

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Susan Roenbaugh at _____
Chairperson

7:30 a.m./~~p.m.~~ on April 3, 1990 in room 423-S of the Capitol.

All members were present except: Representative Freeman
Representative Heinemann
Representative Solbach

Committee staff present: Raney Gilliland, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Chris Wilson, Director of Governmental Relations, Kansas Grain and Feed Assn.
Warren Parker, Assistant Director, Public Affairs Division, Kansas Farm Bureau
Bob Wunsch, KU Medical Center
Gina Bowman-Morrill, Farmland Industries, Inc., Kansas City, Missouri
Dr. Jack Riley, Head of Animal Sciences and Industry Department, Kansas State University
Mike Beam, Executive Secretary, KLA's Cow-Calf/Stocker Division, Kansas Livestock Association

Chairman Roenbaugh opened hearings on Senate Bill 776 - farm animal and research facilities protection act.

Chris Wilson, Kansas Grain and Feed Association, testified in support of SB 776, which codifies laws concerning crimes related to break-ins at animal facilities. She further stated they believe this bill will be a deterrent to such activity in Kansas. (Attachment I). She furnished the committee with copies of the booklet "Animal Agriculture Myths & Facts". A copy of which is on file in Legislative Services, Room 511-S, State Capitol.

Warren Parker, Kansas Farm Bureau, testified in support of SB 776 and urged the committee to approve the bill. He stated that in recent years, the actions by specific groups that this bill addresses have risen almost to a level of unbelievability in this nation. SB 776 is a recognition of the increased occurrences of these specific acts, it defines them, and it applies the punishments these crimes warrant. (Attachment II).

Bob Wunsch, KU Medical Center, testified in support of SB 776 saying this bill as amended will take care of the medical care facilities as needed.

Gina Bowman-Morrill testified in support of SB 776 and stated the Farmland cooperative system believes that restrictive laws are needed to address the growing animal rights movement and are needed to deter its actions toward animal research facilities. (Attachment III).

Dr. Jack Riley, Kansas State University, testified in support of SB 776 and stated they hope to send a clear message that it would take approval to enter university property and therefore eliminate the threat of potential vandalism and unlawful acts. (Attachment IV).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,
room 423-S, Statehouse, at 7:30 a.m./~~p.m.~~ on April 3, 1990

Mike Beam, Kansas Livestock Association, testified in support of SB 776 and stated that this proposal is similar to pending legislation in Congress that recognizes a very serious problem that has occurred in several other states. (Attachment V).

Hearings were closed on SB 776.

Representative Rezac moved to amend SB 776 and presented the committee with an amendment. He said the amendment takes out state inspection of Class A & B dog dealers. (Attachment VI).

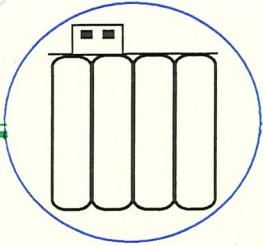
Representative Jenkins objected to this amendment and stated she felt the state inspection law has not had time to work.

Discussion followed.

Representative Lacey made motion to include "fur" in the amendment. (Line 19 on page 1) Seconded by Representative Ensminger. Motion passed.

Representative Larkin moved to pass SB 776 as amended. Representative Lacey seconded the motion. Motion passed.

The meeting adjourned at 8:00 a.m.



KANSAS GRAIN AND FEED ASSOCIATION

STATEMENT OF THE KANSAS GRAIN AND FEED ASSOCIATION
TO THE HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE
REPRESENTATIVE SUSAN ROENBAUGH, CHAIRPERSON
REGARDING S.B. 776

APRIL 3, 1990

Chairperson Roenbaugh and Members of the Committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Grain and Feed Association (KGFA). Our more than 1500 members constitute the state's grain and feed handling, transportation, storage, processing and merchandising industry. We appreciate the opportunity to comment today in support of S.B. 776, which codifies laws concerning crimes related to break-ins at animal facilities.

This bill will send a signal to extremists who contemplate committing acts of destruction to animal facilities, that Kansas will not tolerate such crimes. There are those in our society today who ascribe human rights to animals and who will commit crimes in the cause of working to give animals those "rights". Many today are even being trained to do so, and there has been a proliferation of criminal activity related to animal rights in our country. We believe this bill will be a deterrent to such activity in Kansas, and urge you to report S.B. 776 favorable for passage.

If you have questions, I will be glad to respond.

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PUBLIC POLICY STATEMENT

HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE

RE: S.B. 776 - Farm Animal and Research Facilities Protection Act

April 3, 1990
Topeka, Kansas

Presented by:
Warren A. Parker, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Madam Chairman and members of the Committee:

My name is Warren Parker. I am the Assistant Director of the Public Affairs Division for Kansas Farm Bureau. We appreciate this opportunity to speak before you on behalf of the farmers and ranchers in each of the 105 County Farm Bureaus in Kansas.

We come before you **strongly supporting S.B. 776**. In recent years, the actions by specific groups that this bill addresses have risen almost to a level of unbelievability in this nation. In many states, fires have been set at farms and ranches, meat processing facilities, and veterinary services buildings. The Animal Rights League, a national organization, took responsibility for fires that destroyed a feed barn and poultry warehouse in California, claiming those that profit from what this group believes is animal exploitation will be driven out of business by economic losses and increased public attention. In another example of how these groups try to achieve their agenda a battle was fought in 1988 over a referendum with national implications

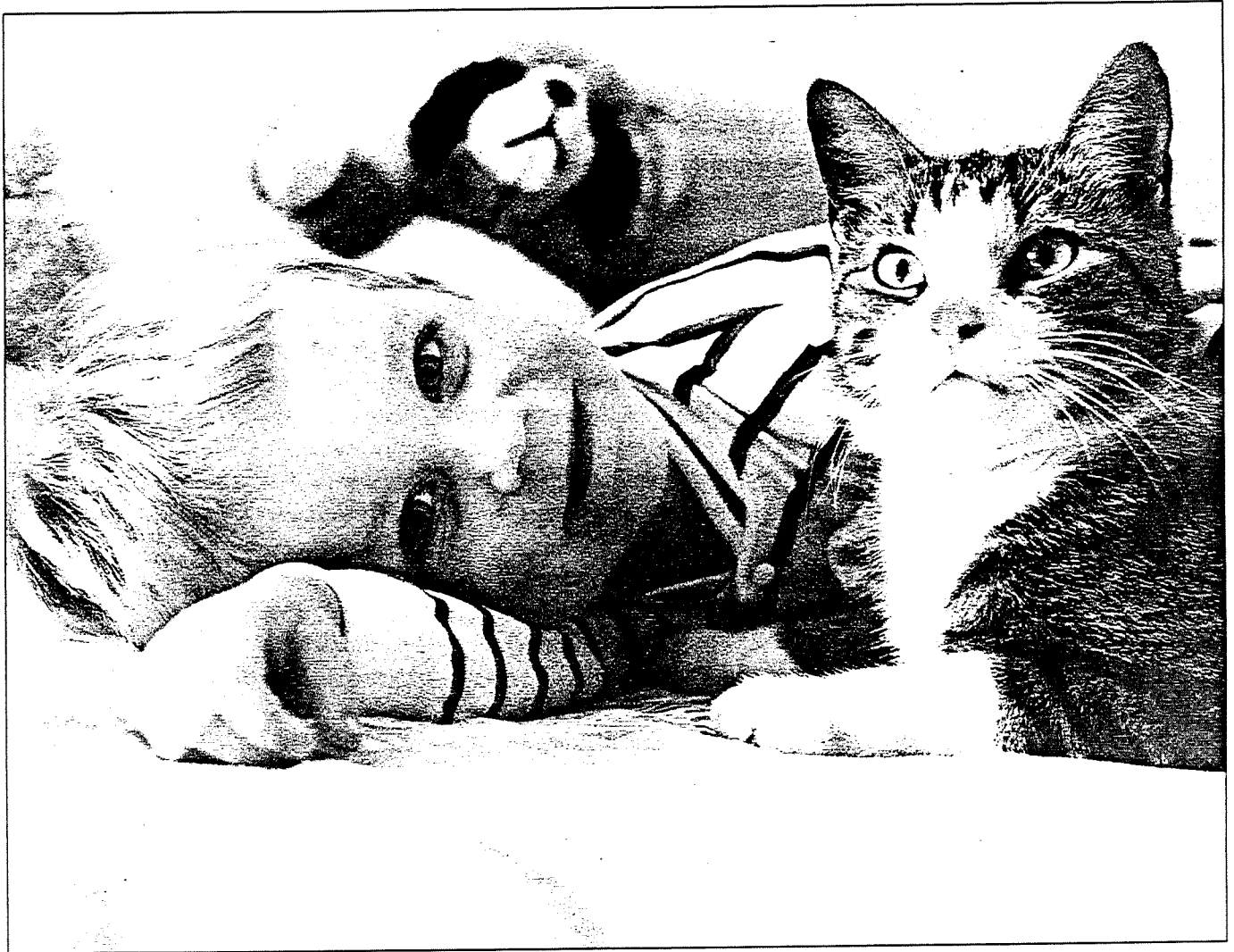
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ATTACHMENT II

which would have set unrealistic standards for livestock and poultry housing, feeding and hauling. During that time, while both forces were acquiring information about the issue, a document was obtained entitled "Action for Animals Part 1", subtitled, "Compiled from first-hand experience and research material." This document outlined how to stop a vehicle by describing the effect of a heavy cable stretched across the road and pulled taut. It also focused on the "how-to's" of breaking and entering without leaving fingerprints or other incriminating evidence. These people are, to say the least, misguided. They not only threaten the property rights of farmers and ranchers, and delay and destroy life-saving research, they threaten the very economic system of this state and this country. **S.B. 776** will clearly define many of these illegal acts and protect Kansas farmers and ranchers as well as important research facilities and others, from destruction of property, loss of animals, and loss of animal life. Kansas, with animal agriculture playing such a key role in this state's total economy, should be at the forefront of this issue.

One of the main concerns from some animal rights groups is that the health and life of animals on farms and ranches is in extreme danger. As you know, the health and life of that animal is paramount to the profitability of any operation. You don't make much money on an animal that can't produce or gain well because of sickness. The cost of drugs and other medications are not cheap. If the animal is dead, the profit potential is zero, so common sense will tell anyone that proper care and health of

animals used in agriculture is not only necessary but pretty smart. We strongly believe in the compassionate care of an animal as an animal, but we do not believe that animals are raised to the level of humans. We cannot afford to have uneducated groups who do believe that to continue to destroy, steal from, and impede operations that provide food, fiber and life to this state and this country. As said before, **S.B. 776** is a recognition of the increased occurrences of these specific acts, it defines them, and it applies the punishments these crimes warrant. Kansans may not yet have seen some of the more radical occurrences that can be perpetrated by these groups, but let's not close the barn door after the horses have escaped, Kansas needs this bill now. We strongly urge the Committee to approve **S.B. 776**. I would be happy to try to respond to any questions.

Beyond



Should researchers experiment on a cat so a baby can be saved from Sudden Infant Death Syndrome? Animal-rights activists say no.

Cruelty

The Animal-Rights Movement Has Little Concern for the Humane Treatment of Animals. It Wants to End Man's Use of Animals Altogether—including Those Uses That Are Saving Human Lives. ■ By Katie McCabe

The Animal-Rights Movement Has Little Concern for the Humane Treatment of Animals. It Wants to End Man's Use of Animals Altogether—Including Those Uses That Are Saving Human Lives. ■ By Katie McCabe

Waving a brick in the air, Ingrid Newkirk stands before a crowd at the entrance to the National Institutes of Health on Rockville Pike, recounting the victories of the decade-old animal-rights movement. A lab in Arizona—target of an Animal Liberation Front raid in March—is “in ruins,” Newkirk tells the 300 demonstrators assembled under the banner of her organization, People for the Ethical Treatment of Animals (PETA), for the opening of World Laboratory Animal Liberation Week last April. ■ Two West Coast animal diagnostic facilities have “gone up in flames,” she says. Nearly 90 labs have been raided over the last ten years. Despite threats of stiffer legal penalties, even imprisonment, Newkirk says, “the liberators remain undeterred.” ■ Her audience cheers. Newkirk hoists the brick higher. ■ “This is a brick,” she shouts. “When you fight NIH, you think you’re up against a brick wall. But remember that if enough people bang their heads against a brick wall, the brick wall will crumble, and the brick wall will fall.” ■ As her speech ends, the protesters close in on NIH’s administration building, their mantra-like chant—“Animal rights, now!”—rising louder as they pound on the windows and tear the door from its hinges. Turned away by NIH police, they stream onto Rockville Pike, where they form a human chain, blocking traffic, shouting at motorists, kicking and spitting at the officers who drag them away. ■ The clamor will not stop, Newkirk vows, until the movement has achieved its ultimate goal: to “shut down every one of the vivisectors’ vile workshops.”

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hree months later, world-renowned sleep researcher Dr. John Orem surveys the damage to his laboratory at Texas Tech University—its equipment smashed, its walls spray-painted, and its animals “liberated” in an Independence Day raid by the Animal Liberation Front (ALF).

“It will take me months to get back up to speed,” says Orem, whose exploration of sleep and breathing in felines has identified two respiration-controlling groups of brain cells that may hold the key to the mystery of Sudden Infant Death Syndrome, or SIDS. The costs of the ALF raid far exceed the \$55,000 worth of damage and the price of five stolen cats.

“Every year we lose 8,000 babies to crib death, because we don’t fully understand how the brain controls breathing during sleep,” says Orem. “In the last two years, my work had begun to explode, to generate a multitude of questions that could lead us to a drug therapy to prevent SIDS.” But now, he says, “I can’t even analyze the data I do have until we replace the equipment the ALF damaged. That analysis is

the basis for the next stage of experimentation. How do you begin to translate all of that into human costs? I don’t know.”

“SIDS is the leading killer of babies in the first year of life,” says Dr. John Remmers, a leading pulmonologist. “and we don’t know where to begin to prevent or treat it. We need to understand the activity of the nerve cells in the brain that regulate breathing during sleep. John Orem is the only one in the world attempting to answer those questions in a fundamental way—or was, until this happened.”

To the “liberators” who wrecked Orem’s lab, the nature of his work was beside the point—as was his treatment of animals.

“If you could hear them, the screams from the animals in the labs would drown out the July 4 fireworks and destroy the idea that we are a civilized nation,” said a statement released by PETA the morning after the raid. “The ALF removed to safety the only cats ever to survive gruesome, despicable, wasteful, and barbarously cruel experiments conducted by psychology professor John Orem.”

Yet Orem’s studies were, by almost any yardstick, humane. Through painless behavioral conditioning, Orem had trained his cats to hold their breath briefly so he could monitor brain-cell activity during apnea, or breathing interruption. Oblivious to the skull caps that held the unsightly but painless electrodes in

To the “liberators” who wrecked Orem’s lab, the nature of his work was beside the point—as was his treatment of animals.

Looking Again at Living and Dying

Washington writer Katie McCabe, a former English teacher, had just completed a *Washingtonian* article on how high school students prepare for their SATs and was looking for another story when revelations of animal abuse at the University of Pennsylvania made the news in August 1985. The group responsible for the revelations, People for the Ethical Treatment of Animals (PETA), was headquartered in Washington and had been involved in the famous “Silver Spring monkeys” case since 1981.

Intrigued, McCabe began interviewing medical researchers and animal-rights activists. “I was shocked to hear from physicians that their work was being seriously impeded, and shocked to hear the activists’ agenda.” In nine months of reporting, what McCabe thought would be a story about “a movement out to expose abuse and wrongdoing” turned into “a story of human loss.”

That story, “Who Will Live, Who Will Die?,” appeared in the August 1986 *Washingtonian*. The first major account of the animal-rights movement to assess its impact on biomedical research, the article was one of four finalists in 1987 for the National Magazine Award for Public Interest.

In this article, McCabe returns to the subject once again as a journalist—as one whose investigations continue to make her believe that the animal-rights movement is a threat to the fu-

Who Will Live, Who Will Die?

“S



By Katie McCabe

Katie McCabe’s 1986 article sparked heated debate about animal rights versus the human need for animal research.

ture of science and human health. In the past three and a half years, she has made eighteen speeches to scientific groups on the subject of animal rights, for which she has received honoraria totaling \$6,000.

McCabe has continued to write on a variety of subjects for this magazine and other publications, including the *Reader’s Digest*. Her most recent article for *The Washingtonian*, “Like Something the Lord Made,” was the story of Vivien Thomas, a black laboratory director at Johns Hopkins University Hospital who trained many of the nation’s top cardiovascular surgeons. It appeared in August 1989.

place, the cats played, slept, and roamed the lab at will. So refined were Orem's statistical techniques that he obtained extensive neurological data from fewer than ten cats each year.

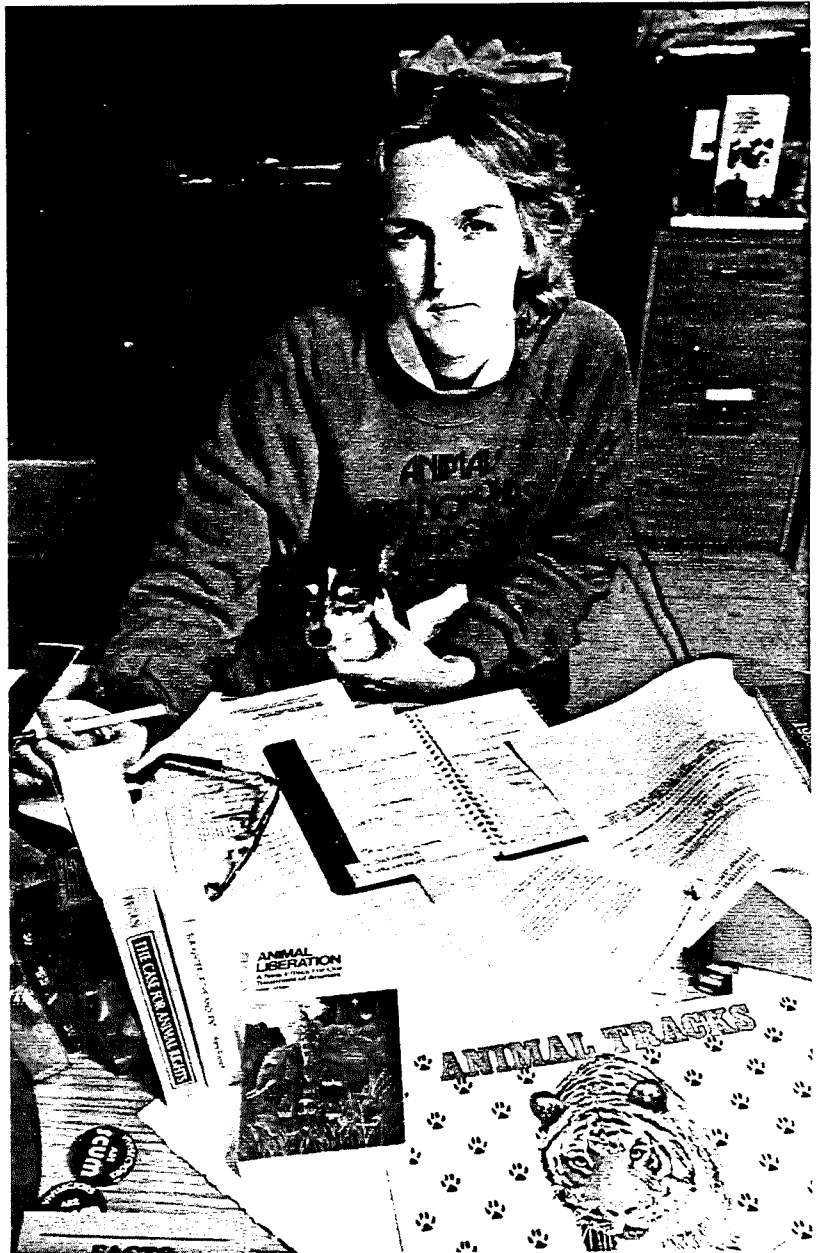
In the months before the ALF raid, federal inspectors consistently found Orem's lab to be exemplary. The NIH called his veterinary practices "a model of excellence."

Unlike earlier raids that documented actual instances of animal abuse and neglect, what happened at Texas Tech University in the pre-dawn hours of July 4 had nothing to do with cruelty to animals. The Animal Liberation Front and its above-ground ally, PETA, have gone far beyond exposing animal mistreatment. Activists now openly condemn all animal research as immoral, and even mainstream animal-welfare organization leaders dismiss humane care as mere "sentimental patronage." The once-diverse animal-protection movement is now dominated by a single goal: to stop the exploitation of animals for any purpose and, in particular, to abolish animal experimentation altogether.

The goal is being pursued on many fronts—and with marked success. Over the past ten years, raids such as the one on Orem's lab have caused nearly \$10 million in damage in the United States, delaying and, in some cases, halting research projects on crib death, infant blindness, cancer, AIDS, and a host of other diseases, human and animal.

Threats and acts of violence by animal-rights activists have created a climate of fear in US laboratories. Scientists have begun leaving in such numbers that a Stanford University department chairman recently warned of a "brain drain of frightening proportions if animal-rights terrorism continues unchecked."

Legal activities—from lobbying efforts to lawsuits—have shut down research projects and delayed construction of animal facilities. Laws restricting the use of pound animals in medical research have raised costs dramatically, halting dozens of transplant and cardiovascular studies requiring dogs and cats.



MARIE RUCCA



BEBETO MATTHEWS / MONTGOMERY JOURNAL

Ingrid Newkirk, co-director of People for the Ethical Treatment of Animals (PETA): "Six million Jews died in concentration camps, but six billion broiler chickens will die this year in slaughterhouses."

Protesters being removed from Rockville Pike following a PETA demonstration last April at the NIH, where Newkirk vowed to "shut down every one of the vivisectioners' vile workshops."

New federal regulations, passed without benefit of hearings or legislative debate, stand to add as much as \$2 billion to the cost of experimenting on animals—more than this year's entire federal budget for research on AIDS, Alzheimer's, and heart disease combined—with no concomitant increase in funding.

The impact of all these developments on the future of medicine, researchers say, is enormous, yet still largely invisible. "We cannot look ten years down the road and know the names and faces of the patients who will die needlessly because a cure wasn't there when they needed it," says Dr. Glenn Geelhoed, professor of surgery at George Washington University Medical Center. "The animal rightists will get all of the credit for the animal lives saved, and none of the blame for the human lives lost. But the losses will be devastating."

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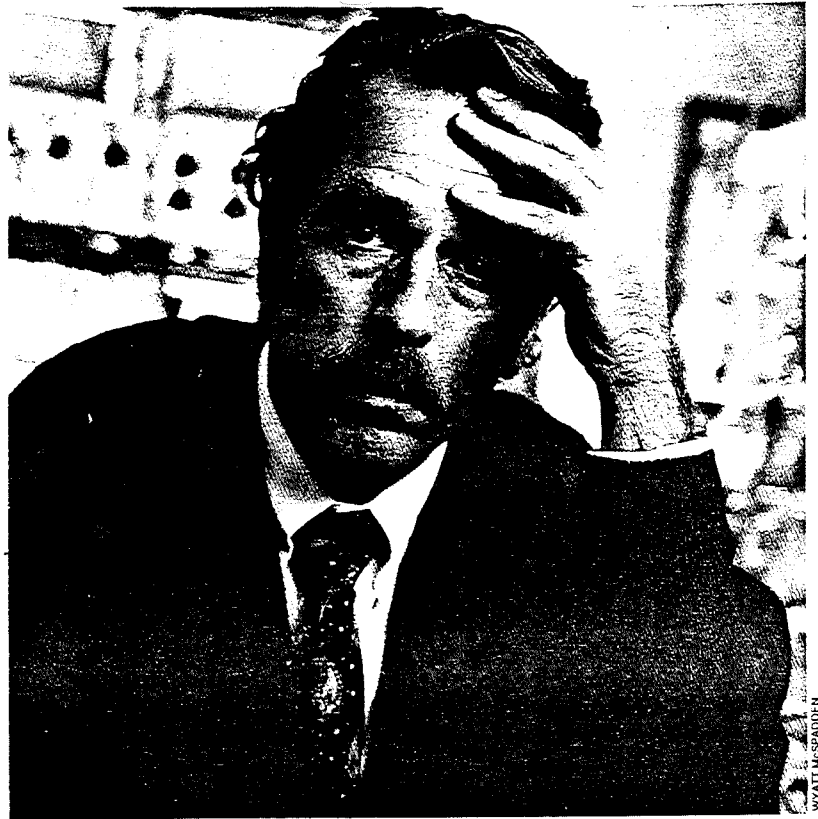
en years ago, few people had even heard the term "animal rights." PETA began in 1981 with eighteen members meeting in a Takoma Park basement; today it claims more than 250,000 members, boasts a multi-million-dollar budget, and enlists celebrities and politicians in its efforts. Campaigns by animal-interest groups against the wearing of fur and the use of animals in product testing have garnered headlines and sparked public sympathy. But the goals of the animal-rights movement, the implications of its message, and the consequences of its actions are little understood.

The core animal-rights philosophy, as articulated by Ingrid Newkirk in a 1986 interview, is unequivocal: "I don't believe human beings have the 'right to life.' That's a supremacist perversion. A rat is a pig is a dog is a boy," Newkirk said, translating into lay parlance the fundamental tenet of Australian philosopher Peter Singer's 1977 book, *Animal Liberation*.

It is a view that dismisses the differences between people and animals—language, reason, moral awareness, free will—as ethically irrelevant and assigns equal moral status to all creatures based on their common ability to feel pain. The animal-rights ethic regards all human use of animals—whether for food, clothing, sport, companionship, or experimentation—as "speciesism," the moral equivalent of racism.

"Six million Jews died in concentration camps, but six billion broiler chickens will die this year in slaughterhouses," Newkirk said in a 1983 interview with the *Washington Post*. Newkirk, who declined to be interviewed for this article, explained in a 1985 *City Paper* interview that the liberationist regards meat-eating as "primitive, barbaric, and arrogant," and pet ownership as "fascism."

But it is medical experimentation that has aroused the greatest passion among movement adherents. Speaking for the Animal Liberation



Front in 1986, a PETA news release again evoked the Nazi analogy:

"In time we'll look on those who work in [animal labs] with the horror now reserved for the men and women who experimented on Jews in Auschwitz. That, too, the Nazis said, was 'for the greater benefit of the master race.'"

"I am as violently opposed to vivisection as I am to rape," says Priscilla Feral (a surname adopted to express her affinity with undomesticated animals), president of a Connecticut-based animal-rights group called Friends of Animals. "Animal experimentation is just plain wrong. Human beings have no right to the knowledge gained from experimentation on animals—even if it's done painlessly."

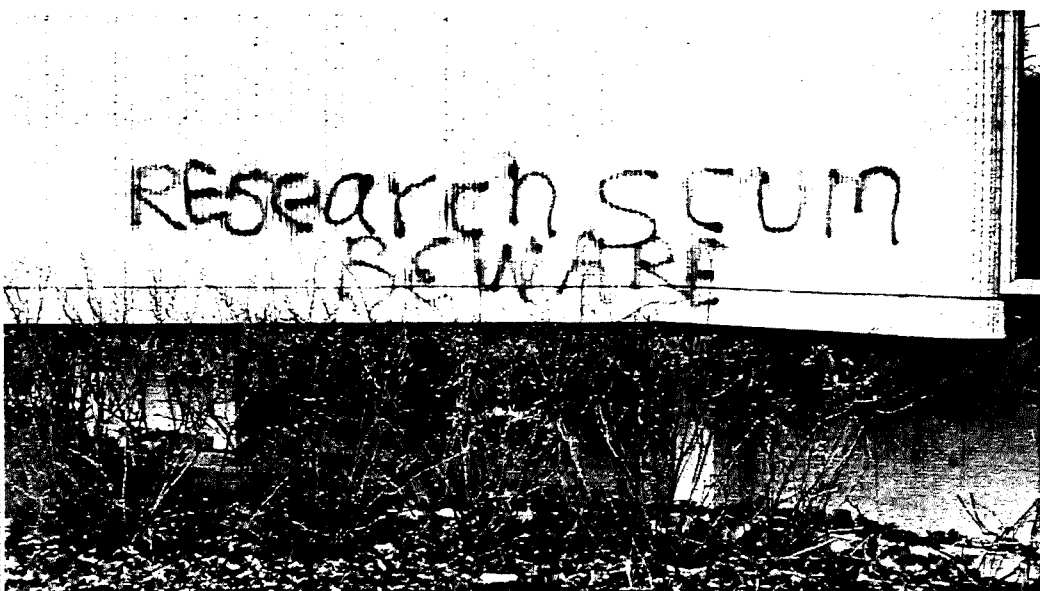
In this view, the century of animal-based research that led to vaccines for polio, to the development of insulin, to modern heart surgery, to organ transplantation, to chemotherapy and the development of antibiotics—all, in the animal-rights view, is based in immorality.

This absolutist view has begun to emerge as the force driving the movement, silencing the voices of moderates. Nine years after the plight of the widely publicized "Silver Spring monkeys" launched animal rights into the national spotlight, movement leaders are closer to their goal of abolishing all medical research using animals than even they thought possible.

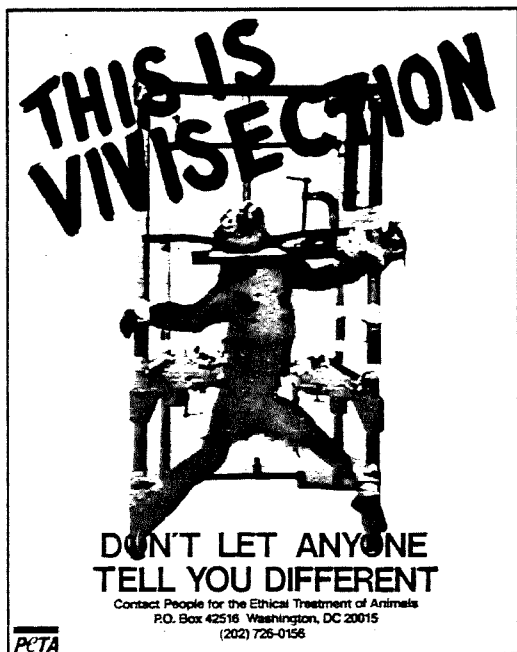
The face of Domitian—the male macaque monkey photographed nine years ago in a Silver Spring lab—beckons from a hundred posters at the PETA rally at NIH. His head thrust upward, his arms and legs crudely tied with bandages, the monkey hangs from the clamps

Looking for clues to the prevention of Sudden Infant Death Syndrome, or crib death, Dr. John Orem conducted groundbreaking—and painless—research in cats until his lab was trashed by the Animal Liberation Front. Crib death claims 8,000 babies a year, but hope for those lives must wait until Orem's damaged equipment is replaced.

COURTESY OF NORTHWESTERN UNIVERSITY



Acts and threats of violence—as expressed in the graffiti left by liberationists at Northwestern University—have created a climate of fear in US laboratories. A university department chairman warns of “a brain drain of frightening proportions if animal-rights terrorism continues unchecked.”



This photograph, which has served as the animal-rights movement’s symbol of animal suffering since 1981, was staged by PETA founder Alex Pacheco.

of a steel restraining device.

It is hard to look at that black-and-white image of apparent animal suffering. It is also hard to ignore the engaging young activist who took that picture in 1981 and started a movement.

“We’re all in the same battle,” PETA founder Alex Pacheco tells his audience, “the battle to free animals from pain. Our mission is to stop the pain and stop the suffering. And we need always to remember that the only thing necessary for evil to prevail is for enough good people to do nothing.”

Pacheco’s litany of influential supporters attests to the appeal of that message: congressmen, Hollywood celebrities, columnists, writers, artists. “The army of the kind,” he calls

them, inviting his audience to join their ranks.

And then quietly, almost casually, he delivers the message that stunned Ingrid Newkirk in 1980 and turned her from animal lover to revolutionary. “The time will come,” Pacheco says, “when we will look upon the murder of animals as we now look on the murder of men.”

In the shadow of the monkey picture, the implications of that statement are lost: a moral universe where the killing of broiler chickens is as heinous as the slaughter of Jews in concentration camps; where the lives of dogs and pigs count equally with the lives of humans; where medical research on animals is the moral equivalent of Nazism.

Ending animal experimentation, Newkirk says, is “as urgent as the obligation to crush the Nazi oppression of the Jews.” Pacheco reiterates the softer message: “Break down the wall of pain; turn the tide of animal cruelty.”

The image of the monkey, and the words painted across it, preclude further discussion: **THIS IS VIVISECTION: DON’T LET ANYBODY TELL YOU DIFFERENT.**

It was Alex Pacheco himself who told it different when he presented his case against Dr. Edward Taub to a Maryland court—without the picture of Domitian. The photograph that PETA would transform into the emblem of vivisection had not, Pacheco admitted, been taken during the conduct of an experiment.

Pacheco had staged the picture himself, at night, after becoming a volunteer in Taub’s Silver Spring lab by posing as a college student interested in research. He and a PETA colleague, Pacheco later explained, had rolled out the unfamiliar “chairing” apparatus, uncaged Domitian, and restrained his arms and legs. In the seconds before the animal settled into the normal seated position in the “chair,” they snapped the picture that would obliterate so many facts.

The truth is that such restraining devices were used in Taub’s lab for a one-hour period once

during the lifetime of each of the animals, and never in the way depicted in Pacheco's photographs. Properly chaired, an animal quickly settles into a seated position on a Plexiglas board. In Taub's studies simulating human spinal-cord injuries, the animals' arms and legs were held motionless to facilitate precise measurement of sensation loss in their nerve-severed limbs.

Along with the picture of Domitian, at least two photographs that were introduced into evidence had been staged, Pacheco admitted. Under cross-examination, he also testified that, during the two-week period in July 1981 when Taub was on vacation, he himself had allowed conditions in the laboratory to deteriorate, then shot the pictures depicting unsanitary conditions.

In the end, the case against Taub—119 counts of animal cruelty at the outset—was reduced to a single charge: failure to provide adequate veterinary care for six of the animals. His conviction on that count revolved around the contradictory testimony of seven veterinarians regarding the advisability of bandaging nerve-severed limbs. The five with expertise in the complex problems associated with nerve-severing, or deafferentation, supported Taub's decision not to use bandages; the two vets without such specific expertise held that he had been negligent in omitting bandages. The court, siding with the minority, found Taub guilty of one count of animal cruelty.

That conviction was overturned on a technicality, but Taub also was exonerated in independent investigations by four scientific societies.

In fact, the only incontrovertible act of animal cruelty was perpetrated by PETA. The three PETA members into whose custody police placed the monkeys transported them 2,000 miles to Florida by truck. After their court-ordered return to Taub, elevated white-blood-cell counts indicated severe stress, and a veterinarian described them as "one of the most withdrawn and depressed" groups of animals he had ever seen.

Yet what the public saw then, and continues to see, is the horrifying image of Domitian. Despite the facts revealed during and after the trial, that image and the pleas of animal-rights activists—"Stop the pain, stop the suffering"—cast a shadow not only over Taub but over all of biomedical research.

The issue, it seemed at first, was clear enough: cruelty to animals. But the radical vision that lured Alex Pacheco from his studies for the Catholic priesthood to take up the cause of animals in 1980 had

nothing in common with mainstream humane thinking. In fact, it was at odds with it.

Animal welfare, a cornerstone of the American humane movement, traditionally supported the judicious use of animals in science and focused on insuring their good care and treatment. The agenda that Pacheco presented to Newkirk in 1980, spelled out in Peter Singer's *Ani-*

In the case of the Silver Spring monkeys, the only incontrovertible act of animal cruelty was perpetrated by PETA.

mal Liberation, challenged the notion of human dominance over other animals and dismissed humane treatment as just another form of "speciesism."

"Human beings have come to realize that they [are] animals themselves," Singer wrote. "It can no longer be maintained by anyone but a religious fanatic that man is the special darling of the whole universe, or that other animals were created to provide us with food, or that we have divine authority over them, and divine permission to kill them."

In this view, the particulars of animal research—whether animals were well or poorly treated—were irrelevant. What was being challenged was the notion that animals should be subjugated, even sacrificed, to benefit mankind. But activists recognized that if the world was not ready for such a revolutionary agenda, it would react to what it saw as cruelty.

From the moment Pacheco began combing the Yellow Pages in search of a lab within walking distance of his Takoma Park home, his goal was clear. He had timed the undercover operation to coincide with congressional hearings on animal-protection legislation, he later disclosed. In targeting Taub, he had followed to the letter the action plan set out in the animal-rights manifesto *Love and Anger* by activist Richard Morgan.

"Since most researchers don't think there's anything wrong with what they're doing, they might even be willing to discuss their research with you, as long as you approach them innocently," Morgan counsels. After hiring Pacheco, Taub readily agreed to his request to switch to night work. "When a young person comes to you and expresses an interest in your field, you naturally want to accommodate him," says Taub, who is now applying his animal-research findings to human stroke victims at the University of Alabama.

The "Silver Spring monkeys" put animal rights into the popular lexicon and established PETA not only as the lead organization in the new animal-rights movement, but also as the dominant force in the varied animal-interest realm. In the eight years since, disputes over the legal status and custody of the monkeys have continued to fuel PETA fundraising efforts and garner support for the animal-protection cause.

In capturing the national spotlight, the Taub case created a fertile climate for activist groups, both new and old, with disparate agendas. By the mid-1980s, some 400 animal-interest groups were pursuing dozens of lines of action—lobbying, boycotts, civil disobedience, harassment, and litigation—against a variety of targets, including the fur industry, cosmetics testing, "factory" farming, the use of animals for sport, and animal research. In the highly charged climate, animal rights rapidly eclipsed animal welfare.

Early in the decade, PETA forged a close relationship with an underground group already identified in Britain as a terrorist threat, the Animal Liberation Front. Founded in 1976 by British anarchist Ronnie Lee, the Front's avowed purpose was "to inflict economic damage on animal torturers." Its incendiary campaign in Great Britain, resulting in £6 million in damage annually since 1980, prompted Scotland Yard in 1984 to establish a special squad, the Animal Rights National Index.

That same year, an ALF raid on the University of Pennsylvania Head Injury Clinic brought the American animal-rights movement mainstream attention and credibility. The burglars came away with 60 hours of videotape, edited by PETA to 30 minutes, that showed technicians smoking and making callous remarks while performing non-sterile surgery on inadequately anesthetized baboons. In contrast to the inconclusive facts of the Taub case, the situation depicted on the Penn videotape—shot by the researchers themselves—was incontrovertible.

Public reaction was strong and official action severe. While PETA members staged a sit-in at NIH, then-Secretary of Health and Human Services Margaret Heckler suspended funding for the project. The NIH cited the project for "material failure to comply with Public Health Service policy for the care and use of laboratory animals." The US Department of Agriculture—enforcer of the Animal Welfare Act, the controlling legislation for animal research—imposed a \$4,000 civil penalty on the university.

National attention was focused on improving the treatment of lab animals. Citing the Taub and University of Penn-

sylvania cases, activists attracted widespread media attention. Members of Congress, such as Representatives Charles Rose, Robert Mrazek, Tom Lantos, Robert Smith, Barbara Boxer, Robert Torricelli, and Robert Dornan, allied themselves with animal interests. Institutions previously reluctant to invest in costly renovations began loosening their purse strings.

With the Penn raid, illegal activity had led to mainstream attention. This evolved the two faces of the animal-rights movement—one clandestine and criminal, the other politically sophisticated, media-wise, and adept at courting the moneyed mainstream.

PETA began recruiting Hollywood celebrities for its anti-fur and “cruelty-free” cosmetics campaigns. Over the next five years such celebrities as Candice Bergen, Bob Barker, Rue McClanahan, and River Phoenix lent their names and support to various PETA causes.

Meanwhile, the Animal Liberation Front escalated its campaign of midnight raids—and abandoned the pretense of interest in the cruelty issue. In a memorandum left during an October 1986 raid at the University of Oregon, the liberators wrote: “We openly concede we found few instances of noncompliance with guidelines of the Federal Animal Welfare Act governing humane care and treatment of laboratory animals.”

Destruction, not exposure of wrongdoing or the liberation of animals, was the goal, according to the memo:

“The \$10,000 microscope was destroyed in about ten seconds with a steel wrecking bar we purchased . . . for less than five dollars. We consider that a pretty good return on our investment. We realize that every penny’s worth of . . . damage we cause represents money unavailable for the purchase, mutilation, and slaughter of living animals. This includes the cost of expensive and sophisticated security systems now necessary to keep us out of research facilities and the animals in.”

Six months later the ALF set fire to an animal diagnostic facility under construction at the University of California at Davis, causing nearly \$5 million damage.

“Economic loss is the only thing the vivisector understands,” Newkirk told PETA’s Lab Animal Liberation Week gathering, referring to the ALF’s second arson, perpetrated in March 1989 at the University of Arizona. “We have to make them pay higher premiums before we shut them down completely.”

After the Davis fire, the California Attorney General’s Office identified the ALF as one of the state’s ten most dangerous terrorist organizations. A year later the FBI put the group on its list of

domestic terrorist organizations.

“The federal government was slow to recognize that there is a national/international network operating, partially because the network disguises itself so well. They work very hard to make each

Everything about the January 1988 meeting in Hollywood bespoke the success of the animal-rights movement: The would-be donor was a Beverly Hills communications executive, the proposed donation seven figures, and the PETA representative a professional fund-raiser with twenty years’ experience and a Rolodex filled with the names of wealthy philanthropists.

Two months earlier, PETA’s first Humanitarian Awards Dinner had drawn 300 politicians, power-brokers, and celebrities to the Willard Hotel for a gala that *Town and Country* magazine had billed as one of the season’s best parties.

The California meeting, arranged by Hollywood socialite Tina Brackenbush, drew PETA even more firmly into the sphere of wealth and power. Flanked by Brackenbush and PETA’s newly hired director of development, Alex Pacheco discussed the details of the handsome donation. For PETA, launched from a Kensington warehouse in 1981 with a core of eighteen members, the Hollywood meeting was a heady moment.

It was also charged with tension. The militant arm of the movement, for which PETA acted as apologist and media liaison, had never been more destructive. In the preceding year, the Animal Liberation Front had raided 26 labs. For the first time in the US, an ALF member had been indicted on felony charges, and PETA was paying his legal fees.

The alliance between the militants and big money, tenuous from the start, was about to be tested. Until then, the two faces of animal rights had co-existed by virtue of PETA’s ability to keep the glitterati at a distance from the hooded burglars who perpetrated midnight raids.

But in California, whose attorney general had just labeled the ALF a terrorist organization, the specter of the black-hooded terrorists loomed large. The donor began asking questions: Exactly what was the relationship between PETA and the Animal Liberation Front? Did PETA support vandalism, arson, property destruction? Did PETA members take part in raids? Would money contributed to PETA be used for the legal defense of an ALF member?

Alex Pacheco responded with an impassioned defense of the Animal Libera-

tion Front. The director of development, sensing the donor’s uneasiness, hastened to assure him that the two organizations were unrelated. Furthermore, he emphasized, neither he nor PETA could condone criminal activities in the name of animal rights. Helping animals was one thing, destroying property quite another.

Militancy and Big

But Pacheco pressed on, stressing the evils of vivisection and the importance of liberationist activities. Brackenbush, who had herself questioned the PETA/ALF connection in a phone conversation with the development director a few weeks earlier, listened quietly. The donor terminated the meeting. The donation never materialized.

As it did for the would-be donor, the meeting raised doubts in the mind of the new director of development about PETA’s true purpose and his ability to raise money for it. Although he is known to PETA members and others, this former development director insisted that his name be withheld from this article out of fear that publicity might spark reprisals by animal-rights militants.

A man with a distinguished career in charitable fund-raising, he initially had been impressed by PETA’s apparent concern for suffering. When CARE International closed the Washington office he headed, he answered a PETA employment ad for a director of development.

But Alex Pacheco’s statements, along with detailed stories of ALF raids in Great Britain recounted by PETA executive director Kim Stallwood, troubled him. When in a February 1988 phone conversation with a concerned Tina Brackenbush the development director condemned the ALF again, matters came to a head. Summoned to an executive meeting, he was confronted by Newkirk, Pacheco, and Stallwood, he says.

“Ingrid Newkirk was livid. She told me that the laboratories were no better than Auschwitz, and that the smallest form of life, even an ant or a clam, was equal to that of any human. She made it clear that anything—break-ins, destruction, arson—was justified in the name of animal rights. Alex Pacheco told me that he would kill for the animals. They made it clear that if I couldn’t support animal liberation, I

ment operating in the United Kingdom, Germany, Canada, and the US, and that the various national components are in communication, sharing information with each other, consulting with each other, even sharing leaders."

"There are probably no more than 100 ALF members in the United States," says Jim Sweat, director of security at NIH. "But 100 radicals, for any cause, can wreak havoc. The animal-rightists are well organized, well funded, and

totally committed to their cause." ALF instructional manuals, prepared in Britain and intercepted by US law-enforcement officials, are "extraordinarily sophisticated," says Joseph Morris, "covering everything from the for-

Money: Where PETA's Dollars Go

would have to leave."

Newkirk's insistence that anything was justified in the name of animal rights explained, as nothing else had, the pattern of financial irregularities that he had observed since joining PETA in November 1987. During his four-month tenure, he says, he discovered that the organization was drastically underreporting its income and misrepresenting to donors the uses to which their money was put.

Computer reports from DirecTech, a local firm that handles the processing of PETA's donations, first alerted him that several major donations he had negotiated were not appearing on the organization's list of donor receivables.

When PETA's newly hired accountant came to him with a list of more than twenty separate bank accounts, he says he realized that the larger donations were being deposited without being logged into the main computer. According to a PETA general ledger report for the period ending November 30, 1988, provided by the accountant—who also insists on anonymity for fear of reprisals—the combined balance of these accounts totaled approximately \$1,200,000. That amount, both the accountant and the development director maintain, was never listed as reportable income.

Both men stated in separate interviews that they had approached Newkirk and Pacheco, urging them to file complete and accurate financial statements, and were ignored. When, in response to donor requests, the development director requested a copy of the organization's most recent financial report, Newkirk and Pacheco presented him with a 1986 report that he says was blatantly falsified.

That report lists PETA's combined fund-raising and administrative costs at \$309,130, or 11.4 percent of the organization's reported income of \$2,702,938. Education, outreach, and cruelty investigations—the functions for which



The glitterization of animal rights: Scenes from PETA's 1987 gala at the Willard Hotel. In the photo at left, Ingrid Newkirk chats with singer Michael Franks and his wife Claudia. At right, Alex Pacheco escorts astrologer Jeane Dixon.

PETA was chartered—accounted for the remaining 88.6 percent, according to the document. The reality, the development director says, was exactly the reverse.

"I recognized immediately that the figures were grossly inaccurate. The amount they had listed for administrative costs, for example, wouldn't even have paid two secretaries' salaries, and PETA had a full-time staff of more than 40 people at that time.

"I went to Pacheco and Stallwood and told them that they could not continue to send this out as a fund-raising tool. I insisted that they produce a statement for 1987 accurately representing their income and their expenditures. They told me that they had no intention of doing so."

The former development director says that he and members of his staff were instructed by Pacheco and Newkirk to falsify their time sheets by charging fund-raising expenses to education. He says that Pacheco instructed him not to use the title Director of Development when writing to other animal-rights groups so they would not know that PETA was spending money for a professional fund-raising campaign.

What concerned him most, he says, was PETA's use of its funds for purposes that violated the organization's status as a nonprofit, tax-exempt charitable organization. PETA funds were used, he says,

to finance membership campaigns and activities of two anti-vivisectionist organizations, the Physicians Committee for Responsible Medicine (PCRM) and the National Association of Nurses Against Vivisection (NANAV). Both organizations were housed, rent-free, in PETA's headquarters, he says, and the respective heads of the groups, Dr. Neal Barnard and Susan Brebner, were introduced to him as PETA staff members.

Education and outreach funds also were used, he says, to finance PETA's takeover of the New England Anti-Vivisection Society

(NEAVS) in April 1988. Dozens of PETA members were flown—at the organization's expense—to NEAVS headquarters in Boston to vote Newkirk, Pacheco, and Barnard onto NEAVS's board of directors, thus gaining access to NEAVS's \$8 million fund balance. The former development director says he repeatedly told Newkirk that use of PETA funds for such purposes was illegal.

His greatest concern from a legal standpoint, he says, was PETA's use of funds to pay \$27,000 in legal fees for the defense of ALF member Roger Troen in connection with an October 1986 break-in at the University of Oregon. When Troen was convicted in January 1988 of theft, burglary, and conspiracy, PETA also paid his \$34,900 fine. Newkirk also pledged to pay for his appeal.

"I told Newkirk several times that PETA should not be using its money illegally to fund admitted felons like Roger Troen," the former development director says. "She indicated that PETA's attorneys had assured her that there was no problem."

On February 16, 1988, the development director's employment with PETA was abruptly terminated by Alex Pacheco. On April 5, 1988, the former development director filed a list of complaints with the IRS's tax-exempt organizations division. The IRS will not say whether it initiated an investigation.

mation of cells to the mechanics of bombing, to covering of trails, to manipulation of the media following raids." The manuals contain "specific recipes for disguising members of terrorist organizations as members of non-terrorist informational organizations."

The relationship between PETA and clandestine groups such as the ALF, Friends of Mercy, and True Friends has always been a close one, with PETA acting as above-ground apologist and media liaison for the underground militants.

However clandestine raids are planned and executed, their aftermath follows a predictable pattern. Within hours PETA issues press releases, sometimes in behalf of ALF, sometimes directly from PETA's offices, convenes a press conference, and releases videotapes, photographs, and descriptions of lab conditions and experiments.

"The relationship [between PETA and the underground liberationist group True Friends] is unquestionably close," observed a *Montgomery Journal* editorial following the theft of four AIDS-infected chimpanzees from a Rockville lab called SEMA in December 1986. "On the very day that the apes were taken from the lab, PETA provided photographs of the animals to the *Journal*. That means PETA knew about the re-

moval of the apes either before, during, or shortly after they were taken. . . . It sounds suspiciously like the dummy corporations that businesses sometimes create to insulate themselves from the legal consequences of their actions."

PETA's role is more than merely informational. In 1988 PETA paid \$27,000 in legal fees and the \$34,900 fine levied against Roger Troen, an ALF

**ALF raids intended to
"liberate" sometimes do
the animals much more
harm than good.**

member convicted of theft and burglary in connection with the University of Oregon break-in.

An analysis of the British ALF, *Animal Warfare*, by BBC broadcaster David Henshaw, discusses in detail the involvement of PETA's current executive director, Kim Stallwood, in ALF activities in Great Britain.

Stallwood, who shared leadership of the ALF with its founder, Ronnie Lee, is said to have become disenchanted with the anarchistic structure of Lee's band.

According to Henshaw's account, Stallwood left Great Britain to join Newkirk and Pacheco in Washington following the arrest of Ronnie Lee and ALF's Sheffield cell for arson.

US law-enforcement officials conducting animal-rights-related investigations declined to comment on Stallwood's activities in this country. But a former PETA fund-raiser, who requested anonymity for fear of activists' reprisals, says that in early 1988 "Newkirk and Pacheco told me that PETA had brought Kim Stallwood to the US for the purpose of organizing 'liberation activities.'"

PETA's press releases following ALF break-ins and raids typically characterize the targeted labs as torture chambers and the research as worthless and inapplicable to human health. But charges of cruelty increasingly have been shown to be fraudulent or exaggerated. Some 400 photos stolen from the University of Oregon by the ALF in 1986 and billed by PETA as "so damaging that they will force the university to shut down its labs" proved to be outdated teaching slides from another institution.

Raids intended to "liberate" sometimes do more harm than good to the animals. The ALF's release of 1,000 rodents during the University of Arizona

arson, says the school's vice president for research, Dr. Michael Cusanovich, almost certainly resulted in the death of the animals, raised in a temperature-controlled laboratory, from outdoor temperatures in excess of 100 degrees.

In the absence of widespread examples of animal abuse, activists have resorted to fabrication and fraud. Evidence presented last year by PETA after a year-long undercover operation against Biosearch, a small Philadelphia product-testing company, was found to be "replete with inaccuracies, misinterpretations, and false accusations," the Food and Drug Administration reported.

Along with the undercover operation, PETA published license-plate numbers, photographs, and other personal data on Biosearch employees. "After PETA went public, we got fire and bomb threats, suffered property damage, and had the facilities spattered with paint," says company president Karl Gabriel. "Our employees had their tires slashed, have been threatened and harassed with calls and told they would be 'cut' on their way to work."

How far will such harassment go? Commenting on an apparent murder attempt against the president of a Connecticut surgical supply company in 1988, West Coast activist Chris DeRose predicted that further attempts on the lives of scientists—already a pattern in Great Britain—are likely to occur in the US. "In every civil-rights battle," DeRose says, "eventually you see people taking the law into their own hands. And it comes out of frustration . . . because the system is not moving fast enough. I cannot condone bombings or terrorist activities, but . . . the people who are committing the real atrocities are on the inside. And what they do is not considered a felony. They get grants and awards for doing it. The time has come when we stop asking for change and demand it—not 100 years from now, but now."

Law-enforcement officials take such rhetoric seriously. "The level of violence in the movement has not crested yet," says NIH security chief Jim Sweat, who headed the Montgomery County police department's investigation of Dr. Edward Taub's Silver Spring lab in 1981. Sweat believes that "the next five years will tell the story" as labs close down, security costs go up, and death threats drive scientists out of the field. "In this business, you never underestimate those types of threats."

For the targeted scientists, the emotional toll is profound. "It gets right to your soul," says a Columbia University neuroscientist whose house was burned to the ground in January following a



PETA's medical adviser, psychiatrist Neal Barnard, says, "We're demoralizing [medical researchers] . . . and they're starting to give way."

series of anti-vivisectionist phone calls. The researcher, who asked not to be identified for fear of reprisals from activists, says that a dozen of his colleagues at Columbia have had their lives, or those of their children, threatened by animal-rights activists.

"I felt like quitting after the fire," he says. "I didn't hear anybody saying, 'Animal research is important'—no congressmen, no scientific leaders. As a scientist, I felt like a throwaway part of society. You think, 'If society doesn't want this, maybe they shouldn't have it.' But it would be devastating to bring it all to a halt."

Says Dr. John Orem, "My belief in science is unshaken, but my motivation right now is zero. I've never in my life felt the way I do now. I don't want to say defeated, because I don't want the activists to defeat me. But let me put it this way: I have college-age children. If I thought they were thinking of becoming biomedical researchers, I would try to talk them out of it. The social price of being a researcher is too high."

The effect is precisely the one sought by activists. Says PETA's medical adviser, psychiatrist Neal Barnard, "We're demoralizing the people who think there's a buck to be made in animal research. And they're starting to get scared, and they're starting to get angry, and they're starting to give way."

"The liberation of animal life," says George Cave, president of the New York abolitionist group Trans-Species Unlimited, "can only be achieved

through the overthrow of the existing power structures. Such a transformation will be brought about only through a populist uprising of gigantic proportions." Then, Cave says, will come "the day when humankind's tyranny over the Earth will give way to peaceful coexistence with other living beings."

This yearning—for a simpler world purged of suffering, science, and technology, where humans and animals live together in perfect harmony—is the thread that seems to bind the varied elements of the animal-rights movement together and undergirds the call for the abolition of animal research.

In a 1986 interview, Ingrid Newkirk articulated a similar vision, evoking "a world where the lion will lie down with the lamb, where man will live in harmony with nature, where when two animals fight, human beings will intervene."

This millenarian world view is pervasive: Even representatives of leading humane organizations express contempt for "mere animal welfare."

"Humane care is simply sentimental, sympathetic patronage," said Michael W. Fox, environmental-studies director of the Humane Society of the United States, in a 1988 *Newsweek* interview. A leading critic of society's use of animals for food, sport, clothing, and experimentation, Fox advocates "returning to Eden" in his 1980 book by that title. "Human beings aren't superior to the other animals, we're just different," he says. "We need to think not in terms of a hierarchy, but what I call a 'holarchy,' a seamless web of life."

This utopian vision strikes a responsive chord among many in modern American society. "Presented without its lethal consequences for humans, the animal-rights message can be very seductive and appealing," says philosopher Charles Griswold of the Woodrow Wilson Center in Washington. "The animal-rightsists are saying, essentially, that nature is good, and omniscient, and omnipotent. It is man, and what he has wrought through science, that is evil."

"Analyzed rationally, the philosophy collapses quickly; after all, nature is bad as well as good, cruel as well as beneficent. But the emotional power of the message is enormous. Science has provided us with the means and not the ends. It gives us an atom bomb, but it does not tell us whether to drop it, or on whom. People feel cast adrift, and there's a certain comfort in the absolutism of the animal-rightsists."

"At its core," says Dr. Frederick Goodwin, a biological psychiatrist who heads the Alcohol, Drug Abuse, and Mental Health Administration, "the animal-rights thesis is a degradation of what

it means to be human. As a psychiatrist, I see in that a kind of giving up on the human endeavor, a sense of hopelessness and despair. That leads people to deny everything that distinguishes us from the lower animals."

The sentiment most commonly expressed by animal-rights leaders can only be described as misanthropic. "Human beings are the only creatures that sit in smoke-filled rooms and plot the destruction of their own species," says George Cave, echoing a view expressed repeatedly by activists interviewed for this article. "What other animal," Cave asks, "has two world wars and a holocaust to its credit?"

PETA director Ingrid Newkirk says simply, "Mankind is the biggest blight on the face of the Earth. We should just stop our pushing and prodding, and let nature take care of itself."

Imbued with the conviction that the entire system needs changing—and seeing how easily change can be effected—activists have moved from targeting individual cases of animal abuse to targeting institutions; from demanding larger, cleaner cages to campaigning for the elimination of whole facilities.

The welfare of animals is clearly beside the point. The ALF has burned two facilities for diagnosing and treating sick

animals, and above-ground organizations, invoking environmental laws, have sought to halt construction of state-of-the-art animal facilities.

In trying to respond to activists' revelations of animal-care problems, officials at the University of California at Berkeley have found themselves stymied by those same activists. In Defense of Animals—the group that brought the

"At its core, the animal-rights thesis is a degradation of what it means to be human."

problems to light in 1985 and galvanized Berkeley's administration into financing much-needed renovation—sued to halt construction on environmental grounds. Though the university has prevailed in six separate court actions over four years, nearly \$500,000 in legal fees have sapped its resources without improving conditions for animals.

Similar civil complaints filed by activist groups against Stanford and the University of California at San Francisco have failed to stop construction. But they

have added millions of dollars in legal fees to the universities' costs.

"If I had my druthers," Ingrid Newkirk told a Loyola University audience last fall, "I'd press the little button and it would be the end of all animal experimentation immediately. . . . But since I can't have that yet, there are a lot of compromises."

Newkirk's short-term "compromises"—banning cosmetic testing; granting animals legal standing and humans the right to sue in their behalf; banning the use of chimpanzees in research; banning psychological testing of animals—coincide with the campaigns of many mainstream animal-welfare organizations.

"What is most disturbing, in terms of the impact on science, is the increasing ability of the extreme animal-rights message to disguise itself in other messages that are appropriate," observes NIH deputy director William F. Raub.

"Animal welfare, conservationism, environmentalism, preventive health care—any one of those is a legitimate issue for a democratic society to be concerned about. The effectiveness of the animal-rights argument is not in its naked form—'a rat is a pig is a dog is a boy.' I think there are few people who find that very appealing. The greatest threat, I think, is in the diversity and

the masquerade of the message.”

Perhaps no organization more sharply reflects the blurring—or the mainstreaming—of the animal-rights agenda than the nation’s premier animal-interest organization, the Humane Society of the United States, headquartered on L Street in downtown DC.

As early as 1980, the HSUS had shifted in the direction of animal rights: Society literature formally said that “there is no rational basis for maintaining a moral distinction between the treatment of humans and other animals.”

Today that position is echoed vigorously by veterinarian Michael Fox, head of the Society’s newly created Center for the Respect of Life and Environment. “Humans are different. We’re not superior,” Fox maintains. “There are no clear distinctions between us and animals. Animals communicate, animals have emotions, animals can think. Some thinkers believe that the human soul is different because we are immortal, and that just becomes completely absurd.”

Fox refuses to condemn vivisection on moral grounds. In fact, he views morality and legality as “the greatest evils of today,” and insists, “I’m not preaching animal liberation. I’m preaching liberation from an attitude that still justifies vivisection as a necessary evil.”

Humane Society president John Hoyt is quick to point out that such views, which do not comport with official Society position statements, should be taken as “individual opinions.” In fact, he says, the Center for the Respect of Life and Environment was created to “let Dr. Fox direct some of his views in a channel that was an arm’s length removed from the HSUS. He sometimes makes statements on biomedical research and other things that don’t always reflect our view.”

Yet the Society’s leadership is dominated by animal-rightists. Its official spokesperson on the lab-animal issue, veterinarian Martin Stephens, personally espouses abolitionism. “I myself am an anti-vivisectionist, but I wouldn’t impose that viewpoint on people now,” says Stephens, who recently recruited anti-vivisectionist veterinarian Brandon Reines as an HSUS staff member.

John Hoyt emphasizes that “the HSUS is not an anti-vivisectionist organization.” Official HSUS policy, he notes, affirms the “three Rs” of animal welfare: reduction of numbers in animal research wherever possible; replacement of animal models by alternative methods; and refinement of experimental methods to eliminate pain and suffering.

Yet a 1986 HSUS “Holiday Fundraising Appeal” signed by Hoyt describes what happens in the research lab as “*absolutely horrifying*. . . [Animals] will be attached to electrodes, plunged into

freezing temperatures, or suffer through other physical or psychological experiments too horrible to describe.

“Please don’t think this is impossible, or that I have exaggerated the situation. The truth is that *it happens just this way every day*.”

The four-page letter, mailed each year since 1986, concludes with a request for a donation: “Any amount you can send

Research on heart disease, transplantation, and neurosurgery has been slowed or halted by the ban on using pound animals.

will be greatly appreciated and will help us end the suffering of almost 450,000 dogs and cats tormented in research experiments each year.”

Despite his signature on the letter, Hoyt strongly disavows its language: “That sort of statement is certainly overdrawn from the standpoint both of the organizational policy and my own personal view. So I’m not happy with that characterization.” But the letter, Hoyt acknowledges, has not been redrafted since it first went out in 1986.

The letter has been the centerpiece of a national campaign, spearheaded by the HSUS, to end the use of unclaimed pound animals in medical research.

Some 15 million unclaimed dogs and cats are put to death in animal pounds each year. About 2 percent of those animals are sent to research institutions instead of being euthanized at the pound.

Fueled by reports of pet theft and illicit animal sales to research laboratories, the campaign to end the use of pound animals—waged in state legislatures as well as in the US Congress—has been effective: Thirteen states now prohibit the sale of pound animals to research facilities, thus forcing institutions to purchase animals that have been specifically bred for research—at prices averaging \$400 to \$600 per animal, four to five times the cost of pound animals treated and conditioned for laboratory use. The inability to use pound animals for research means, ultimately, that twice as many animals die.

In Massachusetts, which has the strictest laws against pound-animal use, critical work on transplantation, heart disease, cardiovascular surgery, and neurosurgery—all of which rely heavily on the canine model—has been slowed or halted.

“It’s pretty lonely on the ward when you have to say to patients, ‘I wanted to study your problem last year, but I had to

stop,’ says Dr. Harold Wilkinson, a neurosurgeon whose University of Massachusetts lab was until two years ago the site of groundbreaking research into the problems of brain swelling after head trauma. Wilkinson’s work, carried out in dogs and monkeys, was costed out of existence by the state’s prohibition on pound-animal use, sponsored by the New England Anti-Vivisection Society.

This year, 105,000 people ages 15 to 25 will suffer “a complex array of neurological damage” as a result of head injuries, Wilkinson says. But for now the research that could alleviate some of that suffering goes undone.

At Harvard University, Dr. Anthony Monaco and his colleagues have done pioneering work in organ transplantation, attempting to induce tolerance in organ grafts by pre-treating the recipient’s bone marrow. Having worked out preliminary rejection problems in rodents, they are unable to translate their findings to human patients until end-stage testing in dogs is completed.

“The NIH is no longer able to provide us with enough funding to compensate for quadrupled animal costs,” Monaco explains. “So when the money runs out, we simply stop.”

Debilitating as the effects of local and state legislation are, their impact may not approach that of recent changes in federal animal-welfare laws. The new legislation, amendments to the Animal Welfare Act sponsored by then-Senate Majority Leader Robert Dole, was enacted as part of the 1985 Omnibus Farm Bill without hearings or debate in either house. It strongly reflects the views of animal-welfare activists, notably Christine Stevens, wife of former Kennedy Center chief Roger Stevens and a Watergate neighbor of the Doles. Mrs. Stevens, head of the Animal Welfare Institute in DC, vigorously eschews the “animal rights” label, but the effects of her organization’s efforts, research advocates say, often coincide with the goals of more radical groups.

Although the Dole amendments were passed by voice vote in the Senate and adopted by the House only as part of the conference report on the farm bill, the regulations for it run to 127 pages of fine print. The most controversial provisions, governing dogs and primates, remain unresolved as of early 1990, but the legislation’s effect on the conduct of science already is complicated and contradictory. So is its likely effect on animal care.

Scientists believe that many of the requirements will improve the lot of animals. Institutional animal-care committees are mandated; procedures involving even minor discomfort will be subjected to intense scrutiny; numbers and species

of animals used must be meticulously justified. Veterinary care, anesthesia, ventilation, cage size, and feeding schedules—all are rigorously regulated.

But scientists fear that the measure crosses the line from the regulatable to the intangible, from guaranteeing clean cages to mandating “happiness.” Without hearings or cost-impact analyses, then-Senator John Melcher inserted, and Congress passed, one of the most ambiguous, and potentially expensive, phrases in legislative history—requiring researchers to “insure the psychological well-being of primates.”

What that means, primatologists say, is difficult to divine. With scientific literature on the subject scant and contradictory, the USDA has attempted to write regulations that will fit several hundred primate species and a variety of laboratory conditions.

The result, says NIMH primate ethologist Steven Suomi, “will be chaos at best, and outright harm to the animals at worst.” Suomi cites what he calls “the anthropomorphic fallacy: We make the assumption that what’s near and dear to us is equally important to the animals under our care. But so much of what makes monkeys happy is counter-intuitive. With regard to cage size, bigger is not necessarily better. And social housing, though I’m a great advocate of that in most situations, can be downright dangerous for certain species of primates, especially adolescent males. As you make the lab environment more and more like the wild—which appeals to our intuitional sense of ‘happy monkey,’ you create all the advantages of the wild, and all the disadvantages.”

Testifying to the difficulty of regulating primate psychology are 8,000 contradictory comments on the subject received by the USDA. Four years after passage of the amendments, the regulations have yet to be finalized.

Melcher, author of the primate “happiness” provision, was defeated in his 1988 re-election bid; a veterinarian, he now works for Christine Stevens’s Animal Welfare Institute.

The one fact that emerges from the welter of contradiction is that the price tag will be high: The Office of Management and Budget has estimated the costs of implementing the regulations at \$1 billion; the Foundation for Biomedical Research puts it at \$2 billion.

Whatever the figure, the costs will be paid out of research funds—which total only \$14 billion this year. The result: Less research will be undertaken, existing inquiries will be slowed or abandoned, and the answers to pressing medical questions will be delayed. Where, many scientists are asking, is the line between improving the lot of animals

and harming the lot of patients?

Yet even the most sweeping animal-protection reform in legislative history does not satisfy activists whose goal is not reform but abolition. “The new laws are pitifully inadequate,” Ingrid Newkirk told the *Washington Post* last May.

And the consequences? “The dollar costs, the personnel costs, all translate

Orem’s research requires fewer than ten animals a year—but could save thousands of babies’ lives.

ultimately into slower research, and fewer answers for people,” says NIH rheumatologist Dr. Esther Sternberg. “Every moment you lose in answering questions in animals is a moment lost in getting the answers to patients.”

Says the University of Arizona’s Dr. Michael Cusanovich: “Many of the diseases we’re working on now—nutrition, heart disease, cystic fibrosis, cancer—hundreds of thousands of lives are potentially at risk. I can’t tell you, in numbers of lives, what a year’s delay will cost. But even if one person dies because we weren’t able to provide treatment, that’s too high a price to pay.”

Animal-rights advocates recognize the inevitable consequences of their position. “Even granting that we face greater harm than laboratory animals presently endure if . . . research on these animals is stopped . . . the rights view will not be satisfied with anything less than total abolition,” wrote the movement’s leading American theoretician, Tom Regan, in his 1983 book, *The Case for Animal Rights*. “The practice remains wrong because unjust.

“If [abandoning animal research] means that there are some things we cannot learn, then so be it. . . . We have no basic right . . . not to be harmed by those natural diseases we are heir to.”

Animal research, Ingrid Newkirk said in the *Washington Post* interview, is “immoral even if it’s essential.”

At that level of certitude, there is no compromise.

“People suffer and die every day because medicine doesn’t have the answers,” says John Orem. “What’s immoral is *not* to use those animals to find the answers. It’s immoral, I think, to let babies die of crib death, to let adults die of sleep apnea, to stand by and do nothing. That is what is immoral.”

Orem’s research on crib death requires

fewer than ten animals per year—yet it holds the potential for saving thousands of babies’ lives. And it is research that can be carried out only in live animals. “You can’t do what I’m doing in a petri dish,” says Orem. “You have to do it in an intact animal, awake and sleeping. Yes, there’s a cost. The cost is the lives of some animals. But the information gained is incredibly important.”

Few Americans would agree with the charge of the Animal Liberation Front that Orem’s work is “anti-human, anti-animal, anti-earth, the moral equivalent of Nazism.” Polls show that 75 to 80 percent of the public supports the use of animals in lifesaving medical research, as long as it is conducted humanely.

But questions linger: Is all animal testing equally essential? Are there, as many activists insist, viable alternatives?

Press reports of dramatic progress in cell and tissue culture methods, coupled with the phasing out of the Lethal Dose 50 Percent (LD-50) test for toxicity and the Draize eye irritancy test—two painful product-testing procedures conducted in rabbits and rodents, and long targeted for elimination by activists—seem to lend credence to animal-rightists’ claims that animal research is outmoded and unnecessary.

The most prominent group making such arguments is the Physicians Committee for Responsible Medicine (PCRM) chaired by PETA’s medical adviser, Washington psychiatrist Neal Barnard.

In public, Barnard—who, like Newkirk, declined to be interviewed for this article—often begins his attack on animal research at the edges, in the realm of luxuries like furs and cosmetics, where the choices are easier. “Bill Blass and all the other clothing designers have dropped fur from their collections,” he told the crowd on opening day of World Laboratory Animal Liberation Week. “Benetton, Avon, and Noxell have said, ‘Okay, we’ll stop all animal testing, since that’s what you want.’”

The leap from Avon and Benetton to all of animal research is made in the brief paragraph with which Barnard opens a recent issue of his organization’s newsletter, *PCRM Update*.

“Innovative scientific methods are proving to be better, faster, and more effective than traditional animal models,” Barnard writes. “A look at the accomplishments of past research and the new directions of modern medicine suggest that non-animal methods are the keys to progress.”

That statement is both true and false, says the scientist leading the search for animal alternatives, Dr. Alan Goldberg, director of the Center for Alternatives to

Animal Testing (CAAT) at the Johns Hopkins School of Hygiene and Public Health.

The confusion about alternatives, Goldberg explains, arises from "the muddying, often deliberate, of the crucial distinction between product *testing* and basic biomedical *research*." There are vast differences, he points out, between specific questions about toxic substances, which can be answered in cells and tissue cultures, and the infinitely more complex questions about disease origins and body systems—which continue to require whole-animal testing."

The new science of cell and tissue culture testing known as *in vitro* methodology has already revolutionized product testing and can, Goldberg maintains, "give us faster, cheaper, and more precise methods of evaluation." But the fact omitted by animal-rightists, he says, is "that the science is in its infancy, and that even in its most advanced stages, years from now, in *vitro* methods will never eliminate the need for whole animals at the beginning and the end of the testing process."

Yet to Neal Barnard—who thinks there is a "moral blind spot inherent in all animal research," as he put it in a 1985 letter to the *Washington Post*—the leap from product testing to biomedical research, from luxury items to matters of life and death, is easy.

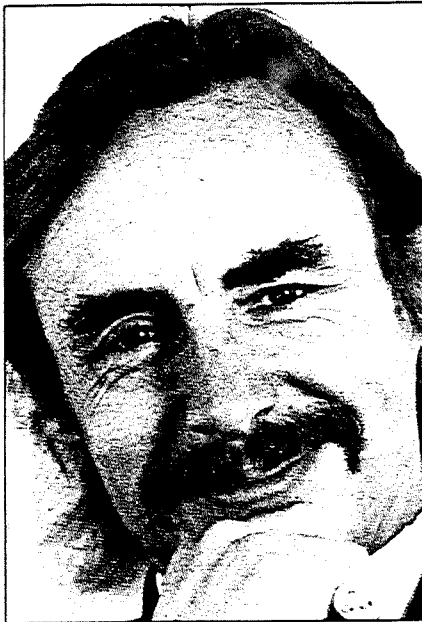
The same innovative scientific methods that have reduced the need for animals in product testing can, he suggests, replace animal research in AIDS, Alzheimer's, diabetes, cancer, heart disease, and other areas. "To date chimpanzees and other animals have contributed nothing to progress in AIDS research that could not have been gained in other ways," Barnard wrote in a March 1988 article.

That view, says former Surgeon General C. Everett Koop, flies in the face of medical history and current technology. "We would be in absolute, utter darkness about AIDS if we hadn't done decades of basic research in animal retroviruses," Koop explains. "Animal work that was done before we even knew there was AIDS" made possible "the most important thing we do for AIDS right now—testing for AIDS antibodies."

Animal experimentation, says AIDS expert Dr. Anthony Fauci, holds the key to unraveling "the total mysteries—how the virus attacks the body, takes hold, and starts to exert its deadly effect."

Barnard, invoking the literal truth that "AIDS is a uniquely human disease," urges scientists not to "destroy chimpanzees or other animals in the vain hope that they may someday act as an exact surrogate for the human patient."

Animals, explains Fauci, director of the Institute for Allergies and Infectious Diseases, "are never exact surrogates."



"There are no clear distinctions between us and animals," maintains Dr. Michael Fox, a veterinarian with the Humane Society of the US.

But close analogues of the human disease—simian AIDS in monkeys and a variety of other retroviruses in cats, sheep, and horses—are "absolutely critical to understanding the disease process. In an animal model, you can observe the disease from the very first minute of infection and follow its progress, something you can't do in humans because the disease is diagnosed very late."

"In the end," says Fauci, "it comes down to a choice: You can't perform experiments in a human being with a lethal virus. You stand to ultimately kill the person."

That choice is no less stark for other diseases, such as Alzheimer's. Primates, with 95 percent of human DNA, are the closest model for human brain function, notes Dr. Tray Sunderland of the National Institute of Mental Health. To confine Alzheimer's research to autopsies and brain scans on patients—the alternatives proposed by Neal Barnard and other activists—would "leave us right where we are, in the early cave-man stages of our understanding of the disease," Sunderland says.

"Here you have an obvious choice between experimenting on the brain of a living human being versus a living primate. And while that may seem a cruel choice, I believe that failing to choose would be crueler still." With nearly 3 million people suffering from Alzheimer's in the US, says Sunderland, "I'm not willing to do that."

Physicians whose work Barnard has cited as being "beyond animal experimen-

tion" in recent *PCRM Updates* say that Barnard's accounts directly contradicted their positions on animal research in general and under-represented their own reliance on animal models.

"We absolutely dare not cease animal research in diabetes," says University of Florida pathologist Dr. Mark Atkinson, whose newly developed blood test for diabetes detection was cited by Barnard as a method that could, in combination with human islet-cell transplantation, obviate the need for animal research. Atkinson says just the opposite is true: that *failed* attempts at human islet-cell transplantation have forced researchers back to the lab to work out in rodents the complex immunologic problems and to perfect delicate surgical techniques in dogs.

Atkinson strongly disagrees with Barnard's implication that current techniques for treatment and prevention of diabetes mean that animal experimentation is unnecessary. In fact, says Atkinson, the causes of diabetes remain elusive, the existing treatments unsatisfactory, and the effects debilitating or lethal. "Diabetes is the leading cause of adult-onset blindness, causes half of all non-trauma amputations, and is the third leading killer of adults and children in the US," says Atkinson. Continued animal experimentation, he believes, holds the only hope for understanding and treating the disease.

Similar omissions also characterized Barnard's citation of the work of Dr. Paul Lacy at the National Disease Research Interchange, which supplies human tissues and organs for transplantation and research, the cancer research of Dr. Robert Shoemaker at the National Cancer Institute, and Dr. Thomas Mundy's AIDS research at Cedars Sinai Hospital in Los Angeles. In each case, say the researchers, the non-animal portions of their work were lauded as potential substitutes—without mention of the critical role of animal models.

One physician, Dr. Hugh Taylor of Johns Hopkins's Wilmer Institute, challenged Barnard in writing "for use of my published work in a way that is in direct contradiction to my stand on the use and importance of animals in medical research."

Taylor's study of visually impaired patients was cited by Barnard as a "much more creative solution than studying animals and then attempting to relate the results to humans." Taylor, who notes that animal work was required to provide the framework and justification for his patient studies, is currently using monkeys in his Hopkins lab to study a visual disorder called trachoma.

"The strength of our work is our ability to link our lab and field [human]

studies," he explains, evoking the image used repeatedly by scientists in describing the scientific process—that of a dense interweaving of various methods to arrive at answers.

"The chance that alternatives will completely replace animals in the foreseeable future," concluded the National Research Council of the National Academy of Sciences in a September 1988 report, "is nil."

For NIH arthritis researcher Dr. Esther Sternberg, a few months' delay in obtaining animals has translated into "years of delay in getting answers to arthritis patients."

Having traced, in Lewis rats, the origin of arthritis to a defect in the brain's "stress circuit," Sternberg and her colleague, Dr. Ron Wilder, designed a host of protocols to pursue the explosion of questions that the breakthrough presented. Answers to any one of these questions—concerning the brain function, the neurotransmitters involved, even the genetic origin—could, they believed, lead to a drug therapy to prevent or cure arthritis.

Even as Wilder and Sternberg applied for approval for the next stage of animal experimentation, they began laying plans for their first patient study. Their detailed requests for approval of rodent studies made their way through committee after committee. A month passed, two months, three. Incredulously, Sternberg and Wilder watched their patient studies slip further and further into the future.

The obstacle? To answer the many questions generated by their breakthrough, the investigators needed large numbers of rats, and quickly. Each experiment, each animal request, was subjected to intense scrutiny. "In this super-charged political climate, any sudden change in the number of animals raises an immediate red flag," says Sternberg. "Experiments previously regarded as routine must now be reviewed, and reviewed, and reviewed."

Says Sternberg's colleague, Dr. Ron Wilder, who ten years ago developed the arthritis model in the Lewis rat, "I've watched the animal legislation take hold over the last decade. Sometimes it's slow, sometimes it's rapid, but it's always a pattern of increasing regulation, of micro-management, making the time and money costs so high we just can't do the experiments at all."

The ultimate victim, says Sternberg, is the patient waiting for an answer. For the 8 million people afflicted with arthritis each year, she says, "the answers are already decades overdue."

"What begins as a small delay in animal experimentation is amplified again and again at each successive stage," says Sternberg, whose protocol was fi-



Humane Society president John Hoyt says the HSUS is not anti-vivisectionist, yet he characterizes research as torture in a fundraising appeal.

nally approved after a six-month journey through the bureaucratic machinery. And she suspects that that delay may be minor compared with those she expects to face under the new federal guidelines.

To scientists like Sternberg, such delays raise the moral question of animal experimentation just as forcefully as do break-ins and fires.

"Who's justified to determine that even one more minute, let alone one month, of pain and suffering is justified?" she asks. "Isn't the choice of the animal-rightists, at the core, that those rats should not suffer one minute? And I believe that the human beings I treat should not suffer one more minute than is necessary. In that, I suppose we believe the same thing. It's just that we feel differently about whose suffering counts more, when it comes to a choice, as it inevitably does."

More and more often, those choices are being made in favor of the animals. Pressing medical questions go unanswered, and the human costs continue to mount, unseen.

"It's all about buying time, isn't it?" asks Anna Fried, whose four-year-old son died last year of transfusion-induced AIDS. "If we could have lengthened my son's life by one more year, it would have been worthwhile. To have to watch a child suffer in the way that my son suffered, and not to be able to do anything—and then to think that other children might have to suffer this way—whether it be for six months, because someone sabotaged a lab, or whether for

years because there just isn't any research, the prospect is horrible. No one should ever have to watch their child suffer if there's a better way."

With research funds being soaked up by costly animal-care regulations and primate use targeted for elimination by animal-rights groups, critical inquiries fall by the wayside. And who knows which inquiries will prove critical? In AIDS research, for example, it was the 30 years of work in animal retroviruses, before the human disease was even identified, that led to scientific readiness when the disease emerged.

"Animal-rights advocates could have argued at any point along that path that the work was not applicable to humans, and been correct, in the strictest literal sense," says Dr. Anthony Fauci. "But now we know that that 30 years of basic research is all-important."

Says surgeon Glenn Geelhoed, "If the animal-rightists had prohibited researchers from testing the polio vaccine on monkeys, we would have made some progress; what we would have had, instead of a vaccine, was a highly improved iron lung. But we would never have had anything more than that. Forever after, we would have been stuck with that terrible, stop-gap, halfway technology."

The debate, replayed over and over, has become stereotyped, the debaters reduced to caricature: disinterested animal-protectionists challenging career-oriented, grant-hungry scientists; advocates of modern alternatives versus uncritical users of outmoded animal models. It has been framed, in fact, as everything but what it really is—a moral argument that penetrates to the definition of humanity.

"What hasn't been heard is the voice of human need and genuine human emotion," says Tampa businessman Richard Kelly, whose wife was diagnosed last year with a hereditary, and incurable, kidney disorder—a disorder his nine-year-old son may inherit. Kelly believes that the animal-research debate "is not an argument that philosophy or religion or even science can solve. Researchers can only offer opinions about the necessity, the value, the promise of the work. They will perhaps have their own reasons for justifying it. But in the end, human beings and their needs are the only argument that matters."

"What we all share—the animal-rights people, the researchers, the public—is our compassion, our profound discomfort with suffering," says Anna Fried. "It's the same impulse, to want to protect animals and to protect people. But the question we're all faced with is which emotion to act on, when we have to make a choice. And we do, in the end, have to choose." □



FARMLAND INDUSTRIES, INC.

post office box 7305/kansas city, missouri 64116

COMMENTS

before

HOUSE AGRICULTURE AND SMALL BUSINESS COMMITTEE

TOPEKA, KANSAS

April 3, 1990

Regarding S.B. 776

by

FARMLAND INDUSTRIES, INC.

KANSAS CITY, MISSOURI

On behalf of the Farmland cooperative system and our member-owners in Kansas, we support S.B. 776, the Farm Animal and Research Facilities Protection Act. We believe that restrictive laws are needed to address the growing animal rights movement and are needed to deter its actions toward animal research facilities. Senate Bill 776 will address this need.

Farmland owns a Research and Development Farm in Bonner Springs, which is utilized for animal nutrition research. The research consists of energy and amino acid digestion, metabolism, animal growth, milk production, and feed ingredient evaluation.

We are concerned about actions to needlessly destroy facilities, records, and research in an attempt to prohibit poor treatment of animals in research facilities and on farms. Livestock and other animals are well treated at our Research facility and on our producer members' farms and we feel that current Cruelty to Animal laws already address mistreatment to animals as does the work of the Humane Society. Actions taken by the various new animal rights groups are unnecessary and need to be discouraged.

This legislation, if passed, will act as a deterrent to those groups with misconceptions about animal research and husbandry and will clearly and justly punish those who engage in misguided and destructive behavior.

SB776: Farm Animal & Research Facilities Protection Act
Presented to Agriculture and Small Business Committee
April 3, 1990

Testimony Prepared by

Dr. Jack Riley, Head
Animal Sciences and Industry Department
Kansas State University

I am Jack Riley, Head of the Animal Sciences and Industry Department at Kansas State University. Prior to becoming an administrator, part of my responsibility was to serve as faculty supervisor of the K-State Beef Cattle Research Unit and coordinator of Animal Science research. I also served on the University Animal Care Committee for two years.

Kansas State University, as many of you know, has the broadest and most extensive array of animal research facilities in Kansas with scientific studies involving laboratory or farm animals being conducted in five colleges at Manhattan and at four branch experiment stations.

Even though I've been authorized to speak on behalf of the diverse animal research activities at KSU, considering my background, training and experiences, the following comments are primarily directed toward research utilizing farm animals. I am proud of the Animal Science facilities available at K-State and the opportunity to conduct basic and applied research on a wide range of relevant topics.

Ag. SB
4-3-90
ATTACHMENT IV

Individual projects are developed by scientists and in most instances submitted to extensive peer review prior to initiation. Significant animal research is being conducted in the Animal Science discipline areas of nutrition, reproductive physiology, breeding/genetics, production-management, and animal products (including food safety). Many of the projects are long term efforts and expensive to conduct.

At Kansas State University, research with laboratory animals must meet the strict AAALAC (American Association of Accreditation of Laboratory Animal Care) guidelines while research with farm animals is directed by the nationally adopted "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching." It should be emphasized that animals as well as humans benefit from university research and these comprehensive guidelines clearly support the animals' welfare.

Unfortunately, there are individuals so opposed to the use of animals for research that they resort to theft, vandalism, destruction of property and even threats against human life. Crimes attributed to activists on the University of California - Davis, University of Arizona and Texas Tech campuses were not minor, isolated incidences but, potentially, could be encountered at other universities.

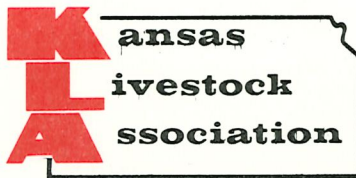
Last May, at three of the Animal Science research facilities, gates were opened, experimental animals were turned together and research was disrupted. The damage was minimized by prompt discovery and remedial action.

We do not know who or why these experiments were disrupted. However, regardless of the underlying motive, illegal acts, destruction of property and vandalism are, in all cases, contrary to the public interest.

With that in mind and in summary, on behalf of Kansas State University and myself, we support SB776 and compliment the committee for introducing the Farm Animal and Research Facilities Protection Act.

Thanks for allowing me the opportunity to share my thoughts and opinions.

I'd be happy to answer any questions.



6031 S.W. 37th Street • Topeka, Kansas 66614-5128 • Telephone: (913) 273-5115
FAX: (913) 273-3399

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

April 3, 1990

To: *House Agriculture and Small Business Committee*

From: *Mike Beam, Executive Secretary of KLA's Cow-Calf/Stocker Division*

Re: *Senate Bill 776, The Farm Animal and Research Facilities Protection Act*

The Kansas Livestock Association supports SB 776. This proposal is similar to pending legislation in Congress that recognizes a very serious problem that has occurred in several other states.

Radical animal rights groups have shown an increasing tendency towards actual and threatened disruption and violence to agricultural operations, university research activities, and state livestock associations. For example, state cattle associations in California, Utah, Arizona, New Mexico, and Florida have all received actual or threatened damage to their office facilities. Staff members from four of these states have also received repeated death threats from such groups.

I'm sure our current laws address acts of violence such as these. However, it seems appropriate to send a signal to individuals and groups with radical actions that Kansas will not tolerate such behavior.

Thanks for your support. We stand willing to provide any further information about this issue to members of the legislature.

AG: SB

4-3-90

ATTACHMENT V

SENATE BILL No. 776

By Committee on Ways and Means

3-19

ATT. VI

AN ACT/enacting the farm animal and research facilities protection act; prohibiting certain acts with regard to certain animal facilities and providing penalties and remedies therefor

concerning animals

relating to animal dealers; amending KSA 1989 Supp. 47-1722 and repealing the existing section

Be it enacted by the Legislature of the State of Kansas:

Section 1. This act shall be known and may be cited as the farm animal and research facilities protection act.

Sec. 2. As used in this act:

(a) "Animal" means any warm or coldblooded animal used in food or fiber production, agriculture, research, testing or education and includes poultry, fish and invertebrates.

(b) "Animal facility" includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Consent" means assent in fact, whether express or apparent.

(d) "Deprive" means to:

(1) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

(2) restore the animal or other property only upon payment of reward or other compensation; or

(3) dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

(e) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(1) Induced by force or threat;

(2) given by a person the offender knows is not legally authorized to act for the owner; or

(3) given by a person who by reason of youth, mental disease or defect or under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.

(f) "Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to

AG. SB

4-3-90

ATTACHMENT VI

1 possession of the property than the actor.

2 (g) "Person" means any individual, *state agency*, corporation, as-
3 sociation, nonprofit corporation, joint stock company, firm, trust,
4 partnership, two or more persons having a joint or common interest
5 or other legal entity.

6 (h) "Possession" means actual care, custody, control or
7 management.

8 (i) "Research facility" means any place, laboratory, institution,
9 medical care facility, elementary school, secondary school, college
10 or university, at which any scientific test, experiment or investigation
11 involving the use of any living animal is carried out, conducted or
12 attempted.

13 Sec. 3. (a) No person shall, without the effective consent of the
14 owner and with the intent to damage the enterprise conducted at
15 the animal facility, damage or destroy an animal facility or any animal
16 or property in or on an animal facility.

17 (b) No person shall, without the effective consent of the owner,
18 acquire or otherwise exercise control over an animal facility, an
19 animal from an animal facility or other property from an animal
20 facility, with the intent to deprive the owner of such facility, animal
21 or property and to damage the enterprise conducted at the animal
22 facility.

23 (c) No person shall, without the effective consent of the owner
24 and with the intent to damage the enterprise conducted at the animal
25 facility:

26 (1) Enter an animal facility, not then open to the public, with
27 intent to commit an act prohibited by this section;

28 (2) remain concealed, with intent to commit an act prohibited
29 by this section, in an animal facility; or

30 (3) enter an animal facility and commit or attempt to commit an
31 act prohibited by this section.

32 (d) (1) No person shall, without the effective consent of the owner
33 and with the intent to damage the enterprise conducted at the animal
34 facility, enter or remain on an animal facility if the person:

35 (A) Had notice that the entry was forbidden; or

36 (B) received notice to depart but failed to do so.

37 (2) For purposes of this subsection (d), "notice" means:

38 (A) Oral or written communication by the owner or someone
39 with apparent authority to act for the owner;

40 (B) fencing or other enclosure obviously designed to exclude in-
41 truders or to contain animals; or

42 (C) a sign or signs posted on the property or at the entrance to
43 the building, reasonably likely to come to the attention of intruders,

VI-2

VI-3

1 indicating that entry is forbidden.

2 (e) (1) Violation of subsection (a) is a class D felony if the facility,
3 animals or property is damaged or destroyed to the extent of \$50,000
4 or more and. *Violation of subsection (a) is a class E felony if the*
5 *facility, animals or property is damaged or destroyed to the extent*
6 *of at least \$500 but less than \$50,000. Violation of subsection (a) is*
7 *a class A misdemeanor if the facility, animals or property is damaged*
8 *or destroyed is of the value of less than \$500 or is of the value of*
9 *\$500 or more and is damaged to the extent of less than \$500.*

10 (2) Violation of subsection (b) or (c) is a class E felony.

11 (3) Violation of subsection (d) is a class B misdemeanor.

12 (f) The provisions of this section shall not apply to lawful activities
13 of any governmental agency or employees or agents thereof carrying
14 out their duties under law.

15 Sec. 4. (a) Any person who has been damaged by reason of a
16 violation of section 3 may bring an action in the district court against
17 the person causing the damage to recover:

18 (1) An amount equal to three times all actual and consequential
19 damages; and

20 (2) court costs and reasonable attorney fees.

21 (b) Nothing in this act shall be construed to affect any other
22 rights of a person who has been damaged by reason of a violation
23 of this act. Subsection (a) shall not be construed to limit the exercise
24 of any such rights arising out of or relating to a violation of section
25 3.

26 ~~Sec. 6.~~ This act shall take effect and be in force from and after
27 its publication in the statute book.

Attached

Sec. 6. KSA 1989 Supp. 47-1722 is hereby repealed.

Sec. 5. K.S.A. 1989 Supp. 47-1722 is hereby amended to read as follows: 47-1722. (a) Except as provided in subsection (c), any person who is acting as a pet shop operator or animal dealer on the effective date of this act but was not required to be licensed under K.S.A. 47-1701 et seq., and amendments thereto, as it existed on June 30, 1988, must apply for a license as a pet shop operator or animal dealer before January 1, 1989, if such person wishes to continue acting as a pet shop operator or animal dealer on and after January 1, 1989. However, such person shall not be required to have obtained a license until January 1, 1991, or such earlier time as the commissioner completes the inspection required by subsection (a) of K.S.A. 47-1709 and amendments thereto and grants or denies the person's application for an original license.

(b) Any certificate of registration issued to a pound or animal shelter before the effective date of this act and valid for the fiscal year ending June 30, 1988, shall continue to be valid, unless suspended or revoked, until January 1, 1989, at which time the certificate shall expire, and no additional license or fee shall be required hereunder until January 1, 1989.

(c) Any person licensed as a "A" or "B" dealer under public law 91-579 (7 U.S.C. 2131 et seq.) to act as or be an animal dealer shall not be required to be licensed under this act.

~~(c)~~ (d) This section shall be part of and supplemental to K.S.A. 47-1701 et seq. and amendments thereto.

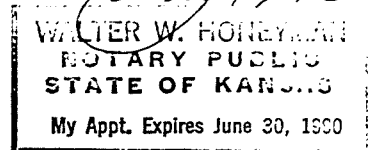
2-28-90

I do hereby testify that the words crossed out on the inspection sheet dated February 27, 1990 in Pottawatomie county for the residence located at Rt. 1 box 645, Havensville, Ks. 66432; were in reference to a sleeping sow. The sow was located 400 - 500 feet from the nearest public thoroughfare. The animal was concealed from view and could only be seen by trespassing. The words crossed out are as follows: "DEAD CARCASS IN PUBLIC VIEW."

Kathleen M. Ross

Kathleen M. Ross

Walter W. Honeyman
2-28-1990



INSPECTION OF COMPANION ANIMAL LICENSEES

Name & Address of facility:
 Name: KATHLEEN M. ROSS
 Address: RT. 1 Box 645
 City: HAVENSVILLE Zip Code: 66432
 Phone No. 948-21108 Area Code 913
 Owner: SOME
 SS# 515-56-1582

1. Initial Routine Special
 2. Date of Inspection FEB. 27, 90
 3. County POTT License No. 382A
 4. Code: #1 A&B #2 NFL #3 PET
 #4 P&S #5 R #6 HB
 5. Person Interviewed OWNER Position _____
 6. Business Hours: _____

7. BUILDINGS & PREMISES Acceptable Unacceptable
 a. Appearance: Acceptable Unacceptable
 b. Floor: Acceptable Unacceptable
 c. Ventilation: Acceptable Unacceptable
 d. Temperature: Satisfactory Unsatisfactory

8. State reason for Item 7 or 9.
X TRASH PILES.
X NUMEROUS DOGS STILL SHAKING HEADS.

9. SANITATION Acceptable Unacceptable
 a. Dog Cages Acceptable Unacceptable
 b. Dog Runs Acceptable Unacceptable
 c. ~~C~~ Cages Acceptable Unacceptable
 d. ~~B~~ Cages Acceptable Unacceptable
 e. Other Cages Acceptable Unacceptable

f. Floors & Walls in Animal Area are:
 Good Fair Unacceptable
 Odorless ~~X~~ Odorous
 Disinfectant Used: CHLOROX, LYSOL
 How often? WHEN CHANGS DOGS.
 Waste Disposal HAUL IT OFF

10. ANIMALS: Number of Dogs 68 Puppies 15 ~~Cats~~ ~~Birds~~ ~~Fish~~ ~~Others~~
 a. Appearance: Good Fair _____ Unacceptable _____ Comment _____
 b. Health: Good Fair Unacceptable _____ Comment _____
 c. Care: Water GOOD Feed FARM LAND HUBBARD Comment _____
 d. Isolation Room Yes No Comment _____

RECORDS
 11. Satisfactory? OK
 12. Veterinarian's Name & Address: SNYDER PUPPIES, ENSLEY FOR ADULTS
 13. REMARKS: _____

SELLS TO: BERKLEY KERR

Kathleen M. Ross
 Signature of Person Interviewed

Sharon Jennings
 Inspector's Signature