Letters

Connecticut Votes Dogs for Medical Research

In November 1863, Frances Power Cobbe, an Englishwoman visiting in Florence, was told that a certain Professor Schiff experimented on "dogs, pigeons and other creatures in a mangled and suffering condition" in a laboratory known as the *specoli*. She got 783 signatures on a petition on the basis of this second-hand information and inserted an indignant protest in the local press. Although this protest drew little attention at the time, it launched Frances Cobbe on a crusade which lasted the rest of her life, and it must be considered the real beginning of the antivivisection movement. One hundred years later, the same allegations about cruelty and waste in scientific research are still made and still attract an enormous amount of attention. These charges were answered recently in the state of Connecticut, when one of the most progressive pieces of legislation concerning laboratory animal care to be found in the country was passed even though, 2 years earlier, similar legislation had failed.

The legislation has the purpose of promoting public health by providing for essential medical and scientific research and teaching requiring the use of dogs, assuring optimum humane methods through the licensing and inspection of laboratories engaged in such research, and the most humane, efficient, and economical means for the procurement of such animals under law. The major provisions of the act are as follows:

Section I reserves procurement and use of animals for research to persons and institutions described in the act.

Section II covers details of inspection and licensure of research facilities, under the Commissioner of Health and for the enforcement of humane practices in research.

Section III increases to 7 days the time in which an owner can recover a lost dog or a new home may be found for an unclaimed stray, and requires publication of a description of each impounded animal. In addition, the warden is permitted to keep an animal for any longer period he deems advisable, in order to place it as a pet. Subject to these provisions, the warden must release for research upon request any unclaimed animal which would otherwise be destroyed, upon payment of the stated fee.

Section IV concerns violations of the act.

The need for legislation became apparent in 1960, when a few individuals petitioned local town officials to stop selling dogs to the Yale Medical School. The supply of dogs for research decreased. Since arrangements for procuring dogs had never been covered by statute, it was necessary to insure a supply by means of a state law which would protect local wardens and other town officials from intermittent pressure by antivivisectionists. The Connecticut Society for Medical Research was formed to promote every aspect of medical research in the state, including preparation of appropriate legislation. Several bills were introduced into the state legislature in 1961, and a full-fledged battle developed. A letter-writing campaign and some emotional advertisements in newspapers opposed these bills. After a public hearing late in the session the House of Representatives voted overwhelming approval of the bill favored by medical research, but the Senate rejected it. The bill apparently failed because (i) the only sponsor appeared to be the medical school, (ii) general public support around the state was lacking, (iii) the issues were not adequately explained, and (iv) supporters made a tactical error when they postponed action until late in the session. Supporters of the bill decided to resubmit the bill at the 1963 session of the legislature, after better public discussion of the issues. Accordingly, gains made through research involving animals were described to civic organizations, service clubs, and other groups in major communities around the state. The facilities of animal care laboratories were illustrated and covered in newspaper, radio, and TV releases. The opposition responded as it had in the past.

When a public hearing was held by the General Assembly's Committee on Public Health and Safety, a capacity audience attended. Patients who had been benefited by cardiac surgery endorsed the bill, as did research physicians, veterinarians, and the Commissioner of Health. Various private citizens spoke on both sides. Those who objected to the bill claimed that medical research wanted "pet" animals and that no pet would be safe if the bill passed. In point of fact, the bill added to the safeguards for recovering a lost pet and approved for research only those unclaimed strays which were about to be destroyed. Opponents raised an economic issue by claiming that private laboratories sought a cheap source of animals which would be used wastefully. In answer, it was shown that medical research is largely financed by the federal government and such fund-raising organizations as the Heart Association and the Cancer Society. Thus, public rather than private funds would have to make up the difference if animals had to be raised specifically for medical research. Further, the thousands of dogs destroyed annually in pounds constitute a far greater waste than might ever occur in medical research. Opponents also argued that local option would be usurped if the animals were required to be turned over to medical research. This was a crucial issue, for it had always been easier for antivivisectionists to concentrate on individual town officials than to operate at a state-wide level. The provision was retained. Another objection concerned inspection of research facilities. The bill made the Department of Health, which inspects hospitals, laboratories, nursing homes, and even milk testing laboratories, responsible for inspection. Opponents of the bill argued that "self-inspection" by those in research should not be permitted and proposed that the Department of Agriculture, which supervises dog wardens and pounds, be made responsible. The legislature eventually agreed that it would be best to have inspection under the Department of Health.

Those who introduced the medical research bill had to make a hard decision not to accept a compromise of the original specifications, including an amendment which would have put its administration into the Department of Agriculture. The original bill finally passed both chambers, with overwhelming support. The Governor signed it into law on 4 April.

The outstanding lesson of the effort to enact this bill was that, when there is adequate public discussion of the issues, an informed electorate can convince legislators that the use of animals in medical research is essential and should be supported. Similar legislation in other states would make completely unnecessary any additional federal legislation restricting the use of animals in research.

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Revision of the Copyright Law

Under the caption of "Copyrights, royalties, reprints, and scholarly interests" [*Science* **141**, 483 (9 August 1963)] appeared a letter by Franklin Folsom, and a reply by Hayward Cirker to which I would like to add some details.

Folsom advocates support for a revision of the copyright law that would increase the maximum duration of a copyright from 56 years to 76 years. Concerning the present maximum of 56 years he says: "Laws about such publicly useful property as real estate, oil wells, factories, and others do not normally place such severe limits on private ownership." This comparison would be more appropriate if it referred to the common law copyright which lasts as long as the author keeps his writing privately in his possession, but is lost as soon as he gives it to the public through publication. The comparison is not appropriate when made with reference to the federal copyright law which does not limit an existing right but creates a new one—the right to prohibit others from doing something they would otherwise be free to do, the right to prohibit them from copying and distributing material which has been published.

A patent constitutes a truer analogy. In common law, if an invention can be used and still kept secret by the inventor, it is protected against theft, but after it has been disclosed to the public, others can copy it. The federal patent law, like the federal copyright law, creates a new right, the right to prohibit others from making, using, or selling counterparts of the patented invention. (Under the patent law the prohibition will apply even to others who may make the same invention independently, while under the copyright law the prohibition does not apply to others who may write the same thing independently.)

The requirements for issue of a patent by the Patent Office are, however, far more exacting than those of the Copyright Office for issue of a "Certificate of Registration of a Claim to Copyright" (notice the word "Claim"). The invention must, with some exceptions, be new and useful, whereas literary matter need only be "original" (meaning only that the writer did not copy it from someone else, although the same thing may have previously been written by others and may be in the public domain). The scope of the claims for an invention—its novelty and usefulness—must be clearly specified and delineated. The original material on which a copyright is claimed does not have to be specified: original and non-original material; and material on which a copyright has expired, can be combined to give the misleading appearance that a copyright is claimed on the aggregate and to complicate litigation. A patent application is scientifically examined by experts in the Patent Office for novelty and usefulness, but no examination is made or could be made for originality of literary material in the Copyright Office; in fact the Copyright Office does not necessarily retain a copy of all material filed with it, but may discard such material even before expiration of the copyright period. In other words, a patent represents a finding that the invention is a substantial advance over the prior art, but a certificate of registration of a claim to copyright does not represent a finding that a writing is creative or even that it is "original." Yet the potential life of a copyright is already more than three times as long as the life of a patent: an initial term of 28 years plus a renewal term of 28 years, or a total of 56 years, as against 17 years for a patent.

Cirker remarks that extension of the life of copyrights to 76 years is being promoted by a small, special-interest