

Approved March 30, 1990
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at
Chairperson

10:10 a.m./~~p.m.~~ on March 23, 1990 in room 423-S of the Capitol.

All members were present except: Senator Harder (excused)

Committee staff present: Raney Gilliland, Legislative Research Department
Lynne Holt, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Jerry Slaughter, Kansas Medical Society
Dr. Jack Riley, Head, Animal Sciences and Industry,
Kansas State University
Mike Beam, Kansas Livestock Association
Warren Parker, Kansas Farm Bureau
Howard Tice, Kansas Association of Wheat Growers
Gina Bowman-Morrill, Farmland Industries
Robert Wunsch, KU Medical Center
Nancy Kantola, Committee of Kansas Farm
Organizations
Chris Wilson, Kansas Grain and Feed Association

Senator Allen called the Committee to order and attention to SB 776 and then called on the following proponents to testify.

Jerry Slaughter gave the Committee copies of his testimony (attachment 1) and urged the Committee report SB 776 favorably.

Dr. Riley gave the Committee copies of his testimony (attachment 2) and expressed support for SB 776.

Mike Beam provided copies of his testimony (attachment 3) expressed support for SB 776 and urged favorable consideration be given the bill by the Committee.

Warren Parker gave the Committee copies of his testimony (attachment 4) and stated strong support for SB 776. Mr. Parker then expressed personal support for SB 776 as he explained that his six month old daughter was alive due only to research that had been done on animals and for that research he expressed much appreciation.

The Chairman called attention to testimony submitted by Howard Tice (attachment 5) who was unable to be present. Mr. Tice encouraged the passage of SB 776.

Ms. Bowman-Morrill gave the Committee copies of her testimony (attachment 6) and encouraged the Committee to recommend SB 776 for passage.

Ms. Bowman-Morrill answered that Farmland Industries has received threatening calls from Animal Rights persons but that no threats, to this time, have been carried out. It was suggested to Ms. Bowman-Morrill that her company should record the threatening phone calls.

Robert Wunsch explained that research vital to life is accomplished at the KU Medical Center with the use of animals for research. Mr. Wunsch stated that SB 776 makes a statement to those who believe that animals should not be used for research and that it is time for such a statement. Mr. Wunsch requested that the Committee recommend SB 776 for passage.

Committee comments included that SB 776 definitions should clearly be stated so as to include the KU Medical Center in the definitions of a

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:10 a.m.~~pm~~ on March 23, 1990

research facility. Mr. Wunsch answered that the penalties listed in SB 776 match current laws for the stated penalties recommended for the stated violations.

Nancy Kantola gave the Committee copies of her testimony (attachment 7) and expressed support for the proposed legislation.

Chris Wilson provided the Committee with copies of her testimony with related information (attachment 8) and urged support of SB 776.

Senator Montgomery gave the Committee copies of information (attachment 9) concerning threats made by national animal rights persons; a statement commenting on the murder of the Dean of Veterinary Medicine at the University of Tennessee with the possibility of the murder of a dean of veterinary medicine at other universities at the rate of one per month. Another copy of information (attachment 10) concerning activities of the Humane Society of the United States concerning the housing for production hogs and chickens. Senator Montgomery also gave the Committee copies of articles (attachment 11) concerning the organization of People for the Ethical Treatment of Animals.

The Chairman called for Committee action on SB 776.

Senator Montgomery made a conceptional motion that the Committee approve amendments to be written by staff that would restate the definition of person in Section 2 (g) to include the KU Medical Center and any other state institution and to reword Section 3 (3) (1) to read the penalties to be for over \$50,000 damage to be a class D felony, for \$500 to \$50,000 to be a class E felony and for under \$500 to be an A misdemeanor so that the penalties for SB 776 will be compatible with current penalties for criminal damage to property. Senator Doyen seconded the motion. Motion carried.

Senator Doyen made a motion that the Committee recommend SB 776 favorably for passage as amended. Senator Montgomery seconded the motion. Motion carried. Senator Francisco requested that the record show that he voted "no".

Staff commented that the words "state agencies" would be used to correct the definition section regarding the word "person".

The Chairman turned Committee attention to HB 2787 and acknowledged Senator Montgomery.

Senator Montgomery gave the Committee information including a list with numbers of and different kinds of licensed kennels in Kansas, information about a Kennel Advisory Board meeting, and other related information (attachment 12).

The Chairman called for Committee action on HB 2787.

Senator Francisco made a conceptional motion that HB 2787 be amended to state that on the effective date of HB 2787 that an "A" licensed kennel cannot request to be a "B" licensed kennel in order to eliminate being inspected. Senator Montgomery seconded the motion. Motion carried.

Senator Montgomery made a motion that the Committee conceptionally approve the amendment as listed in Attachment 3 as presented on March 22 to eliminate class "B" kennels from inspections and to have a New Section 5 included so that violators of the kennel requirements be included in penalty regulations. Senator Doyen seconded the motion. Motion carried.

Senator Francisco made a motion that the Committee approve an amendment that would make SB 766 effective 'upon publication in the State Register'. Seconded by Senator Daniels. Motion carried.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:10 a.m./~~p.m.~~ on March 23, 1990

Senator Montgomery made a motion that the Committee recommend HB 2787 favorably for passage as amended. Seconded by Senator Sallee. Motion carried.

The Chairman announced that the Committee would next meet during the Veto Session to make a list of suggestions for summer study and then adjourned the Committee at 11:02 a.m.



KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612 • (913) 235-2383
Kansas WATS 800-332-0156 FAX 913-235-5114

March 23, 1990

TO: Senate Agriculture Committee

FROM: Jerry Slaughter
Executive Director

SUBJECT: SB 776; Concerning the Farm Animal and
Research Facilities Protection Act

The Kansas Medical Society appreciates the opportunity to appear today in support of SB 776, the Farm Animal and Research Facilities Protection Act. The ability of research facilities, including medical schools and other organizations, to conduct bona fide animal medical research is crucial to the advancement of quality care in our country. Nationwide there have been numerous incidents of activist groups who have interfered with, or even damaged the property of bona fide research facilities. In order for science and technology to progress, bona fide research facilities must have protection. It is hoped that the provisions of SB 776 will discourage acts of vandalism, harrassment, and property damage against research facilities.

We support SB 776, and urge you to report it favorably. Thank you.

CW:nb

Senate agriculture committee

3-23-90

attachment 1

Senate Agriculture Committee
SB776: Farm Animal & Research Facilities Protection Act
March 23, 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. 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.

Senate Agriculture Committee

3-23-90

attachment 2

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.

March 23, 1990

To: Senate Agriculture 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.

Senate agriculture Committee

3-23-90

attachment 3



PUBLIC POLICY STATEMENT

SENATE AGRICULTURE COMMITTEE

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

March 23, 1990
Topeka, Kansas

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

Mr. 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

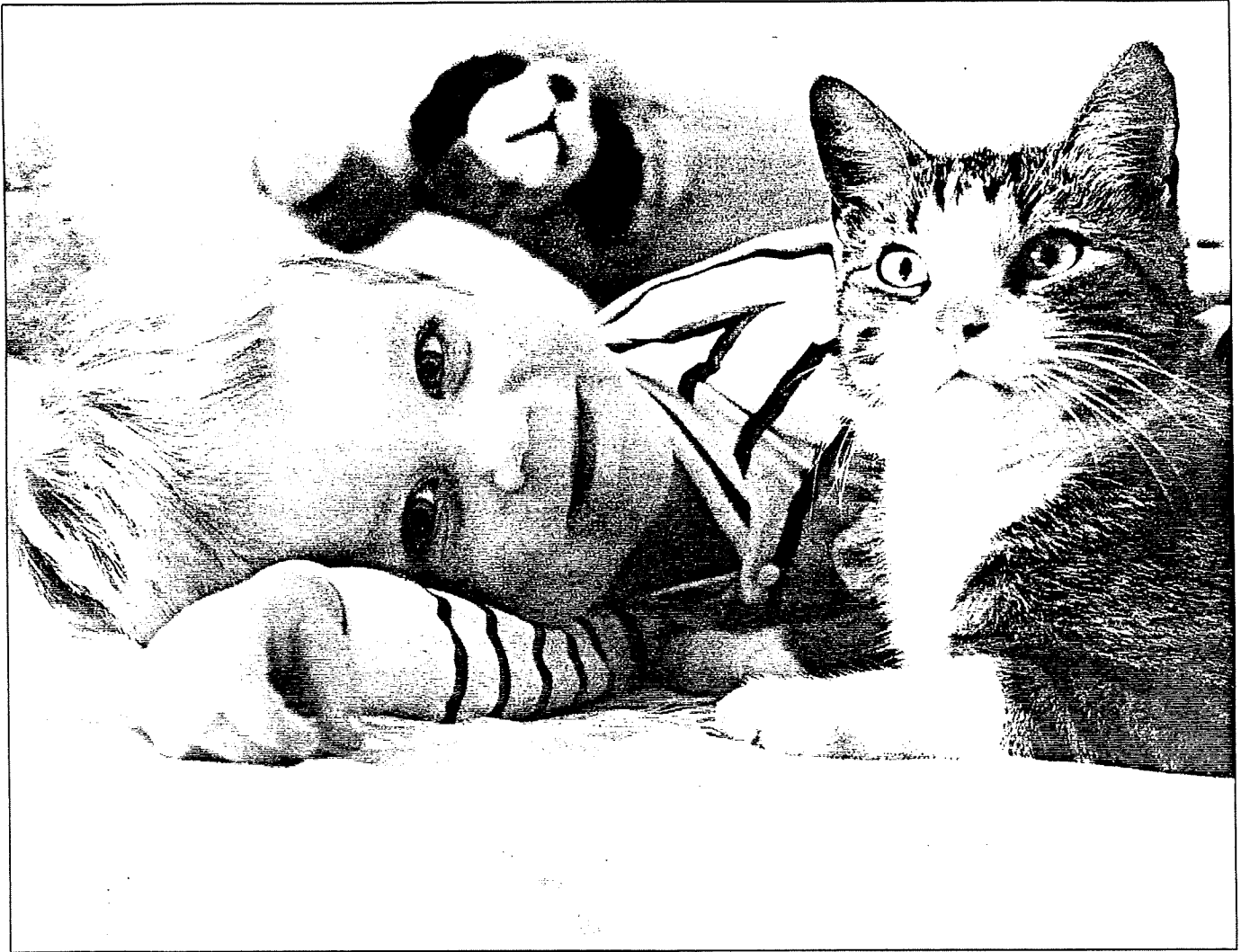
*Senate Agriculture Committee
3-23-90
attachment 4*

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 vivisectioners’ vile workshops.”

Three 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.

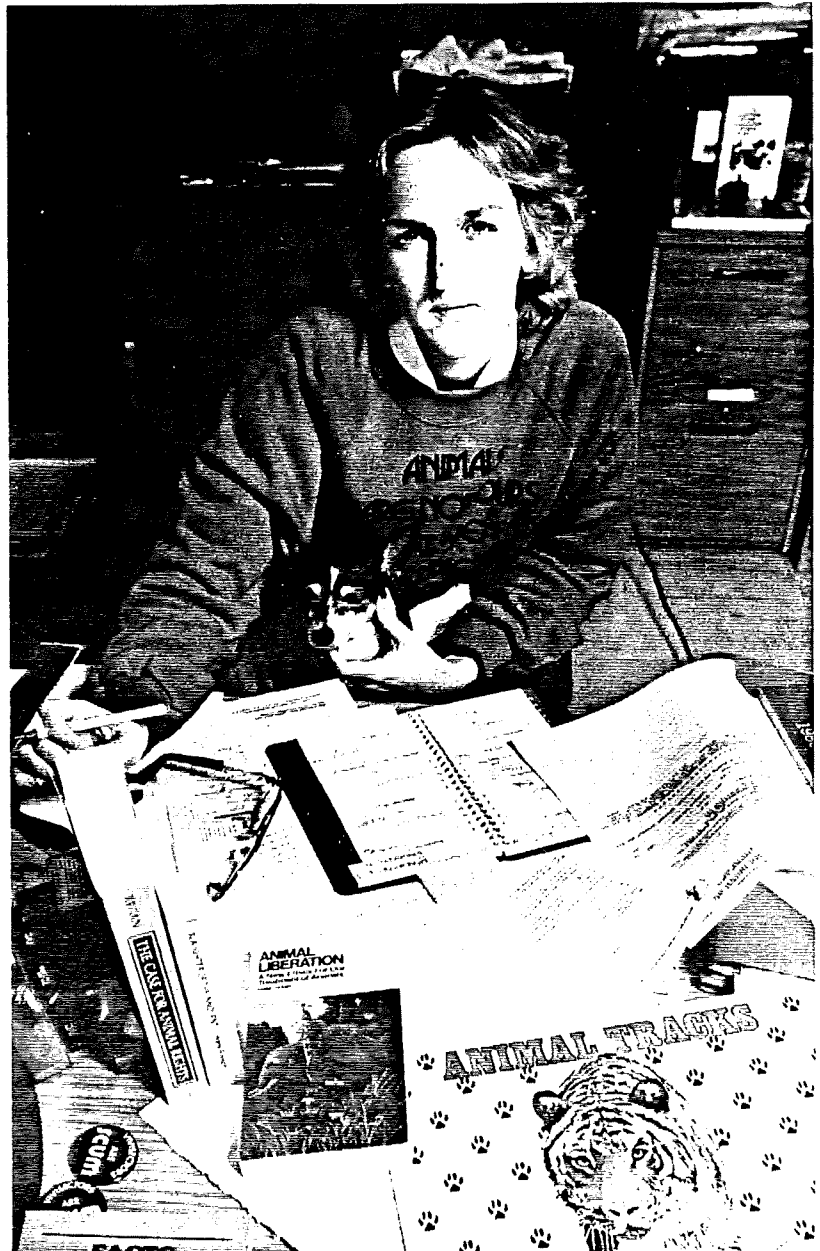
In the months before the ALF raid, federal inspectors consistently found Orem's lab to be exemplary. The NIH called his veterinary practices "a model of excellence."

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.



MANNY ROCCA



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 vivisectors' 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."

T

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.

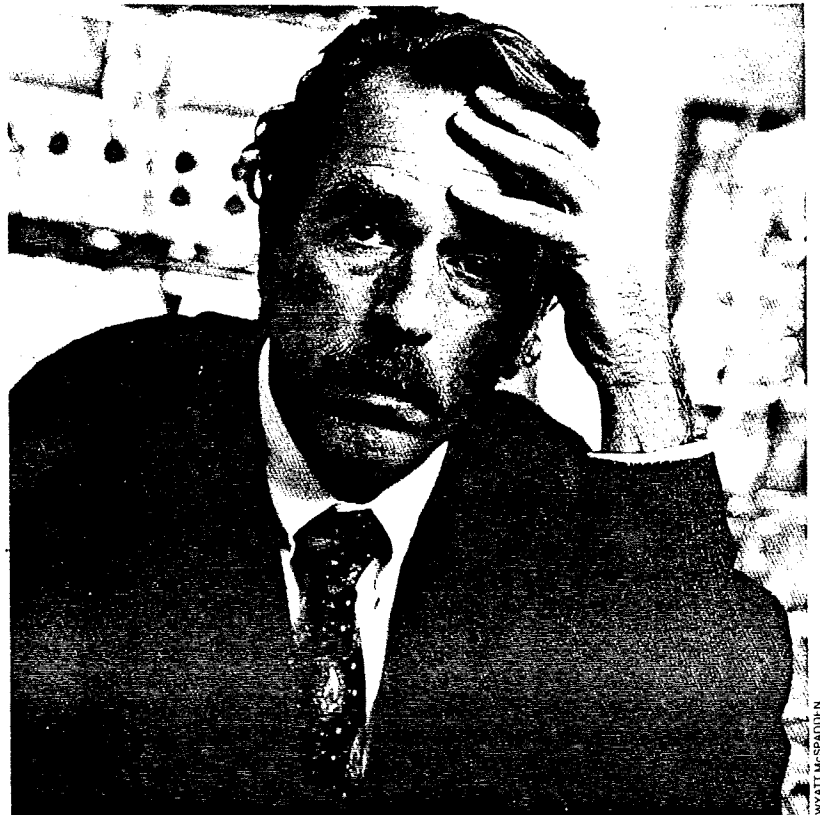
Campaigns by animal-interest groups against the wearing of fur and the use of animals in product testing have garnered headlines and sparked public sympathy. But the goals of the animal-rights movement, the implications of its message, and the consequences of its actions are little understood.

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."

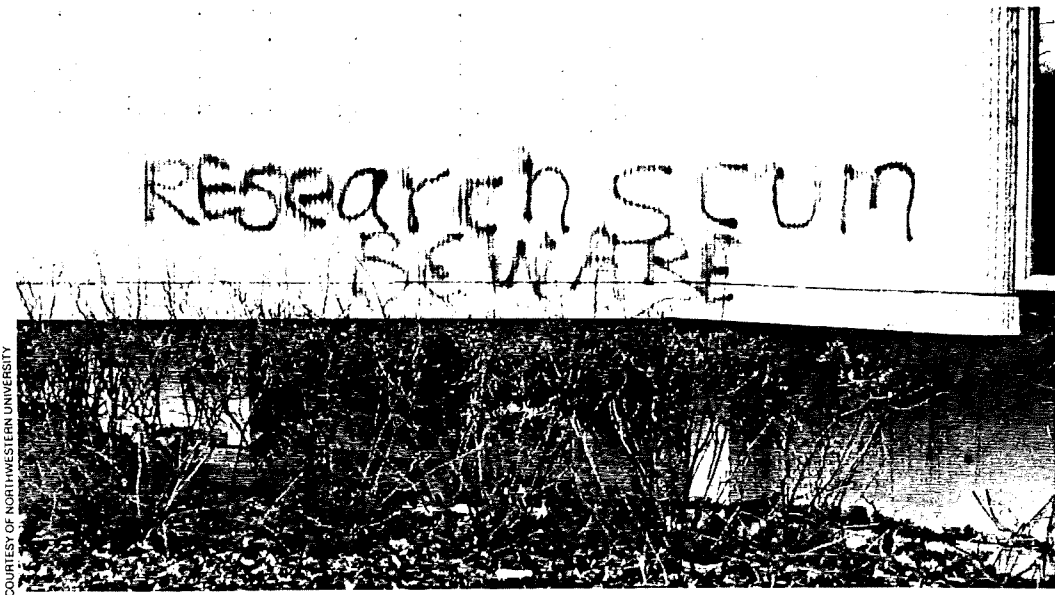
In this view, the century of animal-based research that led to vaccines for polio, to the development of insulin, to modern heart surgery, to organ transplantation, to chemotherapy and the development of antibiotics—all, in the animal-rights view, is based in immorality.

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.

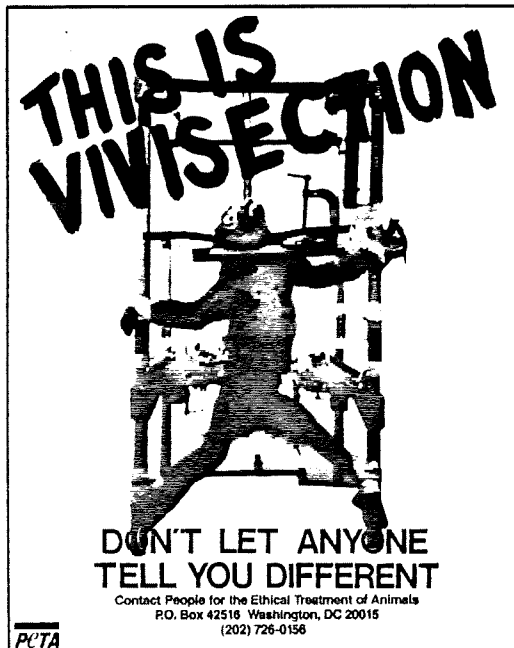
The face of Domitian—the male macaque monkey photographed nine years ago in a Silver Spring lab—beckons from a hundred posters at the PETA rally at NIH. His head thrust upward, his arms and legs crudely tied with bandages, the monkey hangs from the clamps

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.

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.”



COURTESY OF NORTHWESTERN UNIVERSITY



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 *Animal*

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" propelled 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. Thus 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-rightists."

"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 welfarism: 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 intuitive 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.

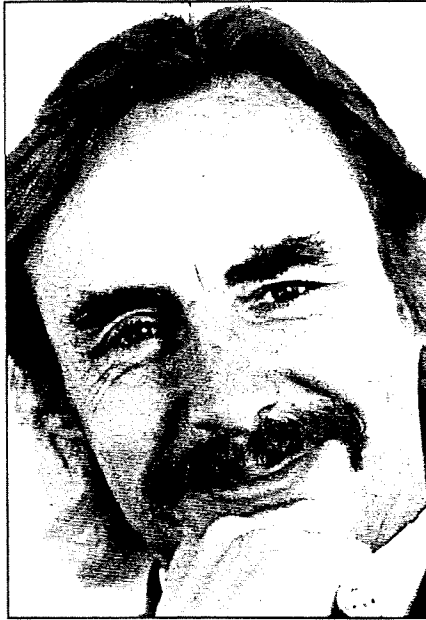
The same innovative scientific methods that have reduced the need for animals in product testing can, he suggests, replace animal research in AIDS, Alzheimer's, diabetes, cancer, heart disease, and other areas. "To date chimpanzees and other animals have contributed nothing to progress in AIDS research 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-

tation" 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 supercharged 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." □



Kansas Association Of Wheat Growers

"ONE STRONG VOICE FOR WHEAT"

TESTIMONY

SENATE COMMITTEE ON AGRICULTURE

Senator Jim Allen, Chairman

SB-776

Submitted by Howard W. Tice, Executive Director

Although we are unable to present our testimony in person, the Kansas Association of Wheat Growers wishes to be placed on record in full support of Senate Bill 776.

Research is the background of progress, whether it is in agriculture or any other field of endeavor. Animal research has brought us countless medical breakthroughs over the years, as well as improvements in the meat animals we depend on for our protein-rich diet.

This bill recognizes the threat that hangs over animal agriculture, and medical research facilities when people who don't understand the value of animal research and meat animal production decide to go outside the law to make their point. The intent of this legislation is to codify existing statutes into one package, which will enable courts and enforcement agencies to deal quickly, with incidents of vandalism and malicious destruction in the name of animal rights.

While laws are now on the books, to deal with such activities, it is our understanding that they are scattered throughout many sections of the law. The codification of such laws is not a new idea. It is a good tool, for bringing all the pertinent statutes under one concise and complete umbrella, to deal with a particular problem.

Although Kansas has not had the problems that have surfaced in other states, we are not immune to such a threat. This bill would also send a strong signal to would-be activists, that such behavior will not be tolerated in our state.

On behalf of the members of the Kansas Association of Wheat Growers, many of whom are livestock producers, we urge the passage of SB-776.

*Senate agriculture Committee
3-23-90
attachment 5*



FARMLAND INDUSTRIES, INC.

post office box 7305/kansas city, missouri 64116

COMMENTS

before

SENATE AGRICULTURE COMMITTEE

TOPEKA, KANSAS

March 23, 1990

Regarding S.B. 776

by

FARMLAND INDUSTRIES, INC.

KANSAS CITY, MISSOURI

Farmland Industries, Inc., one of the nation's largest farm supply cooperatives, is headquartered in Kansas City and serves over 200,000 farm families in a 19-state region. Kansas, the strongest state of our territory, has the largest membership on both the local cooperative and producer-member levels. It is the belief of Farmland and our members that restrictive laws are needed to address the evolving animal rights movement and its actions toward animal research facilities. Senate Bill 776 will address this need.

Farmland's interest is our Research and Development Farm, located near Bonner Springs, which is utilized to study methods for the betterment of animal nutrition research. Farmland's research consists principally in livestock

*Senate agriculture Committee
3-23-90
attachment 6*

production: energy and amino acid digestion, metabolism, animal growth, milk production, and feed ingredient evaluation. The attached brochure describes specifically our efforts in dairy nutrition research.

It is our concern that persons who want to prohibit what they define as "cruelty to animals" will needlessly destroy facilities, records, and research in their attempt to accomplish their goals in situations where livestock are actually well treated, such as at our Research facility and on our producer members' farms.

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



Farmland Research Facility

**Farmland Industries
Kansas City, MO**

6-3

The modern dairy cow is a star player in our American agricultural complex. Endowed with superior genetics, she responds dramatically to favorable environmental conditions and advanced nutrition.

So great are her capabilities that our nation's current milk output exceeds that of 40 years ago, with less than half the number of cows in production today.

Yet no industry continues its progress by settling for the status quo. To do so is to take a step backward. For this reason, man devotes a portion of his energy and resources to the never-ending pursuit of improvement. He conducts research.



Opened in 1972, the Research and Demonstration Farm has provided a proving ground for a wide variety of advanced feeding products.

New Facility Sets Stage for Expansion of Farmland Dairy Nutrition Research Program

On February 1, 1989, Farmland Industries, Inc. demonstrated a new commitment to future progress on U.S. dairy farms. This date marked the opening of a new dairy cattle nutrition research facility at Farmland's 380-acre Research and Demonstration Farm near Lansing, Kansas.

The new milking parlor, tie stall barn, and related facilities are designed to enhance the performance of high-producing cows while serving the special needs of Farmland's dairy nutrition research.

As every dairyman knows, careful planning is critical in determining the usefulness of a new dairy.

Farmland did its homework at this stage.

"We were using a dairy unit built in 1972," explains Dr. Dale Larson, administrator of Ruminant Nutrition Research. "We could handle no more than 50 cows. This was a handicap in itself, but there were other ways in which the facility was inadequate.

"It was clear that we must build a new dairy if we were to meet our commitment to producers. We needed the most modern facility and equipment possible to stay on-line with the future of dairy."

A team of Farmland experts tackled the challenge, concentrating first on listing their major priorities. Although hundreds of ideas were aired, the most important largely fell into five categories.

It was agreed that the new dairy must:

1. Provide individual feeding of all lactating cows for research work. Only a few cows could be fed this way in the old facility.

2. Accommodate 96 lactating cows during tests. The old facility handled about half as many.



Comfortable and efficient housing of the cows contributes to high-quality research.

3. Provide an optimum cow environment. Conditions in the old facility had limited production at times, obscuring research results.

4. Have electronic data collection capabilities. There was no computerization in the old facility.

5. Provide improved labor efficiency. Three full-time people were required to handle 50 cows in the old facility; five full-time workers now handle more than twice this number with the capability of much more research.



Jim Carter coordinated construction of the new dairy research facility.

Farmland experts recognized their need for sound technical input in making decisions regarding facility layout and equipment. They turned to Alfa-Laval Agri, Inc., manufacturer and marketer of De Laval dairy equipment and supplies.

"We met numerous times over a period of several months," says Bob Gray, De Laval's Technical Director. "It was a process of considering the objectives, putting something on paper that seemed to accomplish those goals, then looking for ways to make improvements."

The process extended through four revisions of blueprints. Gray says that's not unusual for a facility with so many special requirements.



Alfa-Laval Agri, Inc. worked closely with Farmland in all phases of design and construction.

Farmland found that working with De Laval had a special advantage. The company's technical experts could bring to the project an innovative view of current and future developments in dairy equipment.



Dr. Holzgraefe helps oversee expanded research in a state-of-the-art dairy facility.

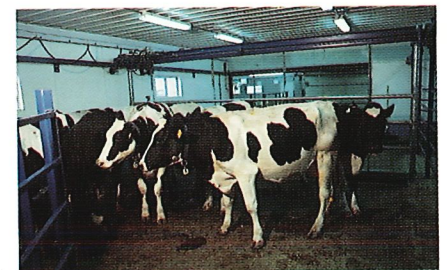
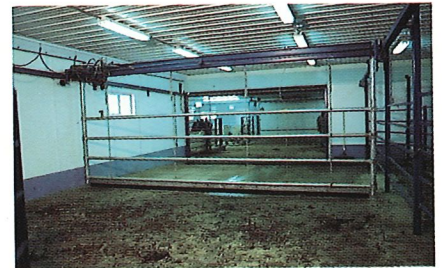
"We specialize in learning how nutrition relates to cow performance," says Dr. Dave Holzgraefe, manager of Research and Development and director of Emerging Technologies for Farmland.

"We knew we needed to team up with a source of great expertise in dairy equipment. We found this at De Laval, and this gave us confidence we would have a facility that could relate to dairies of the future."

Farmland leaders expect the installation to enable them to generate four to five times more research in a given period than was possible in the old facility. Here's a summary of the layout:

Holding Area

Cows are removed from the tie stall barn in groups of 12 and brought to a 28' X 40' pre- and post-milking holding area. As one group is milked, the next group is confined in the front half of this area. This is accomplished by lowering a 20' De Laval/Blue Diamond Full Control Crowd Gate behind the cows. These cows wait to enter the parlor next.



A De Laval/Blue Diamond crowd gate moves cows into the parlor gently and efficiently.

6-5

Cows leaving the parlor file down a return alley to the rear of the holding area. They remain here until somebody is available to return them to the tie stall barn and tie each cow in her respective stall. This process prevents research cows from entering the wrong stalls and consuming feed not credited to them.

Milking Parlor

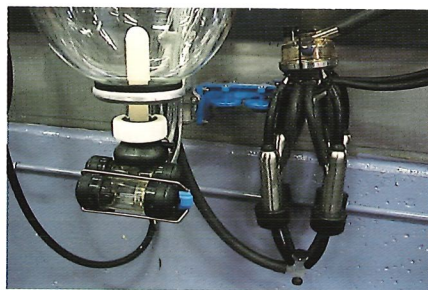
The double-six herringbone parlor is designed for operation by one experienced milker. There is no provision for parlor feeding.

"We feed cows only in the tie stall barn," explains H.B. Heim, supervisor of Animal Units at the farm. "This makes it possible to measure all the feed each cow eats."

Remote-controlled, pneumatically operated gates control cows entering and leaving the parlor. As six cows file into one side, each finds a place in a De Laval/Blue Diamond Model 88-501WA parlor

stall. A brisket (indexing) rail on each side of the parlor positions cows for most efficient milking.

Each cow's number is keyed into a stall unit on the De Laval Jar-Master.



The De Laval Jar Master unit records milk yield automatically.

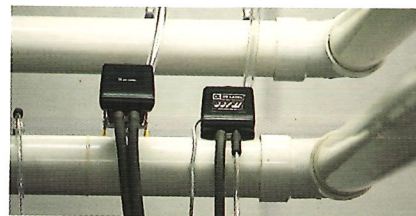
This prepares the electronic data system to record the cow's production to the nearest one-tenth pound of milk, as measured by the Jar-Master Milk Yield recording system.

This automatic milk yield recording capability is vital to good nutritional research.

Milking is done by Super Flo-Vu™ claws with 01 De-latex™ Liners and SST™ II cord-type take-offs.

Milk flows into 85-lb. weigh jars.

Farmland's parlor workers have noted impressive speed of milking using the 70:30 pulsation produced by the Delatron™ II Pulsators. These units have integrated circuitry programmed to operate each milker independently, and with a high degree of precision and reliability.



De Laval Delatron II Pulsators provide the precision and reliability needed for consistent milking.

Air is filtered to keep the system clean.

When the cows have been milked, the milk is released from weigh jars into the pipeline.

If a cow is receiving mastitis treatment, of course, her milk is drained from the weigh jar. In this case, however, the data recording unit still measures the cow's production.



The self-indexing parlor stalls correctly position cows for milking. These stalls make movement of the cows smooth and efficient.



Consistent, accurate milk yield recording is essential to research projects.

Once milk has been transferred from the weigh jars, data reflecting milk weights for the six cows is downloaded to a computer in the herdsman's office. "Milk yield recording and recordkeeping are very important to our research and De Laval offered us two ways to do that and the setup works very well," says Larson.

The milking pit is 9 feet wide in contrast to the average 6- to 7-foot pit. The extra feet allow for easy movement around weigh jars. It also provides visitors with a full view of the milking operation from an observation room at the front of the parlor. Co-op patrons and other guests are welcome, and they can see what's happening

without interfering with the operations.

Milk Room

Milk flows from the pipeline into a standard Glass Highline Receiver Group. Next, it moves through a Model DE69 plate cooler.

Milk enters the plate cooler at about 100°F and exits at about 70°F. This reduces the amount of cooling to be done in the bulk tank, lowering energy requirements for cooling.

In less than an hour after entering the 2,000-gallon Century™ Bulk Milk Cooler, milk is reduced to a temperature of about 38°F. Milk is picked up every other day.

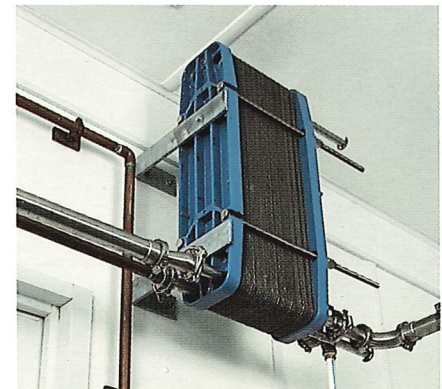
The De Laval 3600 automatic pipeline washer is controlled by a wall-mounted, 24-hour controller. It is programmed to sanitize the pipeline automatically before each milking.



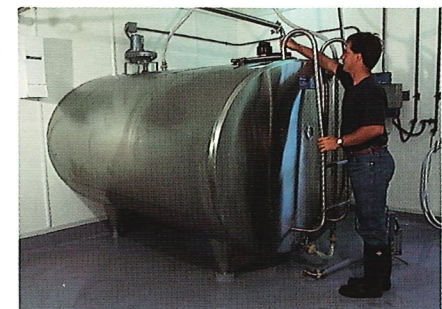
Milk from the parlor enters a De Laval Highline Receiver Group.



The new double-six milking parlor was designed with extra space for maximum efficiency and ease of operation.



To save energy, milk is pre-cooled by a plate cooler before entering the bulk storage tank.



A 2,000-gallon bulk tank holds the milk for pickup every other day.

6-7

Tie Stall Barn

There are 96 tie stalls in the 42' X 256' barn. Stalls are 4-1/2' X 6-1/2', and roomy enough for big Holsteins to have free movement of rear legs when lying down. A standard DeLaval Rubber Stall Mat in each stall promotes udder hygiene and cow comfort.



Specially designed for research activities, the tie stall barn is easy to maintain and work in.

A Della-Matic Water Bowl with push-button valve is located in each stall. Cows quickly adapted to these bowls after the move.



Fresh clean water is always on hand for every cow.

The totally enclosed tie stall barn has a AAA ventilation system utilizing 18 thermostatically controlled fans along the east wall. Six 14-inch fans operate continually. Six 24-inch fans operate when barn air exceeds 60°F. And six 36-inch fans are switched on when

temperatures exceed 75°F in the barn.

Air enters the barn through a baffle inlet on the west side. During warm weather, air is pulled from under the west eave, moving through outer and inner baffles. When it's cold outdoors, the outer baffle is closed. Then, naturally heated air is drawn from the attic, which has a ridge ventila-

tor. The barn interior is extremely well lighted, thanks to GE F96-PG-17 Power Groove cool white fluorescent lamps.



Ventilation is controlled throughout the facility, taking advantage of naturally heated and cooled air.

They offer the advantage of creating no shadows. There are 28 ceiling fixtures, each containing two of these lamps.

An 18-inch manure gutter extends behind each row of tie stalls. The gutters are covered with steel grates and are 12 inches deep. A Patz automatic barn cleaner scrapes gutters daily, conveying manure outside to a concrete collection area.



Gutters at the rear of each stall and an automatic scraping system simplify manure handling.

The cows produce about 200 bushels of manure in the barn daily. All rinse and wash liquids are disposed of separately, keeping the manure as dry as possible. This facilitates spreading on nearby fields.



A collection area holds manure until it is spread on nearby fields.

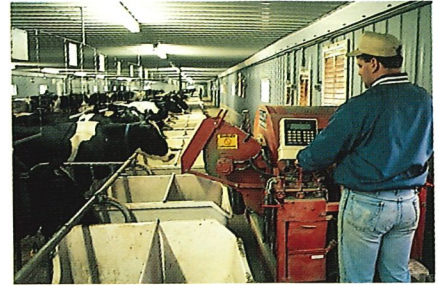
A cow trainer suspended above each stall gives the cow a mild electrical "buzz" if she arches her back too high when preparing to urinate or defecate. This trains the cow to stand so she won't miss the gutter.

A maternity area is located at the north end of the barn. Nearby is a room where all animal health supplies are kept, except for lactating cow mastitis treatments, which are ad-

Feeding

The feed room differs from that on the average farm because of research requirements. Three feed ingredients are handled in bulk: ground alfalfa hay, corn silage and corn.

Remaining feeds are handled in bags. These include CoPass 40, Milk Supreme Dairy Base 29, Lactating Cow Boost and Buff-A-Rum. Additional ingredients may be



Rations are precisely metered to each cow. Information from the Data Ranger is then sent to the HerdMaster computer.

The Data Ranger dispenses feed into fiberglass tubs, one per stall. The tubs provide a way to accomplish individual feeding for research purposes.

The Data Ranger records the exact amount of feed given each cow at each feeding. Feed not consumed one day is removed by the Data Ranger the next morning and weighed. The "weigh-back" amount for each cow is matched by computer against the feed dispensed the previous day. The difference is the amount consumed. Data is downloaded from the Data Ranger to the computer in the herdsman's office once daily.

The Data Ranger has other capabilities that contribute to precision in feed preparation and management, all of which are vitally important in doing nutrition research.



Calves get special attention during a seven week stay in the 30-calf nursery.

ministered in the parlor.

When weather permits, cows are turned outside in an adjoining exercise lot once daily. The cows are usually outside for one to two hours following the morning milking. This exercise period enhances heat detection.

used experimentally in research rations at any given time.

All ingredients are loaded into a Calan Data Ranger, a mobile feed mixer-dispenser designed for nutrition research. The total mixed rations are mixed in this unit.

Herdsman's Office

Located at the front of the facility, this room serves as the computer center. An IBM PS/2 computer drives the De Laval HerdMaster® software.

Milk weights are electronically recorded for each cow. The computer manages other types

of information, such as heat detection and cows whose milk must be withheld from the tank. The new De Laval HerdMaster® Galaxy™ software package is to be added soon to expand the information management capability.

A modern dairy is a power-dependent facility, especially when the cows are totally enclosed. Kansas Power and Light supplies electrical power to the farm. In preparation for power interruptions, a 55 kW generator is standing by, powered by a natural gas-burning engine.



At the Research and Demonstration Farm Headquarters, research is coordinated and protocols written.

land's supervisor of facilities, grounds and maintenance at the farm, managed installation of the utilities and the remaining equipment.

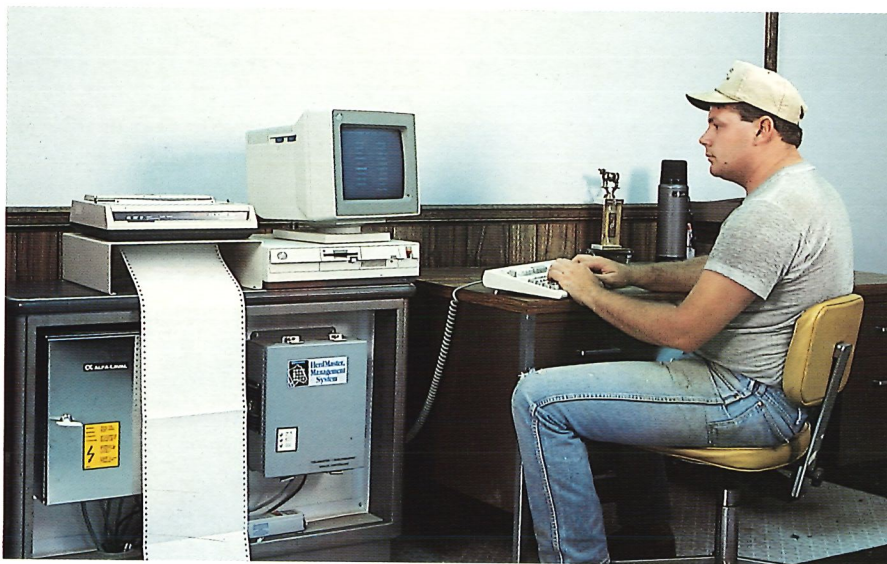


As Supervisor of Animal Units, H.B. Heim directs the herd improvement activities.

"We worked with the Holstein-Friesian Association and three different herds in our acquisition program. And we had tremendous cooperation from everybody involved. We knew we needed some top producers so we could stay consistent with other top-producing dairies."

Four months after the new dairy was occupied, records showed a rolling herd average of 19,881 lbs. of milk and a butterfat test of 3.61. Since all purchased cattle were first calf heifers, Farmland expects the production to increase. The goal is to reach a rolling herd average of 23,000 to 24,000 lbs.

New cattle were subjected to a very rigid selection process. Even with the benefit of breed association production indexes and other documenta-



The nerve center of the facility is the herdsman's office and its De Laval HerdMaster herd management computer.

This unit can produce enough electrical power to operate the ventilation and lighting systems, milking parlor, milk cooling, and computer.

Housing for the entire facility was supplied and erected by Wick Building Systems, Inc. Jayhawk Dairy Supply, Lawrence, Kansas, was the installing dealer for Alfa-Laval. Jim Carter, Farm-

The Cows

"When we decided to proceed with this facility, we faced the need to double our herd size through acquisitions," explains Heim. "Based on cows having a 60-day dry period and having 90% of the cows in production, we needed to have 108 to 110 cows to keep the 96-stall barn full.



The Farmland herd is already posting excellent production marks.

tion of potential performance, no animal was acquired without an initial visual inspection at the breeder's farm.

The purchases included four recipient heifers carrying transplanted embryos from donors having records for exceptionally high production. All four calves were heifers, though only three were born alive.

All purchased cattle were tested for Johne's disease and double tested for bovine leukosis. Any animal testing positive was rejected. All acquired cattle were isolated from the main herd for 60 days after arrival at the farm.

"We're proud of the cattle we have acquired, but we have to be realistic," says Heim. "There's no guarantee that every individual will meet our long-term expectations. We're prepared to do some culling."

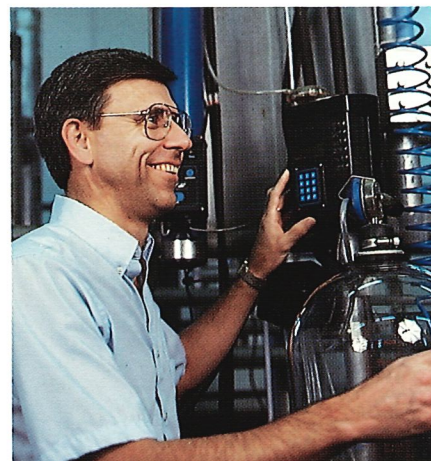
Clearly, Farmland's dairy nutrition research program is off and running at an accelerated pace. Yet there's another benefit of these improvements.

"We now have some of the best cows and one of the finest dairy facilities in the country," says Dr. Charles Sasse, director of Research and Technical Services. "This increases Farmland's credibility in dairy nutrition research. We consider this important with the organization's people in the field, as well as the dairy producers we work to serve.

"Great things will be happening here soon. We expect to develop new feeds and feeding programs faster than ever before, and that means having them on-line earlier, available for producers to use. That's progress — and that's what this is all about!"

Farmland's Dairy Nutrition Research Program

Farmland initiated its dairy nutrition research program in 1959. Since that time, cows on American dairy farms — and the challenges of feeding them adequately — have changed.



Charles Sasse oversees the entire Research Farm and Technical Services Department.



Dale Larson (left) and Charlie Dexheimer (right) are key personnel in research and nutrition activities at Farmland Industries.

"The most difficult dairy animal to feed today is the high-producing cow," explains Charlie Dexheimer, manager of Technical Services.

The challenge is to supply such a cow with adequate energy, especially during her first 100 to 120 days of lactation. Typically, this cow's production peaks fairly early, but her feed intake does not peak until later.

The cow draws from her body's energy stores to support milk production. The effect may be suppressed production and/or poor reproductive performance.

Farmland has introduced several advanced dairy nutrition products recently. Two of the most significant are:

—Dairy CoGest. High in energy; provides more readily available energy, protein and fiber than standard feeds. Enables cows to peak at a higher level of production, producing more milk at less cost. Commercially introduced: 1985.

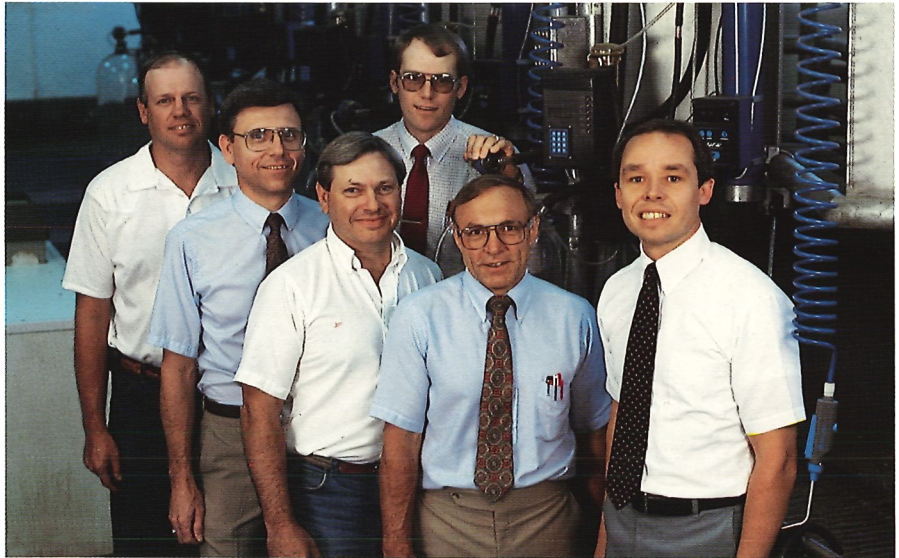
—Dairy CoPass. Routes more undegraded protein past the rumen and into the small intestine, supplying extra protein required for high levels of milk production. Increases production; improves conception rate. Dairy CoPass 40 is an all-natural protein feed recommended during the first 100 days of lactation. Dairy CoPass 36 combines urea with high by-pass ingredients and is recommended after the first 100 days. Commercially introduced: 1981, 1983.

One of Farmland's research priorities is to continue evaluating energy sources for lactating cows. The by-pass fats are a good example. There is a need to identify which are truly by-pass fats and which have the most potential to benefit the cow.

For example, it's important to learn which by-pass fats do not interfere with rumen metabolism. Some fats are known to reduce fiber digestibility.

For its metabolism studies, the herd already includes one fistulated heifer (rumen contents can be removed through an opening in the body wall for analysis). Additional fistulated animals are likely to be added.

Research is planned with



The Farmland Research team continues to make significant advancements in dairy nutrition.

feeds and feeding programs for cows receiving bovine somatotropin (BST). Though not yet cleared by FDA for commercial use, this bio-engineered, protein-based hormone has been shown to increase production significantly in cows past the first 100 days of lactation.

"The BST issue has become one of heated controversy," says Dr. Charles Sasse, director of Research and Technical Services. "It's important to understand that Farmland does not intend to do basic BST research.

"Instead, we're going to explore ways producers can best feed cows receiving BST, in case the technology is approved in the future. If this becomes an accepted practice, dairymen will have to know how to deal with it most effectively. Now is the time to begin doing such research. If we wait until the technology is approved, we will be several years behind the fact."

How does Farmland decide what to include in its dairy nutrition research? "Our projects usually begin with cooperative inputs from the Research, Technical Services and Marketing Departments," says Dr. Dexheimer.

"But when you boil it down to simplest terms, most research stems back to what we hear from dairy producers. It's our job to solve the nutritional problems they encounter day to day."

At full capacity, the new research facility may see as many as eight to ten different rations fed at any given time. This would likely include no more than two separate studies in progress simultaneously.

Farmland's Feed Research and Development Farm also involves extensive nutritional studies with beef cattle, swine and pets.

ALFA DE LAVAL
ALFA-LAVAL AGRI, INC.
Kansas City, Missouri

Farmland
COOP
Feed/Animal Health

COMMITTEE OF ... KANSAS FARM ORGANIZATIONS

Nancy E. Kantola
Legislative Agent
3604 Skyline Parkway
Topeka, KS 66614
(913) 273-5340

STATEMENT OF POSITION OF THE
COMMITTEE OF KANSAS FARM ORGANIZATIONS

RE: S.B. 776

Senate Agriculture Committee

March 23, 1990

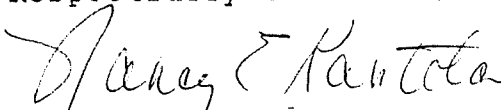
Mister Chairman, Members of the Committee: I am Nancy Kantola, Legislative Agent for the Committee of Kansas Farm Organizations.

The attached list of our members confirms that our Committee is composed of the majority of the agricultural organizations and associations of agribusinesses in our State. We require a unanimous vote before we take a position on pending legislation.

Our members expressed strong support for the concept of this bill when a similar bill was introduced in the house. The reports of activities of extremist groups threatening and terrorizing people who are involved in research with animals, whether for human medical progress or for genetic and disease research for livestock are highly disturbing.

It is regrettable that such legislation as presented to you in SB 776 is necessary or called for, but it is obviously needed. We ask your support of this bill so that there can be no doubt that activities which interrupt years of careful research or destruction of costly facilities will be punished. Thank you.

Respectfully submitted,

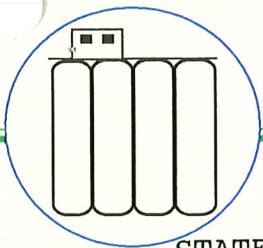

Nancy E. Kantola

Senate agriculture Committee
3-23-90
attachment 7

MEMBERSHIP LIST
COMMITTEE OF KANSAS FARM ORGANIZATIONS
1990

KANSAS AGRI-WOMEN
KANSAS ASSOCIATION OF SOIL CONSERVATION DISTRICTS
KANSAS ASSOCIATION OF WHEAT GROWERS
KANSAS COOPERATIVE COUNCIL
KANSAS CORN GROWERS ASSOCIATION
KANSAS ELECTRIC COOPERATIVES
KANSAS ETHANOL ASSOCIATION
KANSAS FARM BUREAU
KANSAS FERTILIZER AND CHEMICAL ASSOCIATION
KANSAS GRAIN AND FEED DEALERS ASSOCIATION
KANSAS LIVESTOCK ASSOCIATION
KANSAS MEAT PROCESSORS ASSOCIATION
KANSAS MILK PRODUCERS ASSOCIATION
KANSAS PORK PRODUCERS COUNCIL
KANSAS RURAL WATER DISTRICTS ASSOCIATION
KANSAS SEED DEALERS ASSOCIATION
KANSAS SOYBEAN ASSOCIATION
KANSAS STATE GRANGE
KANSAS VETERINARY MEDICAL ASSOCIATION
KANSAS WATER WELL ASSOCIATION
MID AMERICA DAIRYMEN, INC.
WESTERN RETAIL IMPLEMENT AND HARDWARE ASSOCIATION

March 8
3



KANSAS GRAIN AND FEED ASSOCIATION
STATEMENT OF THE KANSAS GRAIN AND FEED ASSOCIATION

TO THE HOUSE AGRICULTURE & LIVESTOCK COMMITTEE

SEN. JIM ALLEN, CHAIRPERSON

REGARDING S.B. 776

MARCH 23, 1990

Chairman and Members of the Committee, I am Chris Wilson, Director of Governmental Relations of the Kansas Grain and Feed Association (KGFA). Our approximately 1500 members constitute the state's grain and feed handling, storage, merchandising and processing industry. We appreciate the opportunity to comment today in support of S.B. 776, enacting the farm animal and research facilities protection act.

We believe it is important for Kansas to put such language into statute, to serve as a further deterrent to the kinds of activities it addresses. Unfortunately, break-ins at laboratories, facilities such as auction markets, and even farms, have become an all-too-frequent occurrence. Federal legislation has passed the Senate and is now before the House of Representatives, to add further penalties for these actions. Animal rights activists are being encouraged by their organizations to commit such actions, and it is important that they face serious consequences if they do, or more frequent crimes may be committed. Attached to this statement is a news article quoting the Maryland Attorney General saying it is time to draw the line, because animal rights activists have become

Senate Agriculture Committee

more and more violent.

Also attached are other items of interest regarding the subject of animal rights, including an article from the Wichita Eagle which focuses on one of the animal rights organizations in Kansas. These articles provide information about the animal rights movement in the United States, which includes a proliferation of extremist groups. These groups favor ascribing rights to animals, similar to human rights, as opposed to animal care or welfare. They seek to go far beyond the animal welfare laws already well-established.

The grain and feed industry, of course, has a vital interest in the well-being of the livestock industry. Our national association, the American Feed Industry Association, has been very involved in working on the animal rights issue at the federal level. AFIA has founded the Animal Industry Foundation (AIF) to help provide factual information about animal care and the livestock industry and to counter animal rights groups. Also attached to this statement is a copy of a recent AIF newsletter, which will give you an idea of what it is doing and of the myriad of activities being conducted by animal rights groups, and information about federal legislation.

The animal rights issue is one which must be taken very seriously by American agriculture and to which we must effectively respond. We need to be proactive and have a big educational job to do. We commend Kansas Farm Bureau for the foresight and initiative in requesting this legislation and urge your support for its passage. I will be glad to respond to questions.

3 Animal Rights Activists Charged With Felonies

Government Using Bethesda Demonstration to 'Draw the Line'

By Paul W. Valentine
Washington Post Staff Writer

BALTIMORE, July 25—Three animal rights activists were indicted in federal court today, two accused of assaulting a police officer and one of destroying government property, in connection with an animal rights demonstration at the National Institutes of Health in Bethesda on April 24.

Alexander F. Pacheco, 30, and Carol Lyn Burnett, 37, both of Kensington, were charged with assaulting NIH Officer Timothy Pickett during the demonstration, in which several hundred activists protested the use of animals in medical research.

Edward M. Ashton, 40, of Bea-

con, N.Y., was charged with destroying government property when he broke open the front door of the NIH administration building, according to the indictment.

Maryland U.S. Attorney Breckinridge L. Willcox acknowledged that felony charges such as those filed today mark a new hard line by the government against animal rights demonstrators, who in the past typically were charged with trespass or other misdemeanors when arrested.

"But these [animal rights] people have become more and more violent," Willcox said, "and it is time to draw the line."

Ingrid Newkirk, national director of People for the Ethical Treatment

of Animals, a sponsor of the demonstration, said the government's tougher policy will generate more activism by animal rights demonstrators. "It's not going to work," she said. "It's going to backfire."

According to police reports, several hundred demonstrators converged on NIH. Some blocked Wisconsin Avenue and, according to Willcox, 30 charged the administration building and got inside by breaking the door. Twenty-one people were arrested on trespass charges.

Pacheco and Burnett face up to three years in prison and \$250,000 in fines if convicted of assault. Ashton could get up to 10 years and \$250,000 in fines if convicted of property destruction.

DAYBREAK

Treat yourself to a dish that might be served aboard the elegant Queen Elizabeth 2. / 5c



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TAKING ISSUE WITH VEAL

Calls for boycotts challenge tradition

By Kathleen Kelly
The Wichita Eagle

Veal is viewed with wonder and woe. The almost white, tender meat of a very young calf is, to the gourmand, the wondrous beginning of classic culinary creations. Historians generally agree that man has eaten meat since the Flood. One gastronomic encyclopedia describes the dish presented by the biblical Abraham to the angels on the plains of Mamre as identical to one served in Morocco today to distinguished guests — a shoulder of veal well-roasted and covered with butter and milk.

But today, animal rights activists urge the consumer to boycott veal because of the way it is produced. The issue is especially heated on the West Coast, but it is becoming a national issue.

Farm animal-rights organizations, including the Wichita-based Prairie Society, point out that veal calves are chained in stalls that measure 22 to 24 inches wide, too narrow for them to move about. This, say activists, is stressful and inhumane. They charge that calves raised for fancy veal production are denied solid food and exist instead on a diet of water, powdered skim milk and nutrient supplements that induces diarrhea and causes anemia. Diseases fostered by stress and poor dietary conditions force farmers to lace food with antibiotics that could be harmful to humans.

An average American eats about 135 pounds of red meat a year. Only a tiny portion of that, less than 2 pounds, is veal. Kansans probably eat less.

Kansas, among the nation's top beef-producing states, has only limited veal slaughter and consumption. Dave Schafer, animal science specialist at Kansas State University in Manhattan, said that veal most often is a byproduct of the dairy, not beef, industry. Male calves are separated



Berry Clark/The Wichita Eagle

"Here, we are concerned with preventing all factory or intensive farming — hogs, chickens and cattle — from getting any more widespread in Kansas. The confinement of calves attracts more attention to the abuse."

Chris Brunner
director of media and
public relations, the
Prairie Society, Wichita

"I agree that I don't like the conditions we hear about, but the situation is a lot better than when veal came from unborn calves. Veal is just so delectable that it is important to the finer ends of the cuisine."

Robert Matej,
chef de cuisine
and owner, Sheffs'
restaurant, Wichita



Ken Mantyla/The Wichita Eagle

from their mothers two or three days after birth and fed milk or special formulas until they are 3 to 6 months old.

"We are aware of and concerned by the charges" against the veal industry, said Schafer. "We are not aware of any inhumane treatment, but we keep an eye out."

Said Chris Brunner, director of media and public relations for the Prairie Society, "I have not been there, but I have been told of a place in Kansas that does raise calves in small boxes." The group mustered about 50 protesters at 21st and Rock Road in support of the Humane Farming National Veal Boycott day in June.

"We know the market for veal is small in Kansas, but we don't want it to get any larger," Brunner said. "Here,

we are concerned with preventing all factory or intensive farming — hogs, chickens and cattle — from getting any more widespread in Kansas. The confinement of calves attracts more attention to the abuse" of animals.

Brunner said that Prairie Society members have contacted all restaurants and markets in the Wichita area and asked them to remove veal from menus or shelves. "We only had one response to our letters." The group is circulating petitions that will be sent to restaurants asking them to remove veal from menus, and it plans at least one more protest march.

The lone restaurateur who answered the Prairie Society's letter was Robert Matej, chef de cuisine and owner of Sheffs' restaurant in downtown Wichita. But he didn't go along with its request to stop serving veal.

"I agree that I don't like the conditions we hear about, but the situation is a lot better than when veal came from unborn calves. Veal is just so delectable that it is important to the finer ends of the cuisine," he said.

Veal doesn't have much flavor on its own, so it's the vehicle for many of the world's classic sauces, Matej explained. He buys butt tenderloins for veal and purchases veal bones for creating veal stock, which has other uses besides being an ingredient in veal presentations. "We use the stock for a lot of our glaces," he said.

"We sell quite a lot of veal and offer it because our customers want it. It comes in second behind (entrees based on) chicken breasts," Matej said.

See VEAL, Page 2C

'Free-range veal' controversy embroils farmers

By Broderick Perkins
Knight-Ridder News Service

Despite being the nation's smallest red meat industry, America's 1,500 veal farmers find themselves in the middle of a major controversy over how animals are treated and whether the end result — fork-tender veal — justifies the means.

The San Francisco-based Humane Farming Association and similar groups around the country are urging consumers and restaurants to switch from formula-fed veal to "free-range" veal — veal from calves that are allowed to roam in

"The fact that they cannot turn around or lie on their sides offends some people."

Ken Ellis

fields and are fed mother's milk and grain.

Faced with a consumer boycott, veal farmers say there's another side to the story.

Jerry Martinez, who raises veal on his Santa Rosa, Calif., farm, also

is president of the California Veal Association. He said he would change his farming practices "if somebody can show me a better way." However, Martinez said, "what the Humane Farming Association suggests could spell disaster for farmers and resultant higher prices for the consumer."

Barbara Huffman, president-elect of the American Veal Association, said veal farmers in the Midwest experimented with group pens four years ago.

"Many farmers cleaned out barns and made group pens," Huffman said. "With the exception of one person, everyone lost a great deal of

money because the death loss was higher in the group pens. The calves' health was poor. Disease spread faster."

Ken Ellis, an animal scientist at the University of California, Davis, Department of Animal Science, said stall-raised calves are healthier than those that roam free because there is "less stress on the calves. The fact that they cannot turn around or lie on their sides offends some people, but the normal reclining position for a bovine is on its chest."

The veal industry has conceded that its common practice of including antibiotics in the calves' daily diet promoted more ill will toward

the industry than good health for the calves.

Last year, the USDA's Food Safety and Inspection Service found a high incidence of drug residues (primarily tetracycline) in calves raised by cut-fancy veal than in other varieties.

Veal industry response to the federal inspections has been swift. This year, the industry instituted a voluntary "veal quality assurance program" that urges farmers to retain veterinarians who decide when antibiotics should be used. The veterinarians also will conduct drug residue tests before calves are shipped for slaughter, said Ray Dohl of Oconto, Wis., president of the American Veal Association.

VEAL

Demand isn't high in Kansas markets

From Page 1C

Pete DeFazio of DeFazio's Italian Foods restaurant in northwest Wichita offers a more extensive selection

of veal preparations than Matej. They aren't big sellers, probably because they are expensive, DeFazio surmised. Out of 1,500 orders a week, only about 60 are for veal, he said. "I understand we don't want cruelty, but the animals are just raised to slaughter, like chicken."

Gary Clark, director of purchasing for F&E Wholesale Grocery, Wichita, said that the company from which he purchases veal, Provimi Veal of Dallas, responded to the

consumer boycott demand by animal rights activists by providing his firm with positive answers to the negative questions being raised. The material is designed to quiet consumer concerns.

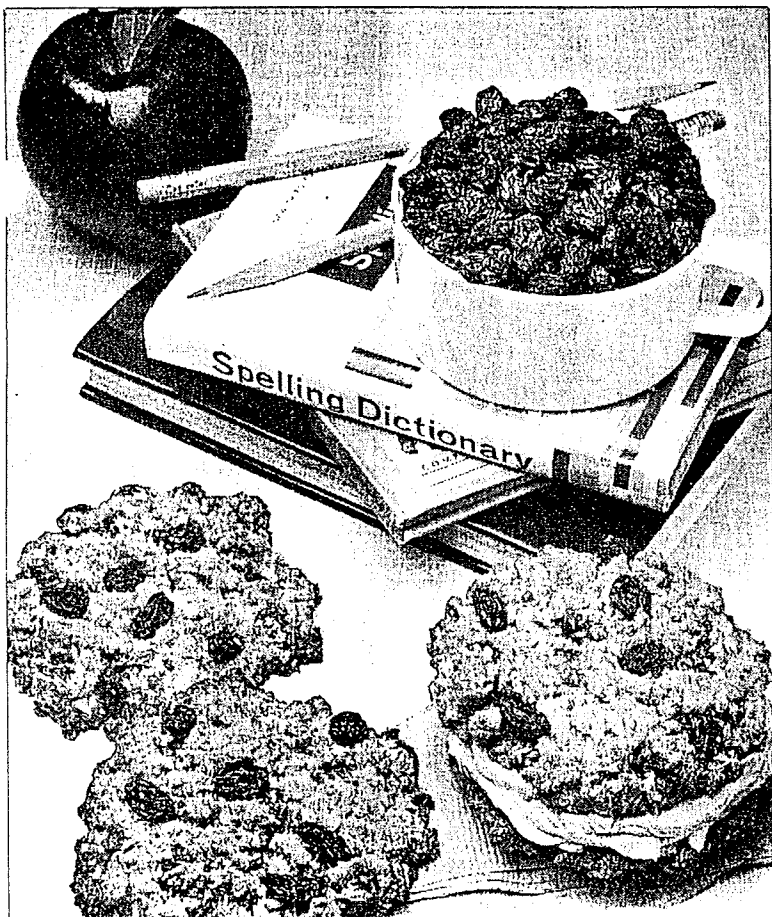
Kenneth A. Keefer, director of advertising and public relations for Dillons, Hutchinson, has similar material from the National Live Stock and Meat Board. Demand is not high for veal in the firm's supermarkets, he said. A supplier in Detroit

supplies fresh shoulders. These are ultra-thin sliced, scaloppine style, for the retail meat counter.

"We know this is a sensitive subject. Kansas don't seem to jump overboard" when consumer boycotts are suggested, he said. Besides the June protest march, which was in the vicinity of a Dillons store, Keefer said the firm has received only a couple of letters requesting that veal be removed from meat cases.

Gilbert Yutzy of Y-B Meats in Yoder said, "We only have a few requests for veal." The small slaughterhouse operates two meat shops in Wichita. When someone requests veal, "We just have to go out and find a farmer that will raise it for us."

"I'm not even sure of a legal definition of veal. Is it age or weight or how it is raised?" Yutzy asked. "There's not a big market, but if you find out, let me know."



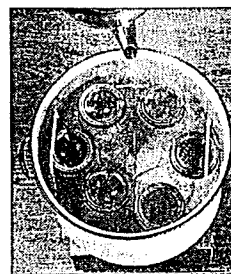
TABLETOP

Peaches, nectarines and pears are similarly canned at home. For up-to-date canning information, contact a county extension office. A variety of liquids may be used: Choose a very light, light or heavy sugar-water syrup, water, apple juice or white grape juice. The hot-pack method makes the best-quality product. Heat the fruit by bringing it to a boil in the liquid. Use a hot water bath canner for quarts. Pints or smaller canning jars may be processed in a large saucepan with rack and lid.

1. With a slotted spoon pack the hot fruit halves into prepared canning jars, cavity side down, layers overlapping. Ladle hot syrup over the fruit to within 1/2-inch of the jar rim. Insert a non-metallic utensil gently between the fruit and the jar to release air bubbles. Add lids and seal according to manufacturer's directions.



2. Place jars on rack in hot water bath canner half full of heated water. Add boiling water to cover jars by 1 or 2 inches. Heat on high until water boils vigorously. Cover, begin timing and process fruit according to USDA recommendations.



3. When processing time is completed, remove jars from canner and stand on clean cloth to cool. Check seal according to manufacturer's directions.



3-5

OPINIONS

ANIMAL RIGHTS: THE BIG LIE

by Jane M. Hughes

You see them every day on the streets of New York. They man the small stands plastered with large color photographs of suffering dogs, cats and monkeys. They're animal rights activists. They want you to believe that your precious Fido's brother or is being tortured needlessly by sadistic scientists in white coats. They say they have the best interests of both humans and animals in mind. They want your support — and your money. And some of them will lie to you to get it.

Yes, some animal rights supporters are perfectly innocent. Like, say, the movie stars who sign petitions attacking veal eaters, cosmetics manufacturers and rich ladies with expensive fur coats. That's their business — as long as they don't spray red paint on your mink stole at high noon on Fifth Ave.

But other animal rights activists are dangerously rigid fanatics who are more than willing to endanger the lives of thousands of humans — and, on occasion, of animals — in order to impose their bizarre visions of "animal liberation" on an unwilling public.

Fido's new order

What do animal rights activists want? In the words of one brochure, they believe "that humans are morally obliged to free themselves as fully as possible from all forms of discrimination and oppression [and] struggle for total liberation of planet Earth and its inhabitants. 'Animal Liberation' means the liberation of all animals from exploitation — both humans and non-humans."

Translating that into plain English, it means that the only legitimate relationship between man and beast (sorry, I meant to say "life in the non-human format") is one of love and nurturing, something like what is found between pets and their owners (oops — in a liberated world, "pets" would not be "owned").

Practically speaking, this adds up to no leather clothing (shoes included), no down or fur coats, no meat-eating (including fowl, fish and dairy products), no wool or silk clothing — only cotton and synthetic fibers.

It also means no biomedical research. Organizations like Transpecies and People for the Ethical Treatment of Animals are devoted to stopping the use of animals in biomedical research. Transpecies relies on emotional rhetoric and graphic materials — like those king-size

photos of monkeys with open wounds — in order to grab public attention and mobilize opinion against scientific research.

Look at it this way. If animal rights activists had been successful in the time of Pasteur in eliminating or severely limiting the use of animals in biomedical research, what would life be like today?

■ There would be no polio vaccine.

■ There would be no insulin for diabetics.

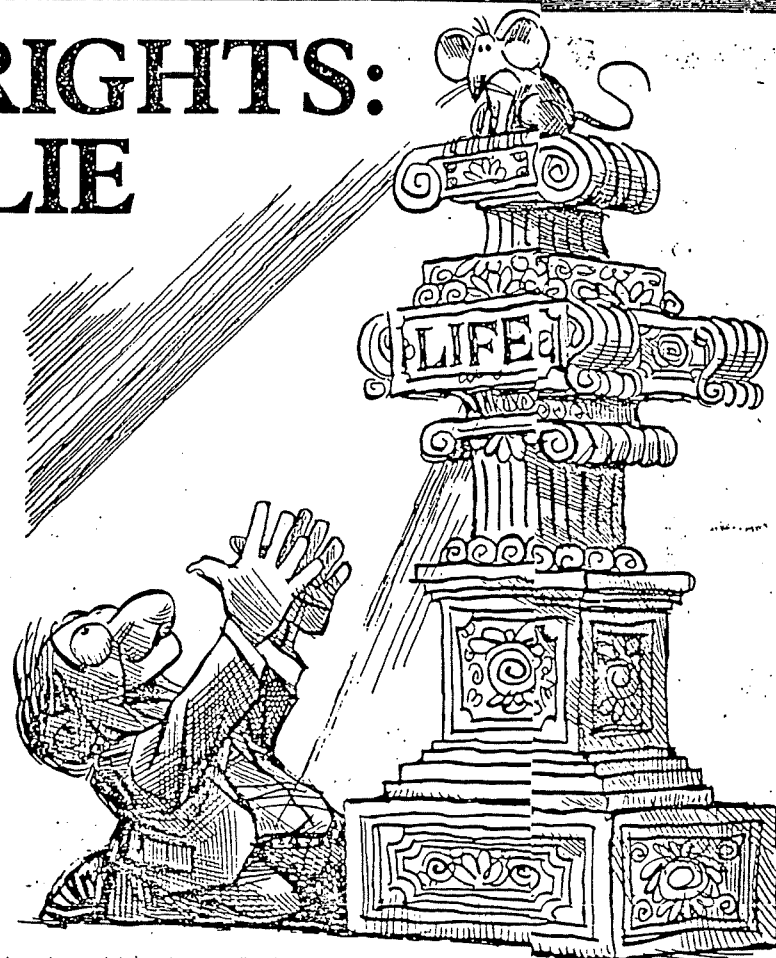
■ The U.S. would experience 1.5 million cases of rubella (German measles) annually.

■ 50 million Americans would risk death from complications resulting from high blood pressure.

■ 100,000 more people each year would be confined to wheelchairs without hip replacements.

■ Over 10,000 people would die each year for lack of kidney transplants.

And what about now? What if the animal rights activists get their way? Ongoing research for new surgical techniques to repair congenital heart defects in newborn babies will come to a screaming halt. The search for a cure for diabetes, for an AIDS vaccine, for treatments for such diseases as cystic fibrosis, multiple sclerosis, schizophrenia and Alzheimer's disease — all depend heavily on the



ly useless and doomed anyway."

Is it fair to judge an entire movement by a single crackpot letter writer? Of course not. So let's hear from Ingrid Newkirk, national director of People for the Ethical Treatment of Animals. Says Newkirk: "It's immoral even if it's essential. You just cannot justify the torture and destruction of innocent animals. If my father had a heart attack, it would give me no solace at all to know his treatment was first tried on a dog."

but the pain is a necessary part of the experiments, which frequently include studies on pain specifically.

The Animal Welfare Act, passed by Congress in 1966 and most recently amended in 1985, stipulates standards for housing, cleaning, feeding, ventilation and veterinary care for lab animals. Oversight at each registered or licensed facility is conducted through an "Animal Care and Use Committee," which includes a veterinarian and a member of the lay public.

An overwhelming majority of labs obey the current laws and regulations concerning the use of animals in biomedical research. Furthermore, these responsible institutions are constantly upgrading their facilities in order to provide better living environments for their animals. It makes sense. After all, animals are expensive to maintain — and their health and well-being are essential for accurate research results.

No, you didn't hear any of that from your neighborhood animal rights freak. And you won't. Activists frequently distort the truth to serve their purposes.

After a successful campaign against Cornell University Medical Center two years ago, Transpecies trained its sights on New York University, where drug addiction experiments are currently being conducted. At a rally held this spring, Transpecies produced several "experts" to explain that the use of animals in these experiments provides no benefit to human health.

None of the protesters seemed troubled by the fact that their experts included an oncologist, a cancer specialist, two political activists and a plastic sur-

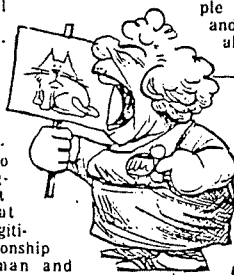
geon. Nobody with direct experience in drug addiction studies was to be found.

Not only are animal rights activists willing to distort the truth, their views are so dogmatic that, in a twisted perversion, they sometimes actually hurt the creatures they intend to help. In 1987, Stanford University spent \$13 million on a state-of-the-art research facility — significantly upgraded to improve the quality of life for lab animals. Says Stanford president Donald Kennedy: "To the university's surprise, the building permit was opposed before the Santa Clara County Board of Supervisors by a coalition headed by the Palo Alto Humane Society."

Think twice

So the next time you walk past a Transpecies display, think twice before contributing your name or time or money to the animal rights cause. You could be lending your support to a movement that "cares" so much for animals that it's willing to let millions of humans suffer.

Some activists are more than willing to endanger the lives of thousands of humans



use of animals. All would stop in a world run by animal rights activists.

Sounds unlikely? Think again. While the activists claim they value human life, at heart they are not concerned with science but with advancing their own peculiar beliefs — a pseudo-theology that puts animal life on an equal footing with human life.

One Los Angeles Times reader put it like this: "It will never be right to slaughter animals on behalf of mankind for any reason. . . . If subjects are needed to render accurate knowledge about the workings of the human organism, there is an endless supply. Take the extreme elderly and senile. . . . They are large,

Even taken on their own terms, are the animal rights activists telling you the truth? No way. Here's the straight story behind those gory posters: Ninety percent of animals used in biomedical research are rats, mice or other rodents. Dogs and cats each make up less than 1% of the animals used. Likewise nonhuman primates like monkeys. The pain these animals suffer is also presented out of context by animal rights activists. Sixty-two percent of the experiments conducted do not cause pain or distress to the animals involved. In another 32%, pain is relieved through painkillers or anesthesia. What about the other 6%? Yes, the animals do feel pain

Jane M. Hughes, who writes about science issues, owned a dog, a cat and a fish at different times during her childhood. The only thing currently standing between her and an apartment full of pets is her husband.



Animal Worship

It's Become A Clear and Present Danger to U.S. Health and Welfare

"NOW an equally gamy campaign of vilification is afoot against the fur trade. While the more discriminating critics have confined their efforts to protection of the Somali leopard, the cheetah and other allegedly threatened species, the elite mob has spread a wider net. 'I go up to people who are wearing seal coats and go blah,' snarled one feminine voice of reason. . . .

"In New York City, which is miles ahead of the rest of the U.S. down the road to serfdom, Mayor John V. Lindsay last week signed an incredible statute which, come July 1, will ban the manufacture and sale of American alligator products in the five boroughs. In the Congressional Record last month, Sen. Gaylord Nelson (D., Wis.), great friend of the anopheles mosquito and gypsy moth, inserted a paean of praise to the timber wolf. How about a society for the succor of the man-eating shark?

"The true need lies elsewhere. All unwittingly perhaps, Jacques Kaplan, who was largely responsible for launching the flap over fur (and happens to be in the business himself), has come close to the mark. Agghast at what he has wrought, Kaplan recently mused: 'Wouldn't it be funny if we wound up having to protect the furriers?'"

One must have had a crystal ball to see the foregoing comments first appeared nearly 20 years ago on our editorial page, furriers have become an endangered species. During the recent holiday season, one television personality led several thousand followers down New York City's Fifth Avenue to protest the wearing of fur coats. Like-minded folk in Cincinnati destroyed dozens of similar garments—donated by sympathizers—by pouring simulated animal blood on the expensive pelts. Next weekend, with the enthusiastic support of various show biz types, a group known as People for the Ethical Treatment of Animals will stage an extravaganza called Rock Against Fur.

Other forms of protest have been less peaceful. Within the past year, furriers throughout the country have had their windows splattered with paint or shot out by pellets; customers have been harassed as they left the premises; a few merchants have received death threats. In the United Kingdom, where an openly violent (but otherwise covert) group of terrorists called the Animal Liberation Front has thoroughly cowed buyers and sellers alike, fur sales have dwindled to the vanishing point.

Come to think of it, the two political figures cited above, though never in their party's mainstream and doomed to wind up like beached whales, have now begun to loom as simply ahead of their time. For in growing numbers people seem to be swinging around to their once-bizarre point of view. Last December, for example, one group of animal activists spent \$240 to "liberate" seven live lobsters from a Chinese restaurant in Maryland and fly them to a new home off the coast of Maine. The Los Angeles Times, which fell for the stunt, had a field day with the headline: "Ac-

tivists Play Santa Claws, Give A Happy Ending to Lobster Tale."

In California, the Animal Legal Defense Fund and Defenders of Wildlife succeeded in cancelling the state's first officially sanctioned—after reports of attacks on domestic pets and children—mountain lion hunt in many years, while in parts of Los Angeles coddled coyotes have grown commonplace. In Taylor, Texas, a group called Earth First last winter organized a coalition to picket the 16th National Rattlesnake Sacking Championship. "Earth First," said a spokesman, "abhors and protests this obscene tradition of hunting and mass murdering a helpless and ecologically important creature."

Nuts and kooks, one is tempted to say, and turn the page. Not so fast. So-called animal rights groups today number their membership in the millions, and their growth lately has been phenomenal. Nor are they content with harassing wearers of fur coats, protesting rattlesnake hunts and liberating lobsters. On the contrary, they have launched a campaign of disinformation and political harassment against animal husbandry. Specifically, in Massachusetts (where else?) last November they managed to place on the ballot a referendum, supposedly in support of more humane agriculture, that would have put many of the state's dwindling herd of farmers out of business. While Question Three, as it was designated, suffered a crushing defeat, activists have enjoyed far more success at the federal level, where new regulations under the Animal Welfare Act of 1985 will cost the private sector more than a billion dollars.

Most alarmingly, the animal rights movement has launched an assault—using tactics both legal and illegal—against the use of animals in scientific laboratories. Through lawsuits and other kinds of pressure, they have forced several leading universities in California either to delay or halt construction of new research facilities. In an episode which Science said "has sent tremors through the biomedical research community," it has coerced Cornell into terminating a promising project on barbiturate addiction. One of the more rabid types recently was caught planting a radio-controlled pipe bomb outside the corporate headquarters of U.S. Surgical Corp. in Norwalk, Conn., and will soon

stand trial for attempted murder.

Such episodes, so one director of medical research bitterly says, are "anti-intellectual, anti-science and anti-human." He might have added, anti-life. Because of the billions of dollars devoted to research, this country's animal husbandry boasts a productivity second to none; it's not happenstance that only in America can three percent of the population feed—at less and less cost relative to the national income—all the rest.

Owing to the medical progress made possible by research, including the carefully controlled use of animals in biomedical testing, mankind—at least the part of it that's free—has made great strides in everything from antibiotics and anesthetics to the rehabilitation of victims of stroke; that leaves Alzheimer's disease, AIDS, cancer and other latter-day plagues still to go. "Thanks to animal research," proclaims the headline on the first of a new series of ads, in a meaningful reference to the postwar rise in U.S. life expectancy, "they'll be able to protest 20.8 years longer." Time enough to live and learn.

To judge by their recent outrageous behavior, animal rights activists seem determined to do neither. According to The Information Digest, authoritative source of data on radical causes, both domestic and foreign: "Many regard Peter Singer, professor of philosophy and director of the Centre for Human Bioethics at Monash University, Australia, as the philosopher-king of the Animal Liberation Movement. . . . In the academic year 1973-74, Singer accepted a visiting position in the Department of Philosophy at New York University. From this New York base, he was able to promote his theories to students at more than a dozen private and state universities. Subsequently . . . speaking tours were organized in the U.S., and the Singer message was further spread by his lectures and the promotion of his books, *Democracy and Disobedience*, *Animal Liberation*, *In Defense of Animals*, and *Animal Rights and Human Obligations*."

Information Digest continues: "The most extreme advocates of animal rights, often the leadership cadre, are committed to a number of goals, including but not confined to: 1) The total elimination of commercial and sport hunting and trapping; 2) The total dissolution of

commercial 'animal agriculture'; 3) The total abolition of the use of animals in science."

In Canada and the U.S., by one count, there are 219 animal rights groups, ranging from Action For Animals to the World Society For the Protection of Animals, some of which pursue goals more moderate than those cited above. The most openly violent is the Animal Liberation Front, which Scotland Yard has called "an international underground terrorist organization." ALF has claimed credit (if that is the word) for burning a fur store in Santa Rosa, Calif., vandalizing cars and homes of employees of the San Diego Zoo, and torching—total damages ran into millions of dollars—an animal research laboratory on the UCLA campus.

Lawlessness is bad enough (although dealing with animal rights terrorists as common criminals, not social critics, as authorities in many places tend to do, would go a long way toward putting a lid on the violence). Other aspects of the movement strike us as more frightening. Like radicals of every stripe, animal activists make no bones about infiltrating, influencing and sooner or later seizing control of more established, less aggressive groups whose names have grown synonymous with humane treatment for cats, dogs and other household pets.

Furthermore, the movement—to be as kind as possible—is deeply irrational. Thus, while hunting of course is taboo, one spokesman has publicly made an exception for primitive tribes who have no other way of keeping body and soul together. Furthermore, despite one's personal repugnance, hunting seasons do serve to keep animal numbers under control—wild creatures, after all, comprise predators like coyotes and mountain lions, as well as those lovable Bambi-like deer.

And animals (pets especially) also benefit from advances in medical science. We used to share our home with a ginger cat who survived a dozen trips to New York's Animal Medical Center; thanks to its devoted and highly trained personnel, our beloved Yankee lived to the feline equivalent of over 90.

But as sages millennia ago knew, man is the measure of all things. Without animal research, to quote the Foundation for Biomedical Research, "we couldn't have put an end to polio, smallpox, rubella and diphtheria. Now some would like to put an end to animal research. Obviously, they don't have cancer, heart disease or AIDS."

Small wonder that the American Medical Association has finally mobilized to form a "first line of defense," or that 2,000 victims of AIDS, Alzheimer's, cancer, cystic fibrosis and multiple sclerosis, members of an organization called the Incurably Ill For Animal Research, have lined up alongside. Let's stamp out animal worship before it's too late.

—Robert M. Bleiberg

BARRON'S MAILBAG

A MESSAGE FOR MR. RUDER
To the Editor:

Thank you for the fine message to SEC Chairman David Ruder from Benjamin J. Stein ("Dear Mr. Ruder," Jan. 23).

Somewhere in fairly recent history, the owners of public corporations (the investors) allowed management (the hired help), to usurp control.

Years ago, I read that when a corporation's board of directors meets, its first

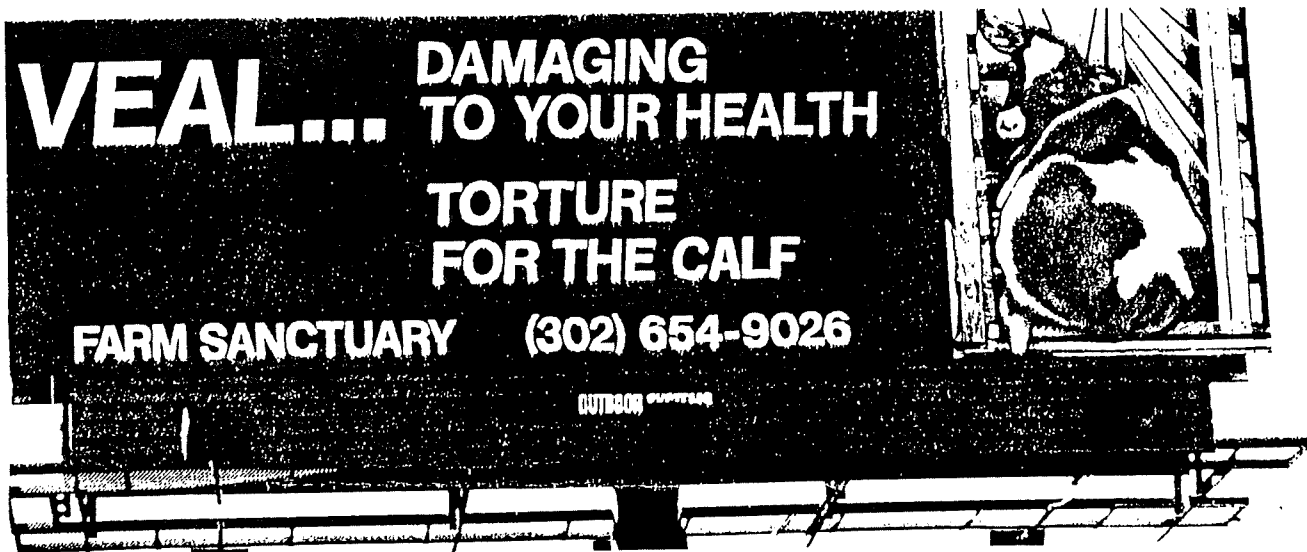
order of business should be to consider this question: "Should we fire the president?" If the answer is no, the next question should be: "What can we do to help him do a better job?"

But when management stacks the board with its cronies, the first order of business never comes up.

Perpetuated in power, management gave us different classes of voting stock and all of the other evils designed to

Continued on Page 30

Editor's Roundup



If you think the American meat and poultry industries aren't heading for some major problems because of consumer misinformation, then just spend a dollar or so and call the number in the photograph above.

We did, pretending to be a city dweller who knows nothing about agriculture who wanted to be informed. Well, if we had really been the uneducated city person we claimed to be, we probably would have been scared right into a vegetarian diet.

Farm Sanctuary, headquartered in Wilmington, DE, is just one of several well-funded "animal rights" organizations operating in the nation. Basically, the majority of these groups share a common goal of attempting to influence people not to eat meat and turn to a vegetarian diet. However, most will deny this is their ultimate goal. Instead, they work toward this behind a smokescreen called animal rights.

Make no mistake about it, there are many well-known people, particularly in the entertainment business, and a lot of money backing these groups. An example is a four-page letter (signed Doris Day) and a petition to the U.S. Congress from the Doris Day Animal League which just arrived in our office. In this instance, the call is for signing a petition asking Congress to pass an animal rights bill. Also, the opportunity is given to contribute \$10, \$15, \$25, \$50 or more to further the goals of the League. In return for your contribution you get a membership card, bumper sticker, autographed color photo of Doris Day and a copy of the newsletter.

But let's get back to our call to Farm

Sanctuary. We were told by the woman answering the phone that the group is an "all-volunteer, non-profit" organization whose members all support themselves with various other jobs.

Their purpose, she told us, is to do "educational work about factory farming" and to show how a lot of animals are abused in those factory farms. She particularly singled out veal calves and caged layers. In addition, she volunteered the fact Farm Sanctuary has a film showing how chickens are abused and a slide presentation on how turkeys are raised "that is good for showing around Thanksgiving."

According to the Farm Sanctuary representative, the group offers sanctuary for abused farm animals and also operates an adoption center for anyone wishing to take over abused animals and chickens. We asked where these animals come from and were told "a lot of them were left for dead at the stockyards." Some of the chickens in the sanctuary purportedly were gathered at a weigh station after escaping from their crates.

At that point in the conversation we shifted the subject to the billboard message. We were told the poor veal calves are "stuffed into crates" for 16-weeks and then slaughtered. All during that time, we were informed, those calves are constantly given antibiotics in the feed. Those antibiotics then build up in the calves and, in turn, the antibiotics build up in the tissues of humans who eat the meat. The result is, we were told, if the person needs to be treated with antibiotics they will be ineffective.

"It is being proven there are a lot of antibiotics in a lot of the meat," she claimed.

"Doesn't the government require a certain amount of time between the time a drug is given and when an animal is slaughtered?" we asked.

"I don't think they have to take them off drugs," was the response. "They feed those drugs right up to the time the animal is slaughtered."

"Isn't the meat inspected by the government?" was our next question.

"Some of it is, but a lot of it isn't," came the reply. The implication came through loud and clear that other red meats are equally laced with drugs and the animals producing them are mistreated.

In view of this, the report of the conference on guaranteed safety of beef on page 45 takes on additional significance.

Also, if the misinformation about beef and other red meats is to be effectively countered and an offensive telling the true story to consumers carried on, then it is essential every beef producer vote yes in the referendum May 10. Since about 20 percent of the total beef supply comes from veal and dairy cattle, urge your neighbors who are dairymen or veal raisers to vote yes, also. It's in their best interest, too.

Incidentally, we took the photo in mid-January during the National Western Stock Show in Denver. It was strategically placed at the intersection of Colorado Boulevard and Colfax Avenue, one of the higher traffic volume areas in the city. □

Animal rights groups flex their political muscle

By RICK MOONEY

■ Livestock producers from around the country will be keeping a close eye on Massachusetts this year. Chances are that voters going to the polls there in November's general election will be casting ballots in a referendum that could give nonfarmers a major say in how livestock producers do business.

The referendum move gathered steam late last year. An animal rights group called CEASE (Coalition to End Animal Suffering and Exploitation) gathered over 70,000 signatures on a petition calling for regulations that would establish humane standards for livestock production.

The petition will go to the state legislature early this year. If both houses approve it, a referendum will be placed on the November ballot. If passed, the referendum would:

- Require livestock producers to use anesthetics whenever they're castrating or dehorning animals.
- Make it illegal to keep veal calves in

crates that prevent calves from lying down, grooming themselves or turning around. It would also govern the use of milk replacer in veal calf rations.

- Set up an animal care advisory board within the state's Department of Food and Agriculture. The board would make recommendations on the care, housing, feeding and transportation of all farm animals. CEASE envisions a five-member board. Four members would be veterinary medicine specialists nominated by "at least two non-profit humane societies." The director of the state's division of animal health would be the fifth member on the board. There would be no farmer representation on the board.
- Establish an indemnity fund that would be used "to assist farmers in the adoption of more humane methods."

"[The referendum] condemns the entire livestock production system as we know it," says Steve Kopperud, spokes-

man for the Farm Animal Welfare Coalition (FAWC), a loose-knit, national organization representing livestock producer groups and related ag businesses on animal rights issues. "What you have is a group of well-meaning, but very ill-informed people," says Kopperud. "They want to control livestock production without knowing anything about it."

The indemnity fund provision is a case in point. "As they see it, farmers could use this money to buy more land for pasture so animals wouldn't have to be raised in confinement," he explains. "Doing that in Massachusetts would be a mean trick. There isn't any land available. It's incredibly naive."

Massachusetts ag leaders are shocked by the wide scope of the CEASE petition. But they aren't surprised animal rights groups picked their state as a potential battleground. Pam Comstock, of the Massachusetts Farm Bureau, points out that Massachusetts is home-base for a number of "large,

wealthy animal rights organizations" including CEASE. Also, Comstock says, the state's ag sector (less than 5,000 farmers) is quite small compared to its urban sector and that means ripe pickings for animal rightists.

"It's probably one of the easiest places to establish this kind of precedent," she says. "Most of the people have been removed from the farm for several generations. They don't have any idea of what farming is all about."

Going head to head with groups like CEASE is a prospect state farm groups don't relish. "We don't know how we're going to fight it," says Comstock. "We don't have the money or the staff. And most of our members don't realize how much money is behind these groups."

One group that plans to sit out the battle is the Department of Food and Agriculture. "We're not taking a negative or positive stand on this," says Mabel Owen, director of the division of animal health. "Our position is we don't need this. We already have laws on the books that give very broad powers to the state's humane organizations."

Ag leaders are worried that a successful effort by CEASE will encourage animal rightists to push for similar legislation in other states.

"This is a test case for the animal rights groups," says FAWC's Kopperud. "They see this as landmark legislation that could serve as a model for other states and the whole country."

Already there are moves in that direction. In California, a bill introduced in the state assembly would set standards for the dimensions of veal crates. "The veal industry is small, so these groups try to take it on first," says Grover Roberts, of California Farm Bureau. "It's just a stepping stone for people who think we shouldn't be raising any animal for human consumption."

Rep. Charles Bennett (D., Fla.) introduced a similar bill in the U.S. House of Representatives last year. Bennett's bill would impose a \$5,000 fine on veal producers who use traditional housing and feeding practices. It also offers half of the fine money to the person or group reporting a violation.

"The bounty aspect of that bill is terrifying," says Russ Weisensel, of the Wisconsin Agri-business Council. "That kind of money would make a nice little nest egg for one of these animal rights groups." Bennett's bill did not make it to committee last year. But the fact that the bill once had 40 cosponsors is unsettling, says Weisensel. "If only one or two people were supporting it, you'd shrug your shoulders and let it go away. That many cosponsors gets your attention." ◀



PHOTO DEAN HOUGHTON

A REFERENDUM PROPOSED in Massachusetts could give more power to animal rights groups like this one, demonstrating in Toronto.

8-9

Animal rights groups win 1, lose 2 in 1988

Groups promoting animal rights legislation lost two big battles in the U.S. last year, but scored a knockout punch in Sweden.

Their most ambitious effort in the U.S. was to get a national law passed that would set standards for the content of veal-calf feed, to regulate stall size and to require physical contact with members of the same species for all animals.

National bill dies

The bill, HR2859, was introduced by Representative Charles Bennett, of Florida, but ended up going nowhere.

If it had passed, the penalty would have been a \$5,000-per-violation fine. The real kicker was that any individual could bring an action against another and, if the second person was convicted, the person bringing the action would have been entitled to one-half of the fine.

This bill was drafted with the help of the U.S. Humane Society, the American Society for the Prevention of Cruelty to Animals, and the National Alliance for Animal Legislation.

When they could see that the bill was going to die in committee, some of the same supporters tried to get their agenda passed on a state level. They were successful in getting a Massachusetts referendum on the ballot that would have sought the elimination of confinement livestock practices in that state. The petition called for an end to caging hens and crating veal calves and for the use of anesthetics for routine animal operations.

Massachusetts said no

On November 8, Massachusetts voters defeated the initiative 71% to 29%. The no vote was credited to active support among the state's farmers and farm organizations. A spokesman for the Massachusetts Farm Bureau said that, in the end, the bottom line came down to credibility. The state voters were convinced that the statements by farmers were more accurate than those being made by the animal rights coalition.

The victory didn't come without a price. In addition to man hours it was estimated that farmers and farm groups spent more than \$600,000 to defeat the referendum. CEASE (Coali-

tion to End Animal Suffering and Exploitation) spent approximately \$30,000 in support of the referendum.


Sweden said yes

Led by Astrid Lindgren, an 80-year-old author of children's books, Swedish voters took the plunge. They voted to approve stringent laws affecting how farm animals are housed and raised. The new law, which sailed through Parliament virtually unopposed, mandates that cattle as well as pigs and poultry, are not to be subjected to "factory farming." Cattle are to

be grazed, pigs are not allowed to be tethered or kept in crates, and chickens may not be kept in cages. No drugs can be used except to treat specific diseases.

Despite attempts by Swedish farm organizations to point out the increased costs of production these restrictions would bring about, several public opinion polls showed that Swedish consumers said they would gladly pay the higher price in order to "liberate the animals from the restrictive environments."

By Bill Eftink



RADIAL MUSCLE

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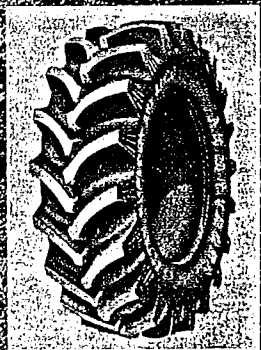
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See # 67 on page 77 for more information.



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Out of the Shadows

The Animal Rights Movement Exposed

By Steve Kopperud

During the nearly seven years that I've studied the U.S. animal rights movement, I have spoken to numerous ranchers and farmers about the very real threat from this radical political philosophy. Some of the rumors, "facts" and other misinformation I've encountered regarding the animal rights movement are astounding and sometimes downright comical. It's time to set the record straight. What is the main cast of characters in this movement? Where do they get their money, and how effective are they? Without attempting to list all of the organizations that devote themselves to "animal rights," let's try to get a broader perspective on this movement.

Who Are They?

As with any movement, it is difficult to "type" the average member. From observation, however, we have come to learn that the dedicated animal rightist is generally 25-46 years old, well-educated, a graduate of the 1960s and likely the type of person drawn to a "cause." The female contingent dominates, especially among the leadership of several major groups. The movement is generally white, middle to upper middle class, with the dedication, time and resources to devote to such activity.

This is very much a movement that could only flourish in an affluent society. Only in Western cultures, where the majority of individuals have adequate food, shelter, clothing and leisure time is there the luxury of such philosophy. You don't hear animal rights debates in Latin America or Third World countries in Asia or Africa.

How Big Are They?

As best can be determined by agricultural and biomedical researchers monitoring the animal rights issue, statistics put out by the animal rights movement on the number of groups and how much cash they have to spend are simply not accurate. In total, there are actually about 7,000 *animal protection* groups in the United States today of all stripes, ranging from the mainstream, legitimate animal welfare group to the criminal and fringe animal rights "cell." In total, there are about 400 hard-core animal rights organizations, with combined assets of roughly \$50 million.

What's It All About?

Many of the most prominent activists are vegetarians and likely would not complain if everybody embraced tofu in the next decade. And, while it is true that several of the groups have vegetarianism as a core philosophy, the lifestyle of the leadership and the members is almost secondary to the keenly held philosophy of the movement.

At its most extreme, the movement accuses the agricultural community of "specieism," a philosophy created by Australian academic Peter Singer in

1975. At its most extreme, the animal rights movement contends that animals should be allowed to display whatever behavior they "prefer" and that mankind should then treat them according to that preferred lifestyle.

However, throughout the movement are the underpinnings of anthropomorphism, the vesting of human attributes, such as happiness, in the animals we raise for food. There is also a lack of distinction made among the species and a lack of recognition of the animal's ultimate fate. The movement relies on the urban consumer's willingness to ascribe pet-like qualities to farm animals and to react accordingly.

Where Do They Get The Money?

Contrary to popular myth, there is no identifiable "sugar daddy" bankrolling the animal rights movement. It is *not* funded by the Soviet Union or the Palestine Liberation Organization; it is *not* the darling of corporate largess; it is *not* generally the beneficiary of huge estates left by daft, little old ladies that adore cats. It is extremely good at fundraising and makes use of all of the classic appeals and sophisticated technology available. Most of the dollars raised by these groups are individual contributions brought in by direct mail fundraising campaigns using agendas that attract activists. However, some organizations do enjoy the generosity of very wealthy individual patrons, who fund specific projects independently.

It's been observed that a number of "traditional," old-line welfare groups have picked up the more radical agenda of the animal rights movement in the last couple of years. In some cases, it could be argued that with a limited public base of support, many of these groups may be forced to adopt more dramatic rhetoric in hopes of maintaining a funding base.

What's Next?

Although it depends largely on groups' individual agendas, in general, all animal rights organizations share a common goal, namely a radical shift in livestock and poultry production prac-

tices. That agenda isn't new. What has changed are the tactics and the evolving message of the groups.

Animal rights activists' tactics are becoming increasingly more sophisticated and are being adapted to messages that are not so foreign to a consumer audience. In the beginning, these groups used picket lines and inflammatory news stories to ballyhoo their message of on-farm cruelty to the public. Today, the cruelty accusation is quickly taking a back seat to allegations of unsafe food.

Almost every attack on farm animal production systems states flatly that if animals were not crowded together in inhumane conditions, farmers would not have to "pump" animals full of drugs to keep them from getting sick. The activists' solution is simple: put the animals back out in the field, and they won't get sick. Farmers won't use drugs, and everything will be fine.

The target of food safety concerns has also shifted. Not long ago, it was the consumer that was warned of the dangers of eating meat, milk and eggs from abused animals; today, the message is quite clear in many of the attacks and ads these groups use: It is the nation's children that are at risk from these food products, a much more powerful appeal.

The diet/health issue today is linked very closely to the food safety issue. Many groups contend that even without animal drug use consumers are better off without meat in their diet. And by the way, as one group's message goes, don't you feel better knowing that since you've stopped eating meat, 6 billion farm animals didn't suffer today?

There's a common misconception, especially among elected officials, that the animal rights movement is a gadfly that will go away if we only "give them something." The contrary is actually true: Any kind of win for the movement is a major victory, while losing only steels resolve to push harder and go further with the animal rights agenda.

Animal rights activists are not above putting their own twist on decisions and events, in which they had no part. Witness one national restaurant chain's

decision to downscale its menu and remove veal entrees. Although a purely economic decision, it was painted by animal rights activists as a bow to pressure from the movement.

Due to the effective work of the meat and meat- and feed-related industry lobbies, the animal rights movement has had no legislative or regulatory victories. At both the federal and state level, animal rights initiatives have been derailed at every turn. Perhaps the best known effort to counter the animal rights movement was the defeat of a referendum in Massachusetts last November that would have severely restricted animal production practices. Agriculture's ability to pull together under fire confirmed animal rights activists worst fear that, when mobilized, agricultural interests can present a nearly insurmountable force.

Some groups today appear to be placing less emphasis on legislative activities, which has proven expensive and time consuming. The system grinds very slowly and usually demands compromise. These groups are not prone to compromise. Theirs is very much an "our-way-or-no-way" kind of philosophy.

There also has been a shift towards the use of economic leverage as a means of forcing farmers to change. A common practice among animal rights groups is the purchase of a few shares of stock in a public company as a vehicle for bringing to the annual meeting stockholder resolutions reflecting the no-animal exploitation message. It is not difficult to imagine such a tactic being used by activists to pressure large commercial and institutional buyers of meat and poultry. Under this scenario, farmers would be forced to accept out-moded production practices just to appease activists and avoid negative press. Supermarkets are equally vulnerable to such pressure tactics and are likely to be increasingly targeted. Witness the decision made recently by the Raley's chain in northern California. The company not only removed fancy veal from its meat cases but also held a news conference to announce the decision. The Cincinnati Clarion Hotel made a similar decision.

Perhaps more insidious than the direct assault we've witnessed in recent years is the recent tendency of animal rights groups to position themselves as "moderate" voices by using statements like, "We're not opposed to all farmers, just bad farmers," or "It's not the farmer's fault, he is just a victim of the system," and, even worse, "We have many producers as members of our organization; our differences are not as great as you might think."

Many activists pursuing this "open-minded" approach blame animal agriculture for its alleged unwillingness to "discuss" differences. But on June 6, when 22 national agricultural groups, including the National Cattlemen's Association, testified in Washington against a House bill that would have restricted calf production practices, two of those activists, who constantly call for "dialogue," were witnesses in favor of the bill, painting farmers and ranchers as, at best, dupes of big business.

Agricultural leaders have attempted repeatedly to open discussions with more reasonable elements of the animal rights movement, only to find that discussion amounts to: "So, how soon are you going to change what you're doing now that we've shown you how bad it is?" The message is clear: Beware of the false moderate.

What Can We Do?

So far, the animal rights movement hasn't achieved any legislative victories. Activists have hurt their own case by

making outrageous statements that later proved false or by addressing an audience that is tiring of their message. At the same time, the agricultural community has begun to learn the value of unity. In Massachusetts last November and at the veal calf hearing on June 6, a united agricultural front proved unbeatable.

How can the animal rights movement be defeated? The strategy is simple: Don't talk about animal rights, that's an issue for the other side. Don't argue with the activists. Debates don't work, and, frankly, it's tough to convince someone you're not so bad when the only reason they and their group exist is because they believe you are bad.

If agriculture is to come out on top of the animal rights debate, producers must take the issue back and redefine it in terms of what we do best: animal care.

Associations representing animal agriculture must play straight with the public and with policy makers about what we do and how well we do it. Dollars and effort must be invested in sound research, and the public must be told about production practices and not just about great food products.

Aggressive industry information and education programs on generally accepted industry practices must be pursued, along with producer education on professional, responsible animal drug use and a greater emphasis on quality production practices and quality products. More money must be spent on scientific research, and traditional ideas must give way to new.

The public won't tolerate bad producers, and the industry can't afford to. Cattlemen often pride themselves on their fierce independence, but it's hard to get much more independent than being the last rancher in the state raising cattle for food. And remember this one very basic truth: The consumer is always right.

Steve Kopperud is the vice president of the Animal Feed Industry Association and the executive director of the Animal Industry Foundation. He is a recognized authority on the animal rights movement.

*Leather:
A Genuine
daughter product*

WARNING:
This package contains
DEAD ANIMALS

*A Cow a Day
Keeps the
Rainforest Alive*

*We Do Chickens
DEAD*

*The Price of Meat
is SHEER MURDER*

LOBSTER
*Boiled Alive
Served Dead*

WARNING:
*Animal corpses can be
dangerous to your health*

BEEF
*Real Death
for REAL ANIMALS*

BEEF
*Real Death
for Real Animals*

*The murderer
of this animal
has not been caught*

MEAT
*It does your
Conscience Harm*

*Brought to you
courtesy of the
Slaughter House*

*The price of meat
is SHEER MURDER*

*PORK is PIG
except it's DEAD*

MEAT
*It does your
Conscience Harm*

*Steak is
Dead Cow*

WARNING:
*Animal flesh can be
dangerous to your health*

WARNING:
*Dead Animals
served here*

ANEMIC BABY COW

**A STEAK A DAY
KEEPS THE COWS
DEAD**

*How many animals
did you eat today?*

*Excrement Fed
Steroid Pumped
Animal Flesh*

BEWARE OF SALMONELLA

DEATH BURGER

*This Animal was
once Alive*

*PORK is PIG
except it's DEAD*

McDeath Burger

*A steak a day
keeps the cows dead*

**MEAT IS A
DECAYING CORPSE**

RONALD MCDEATH

10-6-88

Animal rights activists are off base

DEAR ANN: Although I have been an avid reader of your column for 20 years, I have never written to you.

This morning I received a letter and pictures of animals being tortured in the name of science that made me sick. I cannot believe that such atrocities are being permitted in this country. What can we do to put a stop to it?

When I saw pictures of those adorable monkeys and precious dogs in cages my heart just broke. Animals are God's creatures, too, and we cannot allow this to go on. Please, Ann, use whatever influence you have to put an end to these cruel experiments. — Pauline F., Island Park, N.Y.

DEAR PAULINE: It's madness all right, but it's some of the "animal rights" activists that ought to be looked into.

Extremists have infiltrated laboratories posing as volunteer workers, destroyed records, bombed and vandalized research facilities, damaged computers and poured blood on the files. Research on infant blindness was halted in California for eight months while claims of animal abuse were investigated. The charges were found to be false.

The mischief visited on science has cost millions of dollars. In April 1987, the Animal Liberation Front claimed responsibility for

Ann Landers



the fire that destroyed two-thirds of the veterinary diagnostic laboratory at the University of California at Davis, which resulted in more than \$3 million in damages.

Dr. Michael DeBaakey, chancellor of the Baylor College of Medicine in Houston, a world-renowned pioneer in heart surgery, asks these questions: Would animal rights activists refuse to accept a kidney, heart or liver transplant if these alone could save their lives? Such advances would not have been possible without animal research. Would they refuse preventive measures against polio, measles, diphtheria and whooping cough, or treatment for strep throat, ear infections and pneumonia — all made possible through animal research? Do 11 million diabetics deserve the right to life that insulin has given them? Are cancer patients entitled to the benefits they receive from radiation and chemotherapy?

It was in monkeys that the AIDS virus was first identified. Should

we halt all research on this deadly plague because monkeys are "adorable"? There is no way a vaccine or a cure for this devastating disease can be found unless we use animal models for experiments. Computers won't do.

I am an animal lover, too. But when forced to make a choice between rats, mice, monkeys, rabbits, cats and dogs, and humanity, I choose humanity.

Animals in the lab



Ann Landers

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Dear Readers: My good friend Dr. Michael DeBakey, chancellor of Baylor College of Medicine in Houston and chairman of its department of surgery, has written a splendid article that appeared in the *Washington Post*.

His message is of great importance. I would like to share part of it here.

MEDICINE NEEDS THOSE ANIMALS

"As a patient advocate, both in and out of the operating room, I feel a responsibility to protect the rights of patients to reap the benefits of animal research. Had the animal legislation now pending in Congress been enacted when I began my career, it would have prevented me from developing a number of lifesaving procedures in my research laboratory.

"Instead of restoring thousands of patients to a normal life, my colleagues and I would have been helpless to offer many of our patients any real hope. This legislation, known as the Mrazek bill, seeks to ban the use of pound animals for research supported by the National Institutes of Health, the chief source of funds for biomedical research in this country.

"Even with today's technology I could not have developed the roller pump that made open-heart surgery possible, or the artificial artery that restored health to previously doomed patients with blood clots. Nor could we have attempted the first successful coronary artery bypass or implanted the first temporary mechanical heart.

"If scientists abandon cat and dog experiments for other models that are not as suitable or as well understood, many potential medical breakthroughs may be severely crippled or halted.

"Would animal-rights activists have objected to the first kidney,

heart or liver transplant? Would they forgo the protection humanity enjoys today against polio, diphtheria and whooping cough or the treatment for strep throat, ear infections and pneumonia, all products of animal research? Would they have denied the 11 million diabetics the right to life that insulin has given them? Or the additional years made possible because of radiation and chemotherapy?

"It was in monkeys that the deadly AIDS virus was isolated and that isolation is the initial step in the ultimate development of the vaccine.

"According to the American Humane Society, 7 million pet dogs are abandoned to pounds or shelters each year, 5 million of which are killed. Yet some would have you believe that killing animals in a pound is more virtuous than using them to help advance medical knowledge and benefit human and animal health.

"As a physician, I cannot conceive of telling parents that their sick child is doomed because we cannot use all the tools at our disposal. Surely those who object to animals in research laboratories must be equally distressed to see sick children hooked up to tubes. How will those parents feel about a society that legislates the rights of animals above those of their children?

"Self-preservation is a primary instinct of all members of the animal kingdom, and patients with that instinct deserve our compassion as much as other species. The American public must decide. Shall we tell hundreds of thousands of victims of heart attacks, cancer, AIDS and other diseases that the rights of abandoned animals to die in a pound supersedes the patients' rights to relief from suffering and premature death? In making that decision, let us not use anger and hatred but reason and good will."

Ann Rights

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Animal rights activists threaten beef industry

The livestock industry is accustomed to so-called "environmentalists" criticizing its grazing practices.

But when a radical group takes credit for burning a California livestock market, "It may mark a new phase in our industry's struggle to continue to be stewards of the land, and in our role as authentic animal welfarists," said John Morken, president of Livestock Marketing Association.

Morken commented following a fire at the Dixon Livestock Auction Company, Dixon, Calif., early the morning of Jan. 29. The fire destroyed approximately half of the market and did about \$250,000 damage, according to owner James F. Schene.

No personal injuries were reported, nor were any livestock injured, although about 750 head of cattle and sheep were in the market at the time.

An anonymous caller told Dixon area news media that an environmental group took credit for the fire.

"We know these groups want publicity for their actions, but we're not going to oblige them by mentioning their name in our public statements," Morken said. "Anyone who feels they must know the name of the group can call our Kansas City office, at 816-891-0502."

Criticism of the industry's grazing practices "is, unfortunately, a fact of life that the industry continues to counter with facts," Morken said. "However, if the battle over this issue now includes the sabotage of producers' marketing outlets, it is regrettable in more ways than one."

"First, arson is a felony and the guilty should be punished to the full extent of the law. Destroying an individual's business is a heinous crime.

"Secondly, a livestock market is a major economic factor in its community, through its volume of business, the people it employs, and the suppliers it uses.

"And finally," Morken said,

"no group can expect to influence livestock producers over the grazing issue when the group decides to eliminate the outlet for their livestock. When it's time to market livestock, the services provided by the competitive marketing system must be there."

Schene noted his customers bombarded him with calls immediately after the fire, asking him when he would be back in business. The answer: "as soon as possible," Schene told them.

"We are determined that this incident will not get us down, and we will not let these persons put us out of business."

Beef sales plan is implemented

A five-point plan to boost retail beef sales is being implemented in over 700 Kansas stores and 32,000 participating supermarkets across the country in conjunction with National Meat Month.

The promotion spotlights beef with the "Enjoy Beef and Foodstyle/Life Style '89" point-of-purchase merchandising kit. A consumer booklet featuring low-calorie, easy-to-prepare recipes and nutrition information, as well as a game offering \$15,000 in prizes, are a part of the plan.

National Meat Month is designed to educate consumers about leaner meats and stimulate meat sales. The month-long event last year increased meat sales 11 to 14%.

The Kansas Beef Council is making an effort to turn Meat Month into Beef Month with special beef messages during February on the 30 affiliated Kansas Information Network stations. Sue Ann Mills gives a variety of messages to listeners on beef's convenience, as well as nutritional information. The meat month campaign is just one example of how cattlemen's checkoff dollars are working to educate consumers and increase the demand for beef.

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1989

READ: ECCLESIASTES 12

APRIL 5 — WEDNESDAY

THE BIG DIFFERENCE

... the spirit will return to God who gave it. ... For God will bring every work into judgment. — Eccl. 12:7,14
Many people forget that humans have a different purpose and destiny than animals. They talk as if animal life is just as sacred as human life. But the Bible teaches that man is unique among all living creatures.

As a small boy growing up on a farm, I liked the dog, the cats, the horses — even the chickens, pigs, and cows. It bothered me that cute little chicks, piglets, and calves would one day be killed for food. But my father helped me get the right perspective. He explained that God had put into them the instincts of fight or flight to survive. But they don't reason and make choices as people do. They can't know God, love Him, or choose to obey Him. He also said that animals can't think about death, eternity, or God as we do.

I remember too when my Grandpa Droog died. I watched as the box containing his body was lowered into a hand-dug grave. I hated to think that he was in the cold, dark ground. But Dad told me that Grandpa had left his body and was with God in heaven.

Yes, we will live on after we die. We will all stand before the judgment and spend eternity in either heaven or hell. This is not true of animals.

We must keep this big difference clear in our minds. It will keep us from caring more about animals than we do about people. — H.V.L.

*Of all creation's treasures rare
Not one compares in worth with man;
In God's own image he was made
To fill a place in His great plan. — Branon*

MAN SHOWS THAT HE IS MORE THAN AN ANIMAL
WHEN HE LONGS TO BE MORE LIKE GOD.



animal industry foundation

1701 Ft. Myer Drive/Suite 1200/Arlington, Virginia 22209/703/524-0810

Steven L. Kopperud
Executive Director

October 23, 1989

AIF INVITES CATTLE, PORK, MILK, POULTRY AND FARM BUREAU TO JOIN BOARD OF TRUSTEES, EXPANDS REPRESENTATION OF INDUSTRY

The Animal Industry Foundation Board of Trustees has extended invitations to join the board to the top executives of the National Cattlemen's Assn., the National Pork Producers Council, the National Milk Producers Federation, the Southeastern Poultry & Egg Association and the American Farm Bureau Federation.

"This is why AIF was created," said Executive Director Steve Kopperud. "The Foundation exists to provide a source of solid consumer and public information on livestock and poultry production practices and the inclusion of these groups in the planning and decision-making processes will be invaluable."

The Board has benefitted greatly from the participation over the last year-and-a-half of Orville Sweet, recently retired executive vice president of the National Pork Producers Council. After acceptances are received, an orientation board meeting will be scheduled, Kopperud said.

SHOOTING COMPLETE, EDITING BEGINS ON TWO AIF VIDEOS

With more than eight hours of video tape now shot for AIF's video version of "Myths & Facts," and its educational "Farm Tour Video," the editing process has begun. Shooting took place on Wisconsin veal and egg operations, Minnesota turkey and hog farms and an Iowa cow/calf and feedlot operation. "Iowa Farmer Today" did a story with color photos on the shoot in Iowa.

The "Myths & Facts" video uses farmers and ranchers to tell the story of what they do in raising livestock and poultry, how well they do it and why they do it. It also focuses on changes these farmers have seen over the last 30 years and how these changes have benefitted not only the rancher, but the animal and ultimately, the consumer.

Both videos will be available by late November. For more information on the video projects, contact Steve Kopperud at AIF.

AIF RELEASES PUBLIC POLLING DATA TO NATIONAL MEDIA, INTEREST STRONG

The results of AIF's first-ever national public opinion poll on farming, ranching, animal care and animal rights was released to the national and trade media this month, and interest has been strong. AIF Executive Director Steve Kopperud has done more than a dozen interviews with radio and newspaper reports from Texas to Winnipeg, and has talked with at least half-a-dozen trade press reporters. For a copy of the polling data, please contact Lynette Welshon at AIF.

AFIA ANIMAL WELFARE COMMITTEE TO COMMISSION "CONTINGENCY PACKAGE" ON MEDIA RELATIONS, EMPLOYEE, PLANT SECURITY, ISSUE MANAGEMENT

The American Feed Industry Assn.'s Animal Welfare Committee is looking at commissioning through private security firms the creation of a "contingency package" for its member companies and others to help deal with the animal rights issue from the standpoint of media relations, demonstrations and pickets, and employee and plant security. Other organizations interested in sharing in the development of this project should contact Steve Kopperud at AFIA.

SPIRA, ANIMAL RIGHTS INT'L. RUN NY TIMES AD SLAMMING PERDUE

The Oct. 20 New York Times carries a full-page black and white ad, paid for by Animal Rights International and activist Henry Spira, trashing Frank Perdue specifically and the broiler industry in general. Under the headline: "Frank, Are You Telling the Truth About Your Chickens?" the ad reiterates many of tired accusations by animal rightists against the poultry industry, i.e. not enough space, beak trimming, corporate dominance, use of marigold petals to enhance skin color, etc.

The ad also goes into Perdue's labor problems at some southern plants, and equates his "callousness" towards animals to the way he treats his employees. The ad ends with an offer to any animal rights group in the country to use the un-copyrighted material, and for Perdue to 1) open his contract growing and slaughtering facilities to "unannounced" media access, 2) allow each bird four square feet, and 3) fund research into "more humane" production practices. This last item carries the following statement: "Almost all animals, including calves, pigs and cattle raised for food suffer on factory farms. Your involvement and opinion can change this inhumane system."

Perdue's official statement, in part, said: "The vague and totally groundless charges of animal cruelty being leveled against Perdue Farms, Inc., and the poultry industry by Animal Rights International is nothing more than a self-serving attempt to rouse emotions against the industry and gain support for the group's main goal of achieving a vegetarian, meatless society...It is unfortunate these activists have chosen to attack the American farmer...Anyone who accuses farmers of not being concerned about animal welfare is ignorant of the facts, out of touch with reality and lacking in common sense."

"PORK '89" SEPTEMBER ISSUE MUST READING FOR INSIDE LOOK AT MOVEMENT

Marlys Miller, associate editor of "Pork '89," has gone where few in livestock or poultry production have gone before. She packed up pencil and pad and spent a summer weekend as one of 600 participants in the

National Alliance for Animals' Education Fund's National Seminar '89 in Washington. Her insight is covered in a series of three articles in the September issue that should become the basic primer for anyone seeking an understanding of the animal rights movement's campaign against agriculture and its strategies and methods.

The first article sets the stage for the other two, discussing her overall impression and the movement's agenda for the conference. The second article is a series of short interviews with activists and coverage of several speeches. Particularly illustrative of the motivation--and understanding--of the activists is the following quote from Lorri Bauston, co-founder with her husband of Farm Sanctuary: "We've learned the hard way from trial and error," says Bauston of her lack of knowledge about animal agriculture when she started out. "A lot of it's common sense." And, Bauston admits in her presentation: "As much as anyone, I'd like to see a day when all animals are free from exploitation, yet until we have a vegan world, we're going to have to work on closing down the obvious facilities first.

In addition to about 40 booths at the meeting, Miller writes about a planned Hollywood feature film production on animal rights and animal liberation, and talks about the planned June, 1990 March on Washington which many in the movement hope will galvanize the country to their philosophy by sheer force of numbers.

Farm Journal is planning a similar series, with writer Karen McMillan having attended the World Farm Animal Day demonstrations in Washington in early October, and then observing a Virginia packing plant demonstration later in the month.

For a copy of the series, contact AIF, or "Pork '89," at Vance Publishing, 7950 College Blvd., Shawnee Mission, Kans. 66210.

OCT. 2 'WORLD DAY FOR FARM ANIMALS' EVENTS VARIED

Depending on where you were and who you talked with, the Oct. 2 "World Day for Farm Animals" was either amusing or aggravating. In Aspen, the People for Ethical Treatment of Animals reportedly sought time to tell school kids about endangered species and used the opportunity to push vegetarianism. In Washington, about 100 Farm Sanctuary members tried to cajole pedestrians to "adopt a farm animal", and about 40 protesters at USDA got little if any response. In San Antonio, Tex., NCA reports, about 100 demonstrators showed up at the Union Stock Yards. The demonstrators distributed literature with the old message: "Farm animals account for 95% of all animals who die through human exploitation."

ANIMAL RIGHTISTS APPARENTLY UPSET AFTER VEAL HEARING ROUT

If the fall "Watchdog" newsletter of the Humane Farming Assn. is anything to judge by, then the animal rights witnesses at the June 6 House Ag Committee hearing on federal anti-veal legislation are not happy about the outcome. Featuring a cover photo of a picket line outside a supermarket, the newsletter features an unbylined article on the hearings that blames the poor animal rights showing not on lack of evidence and convincing arguments, but on preferential treatment to the ag witnesses.

"Like the state legislatures, the congressional agriculture committees are stacked in favor of the agribusiness industry...The task of scheduling and selecting witnesses was that of the committee's chair, Congressman Charles Stenholm (D., Texas). He allowed the industry to present 24 witnesses, while limiting (emphasis added) our side to 11.

"A more profound inequity was evident by the end of the day-long hearing. All told, the Committee gave the factory farm lobby more than three times (HFA's emphasis) as much time to testify as supporters of veal calf protection. In addition to being allowed fewer witnesses, we were held to the allotted five minutes each (plus questions), while veal industry witnesses were allowed to ramble on for over twenty minutes at a stretch."

The article also questions Dr. John McGlone, Texas Tech University, and Dr. Stan Curtis, University of Illinois. Referring to Rep. Charlie Rose's (D., N.C.) questioning of the two as to any research funding received or expected from the veal industry, HFA apparently did not believe Curtis when he replied he had received some funding eight years earlier. A Curtis "quote" is also used on HFA's recent fundraising letter, with Curtis identified as "Prof. Stanley Curtis, Veal Industry Testimony."

An interesting note: A small sidebar to the article states the following: "The American Society for the Prevention of Cruelty to Animals was instrumental in the proceedings and was kind enough to cover many of the expenses pertaining to the hearing." Interestingly, ASPCA did not testify.

SMITHFIELD PACKING HIT BY PROTESTS, DEMONSTRATIONS

In a move related to World Farm Animals Day, a group calling itself Virginians Against Cruelty to Animals staged demonstrations and an all-night "vigil" against Smithfield-Carroll Farms. The group contends the demonstrations were against recent fines against Smithfield for State Water Control Board violations. A call for volunteers asked activists to take off time from work, and to be ready to be joined by Dr. Alex Hershaft of the Farm Animal Reform Movement. The flyer also told demonstrators to be ready for "some civil disobedience" by blocking livestock trucks. By all reports, the demonstration was not as large as expected and Smithfield was able to control the event by setting aside an area reserved for the pickets and demonstrators.

"MADEMOISELLE," "VOGUE," DO COLUMNS ON ANIMAL RIGHTS MOVEMENT

Two more national publications have picked up on the animal rights movement--and are not necessarily sympathetic in their coverage. In the July, 1989 issue of "Mademoiselle," a column entitled "What's Wrong with Animal Rights" by Barbara Grizzuti Harrison, takes on the anti-biomedical arm of the movement. The author talks with Gary Francione, professor of law at the University of Pennsylvania, who says that if abrogating the rights of one sewer rat would rid the world of cancer, "it's rights would have, nevertheless to be honored. No experimenting; no cure." Ingrid Newkirk, national director of the People for the Ethical Treatment of Animals, would grant rights to "all those with faces," regarding humans as "just another animal in

the pack." The author also quotes an ethicist: "You can teach a human to care about a pig, but you can't teach a pig to care about a human being, i.e. humans and animals are not entitled to the same rights, in part, because there is no reciprocity of feelings."

In the September issue of "Vogue," the "Politics" column by Fred Barnes details the mainstream move of the animal rights movement. In addition to quoting Ingrid Newkirk--one more time--on "a rat is a pig is a dog is a boy," PETA has apparently gone even further in its philosophy. In a section discussing the need for animal research to find a cure for AIDS, Dr. Anthony Fauci, leader of the AIDS program at the National Institutes for Health, says: "You can't do these studies in man." Says Barnes: "PETA's Newkirk says that even if animal tests produced a cure, "we'd (PETA) be against it."

LEGISLATIVE UPDATE:

STENHOLM/MADIGAN/DE LA GARZA INTRODUCE FACILITY PROTECTION ACT; ROSE DOES SAME, FOLLOWED BY WAXMAN. TOTAL BILLS INTRODUCED: FIVE

Follow this closely, because it can get confusing. When last the American Feed Industry Assn. reported that introduction of the agriculture-supported House version of the employee/facility protection legislation was imminent, it was believed this would round out House and Senate introduction. Not so.

Just before Reps. Stenholm, Madigan and de la Garza put the finishing touches on their bill to make it a federal crime to disrupt the business of a farm, ranch, ag or biomedical research facility, Rep. Charlie Rose (D., N.C.) introduced what he calls a facility protection bill (H.R. 3223). A few major problems with it, says AFIA. The Rose bill 1) amends the Animal Welfare Act, which currently exempts farm animals, 2) does not go far enough in its protection for farms and research facilities, 3) includes the much-opposed Rose language granting animal rights activists legal standing in federal court, and 4) calls for House and Senate leadership to set up a panel of animal welfare groups to investigate biomedical research.

(The National Association for Biomedical Research reports its analysis of the Rose bill showed "the bill does not offer...any protection and in fact may encourage continued break-ins and theft." Two sections are troublesome to NABR. These include one which says it would be unlawful for any person to "intentionally cause the loss of any animal from a research facility, except temporarily, (emphasis added) for the purpose documenting violations of federal regulations..."

At the same time, while the bill would make it unlawful to damage, or steal equipment, or to obtain unauthorized possession of records, data, materials, equipment or animals, the bill also says that a person charged with committing one of these acts shall not be subject to any penalty if a violation of the Animal Welfare Act is proven.)

When it was figured the dust had settled on bill introductions following introduction of the Stenholm bill (H.R. 3270), which carried 44 co-sponsors, most whom sit on the House Ag Committee, Rep. Henry Waxman (D., Cal.) threw in H.R. 3349, to protect biomedical research facilities receiving NIH federal grants.

So, according to AFIA, here's how the bills sort out:

H.R. 3270: Stenholm--Ag supports strongly
S. 1330: Helms --Ag supports strongly
S. 727: Heflin --Biomed protection; AFIA supports
H.R. 3223: Rose --Ag should oppose strongly
H.R. 3349: Waxman --NIH-funded biomed protection; no
position at this time.

AFIA notes that in writing to House members to secure cosponsorship of the Stenholm bill, it is necessary to explain that while the titles of the bills are similar, H.R. 3223 (Rose) is not acceptable and that members should be very careful in how they decide their cosponsorship. No action has been scheduled on any of this legislation at this time.

Word is that in addition to these bills, Rep. Ron Marlenee (R., Mont.) will soon introduce legislation to provide similar protections to "public lands users."

CAL. VEAL BILL, CALF HOUSING STUDY BILL UNDER NEGOTIATION

When last reported, the author of the bill in the California Assembly to ban veal in confinement had pulled his bill off the hearing schedule after the bill's author had visited several veal farms at the invitation of the California industry. At the same time, a bill calling for a University of California-Davis study of calf housing languished for lack of attention. However, now that the study bill has gained momentum, the Humane Farming Assn., which has been pushing the ban bill, is being forced to the table to negotiate. Last word was that it had been proposed the study at UC-Davis be funded half by the state and half by industry. There may not be enough time in this Assembly session for action on either bill. Watch this space for future developments.

AMERICAN HUMANE ASSN. FILES \$10-MILLION SUIT AGAINST BOB BARKER

Game show host and animal rights activist Bob Barker is the subject of a \$10-million lawsuit by the American Humane Assn. and its West Coast Regional Director Betty Denny Smith. The suit, which asks \$5 million for AHA and \$5 million for Smith, charges Barker, the United Activists for Animal Rights and its Executive Director Nancy Burnet with libel, slander, invasion of privacy, trade libel, interference with prospective business, conspiracy, injury to reputation and emotional distress over the past two years.

ANIMAL WELFARE BOOTH DEBUTS AT NEBRASKA STATE FAIR

In an unusual twist, the Nebraska State Fair this year saw its livestock folks sharing fair space with an animal rights booth. While the fair booth strategy is not new, it's a first for Nebraska. According to a news report the Greater Nebraska Animal Welfare Society manned the booth and handed out literature and responded to visitors--including several farmers and ranchers. No one objected to the booth. Said Fair Manager Paul Putens: "Basically people are allowed to speak their minds out here. Different points of view--that's what makes it work, I guess."

"HUMANE EDUCATION" GETTING PUSH FROM ANIMAL RIGHTS MOVEMENT

The latest issue of the "Animal's Agenda" magazine carries an article by Sheila Schwartz, chairperson of the Humane Education Committee, New York City, which details methods by which so-called "humane education" materials can be gotten into the schools. The article begins by talking about how current lesson plans may not only teach a child to read, but also "simultaneously condition to accept" certain messages while "desensitizing" children to the suffering of sentient beings. "Later they will learn that 'people have always hunted and fished' and earn high marks for creating diets using the Dairy Council's 'Basic Four Food Groups.'"

After acknowledging the difficulty and cost of getting materials into schools, the article recommends working with local teachers' unions, lobbying through postcards and letters to get schoolboards to accept materials, and contacting educators through local humane organizations to see if they can lead workshops on teacher training days.

"VEGAN EXPRESS" HEADS OFF ACROSS THE U.S.

Long-time animal activist Chas Chiodo and his dog Ram Dass will begin a national "Vegan Express" tour across the country in November in a bus loaded "with educational materials and cookbooks." The tour is being "launched" from Washington, D.C. Look for it in your town soon.

ITEMS OF INTEREST...

o DC Comics now has "Animal Man," created by cartoonist Grant Morrison. Activists are urged to write and support this pro-animal comic, which may have inspired Marvel Comics to do similar stories.

o The U.S. Supreme Court has upheld a Connecticut court decision which threw out that state's hunter protection law. The lower court said the law was overly broad and a threat to free speech.

o Action for Animals and the Benecia-Vallejo Humane Society are taking credit for forcing the Solano, Cal. County Fair Rodeo to drop greased pig chases, sheep riding and use of electric prods in holding chutes. It is also reported, however, that pig racing is a new hot attraction at Disneyland.

o Bob Barker, long-time host of "The Price is Right" refused to appear with Vanna White in "Wheel of Fortune" ads until CBS agreed the show will stop giving furs as prizes.

o There's a California group out there called "The Write Cause," which it is reported will write two personal letters on animal issues per month for you for \$35 per year.

o Canadian animal researchers have reportedly found that cattle destined for slaughter handle stress better when given a Gatorade-type electrolyte drink.

o A 15-year-old Malibu, Cal., youth drowned when he became tangled in cables while trying to free lobsters from traps, Agenda reports.

o Animal's Agenda reports that cattle in Louisiana contribute as much pollution to Lake Pontchartrain as 525,000 people.

o And one last note: Agenda reports a Minot, N.D., woman was awarded \$18,000 after a rodeo bull attacked her in a restroom where she was hiding to avoiding watching bull riding.

SHOT COULD CREATE STEER WITHOUT CASTRATION: U/NEB.

A hormone-protein shot creating an "immunological block" in a bull's brain may eliminate the need for castration, according to research done at the U.S. Meat Animal Research Center at the University of Nebraska. The vaccination technique could be used to sterilize male cattle, sheep and hogs without the surgical technique currently used. Bruce Schanbacher, endocrinologist at the center, said the use of this technique raises the prospect of leaving bulls intact until they are ready for the feedlot, taking advantage of a young bull's growth rate and leaner, more muscled carcass. Schanbacher acknowledges that the vaccine, about to move to the field testing stage, is 100% effective in sheep and hogs, but "a little less effective on cattle." The advantages include the fact it's less stressful, simpler and can used at both pre-puberal and sexually mature stages of the animal's life. Still at question is the ultimate cost, and whether it should be available over the counter or through vets only.

MINN. RESEARCH SHOWS KIDS MAY NOT BE NICER IF THEY OWN PETS

Recent research into the relationship with and the value children place upon pets may shake conventional wisdom that holds a child raising a pet is more altruistic than those who don't, according to an article in "Minnesota Science," published by the University of Minnesota Colleges of Agriculture, Forestry and Home Economics. Following a local newspaper's essay contest in which kids responded to what one thing they would save in case of a fire, social science researcher Geraldine Gage, using a computer model, found that children who wrote about their pets generally considered them important, but not for necessarily altruistic reasons. Children apparently talked about their pets in the same sense they discussed a "sort of big three-dimensional toy," Gage said in the article, calling the attitude "hedonistic utility."

"I am not persuaded that kids are learning much at all from pets," Gage said. "The way children described their pets in the essays was very the same as older adolescents talk about their car. If parents want their children to be more altruistic and to have more empathy, it may be more effective if they themselves modelled that behavior."

ANIMAL RIGHTS GROUP SEEKS TO HALT FUNDING FOR U/GA. LAB

The Atlanta-based League for Environmental & Animal Protection (LEAP) has sent Sen. Wyche Fowler (D., Ga.), a petition with 1,200 signatures asking that federal funding be stopped for a proposed facility at the University of Georgia at Athens until public hearings are held and independent environmental impact studies are conducted. LEAP says the lab "is potentially dangerous" and that the goal is not to stop the lab but to inform the public. The proposed \$13 million facility would do research to eliminate animal diseases, with facilities for research on toxic chemicals, infectious agents and recombinant DNA technology. The facility would also utilize safety features, including physical

barriers, controlled air flow, restricted traffic, a central monitoring station, animal isolation "suites", decontamination areas and its own centralized incinerator and heat-treatment waste system.

FARM LETS FED EMPLOYEES KNOW ITS PART OF FED CHARITY DRIVE

Members of the Farm Animal Reform Movement (FARM) received an interesting announcement in the mail last week, when a postcard arrived announcing that FARM "has joined the current "Combined Federal Campaign," the combined fundraising effort of the federal government for various charities. The card asks "Are You a Federal Employee?" and then asks that you designate FARM to receive contributions. It also asks that you contact FARM to get leaflets, etc., to "encourage your fellow employees to designate FARM as their charity on the CFC Gift Form."

THIS FROM "THE NEW YORKER:"

"We Don't Want to Hear
About it Department"

"_____ gets its food from around the world; special pastas from Japan, bottled milk from Vermont, eggs from Maine, beef from Colorado, and chickens from Connecticut. He said, "There are no drugs in our meat and our fish has never been dipped in chlorine. You will never find any preservatives, drugs or additives in our foods."

"You will also never find any product that involved the cruel killing of animals. "We don't allow any product that is tested on animals. However, we do have a line of European products that is tested on nuns," he said."

TO OUR READERS:

Please send any and all references to the animal rights movement you come across in the national media, your local newspapers and in your trade association or professional society newsletters. It doesn't matter whether it relates to farm animals, biomedical research, rodeo or entertainment, fur, fishing, whatever. We will include them in this newsletter. Also, if your group wishes to publicize the creation of a coalition, development of materials or projects, drop us a line and we'll make sure you get the deserved credit.

8-26

8-25

YES! I WANT TO SUPPORT AIF AND ITS WORK!

_____ Enclosed is a tax-deductible contribution to the Animal Industry Foundation to help AIF continue its education and research efforts. (Checks should be made payable to "AIF.")

_____ I am interested in helping AIF. Please send me further information on AIF and its projects.

_____ Enclosed is a tax-deductible contribution. Please direct this support to aid the following specific projects:

_____ "Farm & Food Bytes: Animal Agriculture"

_____ Distribution of "Animal Agriculture: Myths & Facts"

_____ The national public opinion poll on animal care

_____ Production of "This is the Farm" video and/or a video version of "Myths & Facts."

PLEASE SEND YOUR CONTRIBUTION WITH THIS FORM TO:

Ms. Lynette Welshon
Animal Industry Foundation
1701 Ft. Myer Drive, Suite 1200
Arlington, Va. 22209

NAME _____

ORGANIZATION _____

2nd Amendment
13009

Feb 26 90 Newhaffar Mercury

Dean's murder stirs fears here

Matt Bunker
Staff Writer

The murder of the dean of the University of Tennessee School of Veterinary Medicine has raised fears that other deans of veterinary schools may be in danger — fears that are being taken seriously at Kansas State University.

Cable News Network reported Saturday there was some evidence that the murder of Dean Hiram Kitchen was the first in a series of murders of veterinary medicine deans by animal rights activists concerned with animal experimentation in veterinary schools. CNN reported the investigation had turned up the possibility that future killings might be planned at a rate of one dean per month.

Investigator Michael Cheaves of the Knox County, Tenn., Sheriff's Department today said Kitchen, who was killed in his

driveway in Knox County Feb. 8, was shot eight times with a small caliber weapon.

Cheaves described the theory that animal rights activists were behind the death as "one possibility of many." He said the investigation has turned up



Michael Lorenz:
'It is something I'm taking fairly seriously.'

"several notes that could possibly be related," although he declined to say what the notes contained or to comment on the theory that other deans might be in danger.

"(Kitchen) was for animal rights, but due to his title he could have been singled out," Cheaves said. "We haven't ruled it out."

Cheaves said investigators had contacted veterinary medicine schools around the country seeking information about the death, but that the contacts had not amounted to warnings to the deans of the schools.

Michael D. Lorenz, dean of KSU's College of Veterinary Medicine, said he had heard about the possible threat and was not taking it lightly.

"I'm not going to totally alter my life, but it is something I'm taking fairly seriously," Lorenz said. "I know that other deans, at least in the southeastern United States, were notified of that report."

Lorenz said Kitchen had been a friend of his and that Kitchen's views on animal rights made him an unlikely candidate for assassination.

"He was known as a real moderate — he was extremely concerned about topics like veterinary ethics," Lorenz said. "He had also spoken out against

See No. 4, back page

4 Continued from Page A1

actions like dog fighting in Tennessee; he had a real soft spot for animals."

"We were all shocked — if it's true, they picked on the wrong guy."

Lorenz, who said he was not aware of any threats or intimidation at KSU, has been checking through local law enforcement authorities to determine the validity of reports surrounding Kitchen's death. "There's no question he was assassinated," he said.

Lorenz has heard rumors that other faculty members at the

University of Tennessee had received threatening notes prior to Kitchen's murder. He said militant animal rights activists have thus far apparently limited their actions to destroying property in the United States — including burning a diagnostic laboratory at the University of California at Davis — but that researchers in Great Britain have received letter bombs and pipe bombs from activist groups.

Lorenz said there are 27 veterinary medicine colleges in the United States, all of which do some animal experimentation. KSU's research concentrates agricultural animals like beef

cattle and swine.

Since Kitchen's death, other veterinary medicine colleges have taken steps to increase security, Lorenz said. Although KSU is not ready to go that far yet, Lorenz said he wants to "make sure our faculty, staff and students are safe if there's any problem."

Spokespeople for the Riley County Police Department and the K-State University Police said they had not received any official notification of Kitchen's death and were not in the process of conducting investigations in connection with the possible threat.

Senate Agriculture Committee

3-23-90

attachment 9

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THIS WEEK IN FARM BUREAU

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VOL. XVII NO. 11

report to members for week ending MARCH 11, 1988

PLYMOUTH FARMERS TO BREAKFAST WITH LEGISLATORS... on April 7 at the Carlton House in Brockton (Rte. 27). Breakfast will begin at 7:30 a.m. ALL regular members are encouraged to attend. There is no cost, but reservations are required by telephoning (617)295-2222 prior to Monday, April 4.

PAIGE LABS IS THERE FOR FARMERS: Considering what a small minority we have become in Massachusetts, farmers are fortunate to have a diagnostic facility of such high quality as Paige Labs at UMass in Amherst. By making use of the resource, you are showing your support for one of the few such services still available to farmers in Massachusetts.

WATCH YOUR MAIL BOXES! Within the next few days a first class mailing will be delivered to each regular Farm Bureau member explaining in detail the effects of the FARM ANIMAL RIGHTS INITIATIVE legislation and why each member must join Farm Bureau in voicing their personal opposition to this initiative. YOUR generous contributions and support have launched the Massachusetts farmers into a campaign to help the public to understand the devastating effect C.E.A.S.E. and animal rights activists like C.E.A.S.E. can have on family farms and open space. THERE IS A NEED FOR MORE FUNDING if we are to continue this campaign to the end. The good news is that it turns out both family farms and open space are very important to the vast majority of people in Massachusetts.

BE VERY CAREFUL: For your own safety, do not invite the animal rights activists onto your property or near your animals. We understand you have nothing to hide and are anxious to prove it. HOWEVER, instances of violence and treachery by these activist groups have been clearly documented in the not too distant past. Last year Farm Bureau obtained a copy of a document entitled "ACTION FOR ANIMALS PART ONE", subtitled, "COMPILED FROM FIRST-HAND EXPERIENCE AND RESEARCHED MATERIAL". It outlines violent tactics that can be used by animal rightists in their effort to destroy property they consider is used to bring about animal suffering. For instance, an outline on how to stop a car describes the effect of a heavy cable stretched across the road and pulled taut. It explains to marauders the how-to's of break and entry without leaving fingerprints or other incriminating evidence. ...a little like playing with a loaded gun...

DEADLINE NEARING FOR 1988 FARM TRAILS QUESTIONNAIRES: If you live in any county other than Worcester, Essex or Berkshire and you want to be included in the 1988 Farm Trails/Harvest Trails publications - you still have time to call for a questionnaire - BUT NOT VERY MUCH TIME!

WE'LL PRINT YOUR FAVORITE PHOTO! We're looking for good, candid photos of farmers with their animals or caught in the act of farming. If your photo is one of those chosen, it will appear on the Farm Trails/Harvest Trails publication for your county! We can use black and white or color - BUT THEY MUST BE 35MM PRINTS. If we don't use them, we'll return them. Send photos to Pam at Farm Bureau. Send a note along with photo.

CONFUSION OVER PERMITS AND GREENHOUSES: Chapter 671, an act exempting certain greenhouses from provisions of the state building code - DOES NOT exempt greenhouses from all of the permits required of other constructions and only exempts plastic film type greenhouses from the state building code.

Animal Rights Debate Invades The Barnyard

TOPEKA (AP) — Animal rights activists have captured the attention of Kansas farmers concerned about the impact of the movement on livestock production.

Delegates to the recent Kansas Board of Agriculture annual meeting heard from Steve Kopperud, executive director of the Animal Industry Foundation, a pro-agriculture group.

Animal rights speakers also appeared at the Kansas Farm Bureau annual meeting in December and the topic was discussed at the Kansas Livestock Association's recent annual meeting.

The National Cattlemen's Association has formed a Task Force on Animal Welfare. It met in Wichita Jan. 17.

Kopperud said some animal rights groups believe animals shouldn't be killed for any reason.

Others think food animals should be allowed to roam free, and some attack the use of vitamins, minerals, antibiotics and growth-promoting chemicals.

Like the anti-abortion campaign, it is a socio-political

movement, he said.

"It is well-funded. It is well-organized. It's a European import. And it's coming to Kansas," he said.

The threat isn't just from newly founded groups, Kopperud said. Animal welfare advocates also are attacking agriculture, he said.

The American Society for the Prevention of Cruelty to Animals, for instance, refers to factory farming as "one of the 10 most unwanted activities involving animals."

Factory farming is a description animal rights activists use to claim producers care as little for their animals as a steel mill operator cares about the iron ore he uses.

The Humane Society of the United States mounted a "breakfast of cruelty" campaign against pork and egg producers because swine and chickens are held in confinement, Kopperud said.

Protesters have picketed supermarkets and told customers meat, milk and egg products are full of deadly drugs, Kopperud said.

Some have engaged in

product tampering, he said, by placing labels on packages in stores. The stickers carried slogans such as "Eat At Your Own Risk," and "Farm Animals Never Have A Nice Day."

"The basic philosophy here is: 'If we can't stop them from producing, then stop them from selling it, or at the very least make it so expensive that nobody wants it anymore,'" Kopperud said.

There are more than 400 animal rights groups in the United States with combined operating budgets exceeding \$200 million, he said.

People for the Ethical Treatment of Animals (PETA), which he described as one of the most radical, started several years ago with a \$100,000 annual budget, Kopperud said.

Today, it has 1.5 million members and a budget of almost \$3 million. PETA has an office in Kansas City, Kan.

Ellen Querner of Wichita, president of the Kansas Humane Society, said she has become concerned about the confinement raising of livestock and the growth-promoting hormones and an-

tibiotics used in feedlots.

"If the general public that eats meat could see how some of these animals are raised, they would be upset," said Mrs. Querner.

A recently formed Wichita animal rights group, the Prairie Society, has staged two protests at a fur store and plans other activities.

Spokesman Steve Tasheff, a home designer and builder, said the group is concerned about all issues that affect the welfare, health and comfort of animals.

The society, which has 15 to 20 members, wants to present school programs and launch a public education effort, Tasheff said.

Almeda Edwards was a delegate to the State Board of Agriculture annual meeting. During caucus discussions she said many people in agriculture aren't paying much attention to the animal rights movement.

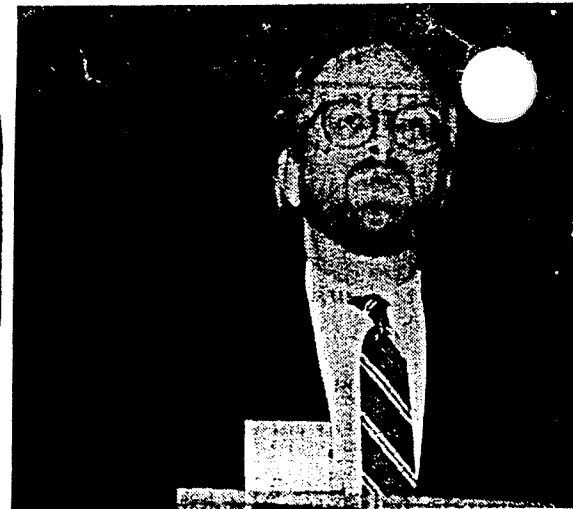
"My concern is that they're not taking it seriously enough," she said.

Mrs. Edwards, who farms and ranches with her husband, Kenneth, near Ottawa, said the activists have departed from reality by giving animals human traits and personalities.

John Wise, a Linwood area grain farmer who also has a small sheep flock, said producers need to police themselves and make sure there isn't any unnecessarily rough treatment of livestock.

He and Mrs. Edwards agreed on the impact of the animal rights movement.

"I think they're going to give agriculture a real hard time," Mrs. Edwards said.



ANIMAL RIGHTS WELL-FUNDED

There are over 400 recognized animal rights groups in the United States today with a combined budget of over \$200 million, according to Steve Kopperud, at the Kansas Board of Agriculture meeting in Topeka. The executive director of the Animal Industry Foundation said the group was founded and subscribed to by those involved in animal agriculture and interested in defending animal rights activists. He said talking reason with animal rights proponents on any subject is impossible.

9-3

JAN 1989

ANALYSIS

Animal rights groups plan ongoing national strategy

By Larry Waterfield
Washington editor

ARLINGTON, VA. — The tone was one of militancy, zeal and willingness to commit to years of struggle when some 500 animal rights activists recently met here for a national strategy session.

Representatives of over 45 groups heard strategists call for grassroots efforts, sophisticated lobbying and a push to change animal welfare and farming laws. "We want to change laws," said one, "because once there's a law it's not easy to change back."

The activists see as a sort of role model the National Rifle Association. Although the activists don't accept the goals of the NRA, they want to copy its tactics: grassroots funding and activism, strong lobbying and plenty of political clout.

The pressure from the new activism is already paying off. Lawmakers can no longer ignore the animal rights' activists.

"A few years ago no one in Congress had anyone to deal with animal issues," said Peter Linck, director, National Alliance for

Animals Educational Fund, an umbrella group uniting animal activists. "Now every single member of Congress has someone delegated to deal with animal rights." Next year, the alliance plans a march on Washington.

Although the groups are expending great effort on such issues as animal testing and endangered species, farm animals are getting increasing attention. The strongest effort now is for passage of HR 84 to regulate veal calf production methods. Activists held a "vigil against veal" June 12-14 in Lancaster, Pa., during the annual conference of the American Veal Association.

There are now several groups that sponsor legal defense funds for animals. One is the Animal Legal Defense Fund, a nationwide network of 250 attorneys. ALDF has fought hot-iron face-branding of dairy cows, veal calf confinement and the patenting of genetically altered farm animals.

Other activist groups include the Farm Animal Reform Movement, People for the Ethical Treatment of Animals, Student Action Corps for Animals, Friends of Animals, the Commit-

tee for Humane Legislation, Trans-Species Unlimited, Legal Action for Animals and assorted vegetarian organizations.

The groups attack "factory farming," confinement of livestock, the use of drugs, hormones and antibiotics and many other livestock practices. The anti-meat, anti-agricultural agenda is finding its way into the environmental movement.

Some groups speak of "direct action" and even violent confrontation. One anti-fur militant said, "We are willing to ask people to stop their abuse of animals...if they don't, they are responsible for the consequences."

The activists feel pressure and new laws can literally put a lot of "capital-intensive" livestock producers out of business. They claim even small husbandry changes can raise producer costs and force them into insolvency.

Some observers think old-line, more moderate groups may at some point split with the militants. But right now the animal rights movement seems to be growing in numbers, clout, zeal, sophistication and willingness to fight livestock producers.

Drought progression

Environmentalism influence wreaks havoc on CRP rules

The recent opening of conservation reserve acres to haying and grazing says a lot about how federal budgetary pressure and the influence of environmentalists are affecting drought relief for cattlemen.

While the CRP concessions were welcomed by cattlemen, they weren't exactly a freebie. Producers taking advantage of them are required to forfeit 50 percent of their CRP payments for the year. That's a 100 percent increase over last year.

And use of CRP acres isn't as simple as just opening the gate and driving in the cows. Twenty-five percent of each field used must be shielded from grazing so that wildlife will not be disrupted. This means an investment of time and money in fence construction.

Chandler Keys, NCA's director of Congressional relations, believes the measures were "put together very hastily — they let the environmentalists scare them to death."

Seth Huisman, deputy director of the Emergency Operations and Livestock Programs Division of Agricultural Stabilization and Conservation Service, said Yeutter "had to walk a very narrow line between the needs of

producers, concerns of environmentalists, and considering public funds" used to establish CRP acreage.

While Huisman recognizes that the CRP provision setting aside 25 percent of each field poses special problems in grazing, including the problem of erecting temporary fencing, he notes that wildlife interests find grazing more objectionable than haying.

Keys says, "It's not the cow that got this land in a problem, it was the plow." He calls "highly-paid, professional environmentalists in Washington" a source of special trouble.

Keys says an effort was made in Iowa to arrive at acceptable compromises between cattle producers and environmentalists, and the two groups arrived at an approach both liked.

"This solution was overturned, he said, by Washington-based environmentalists who are "very anti-cattle, often vegetarians."

Drought aid measures this year have contributed to a problem Keys says responsible, conservative producers increasingly cite. "USDA is losing credibility in the country. I think producers don't think USDA knows what farming is about any more."

— Drovers Journal staff

WASHINGTON UPDATE

Cattle production methods are on hidden agendas of consumerists

Animal rights groups, vegetarians, environmental activists, anti-pesticide groups and consumer organizations are changing tactics. It used to be that these groups separately pursued their special interests. Now they are forming coalitions, developing new strategies and adopting one another's agendas. Now you may find a vegetarian section in an environmentalist group, with vegetarians attacking meat eating on environmental grounds.



Larry Waterfield

Groups often bury their goals in a larger agenda. Nowhere is this more evident than in the Greenhouse Crisis Foundation's new national program to save the ozone layer, stop the greenhouse effect and stave off global warming and ecological disaster. The group is headed by Jeremy Rifkin, a leading critic of biotechnology.

Backing this coalition are dozens of organizations, including the National Council of Churches, YMCA, Campfire Girls, Big Brothers, Girl Scouts, Humane Society and American Forestry Association. Several members of Congress and actress Morgan Fairchild were on hand to kick off a massive three-year campaign on June 8.

National Cattlemen's Association representatives attended. Good thing, too, because part of the plan to save the ozone layer and stop global warming was a broadside attack on livestock production and meat.

The GCF said people should "reduce the consumption of meat. The production of meat contributes significantly to the greenhouse crisis. In the U.S., approximately 220 million acres of land have been deforested for animal agriculture....the raising of animals creates billions of pounds of waste every day, resulting in the emission of methane — a major greenhouse gas."

NCA immediately refuted the claims and charged the GCF was promoting a hidden vegetarian agenda. The GCF then threatened to sue NCA. GCF and NCA people have since met to iron out differences, but there remains "hostility and failure to communicate" on all sides.

The campaign is filled with attacks on modern agriculture. People are told to shun shipped or attractive-looking produce because pesticides probably were used and the foods shipped long distances. This rules out most fruits and vegetables, including winter produce from Texas, Florida or California.

Such coalitions want some good things: conservation, reduced use of fossil fuels, recycling, carpooling and packaging changes. But few will question wrong assumptions on American farming. Land is not being cleared for cattle production. Modern farming reduces the land needed for food, so more land can be kept in a natural state. China's low-input farming needs every inch of land and 900 million people to feed one billion, creating a low standard of living *plus* a spoiled environment.

The attacks on livestock production are increasing as groups learn how to frighten urbanites about the food supply. It costs a fortune to try to counter these attacks, and not even money can guarantee the true story will be heard. — L.W.

ANALYSIS

Veal bill, meant to 'break' producers, faces uphill fight

By Larry Waterfield
Washington editor

WASHINGTON — Livestock groups, including cattlemen, are fighting to block passage of a bill they see as the "foot in the door" leading to legal controls over livestock animal husbandry techniques.

The bill, HR 84, The Veal Calf Protection Act, would increase the crate size for confined veal calves, set dietary requirements and provide for on-farm inspections. The bill is aimed at calves fed a special liquid diet to produce high-value white meat. Opponents claim the bill could be interpreted to apply to 40 million beef calves.

Connie Greig, chairman, animal care subcommittee of the National Cattlemen's Association, called the bill "an inappropriate first step toward federal regulation of the production practices of animal agriculture." She added, "HR 84 defines a veal calf so broadly that all the provisions in the legislation could apply to beef

cow/calf production, as well as anyone who owns, sells, purchases, or transports even a single bovine animal under the age of nine months."

Bill supporters, including a wide array of animal welfare and animal rights groups, face an uphill battle in getting the bill through the House Agriculture Committee. Rep. Charles Stenholm, D-Texas, chairman of the subcommittee, held hearings in June, a first step in the movement of a bill. Heavy pressure to pass a bill is coming from members of the animal welfare groups. Rep. Charles Bennett, D-Fla., sponsor of the bill, gave the subcommittee petitions with 60,000 signatures calling for passage of a bill.

Bennett, who represents the urban district of Jacksonville, Fla., said he would support changes in his bill if it would help its chances of passage. Jim Pearthree, aide to Rep. Bennett, said the bill's supporters think they will have a difficult time getting the legislation through the House Agriculture

Committee.

Many militant animal rights groups aren't willing to compromise. One spokesman told supporters the veal bill provides a way to "break" producers by forcing changes in a capital-intensive industry.

Sheri Spader, animal welfare chairperson, Missouri Cattlemen, said, "Livestock producers are and were the first animal welfarists in this nation. Animal care, whether named by welfarist or husbandry, is our business. We are caretakers of these animals that serve a useful role in our society."

Although the vegetarian movement is fighting for laws to change husbandry practices and stop meat production, the old-line humane groups take a more reasonable approach.

"We are not promoting vegetarianism," said Dr. Michael Fox of the Humane Society of the United States, "or trying to put the veal farmer out of business. The HSUS believes inhumane treatment of veal calves is largely the fault of a system which makes unreasonable demands on the farmer, and not the fault of the farmer who produces the animal."

Veal slaughterer and processor Jack Fleishman, speaking on behalf of the American Meat Institute, said the bill could destroy the veal industry.

Dr. Keith Sterner of the American Veterinary Medical Association, said the bill could actually hurt veal calves by increasing disease rates.

Ad Watch faces challenge of animal rights groups

By Marsha Watson
Associate editor

Ad Watch, the National Live Stock and Meat Board's program to combat advertising that unfairly maligns meat, has had some major successes over the last two years, but it still faces big hurdles.

Craig Mitchell, Director of Consumer Information for the Meat Board, who oversees the Ad Watch program, says the program's "low-key, behind-the-scenes" approach is an effective way of combating negative media coverage.

For example, last year Kellogg's introduced a bran product as a more healthful source of the iron found in red meat. The Ad Watch staff met with executive staff from Kellogg's North American and won a partial victory: the campaign was withdrawn early.

A similar situation is in the works now. General Mills is introducing "Benefit," a new breakfast cereal with the slogan, "Cholesterol — you know where to find it," while the camera pans a fried egg and a raw steak. The campaign has not yet aired nationally. The outcome of discussions is not known yet.

Although Mitchell says the grain industries are particularly interested in peddling the "no cholesterol" message in today's health-conscious climate, they're not the only offenders. In one case that's close to resolution, a Denver

grocery promoting a meat product as "all-natural, hormone-free" has been approached by Ad Watch, since the message plays pretty heavily on consumer fears about meat products in general.

It's difficult to tell how successful Ad Watch has been. Mitchell says nobody really keeps score on either the number of complaints or the outcomes. Many ads are one-time, one-place items, he says. Ad Watch typically responds to these by supplying information and encouraging advertisers to check the facts before advertising.

Mitchell believes the amount of inaccurate nutritional information about meat is gradually declining. But a June 19-20 *New York Times* ad illustrates an ongoing problem Ad Watch faces. The ad, co-sponsored by the author of an environmentally oriented book promoting vegetarianism and an animal rights group, is titled, "How to win an argument with a meat eater." It features a number of environmental concerns along with dietary issues. Ad Watch plans to approach the *Times* about the ad, Mitchell says. "We want to convince the *New York Times* that they're carrying an ad that's a disservice to the public."

Mitchell warns that animal rights groups are more sophisticated and now play on nutritional concerns in hopes of swelling their ranks. He says animal rights ads are a new challenge, and he clearly doesn't believe his job is done.

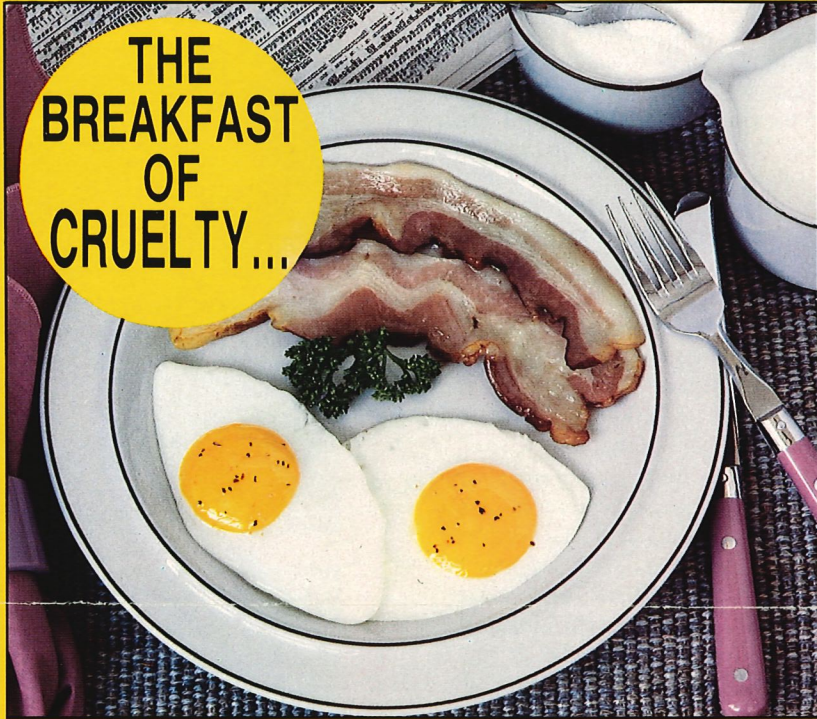
The HSUS Launches Campaign to End Sow, Hen Suffering

Demands Reforms Within Pork and Egg Industries

The Humane Society of the United States (HSUS) is fed up with America's pork and egg producers! After years of grappling with pork and poultry industry leaders—imploping them to halt their unconscionable exploitation of animals—we've yet to see any significant steps taken to alleviate the suffering of millions of hogs and hens. We can no longer depend solely on dialogue. We must now take direct action against both the pork and egg industries and demand that they adopt humane reforms. Our new campaign depends on consumers like you to rise up against these multi-billion-dollar exploiters and spur industrywide change!

For years, producers have tried to conceal the deplorable conditions under which the nation's laying hens and breeding sows are forced to live out their lives. For a staggering 266 million hens—more hens than there are men, women, and children in this country—life is spent behind the closed doors of "factory farms" in cages so crowded that birds barely have room to move. Millions of sows used for breeding endure life inside metal crates so small that they are prevented from ever turning around. Many sows are actually chained to the floor!

Over the past ten years, Dr. Michael W. Fox, director of The HSUS's Institute for the Study of Animal Problems, has worked to draw public attention to farm-animal abuses. He has crisscrossed the country to talk with farm associations, animal scientists, veterinarians, and educators—anyone who will listen—urging the implementation of humane alternatives to abominably cruel husbandry methods. While we've made some head-



THE BREAKFAST OF CRUELTY...

Behind virtually every slice of bacon and every innocuous looking egg lurks a long, hidden history of unbearable suffering. The HSUS is enlisting consumers' help to end the misery for millions of hogs and hens.

Dillard/Keymer

way, dramatic change from within has yet to materialize.

"The conditions on many of the nation's hog and hen operations are an out-and-out disgrace!" says Dr. Fox. "What's worse, the number of these animal factories has drastically increased over the past twenty years. Unfortunately, as long as consumers continue to purchase these products at current rates,"

he says, "the pork and egg industries will continue to let millions of animals suffer under these miserable conditions. *It's up to consumers to demand that it stop now!*"

For this reason, The HSUS is now enlisting your help. We want you to pledge to give up bacon-and-egg breakfasts until the pork and egg industries take appropriate actions toward

Senate Agriculture Committee
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attachment 10

ing more humane production
ods. Mail the enclosed postcards to
industry leaders to inform them that you
will not eat the “breakfast of cruelty”
and that you demand humane reforms.
After all, only when producers realize
that their callousness can affect their
profits will they stop treating animals like
unfeeling, assembly-line machines!

Don't Bring Home the Bacon!

So industrialized are today's hog
operations that most of the pork con-
sumed in the United States comes from
vast superfarms—many owned by giant
insurance, oil, and other conglom-
erates—that are capable of spewing out
up to half a million hogs a year. It's in
the gloom of these warehouse-like
buildings that an estimated two million
breeding sows, hogs used strictly for the
production of piglets, endure life in the
desolation of narrow, metal-barred ges-
tation crates. There, locked away in their
tiny prisons, captives cannot walk or even
turn around. An estimated 100,000 of
these helpless creatures are actually strap-
ped to the floor, held in place by a chain
so short they cannot even stretch their
aching legs.

“As a veterinarian, I think this is an
outrage!” says Dr. Fox. “Under natural
circumstances, these animals would be
outside exploring, foraging for food,
playing, and interacting socially. Yet, in
these factories, they're banished to a two-
by-six-foot cell and deprived of all the
basic freedoms necessary for health and
psychological well-being!”

Unable to exercise or interact with
fellow animals, sows spend month after
endless month staring at the bars and feed
trough before them. With no way to
escape from the wretched prison, they
become frustrated and start biting at the
bars and swinging their heads in a
neurotic, repetitive fashion. Eventually,
a pitiful condition called “mourning
behavior” may set in; sows become
apathetic and appear to lose all interest
in everything—even food. Others become
obsessed with food and, if feed is not
restricted, become dangerously obese.
Even when such behaviors occur, *nothing*
is done to alleviate their suffering.

In fact, few farms even provide sows
with straw bedding to lie on! Instead,
these massive creatures are forced to live
on concrete or metal-slatted flooring that,
for ease of cleanup, allows the sow's
dung to fall through. For these hapless
animals, even standing up and lying
down on the slippery surfaces can prove
hazardous. In crate after crate, limbs are



HSUS/Fox

An estimated two million sows are sentenced to spend their entire productive lives—up to four years—inside metal crates so small that they can't even turn around. Neatly compartmentalized in rows, the sows above resemble assembly-line parts more than they do farm animals.

Suffering from extreme boredom, sows routinely engage in neurotic behaviors such as bar biting (below) and head swinging.



Animal Welfare Institute/Halverson



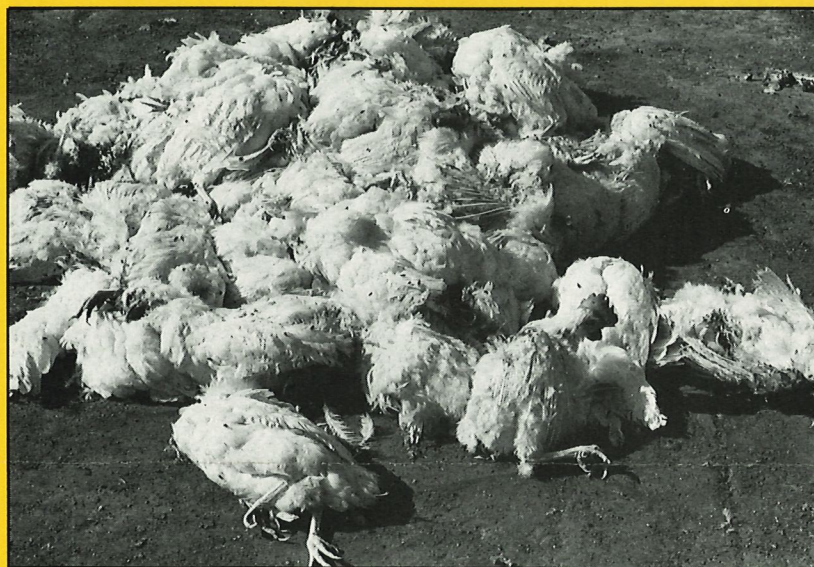
HSUS/Eisnitz

Prior to bearing her young, the sow will be driven into another tiny crate. There, her nesting instinct frustrated, she'll give birth on the cold, slippery floor. Few farms provide hogs with straw bedding; it clogs up the automatic waste removal system and impairs cleanup.



E. Cory

Crammed inside tiny battery cages, laying hens are unable to ever stretch their wings, preen, or sit comfortably when laying their eggs. In constant distress, birds become agitated, and fighting, feather-pulling, and pecking erupt. One can hardly visit a commercial laying operation today without seeing scores of birds, like those above, that have been pecked raw and bloody by frustrated cagemates. Yet, for nearly all of the nation's 280 million layers, it's one, sometimes two, years inside the cramped, barren confines of battery cages.



HSUS/Fox

With anywhere from 50,000 to two million birds per farm, hens do not receive individual care. Instead, dozens of dead and dying birds are removed from cages each morning—the casualties of stressful conditions. Pictured above, a few of the day's dead at a California laying operation.

torn ragged on sharp metal fixtures, and knees are scraped bare on rough concrete floors. Chained sows develop deep shoulder ulcers from the pressure of the tethers. Time and again, open sores become infected and, left untreated, never heal. The aching joints and arthritis that routinely accompany the sow's immobility compound this misery.

Immediately before bearing her litter, the hog is driven into another cage of similar dimensions. There, the piglets are born. In three short weeks, they'll be taken from their mother's side. The sooner they are weaned, the sooner the sow can be rebred and returned to the dismal confines of the gestation crate to endure the whole process all over again.

You Can Eat with a Conscience!

Wherever you live, you can find sources of less inhumanely produced pork and eggs. It's just a matter of making the effort. Start by looking in area health-food stores, co-ops, farmers' markets, even the health-food section of local supermarkets.

Free-range eggs (from hens allowed to run outdoors), like some pork and beef products, are becoming increasingly popular in many specialty food shops across the country. Save yourself some time by checking the yellow pages under relevant headings (food, grocers, health food, meat) and phoning ahead.

If you live in a rural area and don't have access to a specialty market, contact your county extension agent for suggestions. He may be able to provide you with the names of farms from which you can purchase such products directly. Or, if you have land available, consider keeping a few laying hens of your own.

Here's a hint: Because animals raised under the stressful, disease-promoting conditions of factory farms must be medicated daily to keep them alive and producing, those items advertised as "chemical-free" are generally—but not always—the products of more humane environments.

It's Assault and Battery for America's Layers

In terms of sheer numbers, the sow's suffering doesn't begin to compare to that endured by laying hens. Of the nation's 280 million hens, a staggering 95 percent spend their lives in barren, cramped battery cages. With four to five birds sharing a cage with floor space not much larger—and sometimes smaller—than the *Close-Up Report* you are now reading, today's layers endure the most restrictive conditions of all farm animals.

Despite the hen's natural urges to peck, take dust baths, and lay eggs in seclusion, today's hen houses are built with cost-cutting efficiency in mind. Crammed together inside tiny wire cages, birds are unable to stretch their wings, preen, or even sit comfortably when laying their eggs. Forced to spend their lives on a sloping wire floor (so eggs conveniently

ut), hens' legs become deformed and their feet ridden with blisters, foot sores, and, ultimately, infections. "It's truly pitiful to see a hen that's been released from a battery cage and placed on solid ground," says Dr. Fox. "The bird can be so painfully crippled that it can't even stand up. And, when it tries to walk, it repeatedly falls over as if it were in a drunken stupor."

In constant discomfort, caged birds become aggressive; fighting, feather-pulling, and pecking erupt. A visit to any modern hen house attests to these clashes. In the gloomy darkness of the deep, windowless shed, one can hardly avoid the sight of mutilated bodies—those birds with bare, bloodied spots pecked raw by cagemates. These are the producers of America's "wholesome" eggs! In fact, for virtually every egg consumed in the United States, a hen will have endured 26 long hours under conditions like those described.

Eventually, lack of exercise causes the bones of caged birds to become thin and fragile. For some layers, this weakness spells broken wings and legs. Pent up inside crowded cages and unable to move out of the way of other birds, thousands

of disabled hens suffer the most grisly of deaths—they are trampled, cannibalized, or pecked to death by cagemates.

After a year's worth of producing eggs, survivors are either destroyed for use in soup and pet food or "recycled" to spend a second year in a crowded cage. By cruelly depriving these creatures of water, then starving them for a week to ten days, farmers induce a molt, and a new laying cycle begins. During this process, thousands die from starvation and acute stress. The fate of the emaciated survivors is not much brighter: it's another year in the battery cage.

United States Lags Behind EEC

Swiss legislators recently acknowledged the brutality of the cage system by outlawing its use nationwide by the year 1991. The Netherlands has also begun such a phaseout. The British government recently denounced the cage. In fact, there's a movement underway to ban the cage throughout the European Economic Community (EEC). Likewise, the use of tethers for the restraint of breeding sows has been outlawed in both

Sweden and Switzerland. So progress is Sweden that roughly 85 percent of the sows in that country spend their lives in the comfort of straw-bedded pens.

Yet, here in the United States, it's quite a different story. Guidelines recently proposed by the United Egg Producers, the U.S. egg-industry trade association, called for cage space almost *half* of that suggested in the standards adopted by four European nations!

The HSUS has already been instrumental in persuading the United Egg Producers to establish humane codes for the handling and destruction of unwanted male chicks at hatcheries. Similarly, we've provided the pork industry with a wide array of studies demonstrating the efficiency of humane production systems over intensive confinement operations. Despite a decade of dialogue, however, *this is one battle we cannot win alone.* Now it's up to you—the consumer—to drive our message home by informing industry leaders that you will no longer subsidize this cruel exploitation. Only with your help can we speak out for the hundreds of millions of helpless hens and hogs suffering behind the closed doors of America's factory farms.

WE NEED YOUR HELP

■ **Don't eat bacon-and-egg breakfasts until more humane production standards are adopted by the pork and egg industries.** Be sure to mail the enclosed postcards to the National Pork Producers Council and the United Egg Producers, informing them of your pledge not to eat the breakfast of cruelty and demanding humane reforms. Also, use the third postcard provided to encourage your local grocer or restaurateur to offer humanely raised animal products.

■ **Order extra postcards and urge friends and neighbors to send them.** Because the pork and egg industries will be measuring the demand for reform on the success of our campaign, it's crucial that both producer organizations receive a deluge of postcards. For additional postcards, send \$1 for 4 sets, \$2.50 for 25 sets with the enclosed reply card.

■ **Finally, help The HSUS end the misery for millions of anonymous creatures that are forced to spend their lives in the brutal confines of factory farms. Your tax-deductible contribution will enable**



HSUS/Fox

In an effort to prevent hens from pecking one another to death, each bird has a portion of its beak seared off with a hot blade. The hen above is an extreme example of a debeaking mutilation. The entire upper part of its beak was removed.

us to continue working to improve the plight of farm animals pushed to their limits for profit and all wild and domestic creatures exploited for human gain. Please use the enclosed postage-paid envelope to send your contribution today.



The Humane Society of the United States
2100 L Street, NW, Washington, DC 20037 (202) 452-1100

Additional copies of this report are available upon request at 30¢ each or in quantities of 12 for \$2.00 and 25 for \$3.50. Payment must accompany order.

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"A RAT IS A PIG IS

Animal-protection groups run the gamut. Some, like the Humane Farming Association, emphasize welfare and want animal husbandry that is "both appropriate for the animal and viable for the farmer." Others, like PETA, go further, emphasizing animal rights and ultimately wanting a vegetarian society. But despite the differences, all the groups have two things in common: plenty of money, and agendas that will have a big impact on the cattle industry in the '90s.

No doubt you'll bristle at many of the groups' blanket assertions and consider some downright wrong. But many of these people are well spoken and skilled at getting their points out to the general public. To deal with them, cattlemen will have to know who the groups are, what they're saying, and why. Here's what eight of the top animal rights/welfare organizations have to say.

By **KAREN McMILLAN**



INGRID NEWKIRK

People for the Ethical Treatment of Animals

Purpose: *To reduce and eventually eliminate the consumption of animals.*

Membership: 275,000
Annual Budget: Over \$5 million

■ "A rat is a pig is a dog is a boy when it comes to feelings. They all have feelings," says Ingrid Newkirk, who grew up on a family farm in England and founded People for the Ethical Treatment of Animals (PETA) in 1980. The Rockville, Md.-based group is one of the more extreme animal-rights organizations. It often acts as spokesman for several animal liberation groups whose memberships and locations are secret—the Animal Liberation Front, Farm Freedom Fighters, the Band of Mercy, and True Friends. At the same time, PETA claims it does not endorse the illegal activities that these organizations are involved in.

PETA promotes vegetarianism, claiming that a diet without meat and animal products is better for human longevity and reduces the chances of cancer and heart disease. "Unlike some organizations, we don't just focus on the veal industry. If people stop eating veal, they'll just turn to eating another animal," says Newkirk. "We want people to eliminate the consumption of animals altogether.

"People should reexamine the ways in which they interact with all animals," says Newkirk. "We want them to start questioning whether animals should be used in the ways our societies have come to use them—as hamburgers and handbags—or whether we would be better off reassessing our relationships with animals and being more respectful of them as just other creatures on the planet. It's not for us to give animals rights, but to stop denying them their rights."

"Grotesquely cruel" is how Newkirk

describes animal farming practices today. "Animals are treated as objects without feeling, and it is for that reason that we are opposed to any kind of animal farming."

Newkirk claims animal agriculture is "a real mess and is ruining the earth—polluting the water, destroying the soil. We would like to see a return to more sensibly based agriculture with more thriving small farms that are not dependent upon growing an immense volume of crops to feed animals," says Newkirk. "Agriculture as it is today is very inefficient and is environmentally depleting. We need to see a shift to 'crop culture'—not crops to feed animals but crops to feed people."

Newkirk slams the beef industry: "Look, they are losing their own people"—referring to James Garner. "The beef industry is not only killing people, it's also environmentally destructive," says Newkirk. "Our main gripe is intensive agriculture because of all the chemicals, growth hormones and steroids used in these systems."

PETA's main goal is to tell as many people as possible that "eating animals is bad for the whole ecosystem." Education plays the key role here. PETA distributes videotapes showing pigs castrated and ear-notched without anesthesia, and pigs in farrowing crates and slaughterhouses, and asks whether this is an ethical society and whether we can endure this treatment. Members also circulate leaflets and vegetarian recipes, and even dress up as chickens to try to get their point across. ◀

*Senate Agriculture Committee
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A DOG IS A BOY"



MICHAEL FOX

Humane Society of the U.S.

Purpose: *To alleviate animal suffering and improve the care and treatment of animals in society.*

Membership: *Over one million*
Annual Budget: *Over \$10 million*

■ "Humane Sustainable Agriculture" is the new buzzword with the Humane Society. This is low-input, ecological, sustainable agriculture and entails tying together animal health and environmental benefits with an ecologically sound agricultural food production system, according to Michael Fox, vice president of farm animals and bioethics for the Humane Society.

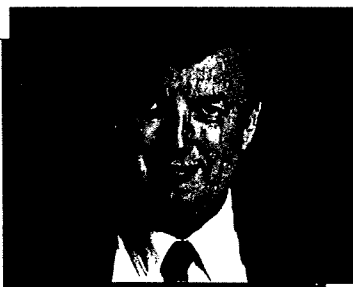
"Livestock producers have been caught in a cruel economic bind where animal welfare is often sacrificed for short-term profits," says Fox, who doesn't believe animals were created for man's use.

"One of my concerns is that some animal agricultural practices are not ecologically sound and thus not sustainable," says Fox. "For instance, there is a lot of overgrazing by the livestock industry and a serious problem with the handling of animal waste."

The Humane Society, based in Washington, D.C., and founded in 1954, is working with consumers who "support those farmers trying to get away from factory farming and the inherent evils of monoculture farming and intensive livestock confinement systems," says Fox, who at one time aspired to be a veterinarian. "We need to build a much stronger alliance between the stewards of the land—good farmers—and concerned consumers," Fox adds. "Good family farmers are fast becoming an endangered species."

Fox says the Humane Society is working to develop recommended codes and guidelines for livestock and poultry

producers. "We don't want to turn back the clock, we want to move forward to more humane stewardship of land and animals and more diversified integrated farms," he asserts.



JOHN KULLBERG

American Society for the Prevention of Cruelty to Animals

Purpose: *To provide effective means to prevent animal cruelty throughout the U.S., including companion and work animals, research animals, wild animals, food animals, and animals for entertainment.*

Membership: *Over 400,000*
Annual Budget: *\$18.5 million*

■ The American Society for the Prevention of Cruelty to Animals (ASPCA) calls itself the founding humane society in the Western Hemisphere—dating back to 1866. According to John Kullberg, the president, "The ASPCA is an animal-rights organization in that it believes animals have a right *not* to be abused."

The ASPCA opposes the raising of any animal under cruel and inhumane conditions. "It is cruel and inhumane to raise food animals in intensely confined quarters without the freedom of movement—a practice known as factory farming," says Kullberg. "Even when rationalized as a means of reducing the cost of food, this can never be justified, because of the cruelty involved."

"We want to improve the well-being of animals by improving our relationship with them and our attitude toward them," he continues. Fox is a vegetarian, but not an animal rightist. "A shortcoming of the animal-rights movement is that it hasn't really looked at the environmental side," says Fox. "Our lifestyles and industrial agricultural practices are contributing to the greenhouse effect. We're just now beginning to awaken to the global environmental crisis that threatens the economy and security of every nation."

Fox has been with the Humane Society since 1976. He says the Humane Society will be taking a more active position in support of legislation to improve waste management practices and also in support of sustaining the family farm. ◀

Kullberg believes small farmers have been taken over by large corporations that are affiliated with pharmaceutical companies or feed manufacturers. "A nightmare has been created with the industrialization of farming," he says. "It is time we look at this with a more ethically sensitive hat on. We must look at the repercussions, not only for human beings and the environment, but for what this is doing to animals," says Kullberg, who has been president of the ASPCA for 12 years.

The ASPCA looks at farm animals as a huge focus area. Kullberg cites the "beef-cattle feedlot syndrome," which he describes as the housing of animals in a less-than-appropriate environment. ▷

He also cites problems with transportation and slaughterhouse practices. "The industrialization of slaughter techniques is a big concern," says Kullberg. "Slaughterhouses are speeding up lines just because corporate headquarters is more concerned with the fast turn of the dollar than the pain and suffering they are causing the animal," he adds.

One of the ASPCA's accomplishments, says Kullberg, was an injunction on face branding during the dairy whole-herd buyout. All dairy cows in the program were required to be hot-iron face branded until a federal judge put a stay on the hot-iron branding and resolved

that farmers can choose between it and freeze branding.

ASPCA funding comes from membership dues, direct-mail marketing efforts, trusts, investment income and endowments. Kullberg describes a typical member as female, in her mid-to-late 50s, with an above-average income, and owning a pet. "The bottom line—we are going to do whatever we can to diminish all animal pain and suffering," says Kullberg, a vegetarian. "While we know that animals will continue to be used for the interests of humans, we want the amount of time that they give to humans a little less painful." ◀



ALEX HERSHAFT

Farm Animal Reform Movement

Purpose: Short term, to improve conditions for livestock; long term, to persuade people not to raise animals for food. Ultimately, FARM wants a vegetarian society.

Membership: 10,000
Annual Budget: not disclosed

■ "Nearly 1.5 million Americans are crippled and killed prematurely each year by chronic diseases that have been linked conclusively with excessive consumption of animal fat and meat," claims Alex Hershaft, president of the Farm Animal Reform Movement (FARM). "Raising animals for food wastes up to 90% of our irreplaceable agricultural resources, including topsoil and groundwater, destroys lakes and streams, levels forests and other wildlife habitats, and causes intense suffering to billions of innocent, feeling animals on U.S. factory farms."

The Bethesda, Md.-based group claims to be the "oldest and most active national grassroots organization working exclusively on behalf of the five billion animals that are abused on today's factory farms."

Hershaft, a chemist by training, gave up eating meat 25 years ago. He maintains, "we are seeing a dehumanization of the farm. The animals on factory farms are viewed as production units rather than individual beings. The profit motive has taken over the consideration of animals living in harmony with the environment."

Hershaft has a theory of how producers got roped into this: "The first thing is that they got persuaded by machinery

and building manufacturers to invest heavily in equipment. After that, they developed an attitude that in order to survive, they must be competitive," says Hershaft. "So they increased their number of animals per farm and developed a detached attitude toward them—the animals became just another line on a profit/loss statement."

FARM puts much of the blame on USDA. "USDA is not on the side of the farmer; it's on the side of agribusiness, because that is where its money comes from," says Hershaft. "That makes USDA a kind of self-perpetuating system. We need USDA to move to the side of the consumer and the side of generations yet unborn who are finding their agricultural resources being mined to exhaustion. Maybe it's too much to ask, but I'd like to see USDA on the side of the animals, too."

FARM is perhaps best known for two major annual campaigns. World Farm Animals Day (Oct. 2) "memorializes the abuses and destruction of billions of innocent, feeling animals in U.S. factory farms." And the upcoming Great American Meat Out (March 20) asks people to "kick the meat-eating habit and explore a less violent, more wholesome diet," explains Hershaft. ◀



LORRI BAUSTON

Farm Sanctuary

Purpose: To end "factory farming" and the abuses of animal agriculture; end all practices of using animals as tools of production; and promote the rights of animals to basic humane care.

Membership: 5,000
Annual Budget: \$150,000

■ "U.S. animal agriculture is horrendous," insists Lorri Bauston, president of Farm Sanctuary. "The whole system has become very cruel, mainly out of ignorance. People within the food-animal industry have not looked at animals as animals."

There are "blatant cruelties" in animal agriculture happening every day, says Bauston, who founded the Watkins Glen, N.Y., group with her husband Gene. Farm Sanctuary's main goal is to stop inhumane practices within the food-animal industry, explains Bauston.

"Unfortunately, almost every farm today is linked to a large corporation, and these corporations have no compassion for the animals," Bauston believes. "This industry has changed from small, independent, diversified farms to large corporate farms. That's where most of the problems started. We now have huge numbers of animals concentrated in the hands of a small number of individuals, and humane care is simply tossed out the window."

Farm Sanctuary's solution is "more diversified, less corporate-controlled operations," says Bauston. "And lenders need to gear themselves back to the interests of the small, diversified farmer," she adds.

As for the beef industry, Bauston says her group is opposed to feedlots—for both environmental and world-hunger reasons. "Cattle are entirely fed a grain diet. That grain could be supporting a human diet," she says. ▶

"Feedlots are by no means humane," proclaims Bauston. She says she has visited feedlots in California, Texas and smaller ones on the East Coast where there was no shade or shelter. "With a little money, they can make improvements," she says.

Bauston says her organization tries to work with the industry, "and we've learned a lot along the way. Sometimes the gap is not so big. We even have farmers who support our campaign and have ceased to take livestock to a particular stockyard because of the information we have found."

The organization's biggest claim to

fame was a protest at the Lancaster County, Pa., Stockyards, where 6,000 to 8,000 animals are processed daily. "We saw animals not adequately watered, living animals dumped into dead piles, and crippled or injured animals not receiving appropriate care," Bauston says. "We documented these problems, and the stockyard agreed to clean up their act. But they never did," says Bauston. "So we organized a demonstration of over 500 people.

"Wherever possible, Farm Sanctuary works within the law," says Bauston. But she adds, "I am not opposed to trespassing to stop animal abuse." ◀



DIANE HALVERSON

Animal Welfare Institute

Purpose: *To promote humane treatment of animals, preserve endangered species and end animal exploitation.*

Membership: 8,000
Budget: \$468,000



ROBERT BROWN

Food Animal Concerns Trust

Purpose: *To do away with confinement husbandry systems. FACT contracts with farms to follow its husbandry guidelines, and then helps those farmers market their products.*

Membership: 16,000
Budget: \$900,000

■ "The big problem with factory farming is that it takes production out of the hands of family farmers and puts it into the hands of large corporations," says Robert Brown, founder and president of Farm Animal Concerns Trust (FACT). "We think that trend should be reversed," he says.

FACT, organized eight years ago and headquartered in Chicago, would like to see "environmentally friendly, clean" meat products. "Beef is closer to being there than any other," says Brown. To get it all the way there, he says producers need to eliminate the routine use of antibiotics and steroids, have less crowding in feedlots, and improve handling and shipment of cattle. Brown specifically wants producers to get rid of cattle prods and make sure animals get rest and water during transportation.

To prove that animal welfare and farming go hand in hand, FACT has a demonstration project with producers in Maine who produce veal without crates. The veal producers feed the calves both solid and liquid diets and let them roam on pasture. The veal is sold in Massachusetts, Brown adds.

Another project is FACT's Nest Eggs program, which shows the feasibility of producing eggs without hen cages. Nest

Eggs has seven producers (in Illinois, Pennsylvania and Maine) who sell their eggs in Massachusetts. The operations have retailed over \$2 million in eggs—volume has tripled over the last year, says Brown.

Third, FACT has an information program centered on the safety of the food supply, concentrating on poor husbandry practices. These include drug residue and food-borne disease problems in meat, milk and eggs, says Brown. One FACT brochure claims: "Intensive husbandry is increasing the incidence of food-borne disease and is contaminating the food supply with drug residues; and it also reduces economic opportunities for the family-owned and -operated farm."

Through their veal operation and Nest Eggs project, Brown says they prove that confinement is not necessary.

FACT doesn't believe in using demonstrations or pickets to get their message across—rather, the group works within the farming community, says Brown. "There are a number of people who just try to get farmers alarmed, saying they must fortify their farm against these radical animal welfarists. That's a lot of bologna," says Brown. "We believe that animal welfare can be the farmer's best friend." ◀

■ "One of our main goals is to encourage farmers to use methods of animal husbandry that are appropriate for the animal and also viable for the farmer," says Diane Halverson, Animal Welfare Institute (AWI) research associate for farm animals. "One of the most constructive things we can do is get farmers to use humane animal systems."

The beef industry isn't high on AWI's agenda, but the Washington, D.C.-based group would like to see less-crowded feedlots, better shelter, more humane transportation to auction barns, and better handling once there.

"In California, I saw calves dragged through the auction barn by their ears; and in Minnesota, I saw dairy cows with broken legs being prodded through chutes," says Halverson, who grew up on a dairy, hog and poultry farm. "This is overt cruelty that even people not involved in animal welfare would be shocked to see."

Halverson says that one of AWI's most successful projects has been its Pastureland Farms program, marketing "humanely raised" pork. (See BEEF TODAY Feb. 1990, p. 65.) AWI has a protocol that hog producers must follow, such as allowing pigs to move freely on pasture or in bedded pens, and they aren't allowed to use antibiotics. "This is one of our most constructive projects," says Halverson. "This is a way consumers can express directly to farmers their choice for humanely raised pork, and also a way for farmers to identify a niche for their special product." ◀



BRADLEY MILLER

Humane Farming Association

Purpose: *To eliminate the suffering of farm animals and promote humane farming practices; spearheads a national boycott of milk-fed veal.*

Membership: 55,000
Annual Budget: \$500,000

■ The Humane Farming Association (HFA) wants the pendulum to “swing back toward more safe and humane animal husbandry,” says Bradley Miller, executive director of HFA since it was founded in 1985. “The agricultural industry is being dominated by a relatively few large corporations. This is not only bad for animals, but bad for farmers and rural communities. Agribusiness often brags that only 2% of the population

feeds the entire country. I don’t think that is anything to brag about—there should be more farmers, not fewer.”

The beef industry is not on this San Francisco, Calif., organization’s current hit list, says Miller, “and it probably won’t be for the next couple of years, even though we do see problems with feedlot shipping and handling. Actually, both the beef and dairy industries have many producers who are in line with

what we ask for.” But Miller adds: “Many beef organizations are coming to the aid of the milk-fed veal industry, making them our opponents, too.”

A national milk-fed veal boycott is HFA’s main project—likely a result of Miller’s first exposure to animal agriculture. While working on a northern California dairy farm, Miller recalls shipping some drop calves off to slaughter. “The owner made the comment that these calves were the lucky ones—they weren’t going to milk-fed veal operations,” says Miller. “He took me to some of those operations, and that’s when I became aware of the abuses prevalent within the milk-fed veal industry. This issue we’ll stick with until it’s resolved.”

The HFA’s biggest milestone was the Raley Supermarket chain’s decision to no longer sell milk-fed veal, says Miller. Another landmark for the group occurred when the California legislature passed a bill outlawing the chaining of veal calves in 22"-wide crates. ◀

LICENSED ESTABLISHMENTS AS OF SEPTEMBER 8, 1989

February 1, 1990

LICENSE CATEGORY	# EST.	\$ EST.	# ACTUAL	\$ ACTUAL
A & B Dealer with USDA License \$75.00	550	\$41,250	570 475	\$35,625
No Federal License (cannot sell to pet shops, broker or re- search facility) \$150.00	1,270	190,500	29 22	3,300
Pet Shops/Pounds & Shelters \$150.00	170	25,500	135 127	19,050
Research Facilities \$150.00	12	1,800	10 9	1,350
Hobby Breeders \$25.00	1,925	48,125	317 272	6,800
TOTAL	3,927	\$307,175	1001 - 905	\$663,125

BUDGET

\$172,275

SALARIES	\$105,000
Secretary	
Inspectors (3)	
Veterinarian	
TRAVEL EXPENSE	35,000
TOTAL	\$141,000

DR. KIMMELL'S
TESTIMONY
SHEET

Senate Agriculture Committee
3-23-90
attachment 12

- Items 27-28 Completed by corporations only
- Item 29 List persons who do business under your license, include family members, employees, etc.
- Items 30-35 CERTIFICATION; COMPLETE ALL SECTIONS. THIS IS A LEGAL DOCUMENT AND CERTIFIES THAT YOU HAVE MADE APPLICATION AND THAT YOU AGREE TO COMPLY WITH THE REGULATIONS AS STATED IN TITLE 9 CFR.

DEFINITION OF DEALERS

- "A" Dealer - raises and sells animals from own stock
- "B" Dealer - buys animals for resale or buys animals for resale and also sells animals from own stock

INSTRUCTIONS FOR COMPLETING ITEMS 17-18 of VS FORM 18-3

1. Gross income from sale of animals raised on premises
2. One-half of total shown on line 1
3. Gross income from resale of purchased animals
4. Enter total of Lines 1 & 3 as Item 17 of VS Form 18-3
5. Total of Lines 2 and 3 above
6. Cost of animals purchased for resale
7. Line 4, less Line 5
8. Enter total from Line 7 as Item 18, VS Form 18-3

FEE SCHEDULE

Use figure on Line 7 above to compute fee due from following chart

From	To	Fee required
\$ 0.00	\$ 500.00	\$ 5.00
501.00	2,000.00	15.00
2,001.00	10,000.00	25.00
10,001.00	25,000.00	100.00
25,001.00	50,000.00	200.00
50,001.00	100,000.00	300.00
over 100,000.00		500.00

FEE SCHEDULE FOR EXHIBITORS

Number of Animals (Item 15)	Fee required
1-5	\$ 5.00
6-25	10.00
26-50	25.00
51-500	50.00
501 and up	100.00

SUBMISSION OF FEE:

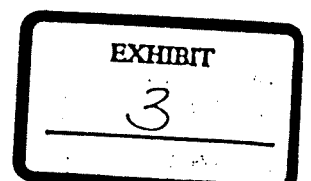
For new applicants, no fee is to accompany your application. The fee is not required until after premises are inspected and approved for licensing.

If you are renewing your license, the annual report must be accompanied by a certified check, cashier's check, personal check, or money order; NO CASH CAN BE ACCEPTED, for the amount of fee due. Check made payable to the UNITED STATES DEPARTMENT OF AGRICULTURE.

LICENSED ESTABLISHMENTS

Class - A Dealers	462
Class - B Dealers	44
NFL License	27
Pet Shops	130
Research Facilities	8
Pounds and Shelters	22
Hobby Breeders	<u>342</u>
As of June 22, 1989	1,035

12-3



**REPORT ON USDA INSPECTION OF FEDERALLY LICENSED DEALERS
IN KANSAS AS OF MARCH 2, 1990**

Dr. **Swartz** from Eureka, Kansas is responsible for inspection of five counties. These counties are Greenwood, Butler, Cowley, Elk, and Chautauqua.

Dr. **Burton** from Lenexa, Kansas is responsible for inspection of five counties. These counties are Doniphan, Atchison, Leavenworth, Wyandotte, and Johnson.

Dr. Swartz and Dr. Burton inspect 60 kennels in these ten counties.

LAY INSPECTORS:

Robert Bacon from Council Grove, Kansas is responsible for inspection of 29 counties which contain 280 kennels. In 1989, Mr. Bacon missed inspecting four kennels due to "no one home" and division line changes between inspectors. Catch up inspection is in progress.

Tone Pflughoeft from Ellsworth, Kansas is responsible for inspection of 65 counties with approximately 300 kennels. In 1989 Ms. Pflughoeft missed inspecting ten kennels due to "no one home" and division line changes between inspectors. Catch up inspection is in progress.

TENTATIVELY SCHEDULED:

5th inspector to report as early as 3-16-90, this inspector will be responsible for 17 counties in S.E. Kansas.

Consideration has also been given to yet a **6th inspector**. This inspector would be taking over 15 counties in S.W. Kansas. At this time division lines would be reestablished for Mr. Bacon and Ms. Pflughoeft for the inspection of the remaining counties.

SUMMARY:

14 kennels were not inspected in 1989, by converting this to a percentage we find that **USDA** inspectors had an efficiency rating of **98%** for that year which is **excellent**. Excellent is defined by Webster's dictionary as being "**remarkably good**".



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Regulatory
Enforcement
and Animal
Care

South Central Sector
P.O. Box 6258
Ft. Worth, TX 76115-6258

March 9, 1990

Senator Donald Montgomery
Room 128 South
State Capitol Building
Topeka, KS 66612

Dear Senator Montgomery:

This letter is in response to your request this week about the number of inspections the USDA does on its licensed facilities. At the present time it is National policy to inspect each facility at least twice per year. However, more inspections may be done on problem facilities as the situation dictates.

I enjoyed our recent telephone conversation and if I can be of any further help, please call me (817)885-6923.

Sincerely,

Walter A. Christensen, D.V.M.
Sector Supervisor - Animal Care
South Central Sector



FUNCTION FIVE

CONSERVATION OF AGRICULTURE AND NATURAL RESOURCES

Board of Agriculture

The Legislature approved for the Board of Agriculture a FY 1989 operating budget totaling \$14,996,298, of which \$7,705,722 is from the State General Fund and \$7,290,576 is from special revenue funds. The FY 1989 budget, which includes salaries for 311.0 FTE positions, is \$2,561,703 (and 6.0 FTE positions) above the budget approved for FY 1988.

FY 1989 appropriations include \$919,340 and 8.0 FTE positions to continue the Farmers Assistance, Counseling and Training Service (FACTS), including \$459,670 from the State General Fund and a matching amount from federal funds. Approved expenditures are \$573,289 and 3.0 FTE positions above the level of funding approved for FY 1988. Other Administration Division expenditures of \$998,186 were approved for FY 1989, including the salary of 1.0 FTE new Research Analyst III for the Statistics Program.

The Legislature appropriated \$3,347,970 and 15.0 FTE positions for the Marketing Division in FY 1989. Approved expenditures include \$2,434,190 from grain commodity receipts (an increase of \$1,056,339 above FY 1988), \$723,084 from the State General Fund, \$178,696 from the Economic Development Initiatives Fund, and \$12,000 from other special revenue funds.

Other expenditures approved for FY 1989 include \$3,619,113 for the Inspections Division (an increase of \$194,775), \$3,684,992 for the Division of Water Resources (an increase of \$238,731), \$757,844 for the Laboratory Division (an increase of \$54,695), and \$1,668,853 for the Plant Health Division (an increase of \$215,469 and 1.0 FTE new Noxious Weeds Program Ecological Specialist and 1.0 FTE clerical position for the Records Center Program).

A total of \$21,991 from the State General Fund was appropriated to replace a laboratory vacuum pump and air compressor.

Animal Health Department

The 1988 Legislature approved an FY 1989 operating budget of \$1,460,908 and 42.0 FTE positions for the Animal Health Department, including \$250,000 from the State General Fund. Expenditures include \$99,415 and 6.0 FTE new positions during the second half of FY 1989 for the regulation of the animal breeding and selling industry in Kansas (H.B. 2219). Under the provisions of H.B. 2219, the Commissioner will expand licensure and inspection activities to include approximately 550 animal dealers who have been licensed only under the federal Animal Welfare Act (\$75 annual fee, one inspection per year, and annual revenue of \$41,250) and an estimated 1,270 animal dealers exempted under current law because their businesses are operated out of their residences (\$150 annual fee, two inspections per year, and \$190,500 annual receipts). An estimated 1,925 hobby kennels will be registered (\$25 annual fee, no inspections except upon receipt of complaints, and annual revenue of \$48,125) and 144 pet shops and pounds will continue to be licensed (\$150 annual fee, two inspections per year, and annual revenue of \$21,600). All receipts will be credited to the agency's Animal Disease Control Fund.

LIST OF NAMES OF PEOPLE IN ATTENDANCE OF KENNEL ADVISORY MEETING ON
FEB. 23, 1990:

NAME: ADDRESS,

1. DIANNE BOLAIN, KS. HUMANE SOC. , WICHITA,
2. MILLIE DOLD, 15901 W. HWY. 54, GODDARD 67052, (WICHITA KENNEL CLUB)
3. ELLEN QUERNER, 4218 S.E. BLVD, WICHITA, 67210, KS. HUMANE SOC.
4. MARCIA GITELMAN, HELPING HANDS HUMANE SOC., 2625 ROCHESTER RD. TOP
5. AUDREY MCCAIG, HELPING HANDS HUMANE SOC. " " " TOPEKA 66617
6. LINDA CLARKE, KS. FEDERATION OF HUMANE SOC. RT. 2, BOX 14-A,
EMPORIA 66801
7. JULIA CLELAND, RILEY COUNTY HUMANE SOC. BOX 1202, MANHATTAN 66502
8. BETTY TOWNSEND, RILEY CO. HUMANE. SOC. BOX 1202, MANHATTAN 66502
9. RON & CATHY STOPFER, R.C. KENNELS, BREEDER,
RT. 2, BOX 101, JUNCTION CITY, 66441
10. KURT PETERSON, COOPERS-FITTMAN-MOORE, RESEARCH,
2000 S. 11TH ST. K.C. KS. 66103
11. E. PHILLIP MILLER, DVM. " " " " " "
12. ROGER LAMBERT, LAMBRIAR INC. BROKER, BREEDER,
100 PINE ST. MAHASKA, 66955
13. DONALD BRAMLAGE, DVM, LAMBRIAR INC, 100 PINE ST, MAHASKA 66955
14. DEBBIE RHINE, BREEDER, RT. 1, BOX 66, MAHASKA 66955
15. LEROY & DONNA LONG, BREEDER, RT. 2, WASHINGTON, 66968
16. RALPH RINDT, BROKER, BREEDER, RT. 2, HERINGTON, 67449
17. OPAL FEATHERSTON, BREEDER, RT. 1, BOX 44, WHITING, 66552
18. BERKLEY KERR, BROKER, BREEDER, RT. 1, SILVER LAKE, 66539
19. ARNOLD GIDEION, CATTERY, BROKER, BOX 292, PAXICO, 66526
20. JIM SMART, DVM, 619 WOODLAND DR., WASHINGTON, 66968
21. SHARON STAGGENBORG, BREEDER, RT. 1, BOX 102, MARYSVILLE, 66508
22. BOB SPARKS, BROKER, BOX 2453, SALINA 67402-2453
23. RICHARD BARTA, DVM, BOX 301, INDEPENDENCE, KS. 67301
24. MARILYN FARMER, BREEDER, RT. 1, BOX 51B, ALTOONA, 66710
25. SHERRILL WEDEL, BREEDER, RT. 2, BOX 52, MCPHERSON, 67460
26. ROBERT MUELLER, MOBAY CORP, RESEARCH, 17745 S. METCALF, STILWELL 66088
27. BRAD WALKER, DVM., 1423 S. BYPASS, MCPHERSON, 67460

(29 PEOPLE TOTAL - NOT INCLUDING DR. FORTNEY, DR. KIMMELL, AND SHON KOENIG)

FEBRUARY 23, 1990--FIRST KENNEL ADVISORY BOARD MEETING

THE MEETING WAS AN OPEN MEETING AND HELD AT THE COLLEGE OF VETERINARY MEDICINE, MANHATTAN, KS, IN THE BASEMENT OF TROTTER HALL, RM 2, AT 1:30 P.M..

DR. KIMMELL INTRODUCED HIMSELF, DR. FORTNEY AND SHON KOENIG. HE THEN ASKED EVERY ONE IN ATTENDANCE TO INTRODUCE THEMSELVES AND THEIR AFFILIATION. THERE WERE 29 PEOPLE IN ATTENDANCE BESIDES DR. KIMMELL, DR. FORTNEY AND SHON KOENIG.

DR. KIMMELL STARTED THE MEETING BY READING PORTIONS OF A LETTER WITH HANDOUTS FOR REFERENCES. THE LETTER WAS IN REGARD TO SELECTING PEOPLE OF ALL PARTS OF THE INDUSTRY FOR THE ADVISORY BOARD AND THE HANDOUTS WERE FROM THE USDA FEDERAL REGISTER, PARTS 1-3.

DR. KIMMELL READ PORTIONS OF THE LETTER IN REGARD TO:

1. PURPOSE OF THE ADVISORY GROUP WILL BE TO FORMULATE GOALS

2. SUGGEST POLICY - REGARDING LICENSED PLACES THAT FALL OUT OF COMPLIANCE, LETS ESTABLISH GUIDELINES,
3. COMPLAINTS-HOW DO WE RESPOND TO COMPLAINTS?,
4. ASSIST IN FORMULATING GUIDE LINES & POLICY REGULATIONS.

THERE WILL BE A HEARING ON APRIL 6, 1990, ON RULES AND REGS. DR. KIMMELL SAID THE ANIMAL HEALTH DEPARTMENT WILL TRY TO NOTIFY EVERYONE THAT SIGNED UP TODAY OF THE EXACT TIME AND PLACE OF THE MEETING.

DR. KIMMELL STATED THAT ONE OF OUR GOALS SHOULD BE DURING THIS MEETING AND IN THE FUTURE TO BE A POSITIVE GROUP. WE HAVE HAD ENOUGH NEGATIVISM. DR. KIMMELL SAID MISSOURI WILL HAVE THE NEXT ANIMAL WELFARE PROGRAM AND THAT MISSOURI IS LOOKING AT THE KANSAS PROGRAM. MISSOURI ALSO REGISTERS TWICE AS MANY LITTERS WITH AKC AS KANSAS DOES.

DR. FORTNEY STRESSED THE POINT THAT THIS IS AN ADVISORY GROUP, NOT A REGULATING GROUP AND TO HAVE A POSITIVE ATTITUDE.

DR. KIMMELL ASKED IF EVERYONE WOULD FORMULATE WHAT THE GOALS SHOULD BE OF THIS PROGRAM.

RALPH RINDT SUGGESTED THAT WE CLEAN UP THE BAD KENNELS AND GET RID OF THE DIRTY ONES THAT ARE GIVING THE REST OF THE KENNEL INDUSTRY THE BAD REPUTATION.

DR. KIMMELL EXPLAINED SOME OF THE LAWS REGARDING TIME AND ENFORCEMENT WITH THE DATES OF COMPLIANCE BEING JANUARY 1, 1990.

DR. KIMMELL READ THE NUMBERS OF LICENSED PLACES IN KANSAS:

A & B: 510
P & S: 135
N F L: 29
PET SHOPS: 112
RESEARCH FAC.: 10
HOBBY BREEDERS: 317.

THERE WAS MUCH DISCUSSION FROM THE FLOOR ABOUT HOBBY BREEDERS, PEOPLE SELLING FROM THEIR HOMES, AND HOW DO WE GO IN AND INSPECT SUCH PLACES?

THE FLOOR DISCUSSED USDA REAC AND USDA RULES- WITH VARIOUS INPUT FROM MR. KERR. BOB MUELLER FROM MOBAY STATED THAT PARTS 1 & 2 ARE CURRENTLY IN USE AND PART 3 HAS BEEN PULLED BACK FOR MODIFICATION AND MAY BE SOME TIME IN COMING.

THE QUESTION WAS RAISED REGARDING MONEY ALLOCATED TO THE COMPANION ANIMAL PROGRAM AND HOW CAN WE MAKE IT WORK? DR. KIMMELL RESPONDED: WHEN THE BILL WAS PASSED THEY LET US BORROW \$100,000 FROM OURSELVES, THAT WAS MONEY THAT WE WERE COLLECTING FROM SALEBARNs, ETC. THIS WAS TO BE USED TO PAY FOR 4 INSPECTORS, A SUPERVISORY VETERINARIAN, AND A FULL TIME OFFICE PERSON. NOW WE HAVE A HALF-TIME OFFICE PERSON AND 2 INSPECTORS.

DR. FORTNEY ASKED HOW CAN 2 INSPECTORS INSPECT 1000 KENNELS AND BEAT THE BUSHES TO FIND UNLICENSED KENNELS?

SHON KOENIG REPLIED THAT IT WILL NOT BE POSSIBLE TO BEGIN TO COVER ALL THE AREAS NEEDING US. SHON KOENIG ALSO STATED THAT IN HER OPINION OUR TWO BIGGEST PROBLEM AREAS ARE 1. THE HOBBY BREEDERS, A) THEY NEED TO BE MORE ACCOUNTABLE (THEY ARE USUALLY BELOW STANDARD), B) THE HOBBY BREEDER FEE IS A RIP OFF, AND 2) WE NEED TO SET A STANDARD COURSE OF

ACTION FOR CLOSING THE BAD FACILITIES IN A SWIFT AND EFFECTIVE MANNER.

RALPH RINDT SUGGESTED THAT WE CONCENTRATE ON THE UNLICENSED KENNELS AND THE BAD PLACES.

LICENSE FEES WERE DISCUSSED AT LENGTH BY THE FLOOR: SOME OF THE THOUGHTS AND SUGGESTIONS WERE THAT THE MORE DOGS HANDLED THE BIGGER THE FEE, MUCH IN THE SAME MANNER THAT USDA DOES THEIRS. MOST OF THE PEOPLE HAD POSITIVE COMMENTS ABOUT RAISING THE FEES OF THE HOBBY BREEDERS AND GETTING ALL KENNELS ON A MORE EVEN STANDARD. AT THIS TIME I THINK DR. FORTNEY ASKED IF WE SHOULD ADDRESS AMENDING THE LAW? OR SHOULD WE WORK WITH WHAT WE HAVE? ROGER LAMBERT SAID HE THOUGHT IT WAS PREMATURE AT A FIRST MEETING TO DISCUSS AMENDING A LAW.

ELLEN QUENTER DISCUSSED VARIOUS ASPECTS OF USING THE ANTICRUELTY LAWS AND EXPLAINED THAT THEY SHOULD BE SUFFICIENT TO USE IN MOST CASES.

SOMEONE ASKED WHAT WAS OUR POLICY WHEN WE DO FIND A FACILITY THAT DOES NOT COMPLY? DR. KIMMELL EXPLAINED: WE DO HAVE ADMINISTRATIVE HEARING PROCEDURES. WE HAVE TO GO THRU THE ATTORNEY GENERAL'S OFFICE. RITA NOLL WAS OUR ADVISOR HOWEVER SHE HAS LEFT NOW AND WE HAVE A NEW ADVISOR. THE LINE OF ACTION THAT THE ATTORNEY GENERAL'S OFFICE WANTS US TO USE IS TO FIRST TRY TO GO THRU THE LOCAL COUNTY ATTORNEY'S OFFICE. DR. KIMMELL EXPLAINED THAT SOMETIMES THIS IS NOT TOO FRUITFUL, THEN WE MUST PERSUE THE PREVIOUSLY MENTIONED AVENUES.

RALPH RINDT ASKED WHAT PROCEDURE TAKES PLACE FROM START TO FINISH IF YOU COME ON A PLACE AND THEY DON'T COMPLY AND THEY WILL NOT LET YOU INSPECT?

DR. KIMMELL SAID THAT THESE THINGS TAKE TIME AND THINGS JUST DON'T HAPPEN OVERNIGHT. THEY DISCUSSED THE COUNTY ATTORNEY VS. ATTORNEY GENERAL'S OFFICE AND THE ANTICRUELTY LAWS ARE UNDER CHAPTER 21 AND THE INSPECTION ACT UNDER CHAPTER 47. DR. KIMMELL SAID WE HAVE TO FOLLOW PROCEDURES GIVEN US BY THE ATTORNEY GENERAL'S OFFICE. ELLEN QUENTER AND SOME OF THE FLOOR DISCUSSED THIS AT LENGTH ALSO. THERE WERE MANY POINTS MADE FOR THE NEXT MEETING WITH FOOD FOR THOUGHT.

RALPH RINDT SAID HE WOULD LIKE TO PERSUE A COURSE OF ACTION TO RAISE FUNDING FOR MORE INSPECTORS OTHER THAN BY RAISING LICENSE FEES. THIS SHOULD BE ONE OF OUR GOALS.

ELLEN QUINTER RESPONDED THAT IF ALL THE BREEDERS AND HUMANE SOCIETIES AND EVERYONE INVOLVED IN THE INDUSTRY WOULD UNITE TO WORK TOGETHER IT WOULD BE POSSIBLE TO AMEND THE LAW BUT NOT IF THERE WAS NO UNITY.

RALPH RINDT SPOKE TO THE FLOOR BY STATING THAT IF THE AMENDMENTS COULD BE MADE TO HELP THE KENNEL AND NOT GET INTO HOGS AND CATTLE, HE WOULD BE 100% FOR IT BUT IF THE HUMANE SOCIETIES GET TOO BROAD AND START TO INCORPORATE THE LIVESTOCK INDUSTRY IT WILL NOT WORK AND THE KLA WILL NOT STAND FOR IT. KANSAS IS AN AGRICULTURAL STATE AND THAT IS THE BOTTOM LINE.

THE FLOOR DISCUSSED HOW TO SHUT DOWN BAD KENNELS WITH DISCUSSION ON HEARINGS AND TAKING POSSESSION OF ANIMALS. BERKLEY KERR ASKED WHAT WAS LACKING AND WHY WASN'T ADOPTION OF THE ANIMAL WELFARE ACT WORKABLE FOR THE STATE? DR. FORTNEY AND KIMMELL DID NOT UNDERSTAND HIS QUESTION. MR. KERR RESTATED PART OF IT AND DR. KIMMELL REPLIED THAT IS WHY WE NEED THIS ADVISORY BOARD TO ADOPT AND MAKE CHANGES TO SUITE THE INDUSTRY. WE DO NOT WANT TO GET CAUGHT UP IN THE POSITION OF THE USDA

... THE PAST OF TAKING TOO MUCH TIME OR NOT BEING ABLE TO MAKE THESE PLACES COMPLY OR GET OUT OF BUSINESS. (I DON'T REMEMBER ALL OF THIS DOWN EXACTLY WORD FOR WORD BUT THIS IS FAIRLY ACCURATE I THINK) THERE WAS OTHER FLOOR DISCUSSION OF THIS ALSO.

BERKLEY KERR SAID: LETS JUST ADOPT THE ^{AS WAS STOCK COM} 'USDA RULES' AND MAKE SOME ADDITIONAL RULES FOR ANIMAL SHELTERS AND PET SHOPS.

DR. KIMMELL DISCUSSED THE FACT THAT THE ANIMAL HEALTH DEPARTMENT ONLY HAD 3 FOOD ANIMAL VETERINARIANS AND NO COMPANION ANIMAL VETERINARIAN ON STAFF. ONE OF THE BIG CRITISISMS WAS HAVING 2 DIFFERENT SETS OF RULES.

BOB SPARKS AND THE FLOOR DISCUSSED A TIME LIMIT ON COMPLYING WITH A VIOLATION AND WHAT THE SUBSEQUENT ACTION SHOULD BE. SOME THOUGHT IF A FACILITY RECIEVED A VIOLATION THEY SHOULD HAVE 30 DAYS TO COMPLY AND IF AT THAT TIME IT WAS NOT ACCOMPLISHED THE FACILTII SHOULD HAVE THEIR LICENSE REVOKED. THE FLOOR ALSO DISCUSSED WHAT TO DO IF A LICENSE WAS PULLED. CAN THEY STILL SELL DOGS/CATS WITHOUT A LICENSE? SHOULD THERE BE A SUBSTANTIAL FINE FOR SELLING ANIMALS WITHOUT A LICENSE? IT WAS AGREED THAT ALL OF THESE AVENUES NEED TO BE PERSUED. ONE LADY SUGGESTED THAT IF A FACILITY WAS GIVEN 30 DAYS TO COMPLY, THEN A 2ND VISIT PRECEDED BY A LETTER OF WARNING. ELLEN QUENTER SUGGESTED THAT WE ALL MAKE A LIST OF SUGGESTIONS FOR THE NEXT MEETING AND COME UP WITH A SUMMARY LIST.

THE FLOOR DISCUSSED AGAIN AT LENGTH USDA RULES AND REGS. RALPH RINDT SAID LETS NOT GET BOGGED DOWN WITH THE USDA.

~~DR. BARTA MADE A MOTION THAT WITH THE HELP OF THE INSPECTORS LETS~~ 1) IDENTIFY THE BAD FACILITIES, AND 2) LETS GO AFTER THEM WITH THE RULES THAT WE HAVE AVAILABLE.

RALPH RINDT SECONDED THE MOTION AND THE VOTE CARRIED.

RALPH RINDT MADE THE MOTION THAT ALL FACILITIES NOT IN COMPLIANCE IN TWO ATTEMPTS BE REMOVED BY ALL POSSIBLE MEANS AS SOON AS POSSIBLE.

BOB SPARKS SECONDED THE MOTION AND THE VOTE CARRIED.

BERKLEY KERR ASKED WHAT ABOUT THE FACILITIES THAT DON'T HAVE RUNNING WATER IN THEM AND WHAT DID WE INTEND TO DO ABOUT THEM? THE FLOOR DISCUSSED THIS AND I DON'T REMEMBER WHAT THE FINAL OUTCOME WAS. BOB SPARKS SUGGESTED THAT PLACES NEED TO APPLY FOR A LICENSE AND BE INSPECTED BEFORE BEING ABLE TO SELL THEIR ANIMALS. THIS WAS DISCUSSED BY SEVERAL AND THEN BOB SPARKS PUT IT INTO THE FORM OF A MOTION. KATHY STOPFER SECONDED THE MOTION AND THE VOTE CARRIED.

SHARON STAGGENBORG MOVED TO SET A STANDARD FEE AND ELIMINATE THE HOBBY BREEDER STANDARD SO ALL BREEDERS ARE OF EQUAL REGARDLESS OF THE NUMBER OF DOGS/CATS.

THE FLOOR DISCUSSED THE PROS AND CONS OF THIS AND THE MOTION WAS TABLED FOR THE TIME BEING SINCE IT WAS THOUGHT WE MAY HAVE TO AMEND THE LAW IN ORDER TO ACCOMPLISH THIS RIGHT NOW. DR. FORTNEY SUGGESTED WE ALL TRY TO THINK OF AN EQUITABLE WAY TO FINANCE THE PROGRAM AND WRITE DOWN SUGGESTIONS FOR THE NEXT MEETING.

ELLEN QUENTER MOVED THAT WE INCORPORATE THE PRESS INTO DEVELOPING A MORE POSITIVE APPROACH TO THE IMAGE OF THE KANSAS ANIMAL WELFARE

PROGRAM.

SHARON STAGGENBORG SECONDED THE MOTION AND THE VOTE CARRIED.

RALPH RINDT SAID HE THOUGHT THAT ANY PUPPY/KITTEN BROUGHT INTO THE STATE SHOULD BE ACCOMPANIED BY A HEALTH CERTIFICATE. DR. KIMMELL AND DR. FORNEY TOLD HIM IT ALREADY IS A LAW.

DR. FORTNEY SAID WE NEED TO FIGURE OUT IN WHAT WAY ARE WE GOING TO HANDLE COMPLAINTS?

DR. BRAD WALKER SAID HE THOUGHT PLACES WERE TURNED IN AND NOTHING WAS BEING DONE, HE THOUGHT SOMEWHERE ALONG THE LINE THERE WAS A BREAKDOWN IN PASSING THE INFORMATION ALONG.

SHON KOENIG EXPLAINED THAT IF SHE WAS OUT INSPECTING A FACILITY AND A NAME WAS GIVEN TO HER SHE WOULD CHECK IT OUT AND THE PERSON WHO GAVE HER THE INFORMATION WOULD REMAIN CONFIDENTIAL. SHON ALSO EXPLAINED TO THE FLOOR THAT THE PROPER WAY TO TURN IN A COMPLAINT WAS THAT THE PERSON MAKING THE COMPLAINT NEEDED TO WRITE IT DOWN AND SIGN IT AND DATE IT AND MAIL IT TO THE ANIMAL HEALTH DEPARTMENT. IF SOMEONE CALLED IN AND TALKED TO OUR SECRETARY BUT DID NOT WRITE A LETTER AND SIGN IT, THAT WE COULD NOT DO ANYTHING ABOUT IT. THE REASON FOR THIS IS TO PREVENT US FROM BEING SENT ON WILD GOOSE CHASES SINCE WE ARE SPREAD TOO THIN ANYWAY. I ASSURED EVERYONE THAT THE NAME OF THE PERSON MAKING THE COMPLAINT WOULD REMAIN CONFIDENTIAL AND IF WE HAD A SIGNED COMPLAINT WE WOULD FOR SURE CHECK IT OUT.

ARNOLD GIDEON MADE A MOTION TO HAVE DISCIPLINARY ACTION AGAINST VETS ISSUING BOGUS HEALTH CERTIFICATES AND HAVE ALL PUPPIES/KITTENS HEALTH CERTIFICATES PULLED AND THE VETERINARIAN'S LICENSE REVOKED.

DR. FORTNEY ASKED MR. GIDEON IF HE WAS BEING FICICIOUS(SP??-COULD NOT FIND IN MY COMPUTER OR DICTIONARY) HE ASKED IF THERE WAS A SECOND, THERE WAS NO SECOND AND THE MOTION DROPPED.

DR. BRAMLAGE BROUGHT UP THE QUESTION OF WHAT THEY SHOULD DO OR WHAT WAS THEIR RESPONSIBILITY IF THEY ARE LISTED AS A FACILITIES' VETERINARIAN IF THE FACILITY IS SUB STANDARD. ALSO HOW MANY TIMES ARE THEY REQUIRED TO INSPECT THAT FACILITY? THERE WAS DISCUSSION OF USDA FORMAT AND WHAT THE STATE FORMAT WOULD BE. IT WAS STATED THAT THE USDA REQUIREMENT WAS ONCE A YEAR AND ALSO DISCUSSED THAT ONE OF THE NEW RULES THAT STATE HAD WANTED WAS TO HAVE THE VETERINARIAN OF RECORD GO TO THE FACILITY TWICE A YEAR. DR. WALKER WANTED TO KNOW WHAT IF HE WENT TO A BAD PLACE AND IT WAS ONE OF HIS CLIENTS? I THINK THE DISCUSSION THAT FOLLOWED WAS TO TRY TO HELP THE CLIENT OR IF IT WAS REAL BAD HE PROBABLY SHOULD TURN IT IN. I AM NOT SURE IF HIS QUESTION WAS ANSWERED PROPERLY OR NOT.

DR. FORTNEY MOVED THAT DR. KIMMELL PUT INFORMATION OF THIS MEETING INTO A FORMAT SO EVERYONE CAN HAVE MATERIAL FOR A PRESS RELEASE.

SOMEONE SECONDED THE MOTION AND THE MOTION CARRIED.

DR. KIMMELL REMINDED EVERYONE THAT THE ANIMAL HEALTH DEPARTMENT WOULD NOTIFY EVERYONE IN ATTENDANCE OF THE NEXT MEETING AND WE ADJOURNED.

Shon Koenig, Acting Secretary 12-11

LAW OFFICES OF
CARPENTER, CHARTERED

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1525 S. TOPEKA BLVD.
TOPEKA, KANSAS 66601
(913) 357-5251 800-637-4514

KENNETH M. CARPENTER

March 2, 1990

To All Members of the Kansas Senate:

Re: Senate Bill 470
Amendment to Kansas Animal Welfare Act
Exemption of Federally Licensed Dealers

Dear Members of the Kansas Senate:

The Senate Agriculture Committee reported out an amendment to K.S.A. 47-1701, et seq. which would exempt any person licensed under public law 91-579 (7 U.S.C. 2131, et seq.) to be required to be licensed under that statute. This corrects the action of the 1988 Legislature which have removed this same exemption.

I represent Kerr Kennels of Silver Lake, Kansas and urge you to support this amendment. Under the law prior to 1988 Federally licensed dealers were entitled to this exemption since they were already licensed and subject to federal inspection. The 1988 Legislature was erroneously lead to believe that numerous numbers of unlicensed kennels were operating in the State of Kansas and that if federally licensed dealers were required to be licensed by the State of Kansas and subject thereby to state inspection that these unlicensed kennels would be discovered. The experience of Dr. Kimmell's companion animal department has been exactly the opposite. The 1988 Legislature was likewise erroneously lead to believe that such a program could be self supporting based upon the discovered unlicensed kennels. After more than a year and a half in operation only 29 kennels have been discovered and licensed. Both Drs. Kimmell and Hogan have made it clear in their public statements and Legislative testimony that they have no reason to believe that there are anymore unlicensed kennels operating in this state.

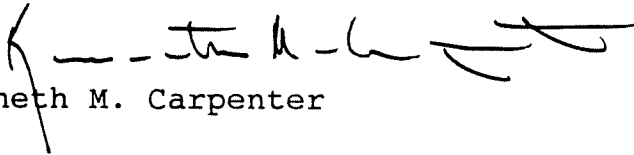
The consequences to the previously exempted federally licensed dealers has been submission to duplicitous licensure and inspection. In fiscal year 1989, \$29,999 of general funds were required to support this purported self sufficient program. While no general revenue funds have been budgeted for fiscal year 1990, Dr. Kimmell testified before the Senate Agriculture Committee that he intended to reduce his staff by one and that the gross salaries of the reduced staff would cost \$105,000. Dr. Kimmell also testified that the anticipated revenue from the currently licensed dealers would generate less than \$75,000. Obviously, the intention of Dr. Kimmell is to do what he did in 1989 and come in during an interim session in an ominous budget bill and request the additional \$30,000 to meet the expenses of this self supporting program. It is note worthy that Dr. Kimmell presented evidence to the committee of an additional estimated \$35,000 in travel expenses. Those travel expenses are not reflected in the governor's budget under the companion animal program and are in excess of the \$105,000 in salaries required for the reduced staff. Can you as Legislature rely upon the fact that Dr. Kimmell's self supporting program is now going to cost the taxpayers of the State of Kansas an additional \$65,000 over and above its self sufficient revenues?

Dr. Kimmell indicated in a recent meeting with his own advisory board in Manhattan, Kansas that the U.S.D.A.'s budget for the Animal Welfare Program, which is responsible for the inspection of federally licensed animal dealers, has doubled its budget from \$6,000,000 to \$12,000,000. Dr. Kimmell went on to indicate that this would provide increased federal inspection of those licensed dealers and that they were going to get tough and mean business. Representative Barr who testified before the Senate Agriculture Committee erroneously testified that it was necessary to keep federally licensed dealers under the act in order to have access to their records. This is totally and completely false. The U.S.D.A. and the records of all of its federally licensed dealers are subject to the Federal Freedom Information Act and federally licensed dealers are required to report the source of all puppies purchased and from whom. Ms. Barr has succeeded in fanning the fears and misplaced concerns of animal rights activists by characterizing this legislation as perpetuating the existence of "puppy mills". This Legislation has always been about getting federally licensed dealers to underwrite the cost and expense of a fishing expedition in search of thousands of unlicensed kennels that do not exist.

You have an opportunity by voting in favor of this amendment as recommended by the Senate Agriculture Committee ~~upon a 10 to 1 vote~~ to rectify this error. The federally licensed animal dealers of the State of Kansas are as concerned about the mistreatment of animals as is Representative Barr and the members of the Humane Society. The federally licensed dealers of the State of Kansas are subject to rigorous federal inspection by the U.S.D.A. which has now doubled its budget for that purpose. How can the State of Kansas expect to do a better job of inspecting the federally licensed dealers than a federal program with substantially more available resources and trained and experienced staff to implement the federal regulations which Dr. Kimmell has decided to adopt for the State Regulations regarding the same inspections.

Please take this opportunity to consider this issue upon reasoned grounds and not upon the emotional pleas that the State of Kansas is going to get a black eye nationally when there is no support in the facts for such a conclusion. There will always be unscrupulous individuals who violate the law and mistreat animals as well as humans, but the action of the 1988 Legislature cannot prevent this. Existing federal law adequately protects the welfare of animals in federally licensed dealers facilities. There is no reason to believe that duplicitous licensure and inspection will prevent the existence of a "puppy mill" in this state.

Sincerely,



Kenneth M. Carpenter

sp

Burdick Kern

3. Referred to; defense based on mistake of law; construction of 21-3203; application of subsection (2), paragraph 2. State v. V. F. W. Post No. 3722, 215 K. 693, 694, 527 P.2d 1020.

4. Defendants charged hereunder entitled to be discharged, not brought to trial within 180 days after arraignment. State v. Cox, 215 K. 803, 528 P.2d 1226.

5. Section cited; 22-2512 and 22-3901 not in contravention of due process clause of federal or state constitution. State v. Pinball Machines, 222 K. 416, 420, 565 P.2d 236.

6. State may not seek sale or destruction of property under 22-2512 without notice to or hearing for those having property interest. State v. Durst, 235 K. 62, 68, 678 P.2d 1126 (1984).

21-4308. Installing communication facilities for gamblers. Installing communication facilities for gamblers is:

(a) Installing communication facilities in a place which the person who installs the facilities knows is a gambling place; or

(b) Installing communication facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or

(c) Knowing that communication facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use: *Provided*, That when any public utility providing telephone communications service is notified in writing by a state or local law enforcement agency, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse the leasing, furnishing, or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any notice received from a law enforcement agency. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

Installing communications facilities for gamblers is a class E felony.

History: L. 1969, ch. 180, § 21-4308; July 1, 1970.

Source or prior law:

21-915, 21-916, 21-917, 21-923, 21-924, 21-933, 21-934, 21-1501, 21-1502, 21-1504, 21-1505, 21-1506, 21-1507, 21-1508, 21-1510.

Judicial Council, 1968: Under subsection (a) the offender must know the place in which he installs the communication facilities is a gambling place, i.e., a structure, one of whose principal uses is for making and settling bets, receiving, holding, recording or forwarding bets or offers to bet, conducting lotteries, or playing gambling machines.

Under subsection (b) the offender must know that the communication facilities he installs will be used principally for the purpose of transmitting information to be used in making or settling bets.

In subsection (c) the offender must allow the continued use of his communication facilities with knowledge that they are being used principally to transmit information to be used in making or settling bets.

Revisor's Note:

Proviso in subsection (c) not included in proposed criminal code by judicial council.

21-4309. False membership claim. A false membership claim is falsely representing oneself to be a member of a fraternal or veteran's organization.

False membership claim is a class C misdemeanor.

History: L. 1969, ch. 180, § 21-4309; July 1, 1970.

Source or prior law:

21-1307, 21-1308.

21-4310. Cruelty to animals. (1) Cruelty to animals is:

(a) Intentionally killing, injuring, maiming, torturing or mutilating any animal;

(b) abandoning or leaving any animal in any place without making provisions for its proper care; or

(c) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal.

(2) The provisions of this section shall not apply to:

(a) Normal or accepted veterinary practices;

(b) bona fide experiments carried on by commonly recognized research facilities;

(c) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;

(d) rodeo practices accepted by the rodeo cowboys' association;

(e) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner

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thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound;

(f) with respect to farm animals, normal or accepted practices of animal husbandry;

(g) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or

(h) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

(3) Cruelty to animals is a class B misdemeanor.

History: L. 1969, ch. 180, § 21-4310; L. 1974, ch. 148, § 1; L. 1975, ch. 198, § 1; L. 1977, ch. 116, § 2; L. 1980, ch. 182, § 4; L. 1980, ch. 157, § 1; July 1.

Source or prior law:

21-1201. 21-1202. 21-1203.

Judicial Council, 1968: Subsection (1) is substantially the Model Penal Code, 250.11. It is suggested in lieu of the former law which covered the same substance but was somewhat more complex. Subsection (2), in part, follows former K.S.A. 21-1203. There are no specific provisions in the section for appraisal and liability to the owner. However, it is assumed that the owner would be able to recover for the wrongful destruction of his animal, even in the absence of express provisions.

Cross References to Related Sections:

Damages for cruelty to domestic animals. see 29-409.

Attorney General's Opinions:

Cruelty to animals; custody of animals. 86-34.

CASE ANNOTATIONS

1. Cockfighting does not fall within the prohibitions of this section. *State, ex rel., v. Claiborne*, 211 K. 264, 265, 266, 268, 269, 505 P.2d 732.

2. Upon question reserved, it is held that exception in 21-4310(2)(g) does not apply to prosecutions under 21-3727. *State v. Jones*, 229 K. 528, 529, 530, 625 P.2d 503.

21-4311. Cruelty to animals; custody of animal; disposition; damages for killing, when;

expenses of care assessed owner, when; duty of county or district attorney. (1) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing.

(2) The owner or custodian of an animal killed pursuant to subsection (1) shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(3) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (1), pending prosecution of the owner or custodian of such animal for the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, shall be assessed to the owner or custodian as a cost of the case if the owner or custodian is adjudicated guilty of such crime.

(4) Upon the filing of a sworn complaint by any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility alleging the commission of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, the county or district attorney shall determine the validity of the complaint and shall forthwith file charges for the crime if the complaint appears to be valid.

(5) If a person is adjudicated guilty of the crime of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction is satisfied that an animal owned or possessed by such person would be in the future subjected to such crime, such animal shall not be returned to or remain with such person. Such animal may be turned over to a duly incorporated humane society or licensed veterinarian for sale or other disposition.

History: L. 1977, ch. 116, § 3; L. 1986, ch. 127, § 1; July 1.

Attorney General's Opinions:

Cruelty to animals; custody of animals. 86-34.

21-4312. Unlawful disposition of animals. (1) Unlawful disposition of animals is raffling, giving as a prize or premium or using as an advertising device or promotional display living rabbits or chickens, ducklings or goslings, but shall not include the giving of such animals to minors for use in agricultural projects under the supervision of commonly recognized youth farm organizations.

(2) Unlawful disposition of animals is a class C misdemeanor.

History: L. 1977, ch. 116, § 4; April 27.

21-4313. Definitions. As used in this act [*], unless the context otherwise requires;

(1) "Animal" means every living vertebrate except a human being.

(2) "Farm animal" means an animal raised on a farm or ranch and used or intended for use as food or fiber.

(3) "Retailer" means a person regularly engaged in the business of selling tangible personal property, services or entertainment for use or consumption and not for resale.

(4) "Wild animal" means a living mammal or marsupial which is normally found in the wild state, but shall not include a farm animal.

(5) "Domestic pet" means any domesticated animal which is kept for pleasure rather than utility.

History: L. 1977, ch. 116, § 1; April 27.

* "This act," see also, 21-4310 to 21-4312, 47-1710.

21-4314. Sections part of criminal code. K.S.A. 21-4311, 21-4312 and 21-4313 shall be supplemental to and a part of the Kansas criminal code.

History: L. 1977, ch. 116, § 6; April 27.

21-4315. Dog fighting. (a) Unlawful conduct of dog fighting is: (1) Causing, for amusement or gain, any dog to fight with or injure another dog, (2) knowingly permitting such fighting or injuring on premises under one's ownership, charge or control, or (3) training, owning, keeping, transporting or selling any dog for the purpose or with the intent of having it fight with or injure another dog.

(b) Unlawful conduct of dog fighting is a class E felony.

(c) Attending the unlawful conduct of dog fighting is a class B misdemeanor.

(d) This section and K.S.A. 1984 Supp. 21-

4316 and 21-4317 shall be part of and supplemental to the Kansas criminal code.

History: L. 1982, ch. 131, § 1; L. 1984, ch. 123, § 1; April 19.

21-4316. Same; disposition of dogs; assessment of expenses of care. (a) When a person is arrested under K.S.A. 1983 Supp. 21-4315 and amendments thereto, a law enforcement agency may take into custody any dog on the premises where the dog fight is alleged to have occurred and any dog owned or kept on the premises of any person arrested under subsection (a) or (c) of K.S.A. 1983 Supp. 21-4315 and amendments thereto.

(b) When a law enforcement agency takes custody of a dog under this section, such agency may place the dog in the care of a duly incorporated humane society or licensed veterinarian for boarding, treatment or other care. If it appears to a licensed veterinarian that the dog is diseased or disabled beyond recovery for any useful purpose, such dog may be humanely killed. Except as provided in subsection (c), if it appears to the licensed veterinarian by physical examination that the dog has not been trained for aggressive conduct or is a type of dog that is not commonly bred or trained for aggressive conduct, the district or county attorney shall order that the dog be returned to its owner when the dog is not needed as evidence in a case filed under K.S.A. 21-4315 or 21-4310. The owner or keeper of a dog humanely killed under this subsection (b) shall not be entitled to damages unless the owner or keeper proves that such killing was unwarranted.

(c) If a person is convicted of unlawful conduct of dog fighting or attending the unlawful conduct of dog fighting under K.S.A. 1983 Supp. 21-4315 and amendments thereto, a dog taken into custody pursuant to subsection (a) shall not be returned to such person and the expenses incurred for the care, treatment and boarding of such dog prior to conviction of the owner or keeper shall be assessed to the owner or keeper. Disposition of such dog shall be in accordance with K.S.A. 21-4311 and amendments thereto.

History: L. 1984, ch. 123, § 2; April 19.

21-4317. Illegal ownership or keeping of a dog. (a) Illegal ownership or keeping of a dog is owning or keeping on one's premises a dog by a person convicted of unlawful conduct of dog fighting under K.S.A. 1983 Supp. 21-

4315 and amendments thereto within five years of the date of such conviction.

(b) Illegal ownership or keeping of a dog is a class B misdemeanor.

History: L. 1984, ch. 123, § 3; April 19.

Article 44.—CRIMES AFFECTING BUSINESS

21-4401. Racketeering. (1) Racketeering is demanding, soliciting or receiving anything of value from the owner, proprietor, or other person having a financial interest in a business, by means of either a threat, express or implied, or a promise, express or implied, that the person so demanding, soliciting or receiving such thing of value will:

(a) Cause the competition of the person from whom the payment is demanded, solicited or received to be diminished or eliminated; or

(b) Cause the price of goods or services purchased or sold in the business to be increased, decreased or maintained at a stated level; or

(c) Protect the property used in the business or the person or family of the owner, proprietor or other interested person from injury by violence or other unlawful means.

(2) Racketeering is a class D felony.

History: L. 1969, ch. 180, § 21-4401; July 1, 1970.

Source or prior law:
21-2460.

Judicial Council, 1968: Under section 21-3701 (1)(c), extortion is treated as one kind of theft and is punishable as such. However, extortion and racketeering are not parallel offenses, although there may be some overlap. Extortion (theft) applies only when any property is obtained by threat, as defined in section 21-3110 (24). Racketeering includes only the obtaining of business tribute and extends not only to those cases involving threats but to situations where special benefits are unlawfully promised or obtained.

The section submitted was lifted generally from the former statute.

CASE ANNOTATIONS

1. Allegations sufficient to establish pattern of racketeering activity examined. *O'Conner v. Midwest Pipe Fabricators, Inc.*, 660 F.Supp. 696, 698 (1987).

21-4402. Debt adjusting. (1) Debt adjusting is engaging in the business of making contracts, express or implied, with a debtor whereby the debtor agrees to pay a certain amount of money periodically to the person engaging in the debt adjusting business who

shall for a consideration distribute the same among certain specified creditors.

(2) The provisions of this act shall not apply to those situations involving debt adjusting, as defined here, which is incidental to the lawful practice of law in this state.

(3) Debt adjusting is a class B misdemeanor.

History: L. 1969, ch. 180, § 21-4402; July 1, 1970.

Source or prior law:
21-2464.

Judicial Council, 1968: This section follows closely former K.S.A. 21-2464, passed by the legislature in 1961. The validity of the act was sustained by the Supreme Court of the United States in *Ferguson v. Skrupa*, 372 U.S. 726.

21-4403. Deceptive commercial practices. (1) A deceptive commercial practice is the act, use or employment by any person of any deception, fraud, false pretense, false promise, or knowing misrepresentation of a material fact, with the intent that others shall rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby.

(2) The following definitions shall be applicable to this section:

(a) "Merchandise" means any objects, wares, goods, commodities, intangibles, real estate or services.

(b) "Person" means any natural person or his legal representative, partnership, corporation (domestic or foreign), company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestui que trust thereof.

(c) "Sale" means any sale, offer for sale, or attempt to sell any merchandise for any consideration.

(3) This section shall not apply to the owner or publisher of any newspaper, magazine, or other printed matter wherein an advertisement appears, or to the owner or operator of a radio or television station which disseminates an advertisement, when such owner, publisher or operator had no knowledge of the intent, design or purpose of the advertisement.

(4) A deceptive commercial practice is a class B misdemeanor.

History: L. 1969, ch. 180, § 21-4403; July 1, 1970.