern, and Cannon and Flexner worried that anti-vivisectionists might “attempt to stampede the new voters into a hostile attitude toward animal experimentation.” Experimenters took satisfaction in the vote of several women’s clubs to reject resolutions condemning the use of animals in science, which had become an anti-vivisectionist priority.\textsuperscript{77} Referenda in California and Colorado tested both the question of popular support for vivisection and the influence of woman suffrage. Despite the concern they caused, several initiatives in California

\textsuperscript{76} On the provocation the exhibitions posed, see Cannon to Keen, 13 Dec. 1909, Keen to Cannon, 7 Apr. 1910, Cannon to Keen, 25 Apr. 1910, and Cannon to Keen, 20 Nov. 1914, Keen Papers, APS. On active attempts to suppress the displays, see Shultz, Humane Movement, 152-53; Cannon to Keen, 22 Sept. 1909, Keen Papers, APS; Caroline Earle White, “Is this ‘Fair Play?’” JOZ 13 (Apr. 1904), 43; Caroline Earle White, “Salutatory,” JOZ 14 (Jan. 1905), 8; “Anti-Vivisection Excluded in Show,” N. Y. Herald, 6 Feb. 1914, Lee Papers, Vivisection SBK 6; Frederic S. Lee to Pearce, 6 Feb. 1914, Lee Papers; and William Pepper to Franklin S. Edmonds, 14 Apr. 1916, Robert R. Logan to A. R. Rogers, 18 Apr. 1916, and A. R. Rogers to William Pepper, 18 Apr. 1916. Anti-Vivisection Collection, UPARC, UPC 2.3 # 1.

(1915 and 1920) and one in Colorado (1922) failed by two to one margins, ending concerns about the impact of women's voting.  

In a pro-active strategy, advocates of experimentation sometimes penetrated the directorate of humane societies to ensure that vivisection did not come onto the agenda of any organization operating near a research institution that used animals. It was not always necessary for researchers themselves to sit on those boards, however. By the 1930s, the Rockefeller Institute had its own factor on the ASPCA board of managers, Secretary Richard Welling, a Wall Street attorney uneasy about the ASPCA's positions. who frequently consulted with representatives of the Institute in order to neutralize support for regulationist proposals. 

In some cases, experimenters went further, attempting to compel relinquishment of impounded animals for use in research, testing and education. In communities with medical research institutions, however, the AHA's Stillman thought that pound access campaigns would have a negative result for scientists, by lining up more and more humane societies against experimentation. It would certainly be bad from a practical standpoint. If local legislation mandated the turnover of animals from pounds and shelters, Stillman believed many societies would give up municipal animal control.


79 Johns Hopkins University president Daniel Coit Gilman joined the Maryland SPCA with precisely this aim; see Gossel, “Welch,” 400-1. On the ASPCA situation, see Alexis Cartel to Flexner, 3 June 1932, Richard Welling to Peyton Rous, 7 July 1932, Rous to Welling, 5 Oct. 1932, and Welling to Rous, 25 Apr. 1934, Folder 3, Box 18, RG-600-1, RAC.
returning the pound facilities to the horrible conditions that prevailed before animal organizations took them over. 80

The fight over pound animals, always controversial, intensified after World War I, as biomedical research expanded. By the early 1920s, experimenters were less hesitant to seek access to pound animals, a convenient, cheap, and limitless supply. A test campaign in St. Louis emboldened the national research community. Before long, researchers around the country were pursuing pound access aggressively. In 1923, Columbia University researchers even approached the ASPCA with a proposal to take unwanted animals for use in experiments. 81

Never confident of unequivocal public support for their work, animal experimenters acted defensively and even deceptively well into mid-century. For example, in the more than two decades of his tenure at the Journal of Experimental Medicine, beginning in 1921, the Rockefeller Institute’s F. Peyton Rous altered the details, numerical figures, illustrations, and descriptions of experiments likely to provoke anyone concerned with the welfare of animals. On occasion, too, researchers quietly took

80 “A Retrograde Movement,” JOZ 16 (Feb. 1907), 20; and “Pound Dogs and Medical Research,” JOZ 26 (May 1917), 58.

measures to address the issues that their critics had identified, without publicly acknowledging the source or validity of such criticism. 82

Yet this evidence of self-consciousness on the part of experimentalists does not warrant scholarly claims that posit great continuity and a robust anti-vivisection impulse between 1920 and 1950. Certainly, right through the early 1930s, bills to secure dog exemption surfaced in a few state legislatures—notably New York's—more or less annually. However, none of these made it out of committee, nor did they generate great alarm on the part of experimenters. 83

Nothing like the mobilization necessary between 1896 and 1914 was required, and, by the early 1920s, researchers were confident that they needed to spend only an afternoon or two at the state house to quash such initiatives, informed by vigilant observation of the anti-vivisectionists' publications and activities. "I no longer fear the

82 Lederer, "Political Animals," 69-79; Benison et al, Cannon, 183-85; and Lederer, Subjected to Science, 73.

outcome of any hearing which may be given to these people," Cannon wrote Flexner in
1925, "but I still think it is important to keep careful watch of them."84

Most historical works addressing the subject have examined the implications of
anti-vivisection for the development and evolution of medical science. Within a
historiography of the humane movement, however, vivisection might be framed as one of
the arenas in which the status of animals, and especially companion animals, was being
contested between 1870 and 1930. Humane advocates were not just battling over the
value, meaning, and future of experimental physiology; they were also supporting a
particular vision of the status, function, and worth of non-human animals. Kindness,
mercy, and a sense of duty toward animals were in critical conflict with an emerging
paradigm of scientific medicine that accompanied the advent of a complex industrial
order. Nowhere was this contradiction more evident than in the division of companion
animals into two groups--those who would be humanely cared for or destroyed, and those
who would be experimented upon. From the earliest, animal experimenters politicized
shelter work by demanding the surrender of dogs and cats. Pound seizure thus assumed
both practical and symbolic importance for humanitarians and their adversaries.
Ultimately, of course, modern medical science provided the only arena in which the
premeditated infliction of pain and suffering upon dogs and cats was tolerated and
protected by the law.

84 Flexner to Irving Fisher, 9 Nov. 1913, Fisher Folder # 1, Cannon to Flexner, 7 Nov. 1925,
Cannon Folder # 6, and Frederic S. Lee to George W. Whipple, 17 June 1917, Frederic S. Lee Folder # 1,
Flexner Papers, APS.
While the vivisection issue did not cause much open conflict within the humane movement, it did generate tensions that divided animal advocates and prevented the development of a coalition strong enough to promote successful reform. The AHA's abandonment of the vivisection issue after William Stillman took over from Albert Leffingwell as president was a key juncture. Stillman assumed control with the goal of making the AHA the national voice of humane societies throughout the land. He acquired extraordinary influence over the organization's management, and the AHA acted more upon Stillman's own priorities and inclinations than on any coherent or democratically agreed upon agenda. There was no real deliberation within the AHA about policy in regard to experimentation. Stillman pursued friendly contact with experimenters that almost certainly would have antagonized his humane colleagues had they known about it. His decision to withhold support for any measures concerning vivisection played into the hands of research advocates by removing the humane movement's principal umbrella organization from any active participation in the debate.

To its credit, the AHA at least had a history of engagement with federal initiatives. The same could not be said of the major humane societies, whose "lukewarmness" on the vivisection issue Caroline Earle White lamented in one of her last editorials. She specifically named the three pioneering organizations--the ASPCA, MSPCA, and the PSPCA--as having failed to initiate regulatory legislation in the United States Congress, speculating that concerns about their popularity and financial base might
have inhibited their energies. Anti-vivisection, White noted, had become the province of less influential organizations dominated by women.  

Tellingly, the situation in Pennsylvania—where White was a dominant figure in both an anti-cruelty society and an anti-vivisection group—changed dramatically upon her death. As long as she was alive, the WPSPCA and the AAVS were closely allied, with overlapping management. There had never been any obvious tension in the arrangement, and on occasion there were real advantages. White initiated the prosecution of Sweet under the authority of the WPSPCA, taking advantage of enforcement power that the AAVS lacked. Yet the distancing of the WPSPCA from the AAVS commenced almost immediately upon her death. The two organizations that had worked together closely under her leadership, drifted apart, no longer sharing quarters, management, or journal. Under Francis Rowley, once a strong regulationist, the MSPCA also moved steadily away from engagement with the issue, despite occasional expressions of concern about unnecessary cruelty in experimentation.

These developments notwithstanding, the split between humane societies and anti-vivisection advocates was not the result of serious disagreement over the ethics or
the utility of vivisection. Nor did it represent broad enthusiasm about animal experimentation within the humane community. Humane societies did not so much join in the repudiation of anti-vivisection as acquiesce to the local political pressures brought to bear upon them by university researchers and government authorities. In some cases, a failure to cooperate could have meant total revocation of their authority over local pounds and/or municipal animal control. The risk of losing any stake in the reform and humane operation of these functions was too great.88

The Defeat of Anti-Vivisection and Vivisection Reform

Between 1890 and 1920, vivisection's critics advanced a number of initiatives to restrict or regulate animal and human experimentation. In the 1890s, humane advocates leveled a well-publicized indictment of classroom vivisection that politicized the use of animals in painful demonstrations of known facts. In the following decade, they pursued federal and state legislation aimed at restriction and regulation, and both anti-vivisection and vivisection reform gained considerable publicity even as they failed to register the political victories their adherents sought. In these initiatives, animal protectionists combined their ambivalence about experimentation's cost to non-human animals with a potent charge of human vivisection.

In almost all cases, however, animal advocates failed, while scientists determined to prevent any external oversight or restrictions of animal use succeeded. Despite the scientists' public claims and private anxieties, neither anti-vivisection nor reform-

oriented approaches ever seriously threatened animal experimentation. Although the movement to control vivisection gained modest momentum during the 1890s, and retained a critical influence for several decades longer, its adherents suffered decisive losses in virtually every one of their political initiatives.

Some historians argue that experimenters did institute internal reforms, through the mechanism of Walter Cannon's AMA Council on the Defense of Medical Research, founded in 1908. One of Cannon's first acts as its head was to promulgate a set of voluntary codes for circulation to laboratories around the country. In developing the code, Cannon was motivated by his desire to blunt anti-vivisectionist criticism as well as to convince legislators and the public that the medical community was earnest about self-regulation. However, beyond the initial endorsement of the institutions to which Cannon appealed, we lack historical evidence of compliance with higher standards of animal care within these institutions. Without documentation, there simply is no ground for the claims of the medical science community to a long tradition of successful self-regulation.89

By the time Cannon resigned his position as coordinator of the AMA committee, the regulationist societies had disbanded, and the AHA and the major urban humane societies had thoroughly backed away from the issue. A few anti-vivisection organizations, gaining large bequests, certainly survived, but they pursued an insular course, corresponding with their faithful members but having very little impact on public

debate. In 1919, the AAVS, the most established, had only a few hundred members.90 Diana Belais carried on, but with very little public impact, and folded her organization in 1932, citing battle fatigue and lack of funds. A decade later, the Vivisection Investigation League, Sue Farrell's splinter group, died with her.91 Meanwhile, the growth of animal use in research, testing, and education exploded during the middle decades of the twentieth century.

The decline of anti-vivisection and vivisection reform encompassed a sequence of related events in the political, scientific, and cultural spheres. It was not the instant recognition that experimentation was beneficial—stemming from the rabies treatment, or the diphtheria vaccine, or some other development—that ensured its acceptance. The establishment and legitimization of vivisection as a scientific enterprise in the United States was an extended process that began in the 1890s, when the first significant breakthroughs attributable to animal experimentation were trumpeted, and the first sustained legislative challenges against it were defeated. The progression of events was complete by the mid-1920s, when the threat of state-level referenda carried out after women gained the right to vote subsided, and the dramatic use of dogs by Banting and

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90 It was especially galling to experimenters that the anti-vivisection societies were able to ensure their survival as bequests in support of their work came in; see Walter B. Cannon to Keen, 21 Feb. 1910, Keen Papers, APS. They also worried about targeted bequests to humane societies made in support of anti-vivisection objectives, like the major gift of Brigadier-General Rush Hawkins to the ASPCA. See Cannon to Flexner, 17 Dec. 1920, Cannon Folder #2, and Cannon to Flexner, 20 Nov. 1924, Cannon Folder #6, Flexner Papers, APS; "Vivisection," N. Y. Herald, 18 Nov. 1920; "Hawkins' Gift Said to Be Unrestricted," CSM, 24 Nov. 1920, 4; "Anti-Vivisection Hawkins Bequest," CSM, 13 Dec. 1920, 10; and "Lotta and the Press," Starry Cross 33 (Oct. 1924), 148. In 1924, the AAVS had enough money to purchase a building with display windows, situated between the University of Pennsylvania and a slum district whose inhabitants frequently brought animals to the medical school gates; Starry Cross 33 (Apr. 1924), 53-54. On the AAVS membership, see Robert R. Logan, "President's Address," Starry Cross 28 (Apr. 1919), 54.

Best persuaded many observers that even man’s best friend must not be exempted from invasive experiments. The whole course of discoveries and benefits presumed to result from animal experimentation over this same of time made Americans receptive to the argument that it was essential.\footnote{For attempts to assign a more precise historical moment for the demise for anti-vivisection, see James Turner, *Reckoning with the Beast: Animals, Pain, and Humanity in the Victorian Mind* (Baltimore: Johns Hopkins University Press, 1981); 114-15; Lederer, “The Controversy over Animal Experimentation in America, 1880-1914,” 242-44, and Bert Hansen, “America’s First Medical Breakthrough,” *American Historical Review* 103 (Apr. 1998), 413.}

However, public approval alone was not enough. It was still necessary for researchers to codify a positive right to research and the exemption of experimental institutions from anti-cruelty statutes. Moreover, they still needed to secure the defeat of proposals for investigative commissions, reporting mandates, inspectorates, anesthesia requirements, dog exemptions, and any kind of scrutiny by government agencies or humane advocates. Experimenters could not feel fully protected until after the threatening federal and state-level initiatives of the period 1900-1914 were defeated, the prosecution strategy embodied in the Sweet case was closed off, and the referenda held under woman suffrage turned back. Only when all of these routes to regulation and/or restriction were proscribed could experimenters rest easy.

Historians of science and medicine, by and large, have not been kind to the critics of vivisection, perhaps because many of those who became active in either anti-vivisection or vivisection reform tended to be skeptical and dismissive of the actual or potential benefits of animal experimentation. Although such critics were not alone in
expressing their doubts, this tendency has led some authors to cast them as anti-modern, anti-science, and misguided.  

Sometimes, no doubt, this may have been the case. However, in making such judgments, contemporary scholars have overlooked, just as the scientists did, the important distinctions that such critics drew between their respective positions about the appropriate methods and extent of regulation or restriction. Historical scholarship consistently slights the moderate factions, leaving them out of the story or characterizing their approach as an “entering wedge” strategy. A more careful consideration of the reforms humane advocates proposed complicates such portrayals, showing that those who wanted to place vivisection under legal control raised ethical questions that—in recent years—we have taken up in earnest. In important respects, they were ahead of their time, neither anti-modern nor dogmatic. Indeed, they sought the kind of regulatory framework that the federal Laboratory Animal Welfare Act (1966) and subsequent revisions imposed half a century later. They were ahead of their time in asking for external oversight of experimentation, an approach that eventually gained the approval of many scientists, legislators, and members of the public at large.

93 This is the approach one might expect from admiring chroniclers of experimental physiology and scientific medicine. See Thomas A. Woolsey, Robert E. Burke, and Susan Sauer, “The Playwright, the Practitioner, the Politician, the President, and the Pathologist: A Guide to the 1900 Senate Document Titled Vivisection,” Perspectives in Biological Medicine 30 (1987), 235-58; Benison et al, Cannon; and Michael Bliss, The Discovery of Insulin (Toronto: University of Toronto, 1982). Actually, an individual’s attitudes toward animal research more readily correlate with his/her attitudes toward animals than with his/her faith in science. In a series of studies conducted between 1979 and 1982, individuals who expressed concern about animals, regardless of their feelings about science and scientific progress, were more likely to be concerned about animal use in research, testing, and education. See H. Takooshian, “Opinions on Animal Research: Scientist vs. the Public?” PsyETA Bulletin (Spring 1988), 5-9. As Susan Lederer and Patricia Gosset point out, anti-vivisectionists’ skepticism about the fruits of bacteriological science, especially inoculations, were shared by many other Americans, including physicians. See Lederer, “The Controversy over Animal Experimentation in America, 1880-1914,” 242; and Gosset, “Welch,” 417-18.
A more balanced historical scholarship would also acknowledge that some of the claims and arguments put forward by researchers in the battles over vivisection were deceptive or plainly wrong. They routinely mischaracterized the details of regulationist proposals in order to discredit them. They overstated the nature, extent, and impact of British regulation. Finally, they would never publicly admit, as they sometimes conceded to one another, that not all anti-vivisectionist charges were ill founded. Ultimately, animal experimenters killed off reform measures that would have required them to register their facilities, obtain licenses, and provide statistics concerning the species and the numbers of animals used, and particularly those used in painful procedures. Determined to oppose all surveillance and accountability, they emphasized the benefits of experimentation as a trump card against any genuine scrutiny or oversight.

In 1914, an ailing Albert Leffingwell presented his final thoughts on the subject in An Ethical Problem, intending the work to be his own valedictory. Unfortunately, the book proved to be a valediction for the cause to which he had devoted almost four decades. Leffingwell's hopes that someone else would pick up the torch he had carried were disappointed, as half a century would pass before others took up the case for regulation, and overcame the spirited opposition of the medical and scientific community. By that time, scientific claims for complete freedom and autonomy in the conduct of research could be tested against a longer record of allegations concerning poor conditions and neglect of animal welfare in medical experiments and institutions. By then, too, the

94 Keen to Cannon, 6 May 1910, Keen Papers, APS.

95 Joseph Lawrence to Peyton Rous, 13 Feb. 1933, Folder 6, Box 15, RG 600-1, RAC; and Gossel, "Welch," 407-8.
need for such oversight was urgent, and the argument that there were ethical norms that society itself, rather than the medical science community alone, must determine, impose, and enforce, fell on more receptive ears.\textsuperscript{96}

\textsuperscript{96} Leffingwell, \textit{An Ethical Problem}, xiv–v.