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#### Recommended Citation

Humane Information Services, Inc., "(No. 06) – Laboratory Animal Legislation" (1968). *Report to Humanitarians. 4.*

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# Humane Information Services

Incorporated

A NON-PROFIT SOCIETY FURNISHING INFORMATIONAL MATERIALS  
FOR USE IN PROGRAMS FOR THE HUMANE TREATMENT OF ANIMALS

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## The Christmas Spirit and the Plight of Laboratory Animals

One hundred million laboratory animals in this country each year face continued needless suffering and painful death because humanitarians will not apply the Christmas spirit of good will to each other.

The 90th Congress adjourned in October without acting to provide protection for laboratory animals.

This legislation was not defeated by lobbyists for the medical interests carrying on their devious machinations in the back rooms of Congress.

It was not defeated by Democratic or Republican politicians unsympathetic with the plight of laboratory animals.

It was not defeated by a public indifferent to animal suffering.

It was defeated by humanitarians.

It was defeated by those who profess to put their compassion for suffering animals above everything -- except their stubborn pride, their organizational jealousies and even hatreds, their personal prestige and emoluments, and their constitutional right to substitute emotion for facts and logic as the basis for forming judgments and guiding action.

Now, Christmas is almost upon us. It is a time for rejoicing, and for good will toward men, women, children -- and animals. Can we not put aside, at least for this Christmas season, the passions, the prejudices and the intransigence which have governed the consideration of laboratory legislation by some humanitarians in the past, and examine this whole subject in the real spirit of Christmas?

## LABORATORY ANIMAL LEGISLATION -- WHERE DO WE GO FROM HERE?

Many humanitarians who supported the Rogers-Javits bill in the 90th Congress are asking, Is this just one more in a series of disappointments, and must we look forward to more futile efforts in the next Congress, and the next, until we simply tire of the battle and quit trying to get protection for laboratory animals? Is there anything we can do in the 91st Congress starting in January to insure passage of satisfactory laboratory legislation?

Others who opposed the bill may be celebrating its failure to pass. But what do they now propose -- to postpone any further effort for an indefinite period of time, while each year those millions of laboratory animals continue to suffer without any protection? Some of these opponents may now be asking themselves, What constructive action can we now offer, as a substitute for the Rogers-Javits bill?

These are the principal questions now uppermost in the minds of both supporters and opponents of the Rogers-Javits bill. In order to arrive at a satisfactory answer to them, it is first necessary to (1) review what has happened to date, and the reasons why Congress has not acted on laboratory legislation; (2) examine the alternatives open to us in dealing with the 91st Congress.

## WHAT HAS HAPPENED TO DATE — AND WHY

erious attempts to obtain legislation for the protection of animals in laboratories have been under way for a decade. During that time, those in the humane movement who have had the responsibility for doing the actual work of preparing suggested legislation and trying to shepherd it through the Congress have gained a great deal of experience and insight in regard to what can and cannot be done, the prospective effects of alternative provisions of such legislation, and the most effective means of persuading Congress to act.

Many humanitarians continue to blithely ignore all of this experience, and to insist that this or that be done in total disregard of what is possible and of what alternative means may be available for dealing with the same specific problems.

Because leaders in the humane movement, some of whom are governed partly by considerations far removed from the actual welfare of animals, issue contradictory statements of both fact and reasoning with respect to laboratory legislation, individual humanitarians are unable to rely upon their usual practice of "follow the leader", without risking being led entirely astray. It is not easy for the poorly-informed individual animal lover to distinguish between those who are motivated by a genuine concern for the animals and those who act for selfish personal or organizational reasons. They find it hard to determine which leaders have taken the great amount of time that is necessary to fully inform themselves about the highly complex questions involved and those who content themselves with using half-truths and superficial but plausible arguments without really understanding the many facets of the laboratory animal problem. Above all, they are unable to differentiate between those leaders who understand the legislative processes and those who have a naive conception of how legislation is produced.

### Some Things That Have Been Learned

During this decade of experience in trying to obtain laboratory animal legislation we have learned the hard way what anyone familiar with the legislative processes and the state of mind of the American public and of organized medicine could have told us at the beginning:

- 1) It is impossible, now or in the foreseeable future, to pass legislation to which the entire medical fraternity is solidly opposed. If we are to obtain any law for the protection of laboratory animals we must have the support of at least some leaders in the scientific community and some organizations interested in medical research. To say, as some humane leaders have, that we should not support any bill which any medical researchers or medical organizations will accept is to doom the effort to certain failure from the beginning. On the contrary, we must do everything possible to seek the support of the many right-thinking scientists who agree that the present situation in the laboratories is inexcusable and that voluntary effort alone will not curb the abuses. Yet, anyone who tries to obtain the sympathetic consideration and support of scientists or scientific organizations is in danger of being accused of treason by extremists in the humane movement.
- 2) No legislation will be obtained, now or in the foreseeable future, which would eliminate all pain or require anesthesia of all animals used in painful medical experiments and tests. The medical people can demonstrate to the complete satisfaction of the American public and of Congress that some laboratory operations conducted for purposes which the public and Congress consider to be essential for the welfare of human beings necessitate inflicting pain. People simply will not place the welfare of animals above that of people. They will not discontinue certain painful uses of animals in drug testing so long as they believe that there are no alternative means of insuring the safety of drugs for human use. They will not agree to stop experiments designed to find the cause and cure of cancer because they involve the infliction of pain upon animals. They will not stop experimental surgery on animals designed to advance surgical techniques benefiting humans. The public and Congress will not accept humanitarians' evaluation of what experiments or tests are potentially useful or necessary. They will agree only to the elimination of unnecessary pain, that is, pain which can be avoided without defeating the essential purposes of a "necessary" experiment or test. It must be emphasized, however, that within these limitations a very large part of the suffering of laboratory animals can be eliminated by carefully-drawn legislation, as will be shown in a later section of this Report. It is failure to understand these possibilities, which make much of

the pain experienced by laboratory animals "unnecessary", that has caused so much distress among humanitarians who know little or nothing about laboratory procedures and the pain-reducing potential of the improvements sought. This causes them to think that any law which permits "necessary" pain would not accomplish anything. Such beliefs are not founded on facts, but upon emotional reactions.

- (3) Many humanitarians unfamiliar with the nature of laboratory operations misconstrue the relative importance of various sources of animal suffering in the laboratories and the relative potentials of improvements in procedures. Some appear to believe that the all-important thing is the housing and care of the animals while in the laboratory, although this is only one relatively minor phase of the problem. Others over-emphasize the kind of highly painful experiments such as the use of the Noble-Collip drum and the stereotaxic instrument which have been so widely publicized in the humane literature. All of those best-known and most widely-denounced experiments put together do not account for a large fraction of the suffering which is involved in such relatively unpublicized laboratory procedures as the testing of drugs. This failure to understand the relative importance of different sources of animal suffering in the laboratories led, for example, to widespread support by humanitarians of one laboratory bill which would have given no protection whatever to the animals used in drug production and testing. The over-emphasis on housing and care has led many humanitarians to the completely unwarranted conclusion that passage of Public Law 89-544 was a long stride in the protection of animals in laboratories, merely because it provided for standards of housing and care for some of the animals in some of the laboratories before experimentation begins. Until humanitarians learn to differentiate between these various pain-producing laboratory operations, or are willing to take the word of humane leaders who have really studied this question in detail, they will continue to insist on unimportant provisions of laboratory bills and to refuse to support bills which provide effective protection for most laboratory animals.
- (4) If we are to obtain any effective legislation, humanitarians must be willing to "compromise" with those who are in positions of power and who have views different from ours. Many times humanitarians have denounced proposed laboratory legislation because it was a "compromise". This attitude is not "courageous", but stupid. It indicates, not "intellectual integrity", but a complete lack of understanding of the democratic processes upon which our Government operates. All legislation in this country is a compromise of differing viewpoints. Only in a totalitarian state can laws be "passed" which represent only a single viewpoint. The various interests which successfully pursue legislation fully understand this, and seek the best compromise they can get. Humanitarians are not now, and never will be, exempt from this requirement. Those who "oppose any compromise" would doom the animals to continued suffering merely to preserve their delusion that they are "fearless fighters in behalf of poor, defenseless animals". Actually, they are fighting against the animals, not for them.
- (5) We cannot expect Congress to act on the basis of some idealistic conception of humanitarianism. Even the most sincere and kind members of Congress are highly pragmatic in viewing the effects of proposed legislation upon their political careers. If they were not, they would soon be out of Congress. We have learned that we must work with Congressmen who will work with us. Many humanitarians have written to us saying that they would not support any bill sponsored by such-or-such a Senator, because at sometime in the past he opposed certain humane legislation, or for similar reasons. That is a good way not to get legislation passed. As successful politicians do not refuse the support of any voters, we must seek and utilize the help of any and all members of Congress who support us for reasons either of conscience or of expediency. Sometimes the latter are more important to passage of the legislation than the former, because they have more power.

### Strategy Behind the Rogers-Javits Bill

In assuming the major responsibility for obtaining legislation for the protection of laboratory animals in the 90th Congress, Congressman Paul G. Rogers of Florida based his strategy on four key points.

First, was the preparation of a new bill which would go just as far as possible in eliminating the suffering of laboratory animals yet at the same time win the support of Congress. The new

ill was based upon the previous very strong Rogers bill and upon several others which had been proposed by very influential members of Congress. The more widespread acceptance of this new bill in Congress than of any previous bill was indicated by the fact that 38 co-sponsors were obtained in the House and Senate, more than for all previous bills combined.

Secondly, a sincere attempt was made to win the acceptance and cooperation of some important elements in the medical field. Patient and effective work by Congressman Rogers, assisted by a number of individual humanitarians and sympathetic individuals in the medical research field, resulted in endorsement of the bill by two scientific organizations, including the very influential New York State Society for Medical Research. This led to erroneous rumors among humanitarians that the scientists had written the entire bill. It also caused some humanitarians to believe that the National Society for Medical Research had given its support to the Rogers-Javits bill, which is quite contrary to the facts. We only wish it were true! Such erroneous statements about the bill have been circulated among and believed by some humane organizations and individual humanitarians, to an extent which is astounding. Recently, Humane Information Services received a very-well-written letter from a Massachusetts humanitarian in which the writer gave four reasons why we should have opposed the Rogers-Javits bill, one of which was that the bill is supported by the NSMR. We have no doubt that she herself believes sincerely in the truth of what she wrote. Actually, all of the four reasons given by our correspondent were based on misinformation and a few half-truths, which shows how easy it is for sincere people to be misled.

The third important element of Congressman Rogers' strategy in seeking passage of the Rogers-Javits bill was an attempt to win the united support of the humane movement. After the bill was prepared in preliminary form, Congressman Rogers called a meeting of humane leaders to consider the draft and make suggestions for changes. But some of these leaders either did not attend this meeting, or came to it already openly opposed, before they even had an opportunity to read the draft. If the strategy of the bill's supporters can be said to have been faulty on any point, it was this. If the opposing humane leaders had been brought into the councils at an earlier date, had not, as it appeared to them, been asked in to endorse a fait accompli, they might not have opposed the bill so vigorously. This point is debatable, considering the sorry history of attempts to achieve more unity in the humane movement. But in any event, the failure to achieve unity proved to be the Achilles heel of the bill. All humanitarians are familiar with the violently conflicting statements of "fact" and reasoning, and urgent appeals to write to Congress for or against the bill, which followed its introduction.

Fourthly, the approval of affected departments of the Executive Branch of the Government was sought. No previous bill had been so approved. Individual scientists and administrators in the Department of Health, Education and Welfare, which administers much of the Government's medical research and is in charge of making grants to medical researchers, first were won over. Finally, the Department of HEW gave its official approval to the bill, and let it be known that it was willing to leave it up to Congress as to what agency would administer the Act if the bill were passed. The Department of Agriculture also approved the bill, as did the Bureau of the Budget. Without such approvals the bill would not even be considered by the Chairman of the House Committee on Interstate and Foreign Commerce who has complete power over the bill in the House of Representatives. Thus, tremendous progress was made in 1968 in moving the bill along the legislative paths toward enactment.

### Humanitarians' Squabbling Defeats Bill

The disgraceful division within the humane movement with respect to laboratory animal legislation had two results which prevented passage before Congress adjourned in October of 1968: (1) Congress was deluged with letters regarding the bill, but although a majority of the writers were in favor, there were enough in opposition to impress many members of Congress. "How can humanitarians expect us to pass laboratory animal legislation when they cannot agree among themselves as to what they want?", they asked. The bitter altercations among humanitarians gave many members of Congress, including some who professed to favor the bill, an excuse to withhold the kind of active support which was needed. (2) Certain humane leaders with very high political connections in Washington convinced Senator Magnuson of Washington, Chairman of the Senate Commerce Committee, that he should oppose the bill, which he did successfully by blocking its assignment to Committee for hearings, a necessary step for passage. This is reported in the following factual news report which appeared in the Chicago Tribune.

# 2 Wives Block Lab Animal Bill

BY ALDO BECKMAN

[Chicago Tribune Press Service]

Washington, June 30—Two women, one the wife of a United States senator and the other the wealthy wife of an influential public official, have united to stall a humane animal treatment bill, which now has little if any chance of passage.

Ironically, both women, Mrs. Mary Ellen Monrone, wife of Sen. Mike Monrone [D., Okla.], and Mrs. Christine Stevens, wife of Roger Stevens, former Broadway producer and now chairman of the National Commission on the Arts, are animal lovers.

But both are vehemently against a bill, introduced by Rep. Paul Rogers [D., Fla.], aimed at protecting animals being used by research laboratories.

### Backed by Humane Societies

Top officials of the department of health, education, and welfare have indicated their support, the two largest humane societies in the country have indorsed it, and the New York State Research society, representing research laboratories, is for the bill.

But the two women, with their almost endless supply of funds and their impressive contacts in the nation's capital, have virtually killed the bill.

Rogers insists there still is a chance for passage this session, but his is a lonely position. Staff members of the Senate



Mrs. Mike Monrone

labor and public welfare and the Senate commerce committees, which are involved in a jurisdictional fight over the matter, admit it is virtually dead this session.

The announcement this week by Sen. Mike Mansfield [D., Mont.], majority leader, that only major administration bills would be considered in an effort to hasten adjournment all but spelled the death knell for the measure.

### Committees Fight Over It

The jurisdictional dispute over the bill was prompted when Monrone asked Sen. Warren Magnuson [D., Wash.], chairman of the commerce committee, to object to having the bill sent to the labor and public welfare committee, where most bills of this nature are acted upon.

Sen. Jacob Javits [R., N. Y.], the major Senate sponsor of the measure, is a member of the labor committee.

Staff members of the labor committee insist that sending the measure to the commerce committee would be tantamount to killing it, since Monrone could use his influ-

ence as third ranking Democrat.

Magnuson said he objected to the bill not coming to his committee, since a so-called petnapping bill, passed two years ago and aimed at stopping the theft of animals for research, had been cleared by his committee. Monrone was a co-sponsor of that measure.

### Calls It a Precedent

Magnuson argued that the precedent had been set and should be followed.

Supporters of the bill argue that the current bill "stopped at the laboratory door," and, therefore, had nothing to do with medical research, a field handled by the labor committee.

Mrs. Monrone and Mrs. Stevens, leaders of a local humane group with virtually no members but a long mailing list, are strong opponents of any use of animals in research labs.

They have generated thousands of letters to congressmen and senators thru their mailing list, and have insisted that the earlier humane treatment bill be given a chance to work before another is adopted.

They also fear the pending bill might imply some federal sanction of the use of animals for research.

Rogers, who labored long with representatives of both

research and humane groups to draft a bill acceptable to both [heretofore an almost impossible chore], feels sure he can push the measure thru the House before adjournment.

But the logjam in the Senate seems unbreakable. The only way it could be broken, short of one of the committee chairman giving in, is a vote by the entire Senate, an unlikely occurrence since it would require the members to vote against one of their committee chairmen.

Mrs. Monrone and Mrs. Stevens have many friends in the Senate and their very friendships would make the showdown vote unlikely.

Meanwhile, the bill lies dormant in the Senate.

For this clipping we are indebted to Mr. Clarence E. Richard, Managing Director of The National Anti-Vivisection Society.

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## PROSPECTS IN THE 91<sup>ST</sup> CONGRESS

### Effects of the Elections

This is written immediately following the national elections, and not all of the returns are in. However, it appears that the changes will not greatly affect the situation with respect to laboratory legislation in the Senate and the House of Representatives.

Congressman Paul G. Rogers of Florida was re-elected. Mr. Rogers is one of the most indefatigable workers in Congress in behalf of laboratory animals, and his influence as a member of the House Committee on Interstate and Foreign Commerce gives him a key role in connection with both passage of laboratory legislation and subsequent enforcement of any Act. Senator Jacob K. Javits of New York, who is the senior Republican on the Senate Committee on Labor and Public Welfare, and who introduced the Rogers bill in the Senate, also was re-elected.

With the Democrats still in the majority in both the Senate and House, they will continue to control the committee chairmanships. Apparently Congressman Harley O. Staggers of West Virginia will continue as Chairman of the House Committee on Foreign and Domestic Commerce, and Senator Warren G. Magnuson of Washington will continue as Chairman of the Senate Commerce Committee. Senator A. S. Mike Monroney of Oklahoma, a member of the Commerce Committee who was very influential in opposing the Rogers-Javits bill, failed to be re-elected. Senator Lister Hill of Alabama, who has been Chairman of the Senate Committee on Labor and Public Welfare, did not seek re-election. Congressman Claude Pepper of Florida, a strong friend of animals and a member of the important Rules Committee of the House, also was re-elected.

With the exception of a few who did not run for re-election or who were defeated in the primaries, it now appears that practically all of the co-sponsors of the Rogers-Javits bill were re-elected. Senator George Smathers of Florida, a co-sponsor, has been replaced by former Congressman Edward J. Gurney, who was a sponsor in the House. Thus, if all of the former co-sponsors continue as such in the next Congress, the number of co-sponsors in the Senate would remain the same except for the loss of Senator Robert F. Kennedy. It should not be too difficult to find a few co-sponsors in the House to take the place of the few who were not re-elected.

The election of Mr. Nixon as President will bring changes in the executive branch of the Government. His attitudes with respect to animal welfare legislation are not well known, and the campaign has given no key to the position which might be taken by the executive departments of the Government with respect to any laboratory animal bill or bills which may be introduced in the 91st Congress. In any event, according to advices we have received from the office of a member of Congress, it will be necessary for sponsors of any bill similar to the Rogers-Javits bill to obtain, all over again, the approval of the affected departments and the Budget Bureau. Nevertheless, such actions are greatly affected by the attitudes of non-political staff members of the departments concerned, and it is to be hoped that the necessary approvals in connection with any such legislation will be given with much less delay than occurred in the 90th Congress. It may be that Congressman Staggers, Chairman of the Committee on Foreign and Domestic Commerce, which has jurisdiction over such legislation in the House, will find it expedient to call hearings on the proposed legislation early in the new Congress, possibly even without waiting for new opinions of the Government departments involved. He has already given definite assurances of his intentions to hold such hearings as soon as practicable. In the Senate, the hold which was placed on the Rogers-Javits bill by Senator Magnuson will no longer apply, and it is to be hoped that the bill will be allowed to go to Committee for hearings and action, preferably the Senate Committee on Labor and Public Welfare, without the devious parliamentary roadblocks which were erected in the 90th Congress.

The foregoing summary of the effects of the elections upon the laboratory animal legislation situation does not imply that the same Rogers-Javits bill which was introduced in the 90th Congress will be reintroduced in the 91st Congress. It presupposes only that some kind of laboratory animal legislation will be introduced. The remainder of this Report is focused on what sort of legislation might be offered, and what humanitarians can do to further its passage.

### A First Prerequisite — Understanding by Humanitarians

With the situation in Congress not much changed, if the same dissension among humanitarians exists in 1969-70 as in 1967-68, a similar result may be expected. Only a very naive person would expect all humane leaders to get together around the table and agree on a bill or bills which all would support. There is no discernible spirit of compromise and cooperation except among a few of these leaders. Humane Information Services receives a good many letters asking, "Why can't humane leaders get together and agree on laboratory legislation?" To any who may now ask this question we recommend that they reread the preceding pages of this Report, and if possible our Reports Nos. 1 and 2 issued, respectively, in August and December of 1967.

It is possible, however, to obtain a meeting of the minds of most individual humanitarians throughout the country, so that the mail received by Congress will not reflect so clearly the divisions which exist among humane leaders. If Congress feels that humanitarians and animal lovers generally are united behind laboratory legislation, it will be much less impressed by the counter-arguments of a few individuals no matter what their titles.

This unanimity of opinion will not be achieved unless major humane organizations are willing to fully and frankly explain the facts about this legislation, and stop treating individual humanitarians like children who are not sufficiently developed mentally and emotionally to digest comprehensive explanations. The passion for brevity and extreme simplicity which seems to exist among nearly all of those writing for the humane movement leads inevitably to misunderstanding when the subject is as complicated as laboratory legislation. It leads directly to a condition whereby individual humanitarians are forced to choose between the conflicting admonitions of humane leaders on the basis of personality or organizational identity, rather than facts and reasoning. The ordinary leaflet or news story dealing with laboratory legislation put out by humane organizations is devoted about 95 percent to a recitation of the horrors inflicted upon laboratory animals, and five percent, if even that much, to a rational discussion of the real issues. Humanitarians already know about the cruelties; what they need to know and want to know is what can be done to eliminate them, and how they can help to bring this about.

## ALTERNATIVE BILLS WHICH MIGHT BE INTRODUCED

Probably the Rogers-Javits bill will be reintroduced early in the 91st Congress, perhaps with some modifications to strengthen or make more clear-cut certain of its provisions. It is possible, also, that other laboratory legislation will be introduced in the new Congress. That in itself would not be necessarily harmful to the Rogers-Javits bill, or vice versa, since it would substitute, for the battle between constructive and destructive forces which featured the 90th Congress, a much more constructive battle between advocates of different approaches to laboratory legislation. Congress then would consider the various proposals and make up its own mind about what it thinks should be done, if anything. Anything would be better than to have six humanitarians writing letters in favor of a bill, and half a dozen writing to oppose it. If twelve write to urge action on humane legislation, and give a preference for one of several bills, the effect is much more constructive. Of course, it would be even better if humanitarians could unify behind a single proposal which had a good chance for passage.

Humanitarians will not be able to choose intelligently among the different proposals, or to decide intelligently whether or not to support any one of them, without first understanding what can be done to eliminate laboratory animal suffering and how the different possible approaches to the problem would work.

### Three Ways to Eliminate Laboratory Animal Suffering

Ideal yet practicable laboratory animal legislation would eliminate unnecessary suffering of laboratory animals in three different ways: (1) by improving the housing and care of laboratory animals; (2) by refinement of laboratory techniques and procedures, including the use of anesthesia; (3) by reducing the number of animals used by means of (a) reducing the present tremendous needless duplication of experiments and tests, (b) better design of experiments contributing to reduction in the number of animals required to draw conclusions from given experiments or tests, and (c) the substitution of non-sentient materials such as tissue cultures for live animals in experiments, tests and vaccine production. This is a slight rearrangement of the four ways of eliminating laboratory animal suffering discussed in our Report No. 1, issued in August of 1967.

The Rogers-Javits bill included all of these ways of eliminating laboratory animal suffering in one bill. Some humane leaders have advocated doing so by separate action, either by introducing at one time three or more bills each dealing with one of these phases, or piecemeal by introducing one bill at a time or by a series of amendments to the Petnapping Act which is now in effect.

### Housing and Care

Public Law 89-544, the Petnapping Act, covers the housing and care of some of the animals in some of the laboratories up to the point where experimentation begins. Few humanitarians understand that this Act has proved to be a rather weak law difficult to enforce, and which so far does not even deal effectively with petnapping, its original principal purpose. The reasons why this is so were explained in our Report No. 3, issued in March of 1968. These weaknesses arose partly because of the dissension which existed among humane organizations which apparently were each trying to grab credit for various provisions and the bill itself. One of the major weaknesses of the Act, the limitation on dealer coverage which resulted in less than 200 out of many hundreds of dealers being included, appears to have been corrected by a recent more liberal interpretation of the commerce clause by lawyers for the USDA, although insufficient time has elapsed for final



valuation of this point. So far as housing and care of the animals in the laboratory is concerned, various estimates place the number of animals covered by the Act at only from five to 20 percent of the animals in laboratories, and even then only up to the time that experimentation begins. Apparently most of the laboratories covered by the Act have voluntarily extended this coverage to the housing of animals during their entire stay in the laboratory, although legally they could claim that experimentation begins when the animal enters the laboratory door.

The provisions of the Rogers-Javits bill with respect to housing and care would apply to practically all of the laboratories and all of the animals, throughout the stay of the animals in the laboratories, and in general are much broader than the provisions of the present Act. Humanitarians have made a big fuss over the fact that the Department of HEW would take over administration of the regulation of housing and care of the animals. They prefer administration by the Department of Agriculture. We have already explained, in our Report to Humanitarians No. 3, why this controversy over the administrative agency is based largely on bogymen concepts. In any event, the Government departments involved both have agreed, according to our understanding, to leave selection of the administrative agency to Congress. These considerations, regardless of whether or not the Rogers-Javits bill or amendments to P.L. 89-544 were before Congress, no doubt would be fully explored in committee hearings at which humane organizations and others would have an opportunity to present their respective viewpoints.

### Refinement of Experimental and Testing Procedures

The Rogers-Javits bill contained provisions which could be effectively used by the administrative agency to bring about refinement of experimental and testing techniques and procedures, to eliminate or reduce animal suffering. These provisions of the Rogers-Javits bill, which are potentially far more effective in behalf of the animals than the opponents of the bill have been willing to admit, could not be taken care of by even a revised P.L. 89-544. It might be possible to include in such a revision some provisions regarding the use of anesthesia or other refinements of laboratory procedures, but it is very unlikely that they could be made as comprehensive as those contained in the Rogers-Javits bill.

The most misunderstood features of the Rogers-Javits bill relate to the regulations and their enforcement required for the refinement of experimental and testing procedures. These regulations relate to the use or non-use of anesthesia, ways of administering anesthesia in such a manner as to minimize animal suffering, things that could or could not be done to animals in the prosecution of different kinds of experiments and tests, and the post-operative care to be given the animals. The regulations and standards would be determined by the Secretary and enforced by his agents. As stated in the paragraph numbered (2) on Page 2, these regulations and standards would not forego all pain, but there is no doubt whatever that they could be used to eliminate a great deal of needless suffering which goes on merely because there is no one sufficiently knowledgeable or concerned to set up and enforce proper procedures. Sympathetic scientists have pointed out all kinds of ways in which the experimental and testing procedures could be improved for the benefit of the animals without in any way vitiating their medical value.

Many humanitarians have objected to these provisions of the Rogers-Javits bill on two grounds: (1) the fact that the restrictions on pain are not sufficiently severe; (2) that enforcement by the Secretary and his agents would be facilitated by the use of professional accrediting bodies and in-laboratory committees.

With respect to the first of these objections, it may be said with great confidence that no more severe restrictions can be obtained in any legislation, whether it be the Rogers-Javits bill, or a revision of P.L. 89-544, or a new bill which might be introduced at any time in the foreseeable future.

With respect to enforcement, the objecting humanitarians simply do not understand the problem and how the in-laboratory committees and professional accrediting bodies would be used to make it possible for the Secretary to do a good job of seeing that his standards and regulations were carried out.

There are thousands of laboratories with many more thousands of workers, engaged in still more thousands of experiments and tests. Anyone who has any appreciation whatsoever of the extent of

this system for medical experimentation and drug testing must know that it would be impossible for even a great bureaucracy in Washington (which, of course, would be fought by economy-minded Congressmen) to employ enough inspectors to check on everything that was going on in all of the laboratories. This should be self-evident from the fact that the number of animals used runs around 100 million annually. All that the administrative agency can hope to do is to set up the standards and regulations, make provision to see that these are fully understood by those conducting the experiments and tests, make spot checks to determine the degree of compliance, and make it very disagreeable and unprofitable for violators if they are caught. It would be literally impossible for the Secretary or even an army of agents to be present for every potential pain-producing procedure in every laboratory, to see that the regulations were carried out.

The in-laboratory committees provided for in the Rogers-Javits bill were set up to do this job. They would be fully responsible for any violations which might later be discovered through spot checks by agents of the Secretary or by disclosures in the medical literature describing the experiment. It would be the responsibility of these in-laboratory committees, each of which would have to include a veterinarian, to examine and approve or disapprove of each proposed experiment and test, to make frequent checks within the laboratory to see that the plans were carried out as approved, and to keep appropriate records which would show just what had been done. These records would greatly facilitate the work of spot checking by the Secretary's agents when they visited the laboratory. Moreover, the in-laboratory committees would make it possible for scientists in the laboratory who do have a sympathetic consideration for animal welfare to effectively influence the operations of other workers who are not so motivated. Many humanitarians do not understand that medical ethics prohibit physicians from criticizing the practices of another doctor. But when a physician is asked to consult on a case he feels perfectly free, not only to disapprove of present treatment, but to suggest a better way to treat the case. What would have been unethical without those committees then becomes highly ethical. The in-laboratory committees give opportunities for scientists to criticize each other's treatment of the animals without violating professional ethics. Far from being the terrible self-policing feature of the Rogers-Javits bill which some humanitarians seem to think, the in-laboratory committee provisions actually are the heart of effective enforcement and one of the most valuable features of the bill.

We will not take the space to go into detail about the associated question of the use of accrediting bodies, which have a general purpose similar to that of the in-laboratory committees. The objections to this feature of the bill have been based largely on half-truths and downright lies. For example, it has been said that the laboratories would be accredited by one inspection with no other inspection for a period of five years. Why do not people who make such statements read the bill? The accrediting bodies would serve only as appointed agents of the Secretary, who may tell them where and how often to inspect, what standards they must use in judging, and replace them at will if he is not satisfied that they are enforcing the law. They do not make up their own standards and "pass" laboratories according to their own ideas. Only the Secretary himself can grant accreditation. And he will use spot checks to see that the accrediting bodies are carrying out their instructions satisfactorily.

### Reduction in the Number of Animals Used

As important as are the provisions of any laboratory bill relating to housing and care and refinement of procedures, in the last analysis the best way of reducing suffering by laboratory animals is reducing the number of animals used.

When the possibilities of substitution of non-sentient materials for animals have been suggested to people in the scientific community, the answer invariably has been that they are quite aware of the potential, and are already doing everything possible to replace animals with more desirable substitutes, which would be less expensive to use and yield more accurate and definitive results. Without going into details on this highly technical subject in a report of this nature, however, it may be said with great confidence that this answer represents only a half-truth. Readers in the scientific field are vigorously exploring the uses of substitutes for animals, but the knowledge so gained is slow in filtering down to the scientific grass roots. Many of those who receive federal grants for so-called experiments are poorly-equipped from a technical standpoint to use the precise laboratory techniques involved in the utilization of substitute materials. The medical literature itself points to all kinds of potential opportunities for the use of non-sentient materials in place of animals which would yield quicker and more conclusive results.

is is especially true of drug testing and vaccine production, which account for a large proportion of the severe pain-producing uses of animals in the laboratories.

imilarly, there is not the slightest doubt but that many experiments performed with the use of animals are extremely poorly designed from a statistical standpoint, and that as a result the number of animals used is greatly in excess of the number which would be required for even more definitive results if proper design of experiments were followed. Unimpeachable testimony to this effect has been adduced by competent experts in the field of experimental design.

This is a highly technical subject completely unfamiliar to most humanitarians, but we ask our readers to take our word for it that this is a very promising way of reducing the number of animals used in laboratories. Non-scientists cannot be given the power to tell scientists how to plan their experiments and tests, but scientific peers employed by a government agency can do much to reduce this source of needless animal suffering.

It has been repeatedly admitted by scientists that the literature on almost any subject is so voluminous that it is beyond the capacity of a researcher to assimilate. It has been estimated that the equivalent of seven complete Encyclopaedia Britannicas are reported each day as the result of scientific experiments. Medical research is a large contributor to this total. It may be much easier, quicker and cheaper for the researcher who has an idea to assemble a bunch of animals and perform an experiment than to try to locate and read similar experiments previously performed by other researchers. The only solution to this problem is to completely computerize the results of research and of tests, so that when any question arises which might call for an experiment or test, the researcher could quickly have access to the major details of the work which has been done in the past on the same question. Any complete laboratory legislation must include provisions with respect to duplication, by encouraging the use of part of the appropriated funds for medical research to provide for some kind of computerization and for easy access to this information by researchers.

### Covering the Three Methods in Specific Legislation

All three of the foregoing methods of reducing the suffering of laboratory animals are covered in the Rogers-Javits bill introduced in the 90th Congress. The weakest coverage is that relating to reduction in the number of animals used. The provisions in Sections 8 and 9 relating to substitution of non-sentient materials, improved experimental design and the elimination of duplication are obscured in a maze of catch-all phrases which seem to convey one meaning to one reader and another meaning to a different person. For example, one humane organization has issued leaflets hotly opposing the Rogers-Javits bill because these provisions of the bill were interpreted to mean the fostering of new animal models only, not other biological models such as tissue cultures. Thus, what was intended to be one of the most beneficial features of the bill, the promotion of biological models which would replace live animals, was erroneously interpreted to mean just the opposite.

If, therefore, the Rogers-Javits bill is reintroduced in the 91st Congress, it is to be hoped that the sections of the bill relating to the promotion of reduction in the number of animals used will be restated to clearly set forth these objectives and means of attaining them.

It is understood that one humane organization proposes an entirely new bill relating only to the substitution of non-sentient materials for animals. If any such bill is introduced, it is to be hoped that its authors will not limit its coverage to this one phase of the reduction in the number of animals used, but will include equally important provisions for improvement in experimental design and the avoidance of duplication.

Now, let us see what might be in the minds of opponents of the Rogers-Javits bill as constructive substitutes. First, might be amendment of Public Law 89-544 to cover legally the animals throughout their stay in the laboratory, rather than, as at present, up to the time that experimentation begins. It should also extend the coverage to all laboratories and all animals. This still would provide only for housing and care of the animals, not for the refinement of experimental techniques to eliminate unnecessary suffering on the part of the animals during experimentation and testing. It is highly doubtful that it would be possible to amend the Act to include the latter provisions, inasmuch as the Act now is administered by the Department of

Agriculture, which does not profess to have competence in the field of medical research and drug production and testing and hence would not be allowed by Congress to administer such provisions. Evidently, therefore, the second of the three principal ways of reducing the suffering of laboratory animals could not be included in any practical revision of P.L. 89-544, and hence there would continue to be a great gap in laboratory regulation.

A bill providing for such a revision of P.L. 89-544, coupled with another bill covering the provisions of Sections 8 and 9 of the Rogers-Javits bill relating to substitution, reduction and duplication of experiments, but more comprehensive and explicit as to methods of achieving these ends, would be helpful to the cause of laboratory animals. But Humane Information Services is unable to see how such a piecemeal approach could come near equaling in potential effectiveness a bill providing for all three methods of reducing the suffering of animals, such as a Rogers-Javits bill with Sections 8 and 9 rewritten in more specific detail.

Humane Information Services also is at a loss to determine how the opponents of the Rogers-Javits bill, who have hinted at caring for the problem by future revisions of P.L. 89-544, could expect to achieve anything more than the partial coverage outlined above. If such hints are not merely window dressing, designed to satisfy those who were urged to oppose the Rogers-Javits bill but might object to such destructive action without hope for some future solution to the problem, we would like to know what is proposed for the future as an alternative to the Rogers-Javits bill.

### Now is the Time for Decision

Humanitarians who in all sincerity opposed the Rogers-Javits bill during the 90th Congress must now re-examine their position with an open mind, and in the light of the admittedly complicated conditions which have been discussed in the foregoing pages. Upon their re-examination and resulting decision will depend in no small measure the fate of laboratory animal legislation in the 91st Congress. If humane organizations could get together and agree on one united plan of action, either the revised Rogers-Javits bill or a revision of P.L. 89-544 as discussed above and a new bill providing adequately for the reduction in numbers of animals used, Humane Information Services would support the decision, even though we believe that the Rogers-Javits approach is more effective. We would rather have two-thirds of the loaf than none. But we have no sympathy for those who, like the dog in the manger, object to what others offer yet have nothing to offer themselves.

### The Position of Humane Information Services, Inc.

Humane Information Services, Inc. is a non-profit, tax-exempt, national humane society which does not engage in political activity nor attempt to influence legislation. All of the foregoing discussion has been in the way of informing humanitarians regarding why and how the present situation with respect to laboratory legislation has developed, and about alternative possible approaches to meeting the problem. Humane Information Services by itself will not attempt in the 91st Congress to reintroduce and obtain passage of the Rogers-Javits bill. It does not advocate amendment of P.L. 89-544. It does not advocate any new bill. It offers these various alternatives merely as subject matter information which will be needed by any humane organizations, committees or individual humanitarians who may take it upon themselves to effect action in the 91st Congress.

We hope that this Report to Humanitarians No. 6 will be read by all humane leaders in the United States, and that they will give some consideration to the facts and analysis which have been presented. We also hope that many of our readers will wish to comment on the contents of this Report. Please let us know which of the alternatives discussed herein seems to you to be the most practicable. We are particularly anxious to know if you are one of those who previously have opposed the Rogers-Javits bill, and if so what you now think should be done in the 91st Congress. Humanitarians now have a chance to make their opinions known. These opinions will be reported to other humane leaders who in the past have taken a leading part in the effort to obtain laboratory animal legislation. Now is your opportunity to express your opinions. If you do not speak up now, then please forever be in peace with those who are trying to do something constructive.

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## CONTINUING ACTION PROGRAMS

The continuing action programs of Humane Information Services are not the kind which involve a big, spectacular effort for a few days or weeks. The kind of work on these programs which really is effective takes a great deal of time and must be fitted into other activities. We will be working on most of these programs on a continuing basis for years.

### Rat Poisons

We have made encouraging personal contacts with a number of government and private agencies having responsibilities for rat control programs. This preliminary work is necessary before we can publish additional reports and suggest specific activity for our members who want to participate. We have been trying to obtain evidence to refute the almost universal belief of those managing rat control programs that the anticoagulants alone are not sufficient, and that a first knockdown with one of the inhumane one-shot poisons is necessary. Our second immediate objective is to obtain modifications of the official directions for use of poisons in rat control programs. A third objective is to work out an educational program for local public control agencies, and a fourth is a program which will make it attractive for private pest exterminators to use only humane poisons.

Several members have asked us for the trade names of rat and mouse poisons which are both safe and humane. We cannot take the space here to give a complete list, but one which is found in most stores selling pesticides is "d-Con". This brand uses Warfarin, one of the humane anticoagulant poisons which induce death by apparently painless internal hemorrhaging. An official of this firm is a member of the board of directors of a state humane organization. Please ask your dealer to stock this product.

### Furs

On a recent extended field trip we made encouraging progress on the fur problems dealt with in our Report to Humanitarians No. 4. A mink fur farm in New England was visited. The conditions under which the animals are kept were better than expected. Although wildlife experts claim that mink are savage animals that cannot be tamed, the rancher proved otherwise. He took us into his house, where he had a tame mink which crawled in his open shirt front and all around his body and then stuck his head out like a baby kangaroo in a pouch. (This reminds us of Baby Rat, whose story appeared in our March, 1968 issue, Report No. 3. He has since been let loose in the woods in the belief that he would wish to mate and live a normal rat life!) It seems that almost any animal can be tamed with kindness and patience, and even the least attractive species are better than most people think. A public health rat expert defied us to find a tamed Norway rat. If any reader knows of one, please write.

We ascertained that well over half of the mink fur farmers kill the mink with sodium cyanide. The other methods mentioned in our Report No. 4 are less frequently used. Cyanide is the same gas used for human executions in several states. It works in a matter of seconds. We have initiated extensive inquiries to learn more about the humaneness of this method.

A member of the Executive Committee of the National Board of Fur Farm Organizations expressed deep interest in our plan for cooperation between humane organizations and fur farm organizations to provide more humane treatment of mink on such farms, particularly the use of humane killing methods, and for educational work by humane organizations to persuade people not to use furs from trapped animals. The more we get into this, the more evident it becomes that the ranch minks contributing their pelts fare no worse, on the average, than animals raised for food, and certainly far better than most trapped animals. We are continuing our investigations along these lines.

On this trip we also contacted many firms connected with the manufacture and sale of fur fabrics and simulated fur garments. The latter have taken hold with the public in a very satisfactory way. One of the leading garment manufacturers told us that they were unable to take on any new customers at this time, or even to fill reorders, because they were unable to get sufficient quantities of the fur fabrics from manufacturers. We are following up on this. Visits to leading stores in New York City, and newspaper advertisements sent to us by a number of observers among our members, indicate that some New York stores are doing a much better job of ordering and displaying simulated fur garments than most women's wear stores in other parts of the country. As soon as we can find time we will notify our members how they can help to rectify this situation. However, we must remember that most of these "fake furs" are sold to women who would not otherwise buy a real fur coat, and at present they compete largely with cloth rather than fur garments.

We at Humane Information Services wish that it were possible for humane organizations to operate without thinking about money. But in this respect we are no different from any business enterprise: We must pay our bills at the end of the month.

Most humane organizations are painfully aware of this, since few of them have the income from foundations which they can use in lieu of dues, contributions and bequests to meet their month-to-month operating expenses. Fund raising is a subject of major interest at meetings of humane society officers and directors. Money to be used in behalf of animals comes hard as compared with money for the benefit of people. If humane organizations could have just a small percentage of the funds that are literally wasted in many other kinds of so-called charitable work, far more could be done for the animals than is being done now. But, we have to exist on the leavings after the various fund drives have gone their way, and it is not much.

Knowing this, humane society directors and officers take advantage of every opportunity to promote giving. The best season of the year is Christmas. Christmas parties for the animals are held at humane society animal shelters, and the house organ of practically every humane society is carefully planned to have a Christmas issue centering on an appropriate appeal for funds.

All of this begging for money is distasteful to us at Humane Information Services, Inc. We wish it were possible to operate by using only the funds contributed by our officers and directors. But there are so many very important things which are not being done by other societies and which should be done on behalf of the animals that we must ask our friends to help as much as they can. We hope that in the midst of the Christmas season, with their thoughts on presents for Johnny and Mary, how much to give the garbage man, and appeals received from many charitable organizations, our readers will not forget Humane Information Services. If you have previously sent membership dues or a contribution, perhaps you will wish to dispatch another check just because it is Christmas. Don't forget that Santa will leave a present in return: an income tax deduction.

One of our members writes: "Last Christmas I sent you \$15.00 in memory of my little Kerry Blue, Clancy Girl, who died in November, and I was wondering if other people would like to send something each Christmas in memory of their pets. I intend to do the same again this year, and thought you could mention it in your bulletin. Every holiday I think of all the animals that need help so badly, and I thought it might be a nice gesture. I know there must be many people like myself who want their pets to be remembered, and I can think of no better way than to make a contribution to your society each Christmas."

But whatever you do, dear fellow humanitarians, please have a Merry Christmas and a Happy New Year

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Return Coupon

(For those who did not return the coupon in previous reports)

Please place a check mark in the appropriate spaces below and return in a stamped envelope to: Humane Information Services, Inc., 4521 - 4th Street South, St. Petersburg, Florida 33705.)

- 1) I wish  (do not wish ) to be kept on the mailing list for future Reports to Humanitarians (you do not have to become a member or contribute in order to continue receiving them)
- 2) My name, address and zip code used on the reverse side are  (are not ) correct.  
If not, the correct name, address and zip code are: \_\_\_\_\_
- 3) I wish: (a) to become an Associate Member and enclose \$1 annual dues ;  
(b) to become a Patron Member and enclose \$ \_\_\_\_\_ (any amount over \$1).
- 4) I am  (am not ) able and willing to write occasional letters and report local conditions to you on request, in connection with various programs for the protection of animals.

# WINNING AN ARGUMENT

On a recent train trip we had a lively discussion with a young man who was on his way to become a worker in a foreign country for a church organization similar in purposes and methods to the Peace Corps. He was just out of college, and fired with enthusiasm for the good work he expected to do. The argument started when I asked if he would consider also doing something for the animals in these backward countries. He frankly admitted he had always been taught that God had placed animals on earth for the benefit of man, and he had never been particularly concerned over their welfare.

We told him about some of the conditions in foreign countries, such as the packing plant in South America to which the cattle are brought down the river on boats. Because holding pens where the animals are unloaded are limited in capacity, when a number of boatloads arrive at one time it is customary to herd the cattle in the open near the stock pens. In order to keep them from straying, the packing house workers board the boats and use long spikes to punch out the eyes of the cattle, which then are driven off the boats and remain near the docks because they cannot see to wander off. We also told him about other conditions far worse for animals than for people in many undeveloped countries.

And we remonstrated with him about those who, although good religious people dedicated to the relief of human suffering, seem to care little or nothing about the suffering of animals. The young man very capably defended his church's position on all these matters. But finally he said, "I never was much good at arguing. Somehow, I always seem to lose." We differed with him on that. "The one who wins an argument is not the one who convinces the other person, or who might appear to be the winner if the argument were merely a competition in forensics. The one who really wins is the one who learns most from the debate. Frequently this may be the apparent loser of the argument. The one who has the most facts, who has the best-thought-out arguments, and who is most successful in refuting the statements of his opponent, may appear to win the argument. Actually, however, it is the other fellow who wins, if he is open-minded and willing to benefit from what could be learned from his opponent."

Some humanitarians argue about humane problems as if, in order to win, they must convince the other party that they are right. They try to sell a viewpoint to their opponents, rather than to gain a new and better one for themselves. One usually can tell just about what a humanitarian believes regarding laboratory animal legislation merely by first asking what society he belongs to. He combatively reiterates the viewpoint of that society, without trying to learn more about the problem by listening to the other side of the argument with an open mind. If all humanitarians would engage in these arguments about how to approach humane problems in the spirit that the winner is the one who learns most, whose opinions have been altered most by exposure to new facts and new ways of looking at the problem, much more progress would be made in reducing the suffering of animals.

REPORT TO HUMANITARIANS  
No. 6  
December, 1968

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