

The Use of Animals in Research

JOHN KAPLAN

THE USE OF LABORATORY ANIMALS IN BIOMEDICAL AND Behavioral Research, the report of the National Academy of Sciences–National Research Council (NAS-NRC) has now been released. I was on the committee that authored the report and fully concur with it as far as it went. It is no mean task to agree on reasonable and comprehensible standards for the humane treatment of animals in research. Nonetheless, in my view, there is something missing: the committee slighted what I believe is the most important practical aspect of the issue of “animal rights”—the political dimension. Biomedical research is now under serious political attack from a variety of organizations and individuals who, for ideological reasons, desire to stop or drastically reduce the use of animals in experimentation, and they are willing to use virtually any tactics to achieve this goal. They rarely state this aim, or pursue it directly, perhaps because this would lead to an open discussion of all the benefits and costs involved in biomedical research. Rather, the activists concentrate on a series of restrictive measures, seemingly less radical, each of which makes the use of animals more expensive and more burdensome—chipping away bit by bit at our ability to afford animal research.

It may appear strange that the busiest area of animal rights activism, and the area of its greatest success, has been the campaign against biomedical research. After all, the actual number of animals used in research is insignificant compared with those used in providing food or clothing, and the goals of the research—cure of disease, alleviation of the most painful conditions—must be judged vastly more estimable by any rational account. Part of the reason is that in industry, accountants can tell us precisely how much each change in conditions would cost the consumer, and consumers are an interest group to be reckoned with. In medical care and scientific knowledge, however, we can only estimate with difficulty the cost of experiments conducted under constantly increasing restrictions; it is impossible to know the costs of experiments not done or research not undertaken. Who speaks for the sick, for those in pain, and for the future?

The political struggle against the research community has up to now been an unequal one. The advocates of restrictions on research have a great deal of time and energy to invest in their cause, whereas research scientists, who bear the brunt of the attacks, have occupied themselves in their labs. The scientists have hardly begun to make their case to the public. They are not grass roots organizers and, for

the most part, lack the political skills shown by the animal rights advocates to bring out their supporters at every governmental level from zoning boards to congressional hearings. Compounding this, the researchers have been unable to communicate the cumulative damage from the series of measures which, taken singly, appear to be reasonable. Their opponents, at each point, contend that they are not against animal research, but just want to add one small burden or another small restriction to make sure the research proceeds more humanely. The task of fitting these small pieces into their full context has yet to be accomplished effectively. Further, the researchers, constrained by concern for the privacy of patients and the dictates of good taste, have hesitated to show the photographs of human burn victims or of quadriplegics to offset the pathetic pictures of the animals used in the research.

The NAS-NRC report does, I think, convince the unbiased reader that the use of animals in research is essential if the progress that has been made in the prevention, treatment, and cure of ailments that cause human suffering is to continue. This will be the case for the foreseeable future, despite the development of alternatives to animal use in some areas of investigation. In addition, experiments that turn out in retrospect to have been unproductive are an unhappy but inevitable by-product of the scientific method.

In my view, the report should also have demonstrated two other things. First, that although humane treatment of research animals is important, after a certain point requests for more governmental inspections, more restrictions on the sizes of cages and other facilities, and more layers of bureaucracy do more to inhibit the research than to increase humane treatment of animals. Consider a parallel: some pets are treated inhumanely, but it is incongruous to think that massive and expensive regulation would improve the way pets are treated; instead it would simply discourage pet ownership.

Second, and even more important, the report should have highlighted the growing strength of the advocates of animal rights in the political arena. For most of us, it is something that has to be experienced firsthand before it can be fully appreciated. At Stanford, plans for the construction of a new laboratory animal facility were on track a year and a half ago, having been approved by the county planning commission. The building had been designed as the most up-to-date and humane facility for research animals in the country and was to replace facilities that were older and certainly less desirable from the point of view of animals' welfare. Led by the Palo Alto Humane Society, activists appealed the planning commission's decision and began a campaign with the county supervisors to block the building permit.

Because issuance of the permit was basically a zoning question, the group's original objections on the ground that animals would be inhumanely treated were neither relevant nor persuasive. Instead, the activists expanded their armamentarium by arguing that since pending federal animal welfare regulations would eventually require changes in the building, the permit should be delayed. This argument failed because, while Stanford obviously would have to comply with federal regulations, the regulations would have no fundamental effect on the zoning issues under consideration.

The next argument was that the facility should not be built because dangerous substances, such as radioactive substances, toxins, and recombinant DNA materials, might be released from the new facility. Although it was generally acknowledged to be a sham—there was no real concern that this unlikely result would occur—this argument worked, at least temporarily. Under California law, if there is “serious controversy” over environmental issues, an environmental impact report (EIR) must be filed. This was the first EIR ever required for any of Stanford's research buildings. The problem (apart from the costs of producing the report itself in accordance with elaborate regulations) is that it takes between 6 and

The author is the Jackson Eli Reynolds Professor of Law at Stanford University Law School, Stanford, CA 94305.

12 months to generate such a report, during which time construction and related costs continue to escalate. When the EIR was filed almost 1 year later the county supervisors gave the necessary approval unanimously, but the delay cost Stanford about \$1.3 million.

In Marin County, California, the Buck Center for Research in Aging has also been subject to delaying motions in its pursuit for approval of the construction of its new research facility; local government has been inundated with objections from a coalition of animal and environmental activists alleging that the new facility will cause dangerous pollution in the community. The net costs to research institutions from these campaigns is substantial.

This tactic of raising false issues of environmental safety in an attempt to stop animal research has been repeated across the country. In Berkeley one animal rights group, "In Defense of Animals," and an organization called "Berkeley Citizens for a Toxics-Free Environment" brought a lawsuit to prevent construction of an animal facility that lasted nearly 10 months before being resolved in favor of the university. The nuisance cost rivaled that incurred by Stanford.

Moreover, the attacks are escalating in city after city as animal rights groups gain control over financially well-endowed humane groups, often in dramatic takeovers. (In one California county, the local press described as a "coup" the sudden proxy vote manipulation by which activists took over the Peninsula Humane Society.) The resources now available to these groups far outweigh those that can be used in defense of research. For instance, the New England Antivivisection Society has taken full-page advertisements in the *New York Times* and the *Washington Post* showing pictures of rabbits, cats, and dogs. These ads make a number of claims that are at very most half-truths and reveal an ignorance of scientific methods and history. The New England Antivivisection Society apparently believes that scientists develop an antibiotic merely by picking one mold or another and simply injecting the extract into human beings to see whether it is toxic. The important fact is that the claims of

these publicity campaigns are accepted by some people and are converting others.

The beneficiaries of past medical research include children who would otherwise have died from diphtheria, been crippled by polio, or suffered from countless other afflictions, and those of us who are their children. Those opposed to research with animals have seldom stood on principle and instructed their physicians not to use the results of biomedical research on animals when it would benefit their loved ones or themselves. Nor have they been willing to forswear for themselves the advantages of any future advances from animal research. We can admire the principles that impel Jehovah's Witnesses to refuse blood transfusions, and those opposed to the products of factory farming not to eat chicken or veal, and those who object to the hunting of fur-bearing animals not to wear furs. But we must vigorously combat the ideology that leads those who oppose animal research to pursue their cause not by example but rather by fighting through dishonest arguments to deprive *everyone* of the benefits.

Those who would restrict research are self-selected and derive great comfort from their feeling of righteousness and from the society of those who share their views. The beneficiaries of future medical technologies, however, do not yet know of their need, and probably have not given any thought to the matter. Thus, the political battle that must be fought for those beneficiaries must be fought by others.

The American Cancer Society, the American Heart Association, the National Council on Alcoholism, and a host of other such organizations operate as "patient groups" in default of those who are, or will be, the patients. They exert enormous pressure, and properly so, on legislatures and local governing bodies to advance the interest of those with whom they identify and whom they represent. To date, however, they have not been sufficiently mobilized to prevent a slow but accelerating disaster from overtaking biomedical research in the United States. The fact of the matter is, if scientists and patient groups do not undertake this struggle, no one will. And we will all suffer for it.

AAAS–Newcomb Cleveland Prize

To Be Awarded for an Article or a Report Published in *Science*

The AAAS–Newcomb Cleveland Prize is awarded to the author of an outstanding paper published in *Science*. The value of the prize is \$5000; the winner also receives a bronze medal. The current competition period began with the 3 June 1988 issue and ends with the issue of 26 May 1989.

Reports and Articles that include original research data, theories, or syntheses and are fundamental contributions to basic knowledge or technical achievements of far-reaching consequence are eligible for consideration of the prize. The paper must be a first-time publication of the author's own work. Reference to pertinent earlier work by the author may be included to give perspective.

Throughout the competition period, readers are invited to nominate papers appearing in the Reports or Articles sections. Nominations must be typed, and the following information provided: the title of the paper, issue in which it was published, author's name, and a brief statement of justification for nomination. Nominations should be submitted to the AAAS–Newcomb Cleveland Prize, AAAS, Room 924, 1333 H Street, NW, Washington, DC 20005, and **must be received on or before 30 June 1989**. Final selection will rest with a panel of distinguished scientists appointed by the editor of *Science*.

The award will be presented at the 1990 AAAS annual meeting. In cases of multiple authorship, the prize will be divided equally between or among the authors.