Perspective

A Special Publication of The National Anti-Vivisection Society

A NEW

Issues 1

Seeking justice for animals through the power of the law
Welcome…

…to A New Perspective, a special publication of the National Anti-Vivisection Society designed to present key issues involving animals in a way that will help you become a more informed and active advocate for animals used in vivisection.

The constructive use of the legal system is one of the most effective ways to bring about positive, lasting change for animals. As an animal advocate, you can have tremendous influence in ensuring that the law works for and not against animals, whether you’re working as an individual or in concert with an animal advocacy group—or both. Together we can harness the power of the law to ensure the passage of animal protection legislation, to strengthen existing laws and to mandate the use of non-animal alternatives in the laboratory.

This first edition of A New Perspective delves into animal law, and how our justice system can be used to advance the cause of animals. We have selected this important topic not only because of the explosive growth in the field of animal law in recent years, but because of its extraordinary power to work for—and unfortunately, against—the interests of animals and those who seek to protect them from harm.

Animal advocates often ask, “Why can’t there just be a law banning practices that harm animals?” If only it were that easy. As you will learn in the following pages, the topic of animal law is a broad and sweeping one, filled with a variety of conflicting factors, viewpoints and agendas, as well as several unusual twists and turns. Indeed, the law can be a powerful tool for protecting animals. But it is also a tremendous force to be reckoned with when the interests of animals collide with the interests of property ownership, free enterprise and scientific inquiry.

We hope that this publication will enhance your understanding of how the law works in our society and help you gain an appreciation not only for its strengths and weaknesses, but how, as a process, it affects every aspect of the treatment of animals used in research. Perhaps it will also inspire you to join us in our goal of seeking respect, compassion and justice for animals.

Animal law is a complex and evolving topic, with significant historical and philosophical roots. We want you to consider A New Perspective merely as an introduction to the topic as it applies in the United States. And perhaps we’ll have piqued your interest enough for you to engage in your own further study about the cruelty and waste of animal experimentation and how, together, we can use the power of the law to end it.
# A New Perspective

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To understand how the law can work for—and against—animals, it is important to know some basics about our legal and legislative systems.

First, let’s define the law a bit more specifically. The law is a set of enforced rules, orders or injunctions that is obligatory to follow. Laws are also called statutes, and in local governments, they are known as ordinances.

It is important to understand that the law reflects the needs and attitudes of society. As these needs and attitudes change, so must the law, or it can become outdated and ineffective.

All civilized societies have a well-developed system of law. In the United States, all three branches of the government—the executive, the judicial and the legislative—have an impact on the law.

Our national legal system is based on the common law, which developed from the rules and principles that judges traditionally follow in deciding court cases. Judges in common-law countries like the U.S. change many laws by expanding or overruling prior decisions. Case law—that is, court decisions—remains an important way that judges bring the law into line with changing social conditions.

In addition to the courts, legislatures, which include state and federal bodies as well as county and municipal commissions, may make a new law, or change an existing law by amending it, by repealing it, or by passing a new law on the same subject. Beginning in the 1900s, the lawmaking role of legislatures has greatly increased.

The law can also be changed by direct action of the people. Some national and many local governments give the people direct power to change the law. This can happen in two ways: by referendum and by initiative. A referendum is a proposed law that is submitted directly to the voters for their approval or rejection. In an initiative, a group of citizens proposes a law, which is then approved or rejected by the legislature or by referendum.

While the legislative branch of government passes laws, it is the executive branch that is charged with interpreting and enforcing the law through its agencies. The Department of Defense, the Department of Agriculture and the Department of Homeland Security are examples of federal agencies. These agencies develop, publish and finalize regulations to help them administer the provisions of the laws.

Before any regulations are finalized, the public may comment on them through a formal written process. Regardless of what the public says, however, the final content of the regulations is determined by the agency itself.
An overview of the U.S. legal and legislative systems.

Laws and regulations—which conforms to which?

It may not seem to make sense that a law conform to a regulation, since a law must first be passed before regulations to implement it are developed. The regulations are “supposed” to conform to the law, not the other way around. But it can happen. Here’s how:

In 1966, Congress passed a law known as the “Animal Welfare Act” (AWA) to establish a system of accountability for the use of animals in research. The AWA charged the U.S. Secretary of Agriculture with the responsibility of setting up a regulatory program to license dealers of dogs and cats, to register animal research facilities, and to establish humane care provisions and a system of inspections. This regulatory program meant the establishment of regulations—or rules—to lay out in practical terms how the law passed by Congress would be implemented.

The U.S. Department of Agriculture’s Animal & Plant Health Inspection Service (APHIS) was designated as the authority to draft and implement these rules. Once these rules were drafted, they were published in the Federal Register, and the public was invited to submit comments on the rules. Final rules were then adopted, though not necessarily reflecting all public comments.

In 1970, the AWA was amended to expand the definition of “animal” to include “warm-blooded animals generally used for research, testing, experimentation or exhibition, or as pets.” It excluded farm animals, including horses, livestock and poultry. These amendments also required the USDA to develop new rules for implementation.

In the new rules, the USDA specifically excluded domestic farm animals, birds, mice and rats from AWA protections, even though the law included all “warm-blooded animals” except those already exempt. A court case challenging the USDA’s interpretation of the law reversed these regulations.

Unfortunately, in 2002, Congress passed another law amending the Animal Welfare Act, this time specifically excluding birds, rats and mice from coverage under the AWA. In this case, the amendment was passed to bring the law into line with the regulations, instead of having the regulations conform to the law. It will now take the passage of a new law by Congress to reinstate birds, rats and mice as “animals” for purposes of protection under the AWA.
How a law is created through the legislative process.

This chart shows all the steps a bill must take toward becoming a law. It may look like a simple process, but in reality none of this happens in a vacuum. There may be a lot of “back and forth” among legislators and lobbying groups, with competing pressures from constituents added to the mix. The road to a bill becoming a law can be a long and bumpy one!

The legislative process is essentially the same on the state and federal level. Like the federal government, most state legislatures have two chambers: a House of Representatives (or Assembly) and a Senate. Because most animal issues are regulated on a state level, we will use that as an example.

But first, another definition. Legislation is a law waiting to be “born.” Also known as a bill, legislation is a proposal to create a new law or to change an existing law.

Getting an Idea
All bills start with an idea, which generally originates with an individual or group that has a special interest in the subject. Bills can be inspired by an incident of personal tragedy or experience, or they could be part of the mission of a special interest group, from large industry lobbyists to small, not-for-profit organizations.

Let’s say you have an idea for a law. You must then write it up as a simple statement with a brief summary of the purpose, or as a fully written model law.

Finding a Sponsor
If you are an individual working on your own, your next step would be to make an appointment to meet with your state Representative or Senator to ask him or her to sponsor a bill. That’s important because most legislators are only interested in hearing from their own constituents, since they are the people who elected them to office.

Being part of a group gives you an advantage, because your group can select a particular legislator who is known to support your cause, or who has a voting record that would make him or her a likely supporter.

Submitting the Bill
Once your legislator agrees to sponsor the bill, it is submitted by him or her to the state legislative service, which identifies any existing laws that it would affect and draws up the language accordingly. (Once your idea enters the legislative process, it is no longer yours and can be changed at any time during the process.)

The bill is then assigned a bill number and introduced in the chamber where the sponsor serves (House or Senate). Let’s assume that the bill is introduced first in the House.

Considering the Bill
When a bill is introduced, it must be assigned to a specific committee, which may conduct hearings, solicit testimony and gather additional information on the bill—or ignore it altogether until their session is over and the bill “dies in committee.” Generally it is the committee chair who determines which bills are heard and who has the power to move a particular bill forward or stall it indefinitely.

Authorizations and Appropriations
Authorization laws, which set a policy on a particular action, define the purpose of the bill. Appropriation laws approve the use of money from the government’s budget to accomplish this purpose.

Some authorizations and appropriations are combined into one bill, with policy and funding decisions in the same legislation. About half of all federal bills are combined this way.

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Creating or changing a law through the courts or the legislative system can be a long and complex process. Yet the process is not over once an idea becomes law. That’s because the law is only as good as the ability and willingness of the authorities to enforce it.

Who enforces the law? The police and government prosecutors are responsible for enforcing criminal law. Civil lawsuits, which are non-criminal lawsuits usually involving private property rights, are settled in court. Government agencies enforce the administrative law of the government.

For animal advocates, the issue of enforcement is a particular challenge. In a world of increasing violence, limited resources and stretched budgets, police and other authorities are often forced to choose between helping people and helping animals. And with cultural tradition dictating that people are more “important” than animals, it’s usually the animal that loses.

In the case of anti-cruelty statutes, as with all criminal statutes, the state has prosecutorial discretion, meaning that the prosecutor’s office decides which cases to pursue. All too often, animal abuse and neglect cases go unnoticed or are not taken seriously by the legal system. Prosecutors may be pressured to focus on other crimes. They may also have to deal with incomplete investigations—or even their own personal feelings about animal abuse.

But some of that is beginning to change, thanks to the efforts of many animal activists who put subtle pressure on the courts by acting as court advocates. In cities across the country, these activists go to court when anti-cruelty cases are being tried. By appearing as a group on behalf of the animal victims, they are sending a strong message to the courts as well as the offenders that crimes against animals should be taken as seriously as crimes against people.

Another force for change is the increased awareness of the strong correlation between those who abuse animals and those who abuse people. In another example of how the law reflects the needs of humans even when it involves animals, authorities are now looking to perpetrators of animal abuse for evidence of current or future acts of violence against people.
What Is Animal Law?

Broadly—and simply—defined, animal law is any legal issue that involves animals. More specifically, it is a combination of statutory and case law in which the nature of non-human animals, whether legal, social or biological, is an important factor. And it includes all animals—companion animals, animals raised for food, animals used in research, education and entertainment, and wildlife.

By that definition, animal law has a long history that harkens back to ancient times. And while laws have changed over time, one thing has remained the same: animals are classified as property under the law, and, as such, have no legal rights. This is an important concept, with profound implications for those who seek to use the law to gain greater protection for animals.

Recently, animal law has come to be known as not only involving any situation in which a human is harmed by an animal (such as a dog bite) but also any situation in which an animal is being harmed and the law can provide legal protection. The practice of animal law within this context is a rapidly emerging field, drawing young animal advocates who seek to use their legal training to help animals.

There was a time when the notion that animals should be included in the circle of respect, compassion and justice was seen as radical. Today, thanks to the efforts of animal advocates, there is a greater awareness of the plight of animals, and the idea that animals should be protected from exploitation has become more mainstream. This represents an important shift in societal attitudes, and this social change is a prelude to strengthening animal protection laws.

The time is certainly right. Beginning in the 1900s, American courts have expanded their power to bring about social change, with laws that reflect the idea that the private interests of some members of society should not deprive other members of their rights. For example, a corporation may want to release waste materials into the river nearby, but that may deprive the town’s residents of their right to clean, healthy water.

As courts and legislatures formulate laws that attempt to meet the needs of a complex and rapidly changing society, the interests of animals and the interests of people are often at cross purposes. Protecting an animal, for example may interfere with a person’s livelihood. And prevailing thought considers that animals merit the protection of the law only if and to the extent that such protection will not interfere with some human interest that is deemed important. Thus “animal law” rarely comes down on the side of animals.

That means it has been—and will continue to be—a difficult process to harness the power of the law for animals. But it can be done. We must simply recognize it as a process...as a long and righteous journey, but one that has its share of bumps and wrong turns along the way.

“Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until it be obtained, or until liberty be lost in the pursuit.”

James Madison (1759-1836)  
Fourth President of the United States
This rapidly emerging field has evolved from the unconventional to the mainstream.

Animal law intersects with all areas of the legal field.*

Tort Law
Where a party has a right to collect money for damages to a person’s body, property, business, reputation or privacy.

Examples:
• Dog bites.
• Nuisance claims.
• Ownership disputes.
• Veterinary malpractice.
• Product liability actions against manufacturers, sellers or distributors of products that have harmed animals.

Property Law
Governs the ownership and use of property and may refer to a car, a farm, a watch, or anything else that is owned, including animals and intellectual property.

Examples:
• Patents on genetically engineered animals.
• Transfer of ownership laws.

Business Law
Governs the formation and operation of business corporations and deals mainly with the powers and obligations of management and the rights of stockholders; includes contract and commercial law.

Examples:
• Contract disputes between sellers and buyers of animals.
• Disputes involving condominium members over the right of the members to own animals.
• Bailment (the rights of businesses dealing with animals, such as veterinarians, “doggie day care” and kennels, to hold an animal until they have been paid for their services).

Family Law
Determines the legal rights and obligations of husbands and wives and of parents and children.

Examples:
• Arrangements involving companion animals in prenuptial agreements and divorce settlements.
• Custody battles over pets.

Criminal Law
Deals with crimes, defined as actions considered harmful to society.

Examples:
• State anti-cruelty statutes protecting companion animals.
• Defense of animal advocates who have been charged with crimes in attempts to advance animal interests.
• Protective orders.

Inheritance Law
Concerns the transfer of property upon the death of the owners and sets the rules for the making of wills.

Examples:
• Creation of pet trusts, which are provisions in a person’s will to provide for the care of his or her companion animals.

*Court cases, laws and regulations involving animals could fill volumes; these examples have been selected only to give you a general understanding of the field.
“Animal” Law and “People” Law

Although there is no separate distinction between “animal” law and “people” law, the Animal Enterprise Terrorism Act (AETA) is an example of animal law that does not address animals, but people.

Described by its author, Sen. James Inhofe, as being intended to provide the Department of Justice the necessary authority to apprehend, prosecute and convict individuals committing animal enterprise terror,” AETA prohibits animal rights and environmental activists from engaging in acts of “force, violence and threats to animal enterprises.”

Opponents of AETA argue that the law intentionally targets animal advocates and attempts to criminalize peaceful protests. At the same time, it does not provide explicit protection for whistle blowers and undercover investigations. Opponents have also expressed concern that the law could be used against those interrupting illegal animal enterprises, such as dog fighting.

Animal law intersects with all areas of the legal field. (continued)

Constitutional Law

Includes official rulings on how the principles of a nation’s constitution are to be interpreted and carried out.

Examples:

• Under the First Amendment’s protections of free speech: protests organized by animal activists, hunter harassment, and the rights of students to choose a non-animal alternative in a dissection exercise without compromising their grade.

• Under freedom of religion: animals used for sacrifice, the right to vegetarian or vegan diets for prisoners, or discrimination in the workplace for vegan or vegetarian beliefs.

• Under the Fourth Amendment: issues concerning the taking of animals, most commonly when police shoot companion animals.

Administrative Law

Centers on the operations of government agencies, which do the work of government, on the federal, state, county and municipal level.

On the federal level:

The Department of Agriculture (USDA) is charged with safeguarding the food supply by inspecting meat and poultry in slaughtering and processing plants; grades meat, poultry and dairy products to indicate their quality; the Department’s regulatory programs are responsible for protecting animals and plants from pests and diseases.

Examples:

• The USDA enforces the Animal Welfare Act (AWA), which requires minimum standards of care and treatment for certain animals bred for commercial sale, used in research, transported commercially or publicly exhibited. The AWA prohibits the interstate commerce of animals used for staged fights, bear or raccoon baiting and similar animal fighting ventures. The USDA’s Animal and Plant Health Inspection Service (APHIS) administers the AWA, its standards and its regulations.

• The USDA enforces the Humane Slaughter Act, which regulates the slaughtering of livestock to prevent needless suffering and promotes improvements in slaughter techniques.

• Along with the Bureau of Land Management of the Department of the Interior, the Forest Service of the USDA manages the protection of wild, free-roaming horses and burros on public lands under their jurisdiction.

The Department of Justice (DOJ) investigates and prosecutes violations of federal laws including antitrust, criminal, environmental and civil rights law.

Example:

• The Americans with Disabilities Act enforces the ability of service animals to enter public areas where animals are not normally allowed.
The Food and Drug Administration (FDA) is responsible for ensuring the purity of food, the safety of cosmetics, and the safety and effectiveness of drugs and other medical products. The FDA is an agency of The Public Health Service, which is a division of the Department of Health and Human Services.

Example:
- The FDA administers the Federal Food, Drug and Cosmetic Act, which requires that the results of animal tests, followed by clinical trials, be used as proof of the scientific safety of new pharmaceutical drugs (and a number of chemical compounds that change the chemistry of the body) before they can be marketed.

The Fish and Wildlife Service (FWS), an agency of the Department of the Interior, helps conserve the nation’s birds, mammals, fish and other wildlife, and manages the national wildlife refuges.

Example:
- Along with the National Oceanic & Atmospheric Administration, the FWS administers the Endangered Species Act, which is designed to protect critically imperiled species from extinction due to “the consequences of economic growth and development untempered by adequate concern and conservation.”

The Environmental Protection Agency (EPA) is an independent agency of the U.S. government established to protect the nation’s environment from pollution.

Example:
- The EPA enforces the Clean Water Act, the primary federal law that protects our nation’s waters, including lakes, rivers and coastal areas, by eliminating such sources of water and air pollution as animal waste from livestock facilities.

On the state, county and municipal level:
- Anti-cruelty statutes
- Licensing
- Vaccinations
- Regulation

The Growing Field of Animal Law

With the idea of animal protection and animal rights gaining more and more momentum, the field of animal law has grown exponentially and gained new legitimacy as a separate discipline, with law students showing unparalleled interest in practicing in this area. Consider:

- At least 69 law schools—including Harvard University, Stanford University, Northwestern University and the University of Michigan—have offered, currently offer or plan to offer animal law courses, reading groups and/or seminars.

- The Duke University School of Law is offering an animal law course and adding an animal law clinic, which will allow students to work on real cases, with a $1 million gift from the Bob Barker Endowment Fund for the Study of Animal Rights Law. The UCLA School of Law, Columbia Law School, Northwestern University and Stanford Law School also each received $1 million endowments from the Barker Fund.


- A growing number of state and local bar associations have sections devoted to animal law.
In a previous chapter on the process of creating and changing laws, we learned that all laws begin with an idea. Ironically, the idea behind animal law was—and often continues to be—the protection of humans. Even early anti-cruelty laws were designed not to prevent animals from suffering, but rather to protect the “morality” of people to act civilly, as well as to control public nuisance complaints.

While this may seem preposterous to animal advocates, an examination of the long and complex relationship between animals and humans will provide some clarification in how the law addresses the relationship between animals and society.

Since prehistoric times, the lives of humans and non-human animals have been deeply intertwined. Humans have used animals for a wide range of purposes. Live animals are used to protect family and property, assist in farm work and in hunting, and for entertainment, companionship and scientific experimentation. We have used animals for transportation, their meat for food, their skin for clothing, and their blubber for heat and light. Considering what animals receive in return, it’s clear that humans have engaged in an exploitative relationship with animals for millennia.

Society has generally viewed our use of animals as necessary and appropriate. This widely held conviction has traditionally embodied philosophical precepts, cultural tradition and a deep sense of pragmatism.

In the 4th century B.C., for example, the philosopher Aristotle argued that animals rank far lower than humans in the Great Chain of Being, because they lack the ability to reason, and therefore they exist in a different moral realm. Twenty centuries later, the French philosopher Rene Descartes (1596-1650) upheld the argument that animals have no souls or minds, and therefore cannot think or feel pain. These attitudes reflected the views of their time, and helped make it culturally acceptable to use animals. It was a convenient rationale, since animals play such a pivotal role in our survival as a species.

Because animals were merely “useful” as opposed to having any intrinsic value unto themselves, the law was interpreted to benefit humans; moreover, animals being considered under the law to be “property”, the law focused on protecting a human’s property rights. Early animal laws primarily addressed agrarian concerns, since they were developed when agriculture was the primary industry. Owners of animals (farmers, ranchers and the like) were responsible for damages caused by their animals, and generally individuals who injured an animal were responsible for the damage and any financial loss that they caused. Damages were based upon the fair market value of the animals—generally livestock.

Until the early 1800s, the prevailing view that people should be able to do whatever they want to the animals they own because they are their property remained largely unchallenged.

These attitudes began to change when the English barrister, philosopher and legal writer Jeremy Bentham argued that the capacity for suffering is the vital characteristic that gives a being the right to legal consideration, and that animal pain is as real and morally relevant as human pain. He famously wrote in his *Introduction to the*
Principles of Morals and Legislation, “The question is not, Can they reason? Can they talk? But can they suffer?”

Bentham’s writings became the inspiration for a number of efforts in Great Britain to ensure the more humane treatment of animals. In 1822, Richard Martin’s Act to Prevent the Cruel and Improper Treatment of Cattle was passed. The Martin Act became the first parliamentary legislation for animal welfare in the world. Two years later, the world’s first animal welfare organization, the Society for the Prevention of Cruelty to Animals (later to become the Royal Society for the Prevention of Cruelty to Animals), was founded in Britain.

Because the British still held considerable intellectual influence on the (relatively) newly formed United States, the concept of animal welfare legislation traveled across the Atlantic and became a cause celebre for Henry Bergh, a diplomat and philanthropist who founded the American Society for the Prevention of Cruelty to Animals (ASPCA) in April 1866, just days after the first anti-cruelty legislation in the U.S. was passed into law by the New York State legislature. The law made it a crime for the citizens of New York to “maliciously kill, maim, wound, injure, torture or cruelly beat any animal belonging to himself or another” and granted the ASPCA the authority to enforce local animal protection laws. Soon, anti-cruelty societies sprang up in other states.

The Issue of Standing

The issue of standing represents one of the largest hurdles in animal law today. Standing is the legal right to initiate a lawsuit. In order to be able to sue, a person must be sufficiently affected by the matter at hand, and there must be a case or controversy that can be resolved by legal action.

The U.S. Constitution has three standing requirements:

- **An injury in fact:** The plaintiff must have suffered or imminently will suffer injury;
- **Causation:** A result of the action of the defendant; and
- **Redressibility:** It must be likely, as opposed to merely speculative, that a favorable court decision will redress the injury.

Because animals as property do not have any legal rights, they cannot meet the standing requirements themselves. Therefore, they cannot bring legal actions on their own behalf. Unfortunately, people do not have the right to raise an issue in court simply because they know the laws are not being followed. There are exceptions, however, which may be interpreted as setting a precedent for cases relating to animals. Some environmental protection laws, for example, include taxpayer standing provisions that give individuals the right to bring suit for violations.

Animal advocates often have trouble meeting the injury test for many animals, especially those used in research, because they have no personal relationship with the animal.

One notable exception was ALDF v. Glickman (1998). On behalf of Mark Jurnove, a frequent zoo visitor disturbed by the isolation and neglect of a chimpanzee in a USDA-licensed roadside zoo, the Animal Legal Defense Fund sued the USDA for failing to set standards to protect primates under the federal Animal Welfare Act (AWA). Mr. Jurnove alleged that he suffered aesthetic injury during his regular visits to the animal exhibition when he observed primates living under such conditions. Although the Court of Appeals later held that the standards set by the USDA were already adequate, they upheld the decision that Jurnove did have legal standing to sue to protect the interests of animals under the AWA.

This decision established that people may have standing to sue under the AWA if there is an individual with a significant and redressable injury as a party to the case. ALDF v. Glickman has been cited frequently in subsequent lawsuits involving the humane treatment of animals.
Most people believe it’s “okay” to eat animals and use their by-products for human purposes, but not to inflict pain and suffering without justification.

And that is precisely where the law stands today, reflecting—at least to some extent—the attitudes of most members of society. At the present time, the underlying philosophy of the law is this: that animals merit the protection of the law only if and to the extent that such protection will not interfere with the interests of humans, which are considered to have more importance than the interests of animals. Unlike people, who have—at least theoretically—unconditional protection under the law, protection of animals is conditional based on human needs and desires.

In theory, the law attempts to strike a balance between the interests of humans and the needs of the animal. However, in reality, the balance is so far tipped in favor of the human that the animal is, the vast majority of the time, left with little or no legal protection.

There are two primary forces that lead inevitably to the scales of justice being tipped in favor of humans: 1) economics, and 2) political influence. The two go hand in hand.

The Power of Money

Animals are big business, representing billions of dollars in profits in a variety of industries, including agriculture, science, entertainment, and in just about every human endeavor. Thus any change in the legal status of animals—such as a law prohibiting farming animals as livestock—would have profound repercussions throughout our economy, and indeed our society as a whole.

One must also consider the influence of the law in a global economy. Imagine, for example, that the United States passes a law giving significant protections to laboratory animals. Such protections would likely result in additional costs to pharmaceutical companies, which test their drugs on animals. In today’s global economy, where competitive forces demand that medicine and other goods are produced in the most cost-effective manner possible, pharmaceutical companies would simply move their operations “off shore” to other countries where the regulations are more lax, making protections for humans and animals less “burdensome.”
When it comes to animal law, justice is not blind to the power of money, tradition and politics.

Because pharmaceutical companies, collectively known as “Big Pharma,” comprise a hugely profitable industry, those involved in that industry are politically astute, employing lobbyists at both the state and federal level to help ensure that their interests are protected. Together with healthcare providers and medical associations, Big Pharma has the deep pockets to pay for well-funded efforts that promote the highest profits with the least amount of regulation. And then there are the groups representing the interests of animal researchers—also well-funded—such as the Foundation for Medical Research, Americans for Medical Progress and the National Association for Biomedical Research, whose mission is to see that animal researchers operate in as unrestricted an environment as possible.

Lobbying and other political efforts can, and do, influence the legislative process, even as legislators attempt to ensure that the law adequately reflects the needs and attitudes of society at large. Those who oppose creating stronger animal protection laws are keenly aware that protecting animals may come at the expense of humans. It is not necessarily that they don’t care about animals, but that they perceive such action to compromise the interests of their constituents. For example, people may fear that restrictions on animal experimentation would halt progress against human disease. Another example: the Center for Consumer Freedom, which claims to promote personal responsibility and protect consumer choice, is in reality a front group for the restaurant, alcohol and tobacco industries that targets animal organizations seeking food industry reforms.

One way the law has gotten around these thorny issues is to employ language that protects certain groups of animals while excluding others. For example, the Animal Welfare Act (AWA), which is discussed in more detail beginning on page 20, excludes birds, rats and mice as well as farm animals from protection. That way, the law can portray to protect animals while accommodating economic and scientific interests. A word like “unnecessary”—as in prohibiting “unnecessary suffering”—offers the illusion of protection while leaving the door wide open for the systematic exploitation of animals that happens to be culturally acceptable, such as vivisection and agriculture.

Thus the concept of “necessity” when written into the law turns out to be a very subjective—and convenient—term. What is “necessary”? And for whom? The word, in fact, can be used to justify any form of animal cruelty when the interests of multi-billion dollar industries like Big Pharma and large corporate factory farms are at stake. In the next chapter, we’ll see how this double standard has found its way into state anti-cruelty statutes.

However, the distinction that there is a difference between a piece of furniture as property and a horse as property does not change the fact that the horse is still property. The horse is not viewed as a legal “person” with rights, but as a “thing” seen only in relation to the rights exercised by legal persons.

That is why current animal law addresses the rights of people who own animals, not the rights of the animals themselves. Even anti-cruelty statutes, which offer some protection to animals, offer them no civil rights.

Some people within the animal advocacy movement argue that the only way to truly protect animals from cruelty is to abolish their status as property and confer upon them the status of “personhood.” This change in status, they say, would give animals the right to enforce and safeguard their entitlements, such as protection from mistreatment, in a court of law. In other words, personhood would give animals the right to bring legal actions on their own behalf—that is, it would give individuals the right to sue on their behalf.

Other animal advocates accept the property status of animals, believing that animals may gain better protection from harm through improved laws without having to move away from classifying animals as “property.” This difference in viewpoints on how to best seek justice for animals in the legal system illustrates the difference between animal rightists and animal welfarists.
In earlier chapters, we’ve discussed how the law attempts to reconcile the interests of animals with the interests of people. As we’ve noted, current law protects animals only to the extent that it does not interfere with the interests of humans.

State anti-cruelty statutes are one area of current U.S. law that does tip the balance a bit more in favor of animals, and often provide an animal’s only source of legal protection. While there is no federal anti-cruelty statute, all 50 states have laws for misdemeanor cruelty offenses. At this writing, all but six states also have felony provisions for aggravated actions of cruelty. A few states, such as New York and Massachusetts, empower agents of humane societies as special officers to enforce their anti-cruelty statutes.

Generally speaking, anti-cruelty laws cover only the minimal requirements of care and treatment for animals. They simply require that animals be provided shelter, food, water and medical treatment, and that animals not be tortured or killed in an inhumane manner. State laws penalize two types of actions: 1) intentional acts, and 2) failure to act.

Intentional acts are those acts of cruelty in which the perpetrator knowingly tries to hurt an animal by some heinous act. The failure to act includes neglecting to provide food, water, necessary shelter, and in some states, proper veterinary care.

Although each state’s anti-cruelty statutes have general similarities, it is interesting to note that the definition of “animal” as well as the definition of “cruelty” varies state to state. For example, a law may define animals very broadly, as in “all living creatures,” or so narrowly as to include only vertebrates or mammals.
Anti-cruelty laws are notable as much for their exemptions as their provisions.

Anti-cruelty laws and animals in research.

The law acknowledges the special relationship between people and their companion animals, and affords these animals the greatest protections. However, animals that are used as a means to a human end are typically exempted from animal cruelty laws.

Most commonly, these animals include those used in research, as well as those that are hunted, fished, trapped, raised for food, considered to be pests, and appear in rodeos, zoos, and circuses. The killing of one’s own animal on their own property, if done humanely, is also excluded.

Thus, whether or not a particular act is “cruel” depends upon the usefulness of an animal. In other words, the setting in which an animal lives—whether in a laboratory, on the farm or in our homes—defines whether or not certain treatment is “cruel.”

Doing the Crime . . . and Doing the Time

Anti-cruelty laws are enforced through the criminal justice system. Depending on the state and its individual provisions, these laws fall either in the category of a misdemeanor or a felony.

A misdemeanor is a crime punishable by no more than one year in jail and/or a fine. Common misdemeanors include petty theft, first-time drunk driving and leaving the scene of an accident.

A felony is a crime that is considered serious enough to warrant punishment by death or sentencing to more than one year in prison, such as murder, rape and burglary.

Felonies and misdemeanors may be classified by the degree of the crime’s seriousness, and these classifications vary by jurisdiction—that is, the place where the crime is committed.

Dog fighting is an example of how states differ in how they classify crimes. While there are laws in all 50 states and the District of Columbia prohibiting dog fighting, the states differ in the way they classify the crime:

- ID and WY are the only two states in which dog fighting is a misdemeanor rather than a felony offense.
- In three states, it is legal to “possess” dogs for fighting. In five states it is a misdemeanor.
- Being a spectator at a dog fight is a felony in 22 states, a misdemeanor in 26 states and legal in two states.

To find out where your state stands on dog fighting laws, visit AnimalLaw.com.

As of this writing, companion federal bills have been introduced in the House and Senate that would make any dog fighting activity illegal under federal law. They would also increase the allowable penalty for dog fighting to up to five years in prison and would allow the assessment of a fine up to $15,000 for each violation.

For more information on this legislation and how you can help get it passed into law, visit www.navs.org.
It All Depends on

What Is an Animal?
States differ significantly in their definition of the word “animal” in their anti-cruelty statutes.

In Arkansas, it is every living creature.

In Alabama, it is a mammal, bird, reptile or amphibian.

In Idaho, it is any vertebrate member of the animal kingdom, except humans.

In South Dakota, it is any mammal, bird, reptile, amphibian or fish, except humans.

In Utah, it is a live, non-human vertebrate creature, but animals raised for agricultural purposes and wildlife are excluded from the definition.

In Virginia, the statute specifically states that the word “animal” shall be construed to include birds and fowl.

In Wisconsin, it is every living warm-blooded creature (except a human being), reptile or amphibian.

“Where justice is denied, where poverty is enforced, where ignorance prevails, and where any one class is made to feel that society is an organized conspiracy to oppress, rob and degrade them, neither persons nor property will be safe.”

Frederick Douglass (1818-1895)
American abolitionist, author and orator
Who is excluded from protection under a state’s anti-cruelty statutes?

The following examples illustrate how exclusions in state anti-cruelty laws protect economic and scientific interests, while failing to provide animals used in research with even minimal protection.

In Florida, exclusions include animal husbandry practices, zoological practices, hunting, trapping, scientific research and animal exhibitions, among others.

In Kentucky, exclusions include hunting, fishing or trapping; as incident to the processing as food or for other commercial purposes; or for veterinary, agricultural, spaying or neutering, sporting activities, research activities and pest control.

In Louisiana, hunting, trapping, research for scientific purposes, veterinary practices and birds (unless they are pets) are excluded from the state’s anti-cruelty statutes.

In Maryland, agricultural, veterinary, research and “any activity that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training and hunting” are exempt from anti-cruelty laws, as well as “normal human activities in which infliction of pain is purely incidental and unavoidable.”

In New Jersey, exclusions include state regulated scientific experiments, state sanctioned killing of animals, hunting of game, training of dogs, normal livestock operations, and the killing of rats and mice (unless they are pets).

Challenging animal abuse that occurs beyond research protocols

Historically, the exemptions for animals used in laboratory research in state and local anti-cruelty laws have been quite comprehensive, frustrating efforts to punish animal abuse within laboratory settings even when the animals were being harmed outside of any research protocol.

Slowly, that is beginning to change. In 2001, New Mexico became the only state to specifically adopt language that is intended to punish criminal animal abuse in research facilities. Iowa, Kentucky, Maryland, Virginia and Wisconsin also have language in their anti-cruelty statutes that may be interpreted to protect animals when they are not being actively used for an experiment or if their treatment is outside the bounds of the protocols approved for that experiment. However, none of these state anti-cruelty provisions have been successfully challenged in court with regard to animals in laboratories—at least not yet.
The Long and Tragic History of Animal Experimentation

In terms of the number of animals used in the U.S. and worldwide, animal experimentation is second only to agriculture. An estimated 500+ million animals suffer and die in research laboratories every year. The types of research can be categorized as:

1. **Basic research**, which seeks to increase our knowledge about the way organisms behave, develop and function biologically. Most basic research is carried out at universities and has no commercial applications.

2. **Applied research**, which seeks to solve specific problems, including the treatment or cure of human disease. This type of research is generally conducted by pharmaceutical companies either at universities with which they are engaging in cooperative programs or at their own laboratories. Much of this type of research takes place in the early stages of drug discovery.

3. **Toxicology testing**, which is designed to test the safety and effectiveness of drugs, chemicals and other products. In the U.S. and many other countries, it is required by law to use animals in toxicity tests for prescription drugs and products that alter the structure and function of the body.

The practice of experimenting on animals can be traced back to ancient times. Aristotle and Erasistratus—who performed experiments on living animals in the 2nd and 4th centuries BC—were among the first. The physician Galen, in 2nd century Rome, dissected pigs, goats and non-human primates and became known as the “father of vivisection.” Since that time, an untold number of animals have suffered and died at the hands of scientists curious about the inner workings of the body.

However, it was not until the mid-1900s that the government entered the picture in a large way, sparked by two public health crises. The first one occurred in 1937, and is known as the Elixir Sulfanilamide tragedy. In that year, the S.E. Massengill Company of Bristol, Tennessee, as well as Squibb, Merck, Eli Lilly and other pharmaceutical companies, began to produce sulfanilamide. At the time, sulfanilamide was considered something of a wonder drug for the treatment of strep throat and other ailments. Because it had been synthesized before certain patent regulations were effective, there were no restrictions on who could manufacture it.

At the time, sulfanilamide could only be made in capsules and tablets because an appropriate mixing medium had not yet been found. In response to the significant demand for a liquid preparation, the chief chemist at Massengill was assigned the task of finding an appropriate medium. Soon, the chemist developed a formulation that used diethlylene glycol as a medium, and the company began production and distribution of

**Hundreds of millions of animals are subjected to pain, distress and death in research, testing and education every year with no regard for their sentience—or accountability under the law.**

its new Elixir Sulfanilamide. Neither the final product nor its individual ingredients were tested for toxicity.

During a four-week period in the fall of 1937, 353 patients received Elixir Sulfanilamide, and 105 of them died. The product was recalled by the Food and Drug Administration (FDA), and subsequent toxicity studies revealed that diethylene glycol was the responsible toxin.

The FDA found Massengill to be in violation of the 1906 Pure Food and Drugs Act, and proceeded to seize all remaining shipments of Elixir Sulfanilamide. However, the Pure Food and Drugs Act law concerned itself mainly with labeling. Were it not for the fact that Massengill had failed to put ethanol in the product, an ingredient required to obtain the elixir designation, the FDA would not have had the authority to seize Elixir Sulfanilamide. While safety testing on animals was conducted by manufacturers, they were not required to submit the results of these tests to the FDA when applying for approval.

The public outcry spurred Congress to call for a full investigation into the tragedy, which ultimately pointed to lax drug regulations as the main culprit in the epidemic. Investigators urged Congress to strengthen regulations to prevent the premature distribution of new drugs.

Thus was born the 1938 Federal Food, Drug and Cosmetic Act. This law required pharmaceutical companies to submit a new drug application report to the FDA to document drug safety before any interstate shipments, to disclose all active ingredients, and, for non-prescription drugs, directions for use and warnings about possible misuse. At the same time, there remained significant weaknesses in the law, such as the fact that proof of efficacy was not required. And, if the FDA failed to consider the new drug application within 60 days, the drug was approved automatically.

A quarter century later, another much-publicized tragedy—when the drug thalidomide was found to result in birth defects when prescribed to pregnant women—led Congress to increase its power to regulate the pharmaceutical industry.

In the wake of the thalidomide disaster, Congress passed the 1962 New Drug Amendments Act, which gave the FDA unprecedented authority to monitor all stages in the development of a new drug. This included a new provision specifically requiring the comprehensive animal testing of new drugs before extensive human trials can begin. (This regulation also covers chemical compounds that alter the structure of the human body, or are used to treat or prevent disease, such as topical acne ointments, anti-dandruff shampoo and sun tanning preparations designed to prevent sunburn.) The law also mandates proof of efficacy and safety.

Everyone would agree that the underlying intent of the law is a noble one: to protect public health and safety. But what about the impact of the law? The requirement of animal testing has spurred demand for animals, dooming hundreds of millions of creatures to suffering and death in laboratories. Such extraordinary demand has generated a huge industry to support it, ranging from animal breeders to manufacturers of materials and supplies for equipping the laboratories. And that inevitably means the development of powerful, self-serving interest groups to protect everyone’s financial investments by maintaining the status quo.

In this case, the law has definitely not come down on the side of animals. The interests of humans—and their need to find cures and treatments for disease—have clearly and dramatically overshadowed the interests of animals.

Less clear is how much the deeply flawed but mandated animal model in drug testing has delayed real progress as new advancements in technology and research methods have been developed. But until the law is changed, animal testing in this arena will continue unabated.

As we have seen, a change in attitude must precede a change in the law. Therefore, awareness of the moral and scientific reasons why the law should be changed is of utmost importance. Knowledge, as Sir Francis Bacon (1561-1626) wrote, is power.
Although animals have been used for biomedical experimentation since ancient times, the history of animal protection law as it applies to animals in the laboratory essentially began in 1965, when a case of dognapping in Pennsylvania gained the attention of the Agricultural Committee of the U.S. House of Representatives.

That year, in July, a Dalmatian named Pepper mysteriously disappeared from her backyard. Later, a family member spotted her in a photograph with other dogs, as well as goats, being unloaded from the truck of an animal dealer. Much to their horror, the family discovered that Pepper had been sold to a dog dealer in New York State. When they confronted the dealer, they were refused entry onto the property. They enlisted the help of an animal advocate who contacted Congressman Resnick, who represented the district in which the dealer was located. In the end, it was discovered that Pepper had been sold to a hospital in New York City, where she was euthanized after being used in an experiment.

The tragic end to Pepper’s life galvanized Congressman Resnick, who introduced legislation in the House of Representatives to prevent future incidents. The bill required that dog and cat dealers and the laboratories that purchase them be licensed and inspected by the USDA and required to adhere to humane standards established by the Secretary of Agriculture. The bill languished until an article appeared in Life magazine documenting the abuse of dogs in another dealer’s facility.

The public outcry forced Congress to take action, and the Laboratory Animal Welfare Act was passed in 1966. The law directed the Secretary of Agricul-

“The law condemns and punishes only actions within certain definite and narrow limits; it thereby justifies, in a way, all similar actions that lie outside those limits.”

Leo Tolstoy (1828-1910) Russian novelist and social reformer
The Animal Welfare Act demonstrates the power of the law... and the perils of politics.

ture to set up a regulatory program to license dealers in dogs and cats, to register animal research facilities, and to establish humane care provisions and a system of inspections.

In 1970, the first of several amendments to come was passed, and the name was shortened to the Animal Welfare Act. The 1970 amendment expanded the definition of “animal” to include warm-blooded animals generally used for research, testing, experimentation or exhibition, or as pets, but it excluded farm animals, including horses, livestock and poultry. It also expanded protection of animals used in animal exhibitions and wholesale pet dealers, including breeders who sell to others under the AWA. It also required humane standards be maintained at all times.

However, the expanded definition of “animal” in the 1970 amendment was later reversed. (See page 3 for a more detailed explanation of this development.)

Today, for animal advocates, the most glaring exemptions involve the animals that are not covered by the Animal Welfare Act. The AWA specifically excludes from its provisions:

- All animals used for agricultural purposes (horses and other farm animals are covered if they are used in an experiment).
- The vast majority of birds, mice and rats used in research (which comprise approximately 95 percent of animals used in research).
- All cold-blooded animals (reptiles).

That means the AWA ignores more than 95 percent of all the animals used in research, as well as 100 percent of animals slaughtered each year in the U.S. for food, fiber and other products. Hundreds of billions of animals have almost no protection under federal law.

The Animal Welfare Act (AWA) has been amended several times and now covers many commercial uses of animals, creating a regulatory network administered by the U.S. Department of Agriculture. These are its key provisions for animals covered under this law:

- Permits are required to buy and sell animals or register for their use by dealers of animals, exhibitors of animals, and research facilities that use listed animals.
- There are limitations/regulations on how animals may enter the controlled chain of commerce, to eliminate the use of stolen animals.
- There are limitations/regulations on the environmental conditions under which the animals must be kept. For example, dogs held in research facilities must be exercised, and primates must be given a physical environment adequate to promote their psychological well being.
- Research facilities may purchase animals only from licensed dealers.
- Those who transport the animals must comply with published regulations.
- Research facilities must create an Institutional Animal Care and Use Committee (IACUC) to review all protocols for procedures involving animals, whether or not pain or distress is likely to occur. If these procedures are deemed acceptable, the IACUC provides institutional approval. All IACUCs must include a member of the public not affiliated with the facility, a veterinarian, a practicing scientist experienced in animal research, and an individual whose primary concerns are non-scientific, such as a lawyer or ethicist. IACUC members must also evaluate procedures every year and inspect animal housing facilities.
- Research facilities must abide by legal restrictions on the imposition of pain during research.
- It is illegal for any person to knowingly sponsor or exhibit an animal in any animal fighting venture involving live birds, dogs or other mammals to which any animal was moved in interstate or foreign commerce.

The Law in the Laboratory
The AWA does govern the humane care, handling, treatment and transportation of some animals in some circumstances, including:

- Animals in laboratories (except mice, rats and birds)
- Dealers who sell animals to laboratories
- Animal exhibitors
- Carriers and intermediate handlers
- Wholesale dog and cat breeders
- Large puppy mills
- Zoos
- Circuses
- Roadside menageries
- Transporters of animals

Again, there are several exclusions:

- Retail pet stores and small- to mid-size breeders
- State and county fairs
- Livestock shows
- Rodeos
- Purebred dog and cat shows
- Fairs and exhibitions intended to advance agricultural arts and sciences
One former inspector has told of how she was instructed to limit her filings to a quarter of their true number and to maintain a “cozy” working relationship with researchers, facility owners and other licensees, regardless of the condition of the animals.

In 1990, the AWA was amended to tighten reporting requirements for Class B dealers. These dealers sell dogs and cats that they have collected from auctions, flea markets and unlicensed dealers who gather animals through free-to-good home ads or outright pet theft. In theory, this should have solved the problem of animals obtained for research by theft and misrepresentation. However, due to budgetary constraints and insufficient oversight, numerous cases of falsification of documents have rendered the reporting requirements useless.

The Animal and Plant Inspection Service (APHIS) is the division of the USDA that is responsible for inspections and the enforcement of the AWA. The allocation of resources for inspections is such that there are not nearly enough inspectors for the job—less than 100 for the entire United States with oversight for over 1,000 research institutions, 4,500 dealers, 2146 exhibitors and miscellaneous other licensees requiring inspections! Also, current inspection policies allow licensees to operate indefinitely with documented violations of AWA regulations or standards. In rare instances when USDA authorities seek to prosecute for AWA violations, judges routinely impose fines and penalties at a fraction of the authorized level.

Numerous whistleblowers—former APHIS inspectors and researchers—all report that there is considerable pressure on inspectors to work with institutions who are violating the law to improve conditions, rather than taking a stance on behalf of the animals that are receiving substandard treatment. They also report being pressured to overlook violations, to reduce the numbers of complaints they file as a result of inspections, and to keep the length and depth of their inspections to a minimum in order to cover the most territory possible in the shortest amount of time.

Animal advocates also argue that there is an inherent flaw in charging the USDA—whose mission is to promote agriculture commerce and support economic development—with the responsibility for animal protection. Such contradictory missions have the potential to limit its effectiveness, as it has already done with respect to allocating resources.

There are additional provisions that animal advocates find objectionable:

- The AWA only requires minimum—not optimal—care and handling. For example, cages need only be large enough for the animal to turn around.
- The AWA states that sticks with hooks (ankus) are appropriate to use to handle elephants.
- Equine animals are specifically denied coverage if they are used in entertainment events.
- There are no regulations that govern the conduct of an experiment after its approval by an IACUC.

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In addition to the Animal Welfare Act, only one other federal law involves the treatment of animals used in biomedical research—the Chimpanzee Health Improvement and Maintenance (CHIMP) Act.

In 1997, NAVS spearheaded the effort to introduce the CHIMP Act in collaboration with a number of other national animal protection organizations. Signed into law by President Bill Clinton in December 2000, the CHIMP Act allows for the establishment of a national “retirement” sanctuary system for the surplus of chimpanzees that are no longer used or considered to be useful for research.

The intent of the legislation was to create a “win-win” situation for everyone, with scientists and animal advocates working together to formulate a plan that would improve the quality of life of the chimpanzees while ensuring the most effective use of taxpayer dollars.

But like the Animal Welfare Act, these reforms were significantly diluted by amendments and exclusions. The CHIMP Act fell victim to last-minute concerns by some legislators, who felt that making a large number of chimpanzees unavailable for research would compromise medical progress if they were suddenly needed because of some crisis.

As a result, amendments to the legislation established a procedure that would allow research to be conducted on permanently retired chimpanzees, but only under very limited and unlikely circumstances. A proposed amendment to the CHIMP Act, introduced in 2007, would remove the language that currently permits chimpanzees to be
The CHIMP Act provides for a national chimpanzee retirement sanctuary system.

returned to research. This would guarantee that all chimpanzees, once retired, would remain in the sanctuary system permanently.

Once the CHIMP Act passed, which created a public-private partnership, the National Institutes of Health (NIH) became responsible for implementing it. Like the Animal Welfare Act being enforced by the USDA, this appeared to be another case of the fox guarding the henhouse, with an agency that supports animal research with hundreds of millions of dollars in grants each year in charge of taking animals out of research.

In September 2002, the NIH announced that it had awarded the contract to operate a chimpanzee sanctuary and to oversee the lifetime care of chimpanzees to Chimp Haven, Inc., a private, non-profit organization located near Shreveport, Louisiana. Since that time, Chimp Haven has opened its doors to more than 100 chimpanzees. In 2007, the NIH’s National Center for Research Resources, citing financial reasons, announced that it will stop breeding government-owned chimpanzees for research, making permanent its long-standing moratorium on breeding chimpanzees.

The long struggle to ensure a safe and peaceful retirement for chimpanzees that have spent a lifetime behind the bars of a laboratory cage, culminated by the CHIMP Act, is an example of how the law can work for animals. In this case, diligence and positive dialogue ensured an appropriate balance between the interests of people and the interests of animals.

The state of chimpanzee research around the world.

Although chimpanzee research continues in the U.S., a number of countries around the world have banned the practice. In 1999, New Zealand became the first nation to ban research on chimpanzees, followed by the Netherlands in 2002, Sweden in 2003 and Austria in 2006. In 1997, Great Britain stopped granting licenses for chimpanzee research, and Japan has a strong moratorium on chimpanzee research.
Under current law, animals are considered property. Are they also human inventions? Yes, according to the U.S. Patent and Trademark Office, which has been issuing patents for genetically engineered animals since 1988. Genetically engineered animals have introduced a whole new set of issues to the world of science, ethics and animal law.

Genetically engineered animals are created with certain genetic characteristics to suit a specific purpose. Biomedical researchers claim that these animals are superior models of human disease. The agricultural industry uses genetic manipulation to create super-producing livestock.

There are two types of genetically engineered animals. Transgenics are genetically engineered animals that carry genes from another species. Knock-outs are animals that have had one or more of their genes removed to create a specific defect. Scientists have also inserted some genetically engineered animals with human genes because it is perceived that they would then mimic more accurately the effects of human disease.

Chimeras, or chimeric animals, are artificially produced by physically mixing cells from two different organisms. In 1984, a chimeric geep was produced by combining embryos from a goat and a sheep. The first human-animal chimera was produced by Chinese scientists in 2003 by fusing human cells with rabbit eggs. The chimeras were allowed to develop for a few days before they were destroyed to harvest their stem cells. In 2007, British regulators moved to permit in principle the creation of cytoplastic hybrid embryos, or cybrids. To create cybrids, human DNA is injected into a hollowed out animal egg cell, making them 99.9 percent human and 0.1 percent non-human animal.

None of these animals has ever existed before in nature; they are a unique creation of laboratory scientists. And they have the potential to bring unprecedented profits to a research institution or agribusiness entity that may hold a patent on such a creation.

Conveniently, the Patent Office, without congressional backing, decided in 1987—just one year before it issued a patent to Harvard University for the Oncomouse—that it “now considers non-naturally occurring, non-human, multi-cellular living organisms, including animals, to be patentable subject matter.” The Oncomouse is a mouse that has been genetically manipulated to develop cancers mimicking human disease.

Imagine the enormous market value of the patented Oncomouse, which is marketed by Harvard University through the DuPont Company. An institution engaging in cancer research that wishes to use the Oncomouse is required by law to ask permission from, and usually pay a fee or royalty to, the patent holder. The huge financial benefits in developing patentable transgenics and knock-outs have apparently not gone unnoticed by the scientific community and livestock industry. Since the Patent Office made its announcement in 1987, over 660 patents have been granted on genetically engineered animals, including not just mice but rats, rabbits, cats, dogs, chimpanzees, horses, pigs and frogs.

A coalition of animal advocacy groups has challenged a U.S. patent involving rabbits whose eyes are fixed open and then intentionally damaged to serve as models for corneal epithelial damage on humans. Both the process to inflict damage to the animals’ corneas, and the damaged animals themselves, are claimed under this patent. Furthermore, the patent covers any non-human mammal or fowl that has had this damage inflicted upon them. This is just one example of how animal patents provide an incentive to hurt animals for economic gain—thus turning injury to an animal into a business.

Given the profit potential of these animals, it should come as no surprise that hundreds of millions of animals are being mass produced with almost no regard for the fact that they are sentient creatures. Moreover, a high failure rate is inherent in the process of creating genetically engineered animals. Countless numbers of animals are bred and disposed of in the search for the precise genetic manipulation that will result in a “successful” product—with no accountability.

The issue of genetically engineered animals is a case in point of how scientific discovery precedes discussion of the...
It’s more than genes that are being manipulated.

ethical and social issues involved. Today, there is still little, if any, public debate and discussion on the ethics of manipulating genes to create new species of animals. Nor is there any U.S. federal law regulating the production of genetically engineered animals. Yet, a 2004 Opinion Research Corp. survey commissioned by the American Anti-Vivisection Society revealed that two out of three Americans believe it is unethical for the government to issue patents on animals as if they were human inventions. Bringing this issue to the forefront will likely spark profound questions, such as:

- Do scientists have the right to create new species of animals through genetic manipulation?
- Does the insertion of human genes in an animal make an animal more human?
- Does the insertion of animal genes in a human make the human more of a non-human animal? And how does this blur the line between “personhood” and “property,” if at all?
- Do anti-cruelty statutes apply to genetically engineered animals that are considered “failures” and are not used in research?
- Should human-animal chimeras be produced—and for what purpose?
- Will cloning on a massive scale threaten our planet’s biodiversity by causing other, less “desirable” species to disappear, thus reducing the pool of available genes on Earth?

The “lost” animals of transgenic research

With eight private companies and countless universities engaged in transgenic animal production, the number of mice and rats bred each year for their transgenic properties must certainly number in the millions.

One estimate given for successful breeding of these transgenics is that only 10-30 percent of animals bred will inherit the transgenic characteristics that researchers demand. What happens to all the “rejects” who fail to inherit the right characteristics? The disposal of these unwanted animals is addressed by the IACUC, which defers to the Guide for the Care and Use of Laboratory Animals, which in turn defers to the judgment of the American Veterinary Medical Association (AVMA) in determining the appropriate means for euthanasia.

According to the AVMA, “failure to list or recommend a means of euthanasia in these guidelines does not categorically condemn its use…. ” Millions of animal are being killed under these vague standards, using means that range from shredders to having their necks snapped. This occurs in spite of alleged institutional oversight to protect animals against inhumane treatment.
While the Federal Food, Drug and Cosmetic Act requires animal testing for pharmaceutical drugs and other chemical compounds that change the structure and function of the human body, it does not specifically require animal testing on cosmetics. However, it does require that manufacturers of cosmetics substantiate the safety of their products. Traditionally, manufacturers have used animal tests, such as the Draize and LD-50 tests, to provide this substantiation.

Rats, mice, rabbits and guinea pigs are the most commonly used species in product testing. Rabbits are used most extensively in eye irritancy tests because their eyes are large.

The tests attempt to determine the potential harm a substance can do to a living creature when ingested or inhaled, or otherwise comes into contact with the body. They include eye and skin irritancy tests, as well as tests which determine the internal effects of a substance.

The most frequently used animal tests for cosmetics include various versions of the Draize eye and skin irritancy tests, and the LD-50 test. All of these tests were designed in the mid-1900s and have long been criticized for their cruelty and subjectivity.

The Draize tests attempt to measure the potential harmfulness of chemicals to humans by observing the damage they cause to the eyes and skin of animals. In the Draize test for eye irritancy, various concentrations of products are applied directly into the animals’ eyes, which can cause intense burning, itching and pain.

In the Draize tests for skin irritancy, test substances are applied to shaved and abraded skin, which is then covered with plastic sheeting. (Skin is abraded by firmly pressing adhesive tape onto the animal’s body and repeatedly stripping it off until several layers of skin have been removed.)

The LD-50 test is used to measure the acute toxicity levels of certain ingredients on live animals. LD-50 stands for Lethal Dose 50 Percent—the amount of concentration of a substance that will kill half of a test group of animals within a specified time period when that substance is forcibly ingested, inhaled or otherwise exposed to an animal.

Manufacturers of cosmetics do have the option of using non-animal methods to produce safety data. But as animal testing has become a standard, accepted practice, manufacturers use it as a convenient way to make sure they have the appropriate data to present in court in case of a lawsuit. In these litigious times, many companies continue to rely on animal testing as a legal safety net, even though it is not required by law.

Yet the use of animals in cosmetics testing remains controversial. The LD-50 test has been banned in parts of Europe, and animal testing on cosmetics is banned in the Netherlands, Belgium and the United Kingdom. In 2002, the European Union passed a law banning the sale of cosmetic products that have been tested on animals, whether or not they have been produced in the EU. Beginning in
Cosmetics are the noteworthy exception to the animal testing requirement.

2009, all companies will be required to use non-animal alternatives. Tests for which no non-animal method exists will be given a grace period until 2013.

In the U.S., the Environmental Protection Agency (EPA) no longer supports use of the LD-50 test. The FDA does not use the test any longer, although it continues to accept LD-50 test data from manufacturers.

One of the reasons why European countries have moved more quickly than the U.S. in banning product testing on animals is that they have issued laws, or directives, that companies are required to follow. While the FDA asserts that it is a strong advocate of methodologies for the refinement, reduction and replacement of animal tests, the agency continues to accept the results of animal tests to substantiate safety, and gives companies control over the decision as to whether or not to use animals. Thus, companies have no incentive to change their practices. An FDA statement reads:

**Animal testing by manufacturers seeking to market new products may be used to establish product safety. In some cases, after considering available alternatives, companies may determine that animal testing is necessary to assure the safety of a product or ingredient.**

Some progress has been made at the federal level with regard to fostering the development of alternatives to animal testing. In 1997, the FDA joined with 13 other federal agencies to form the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM). ICCVAM and its supporting center, the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM), coordinate the development, validation, acceptance and harmonization of alternative toxicological test methods through the U.S. federal government. However, because the process is long and arduous, only a handful of methods have been officially validated. Recently, a few states have taken the initiative in addressing animal testing and encourage the use of non-animal alternatives. California became the first state to enact legislation prohibiting the use of animal testing for which there has been a non-animal alternative testing method validated by the ICCVAM. Arizona, New Jersey and New York have followed California’s lead by introducing similar legislation. None of the legislation applies to any animal testing conducted for the use of medical research.

**Setting a New Standard for Safety Testing**

Manufacturers have claimed that animal testing of personal care and pharmaceutical products proves their safety in humans in case of a lawsuit. However, recent court rulings have significantly weakened their ability to use this argument.

A landmark case involving the reliance on scientific evidence, *Daubert v. Merrell Dow Pharmaceuticals, Inc.* (1993), set a standard for review of that evidence that requires a greater degree of scientific accountability in presenting such data.

This standard, or test, identified four factors that can be considered in determining the admissibility of scientific evidence: 1) whether the theory or technique can be and has been tested; 2) whether it has been subjected to peer review and publication; 3) whether the technique has a high known or potential rate of error or whether there are standards controlling the technique’s operation; and 4) whether it enjoys “general acceptance.”

Since the *Daubert* test has been applied to animal research, admissibility of the evidence of animal testing has declined. In a recent case, *Soldo v. Sandoz Pharmaceutical Corporation* (2003), the court specifically found that “animal studies do not present a scientifically reliable basis for the causation opinion of plaintiff’s experts.” The court held that plaintiff’s experts’ failure to take into account critical differences between animal data and human experience—including but not limited to extrapolation in dosing—rendered their methodology scientifically invalid and unreliable.

Not all state courts apply the *Daubert* test to the admissibility of scientific evidence, but a vast majority of jurisdictions do. And the outcomes show promise in sparing animals as the courts articulate the unreliability of extrapolating the results of animal testing data to humans.
The practice of dissection—cutting up dead animals—in schools causes the suffering and death of fewer animals than the practice of vivisection, which is the cutting up of a living animal. Yet it can be argued that in terms of perpetuating a mindset that is blind to the cruelty of animal experimentation, it perhaps has the most far-reaching of consequences. The student who learns compassion at a young age grows up to act compassionately, and vice versa. Little is learned in the dissection exercise that couldn't be learned through a computer simulation or other non-animal alternative—except, perhaps the worst lesson of all: that life is cheap, expendable and not worthy of compassion or respect.

While animal dissection has been an established part of the U.S. educational system since the 1920s, there is no federal or state law that mandates the exercise in public schools, and not all schools participate in dissection activities. Some states are only now coming to terms with the concept that the pursuit of compassion is at least as important as the pursuit of knowledge. Others have long incorporated consideration for animals as part of their code of conduct.

Five states—California, Illinois, Louisiana, New York and Washington—require instruction in the worth of all living creatures and the humane treatment of animals, and others are currently examining legislation that would revise education laws to include ethical concerns such as the humane treatment of pets and other animals. Florida, Massachusetts, Maine and New York prohibit or restrict experiments on live animals in their schools.

While these laws appear to address the harm done to animals by dissection, they do not. Nor does the law consider the harm done to the ecosystem in collecting some animals, such as fish and frogs. Neither does the law address the role of animal shelters that sell euthanized animals to biological supply houses—often on a demand basis that may conflict with a chartered mission to adopt out as many animals as possible.

As we have seen so often before, the laws that apply to dissection are not designed to protect animals; rather, they are designed to protect people; in this case, the civil rights of students who object to dissection on religious and/or ethical grounds. These laws are commonly known as “student choice” laws. Student choice laws have been passed in nine states—California, Florida, Illinois, New York, New Jersey, Oregon, Pennsylvania, Rhode Island and Virginia. And hundreds of school districts and boards also have student choice policies. These laws and policies guarantee the right of a student who has a moral objection to dissection to use a non-animal alternative without a grade reduction.

All apply only to students through grade twelve, and some apply only to public school students. On the undergraduate and post-graduate level, where student choice laws do not apply, an increasing number of students are speaking out against dissection.

This is considerable progress. Even just a few years ago, students who objected to dissection were, as a rule, scorned, ridiculed and given failing grades for refusing to dissect. More recently, students in states without student choice...
Students who object to animal dissection have sparked new “student choice” laws and policies.

laws are frequently accommodated in their requests for non-animal alternatives to dissection—if not immediately, when they assert their decision to take further action. Most mandatory dissection cases settle soon after they are filed.

Certainly, the fact that high-quality non-animal alternatives are more widely available has bolstered the case against animal dissection. Thanks to computer technology, there are now interactive, virtual reality programs that simulate the experience to an extent never before possible. The high caliber of alternatives has made the argument that students are not getting an adequate learning experience far less credible. In fact, many universities have forsaken dissection as a mandatory teaching practice, and others have adopted policies that allow for alternative procedures.

As more students, parents and educators challenge the requirement of animal dissection, the pressure will be on school districts to develop policies that accommodate these students—and for more states to pass student choice laws. Equally important, more educators will have the opportunity to discover that non-animal alternatives provide an outstanding learning experience without causing animal suffering, harming the environment or discouraging compassionate young people from careers in life sciences because they don’t want to dissect.

Reaching out to students who object to dissection

In the late 1980s, California teenager Jenifer Graham refused to dissect in her high school, citing her own deeply held moral beliefs and her mother’s religious beliefs in the universal brotherhood of life. After the school informed her that her grade would be lowered and a notation put in her record if she didn’t dissect, Jenifer and her mother filed a lawsuit against the Board of Trustees of the high school. Eventually the case, which made national headlines and became the subject of an afternoon television special, was settled. And her lawsuit prompted the first state law that protects a student’s right not to harm animals in the classroom.

In the wake of the California victory, the Animal Legal Defense Fund (ALDF) began sponsoring a national, toll-free Students Against Dissection hotline with a grant from the National Anti-Vivisection Society. Under the direction of Jenifer’s mother, Pat Graham, the hotline provided students with information on alternative methods of study as well as personal guidance on how to approach teachers and other school officials about their objection to dissection. As the hotline evolved from being a legal resource requiring ALDF’s legal expertise to more of a counseling service, NAVS took over the hotline and added the Dissection Alternatives Loan Program to provide an additional solution to students who didn’t want to dissect. In 2006, both programs were combined and restructured under the name BioLEAP—Biology Education Advancement Program.
Consider that more than 10 billion farm animals are raised for meat, eggs and dairy products annually in the U.S, representing by far the vast majority of animals—96 percent—killed in this country every year. Yet, like animals used in research, animals used for food and food production have virtually no legal protection from cruel treatment. In fact, no federal legal protection exists for animals when they are raised on the farm.

The plight of animals in agriculture is similar to that of animals in research, where powerful economic interests and a fierce defense of the status quo work strongly against improving conditions for animals.

According to the U.S. Department of Agriculture (USDA), animal products account for more than half of the value of U.S. agriculture products, exceeding $100 billion a year. There are powerful economic interests at play in the world of agribusiness—and none of them benefit the billions of animals that generate the profits.

There are only three federal laws that deal with farm animals. The Animal Welfare Act, which we have discussed in detail in earlier chapters, completely exempts farm animals from its provisions. The other two federal laws also fall far, far short of providing any meaningful protection for farm animals.

The Twenty-Eight Hour Law of 1877, repealed and reenacted in an amended form in 1994, states that animals transported by “rail carrier, express carrier or common carrier may not be confined in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water and rest.” However, it does not apply to transportation by air or sea, or to transportation within a state. Additionally, the law may be enforced only by the Attorney General, with a maximum penalty of $500—a miniscule fine for a large business.

The Humane Slaughter Act, which is made up of regulations that specify the treatment of animals at the slaughterhouse before and during slaughter, including detailed instructions for each method of rendering an animal unconscious, is also notable for its exemptions which include all poultry slaughter. Yet poultry represents 95 percent of farm animals slaughtered in the U.S. The law also applies only to federally inspected slaughterhouses, and is almost impossible to enforce due to the large number of animals slaughtered every day.

In fact, the existing law is so ineffective that Congress felt compelled to pass the Humane Slaughter Enforcement Act (as part of the farm bill signed into law by President George W. Bush on May 13, 2002) to mandate the enforcement of the original Act.

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A Horse of a Different Color

In the past, horses served only as livestock—that is animals that were used in a commercial enterprise. Today, however, many people keep horses as companions. So they can be either livestock or pets, depending upon how they are ‘used.’

This duality is addressed by applying the law to horses in terms of their role. If a horse is used commercially, then it is considered livestock, and the same laws apply for a cow, goat or pig. However, if horses are kept for companionship, they are considered pets, and thus included in some state anti-cruelty statutes. In some states, horses are considered companion animals unless specifically used in a farming environment.
Animals raised for food fare no better under the law than animals in research.

At the same time, there is some good news for animals. A few states—notably Arizona, California and Florida—have taken the initiative to ban specific farm practices that, if they were not exempt, would be in clear violation of anti-cruelty statutes. Florida, for example, has banned gestation crates. Such action at the state level demonstrates how creative solutions can improve the living conditions of animals.

Another positive trend is that major corporations are responding to consumer concern about abusive farming practices and implementing reforms that are helping to improve animal welfare. For example:

- Smithfield Foods, the largest pork producer in the U.S., and Maple Leaf Farms, the largest in Canada, have announced that they are both phasing out their confinement of breeding pigs in gestation crates.
- Two of the country’s largest veal producers (Strauss Veal and Marcho Farms) are now ending their confinement of calves in veal crates.
- McDonald’s has advised its poultry suppliers to phase out the practice of growth-stimulating antibiotics—or face losing the company’s business.
- Whole Foods Market and Wild Oats Natural Marketplace refuse to sell eggs from caged hens.
- Ben & Jerry’s has implemented a phase-out of its use of battery-cage eggs in its ice cream.
- Celebrity chef Wolfgang Puck has implemented a wide-ranging animal welfare plan for all of his restaurants.

Some “accepted”—and perfectly legal—farming practices in the U.S.

- **Battery cages:** Nearly 300 million egg-laying hens live in barren, wire cages so restrictive that the birds cannot even spread their wings, much less engage in many natural behaviors, such as nesting, dust bathing, perching and walking.

- **Debeaking:** Tools are used to cut through bone, cartilage and soft tissue of young chickens to prevent them from pecking others in their overcrowded areas.

- **Gestation crates:** Breeding pigs are confined in two-foot-wide gestation crates, unable to turn around, exercise or engage in nearly any of their natural behaviors.

- **Veal crates and stalls:** Young male calves raised for veal are tethered inside individual crates or stalls so small that they can’t turn around during their entire 16- to 18-week lives before slaughter.

- **Force feeding:** Ducks and geese are repeatedly force-fed grossly unnatural amounts of food through pipes thrust down their throats to enlarge their livers for production of foie gras.

- **Poultry slaughter:** Chickens and turkeys are shackled upside down by their legs on a fast-moving mechanized line, and, while still conscious, they are dragged through an electrified vat of water designed to immobilize them, and then passed over an automated neck slicer.

- **Forced molting:** Egg-laying hens are deprived of food and daylight for ten to 14 days at the end of the egg laying cycle, which forces the birds to molt and replace feathers so that they will lay another egg much more quickly than they naturally would. The practice increases the stress and suffering of the bird and results in less healthy eggs.
When compared to laws related to animals in research or agriculture, laws related to companion animals demonstrate considerably more progress. That’s not surprising, since in this arena, animals have evolved from mere “usefulness” to being cherished members of the family. This has sparked a concerted effort to increase the value of companion animals in recognition of their value beyond merely the cost of replacement.

Unlike the “invisible” mouse in the laboratory or cow in the slaughterhouse, the personal relationship between human and companion animal imparts a certain intrinsic value that has been reflected in laws and legislative efforts in several areas, three of which are highlighted here: 1) estate planning, 2) disaster planning and 3) domestic violence.

The new concept of pet trusts.

Many people who share their home with an animal companion(s) worry that their pets will outlive them, and therefore have attempted to make arrangements for the care of their animals when they are no longer there.

These problems are now being addressed as a result of new provisions in estate planning laws that are being passed in a number of states. These new provisions allow for the creation of a pet trust for the benefit of a companion animal that will stand up in a court of law.

It’s the enforceability of these pet trusts that sets them apart from provisions that people have attempted to make for animals in the past. Having an enforceable trust provision means that an executor of an estate can replace the caretaker if neglect is uncovered, since the trust is clearly designated for the benefit of the animals.

More than 20 states have adopted pet trust laws.

In order to qualify for Federal Emergency Management Agency (FEMA) funding, a city or state is required to submit a plan detailing its disaster preparedness program. The Pets Evacuation and Transportation Standards (PETS) Act requires that state and local emergency preparedness authorities include how they will accommodate households with pets or service animals when presenting these plans to FEMA, or face a loss of federal funding.

The PETS Act was introduced in the House of Representatives in September 2005, which passed it in May 2006. The Senate passed it in August 2006. President George W. Bush signed it into law on October 6, 2006. The speed with which this bill was passed—only slightly more than a year, as opposed to over five years for the CHIMP Act—illustrates again how important pets are to people.

Including companion animals in domestic orders of protection.

Like many of the victims of Hurricane Katrina, who risked their own personal safety rather than evacuate their home without their companion animals, many victims of domestic violence remain in abusive situations because they, too, are afraid to leave their pets behind.

Recognizing that protecting the animal victims can help protect the human victims of domestic violence, several states have introduced legislation that ensures protection for companion animals in domestic abuse cases. Maine, New York and Vermont, followed by Connecticut, were the first states that adopted laws that allow courts to issue an order of protection for companion animals in domestic abuse cases. Currently, 14 states have such laws.
The close bond between people and their pets has resulted in stronger legal protection for the animals who share our homes and hearts.

Taking a bite out of breed-specific laws.

One may assume that animal advocates generally agree on the issues and challenges of seeking justice for all living creatures. The controversial issue of passing breed-specific laws is one example of how animal advocates can be found on both “sides” of the law.

Many local governments have enacted breed-specific laws. These laws are based on the breed of a particular dog, as opposed to the conduct of the dog. Pit bull type dogs and Rottweillers have been targeted in particular, because they account for 75 percent of all reported canine-inflicted human deaths in the past two decades—not to mention the negative media attention they have received.

In the U.S., some jurisdictions have banned so-called “bully” breeds, while others regulate them. For example, in some places it is illegal to import, breed or sell pit bull terriers. Regulations also include provisions that pit bull terriers must be registered, kept muzzled and on a lead when in public places, and neutered (to control aggression). Some localities also require pit bull (and other targeted breeds) owners to carry substantial levels of canine liability insurance. On the other hand, a number of states, including California, have passed laws forbidding the banning of specific breeds.

The development of breed-specific legislation has created some interesting legal questions. For example, answering the question, “what is a pit bull?” is not easy because the pit bull is not a specific breed. Instead it is a general, catchall term for a certain kind of dog bred for fighting (usually a terrier or terrier mix), and it can be very difficult to identify specifically the exact breed of a dog.

Upon what criteria, then, does one apply the law? What’s more, banning certain breeds does not prevent a person from obtaining an equally dangerous dog that is not on the list of those that have been banned. Should all large, formidable dogs then be banned? Again, applying the law becomes problematic, since there is a huge difference between a junk yard German Shepherd and one that has been trained as a service dog.

Opponents of breed-specific laws also point out that banning a certain breed infringes on the rights of responsible owners of these breeds to have them. They argue that a better solution would be to target chronically irresponsible dog owners with a combination of animal control ordinances, educational efforts and increased liability for the owners of dogs that attack. Further, they assert, breed-specific laws, which restrict or punish the masses based on the actions of a few, run counter to the principles of equal protection upon which our country was founded.
How can you put your compassion into action? You’ve already taken the first step—by reading A New Perspective!

- Understand the legal system and how it impacts the treatment of animals under our system of government.
- Learn the government agencies, their functions and their jurisdictions. Knowledge of how our government works helps in making appropriate comments to the most effective agency or individual in impacting a particular legal action regarding animals.
- Familiarize yourself with the local and state laws concerning animals, local anti-cruelty statutes and policies on the use of animals from pounds. You can find state laws by going to www.AnimalLaw.com. You can find your local laws by going to www.municode.com.
- Keep informed about the issues. You’ll find it easier to pinpoint the right government body at which to direct your praise or protest. This can be as easy as making one phone call. And be sure to visit NAVS’ Advocacy Center by going to www.navs.org and clicking on “Advocacy Center.” You’ll find a list of current state and federal legislation that needs your attention.
- Contact the appropriate parties via calls, letters or e-mails to voice your concerns.
- Obtain a copy of the Animal Welfare Act by going to www.AnimalLaw.com and clicking on the link to the Animal Welfare Act under Other Animal Law Sites. Or you can call the U.S. Department of Agriculture (USDA) at 301-734-7833. Keep a copy of the Animal Welfare Act and any local ordinances affecting animals on hand for when a circus, performing act or other animal exhibition comes to your area. Call the USDA in your area if you see any violations and make a formal complaint.
- Join the National Anti-Vivisection Society. Through our various campaigns, programs and ongoing monitoring of developments in the legal arena, NAVS offers our members the opportunity for their voices to be heard in the most effective way possible.

What You Can Do...

To learn about pending animal-related legislation.

How you can use the power of the law for animals.

What You Can Do...

If your child is told that he/she must dissect an animal to pass science class.

1. Find out if your state has a student choice law by going to www.navs.org. If your state does have a student choice law, all you'll need to do is inform the school that it is obligated to abide by the law.

2. If your state does not have a student choice law, begin by asking the school for a change in policy.

3. If you have more than one child who will be faced with this dilemma, it may be prudent to move beyond the school to the school district, and even beyond the school district to the state.

4. Call the NAVS Dissection Hotline (1-800-922-FROG) or e-mail NAVS (navs@navs.org) for advice about your options.

5. Click on the BioLEAP section of our website www.navs.org for more information on non-animal alternatives.

What You Can Do...

To get your voice for animals heard above the rest.

- Get to know your own legislators, as well as their staff people. This will enable you to have a greater impact with your communications by personalizing your letters and phone calls.

- Investigate your legislators’ voting record and let them know you care about how they vote on animal issues.

- When discussing your position, attach any relevant articles, reports or factual information to bolster your credibility.

- Be polite but persistent, and follow up after your initial communication to see what is happening.

- Enlist other individuals and groups in your campaign to expand your outreach. Peaceful protests, petitions and rallies will get the attention of your legislators, as well as other legislators.
As one of the most effective animal advocacy organizations in the United States, NAVS has played an important role in the daily struggle to gain compassion, respect and justice for the non-human animals with whom we share our world. NAVS focuses on informing the public about the cruelty and waste of animal experimentation and changing attitudes about the treatment of animals.

We believe that education is the key to accomplishing our ultimate goal, which is to bring about an end to the practice of animal experimentation. Our publications, award-winning public service announcements, website and other communications are designed to disseminate authoritative information that sparks constructive dialogue to legislators, policy makers and other decision-making officials.

Our commitment to ending animal experimentation has led us to work for change through our legal and legislative system. In addition to continuously monitoring legal and legislative developments, we support a number of ongoing programs that harness the power of the law on behalf of animals. These include:

**Legal and Legislative Programs**

**AnimalLaw.com**

This comprehensive web site provides a complete listing of laws and legislation on animal law issues in all 50 states and the federal government. AnimalLaw.com provides information concerning animal cruelty, animal control, laboratory animal welfare, the use of animals in education, product testing and the laboratory, as well as general animal welfare.

AnimalLaw.com also includes case law digests, providing summaries of current case law broken down by topic on a variety of animal law issues. This feature is particularly important because it provides animal advocates with a better understanding of how the law is being applied in many different areas of practice. While the law section spells out the statutory law, the case law section demonstrates how the courts are applying that law, presented state-by-state within each category.

AnimalLaw.com is designed to serve as a clearinghouse for animal-related legal information, as well as a source of guidance for individuals who wish to become advocates for animal issues. AnimalLaw.com utilizes information contained on state and federal websites to link directly to official public access sources for law and legislation.

Additionally, model laws are provided to assist legislators and advocates who wish to enact animal protection measures at the local or state level. A bibliography of animal law resources, updated quarterly, offers a comprehensive list of publications on many aspects of the emerging field of animal law.

**The International Institute for Animal Law (IIAL)**

The International Institute for Animal Law has been established by NAVS to encourage the development of legal scholarship and advocacy skills on behalf of animals. The Institute is a not-for-profit organization composed of a renowned and experienced group of attorneys and judges from around the world. It is dedicated to creating and supporting programs that will enhance the development of laws that protect animals.

The Institute fosters scholarly discussion of the varied and complex issues surrounding the relationship between human and non-human animals. It addresses the issue of animal advocacy by sponsoring joint programs with law schools and bar associations.

Visit [www.animallawintl.org](http://www.animallawintl.org) for more information.
Leading the way in education and advocacy.

The National Research Library for Animal Advocacy

A joint project of NAVS and The John Marshall Law School in Chicago, the National Research Library for Animal Advocacy provides a tangible resource for students and educators seeking information on the many facets of animal law, from its philosophical underpinnings to current case law material. The Library is located within The John Marshall Law School’s law library, with new purchases and updated journal issues being added all the time. The Bibliography of Animal Law Resources was developed in conjunction with the collection of the Library’s materials and is now available on-line at www.AnimalLaw.com and www.animallawintl.org.

Humane Education, Advocacy and Rescue Programs

BioLEAP

Biology Education Advancement Program

The first and largest lending library of non-animal life science materials, BioLEAP enables students who object to dissection to fulfill their academic requirements in a way that does not harm animals. Our state-of-the-art materials are available on a free-of-charge loan basis and include interactive, virtual reality computer simulations, videotapes, three-dimensional models, color transparencies and other dynamic materials for the elementary through the graduate level. Students and educators may choose from a wide variety of species, from humans to frogs, cats, perch, shark, rats, starfish and fetal pig.

The NAVS Dissection Hotline is the nation’s only toll-free service (1-800-922-FROG) that provides information, counseling and support for students, parents and teachers who object to dissection and want to learn about their options. It is another way that BioLEAP is leading the way in promoting humane education.

Personal Care for People Who Care

This 200+ page book is the most comprehensive guide available for cruelty-free shopping. It lists companies that do and do not test their products on animals, as well as health charities that do and do not fund animal-based research. Copies of Personal Care for People Who Care may be purchased for $15.00 (which includes shipping and handling) through our website www.navs.org or by calling 800-888-NAVS (800-888-6287).

International Foundation for Ethical Research

NAVS provides funding to the International Foundation for Ethical Research (IFER), a not-for-profit organization dedicated to supporting scientists in the development of scientifically valid alternatives to the use of animals in research. IFER grants also support post-graduate students who wish to incorporate animal welfare issues into their studies. Since it was established in 1985, IFER has awarded over $1 million in grants.

Americans For Medical Advancement

Through our support of Americans For Medical Advancement (AFMA), NAVS is helping to spread the message that animal-modeled research is scientifically unsound. AFMA is a not-for-profit organization dedicated to promoting human wellness by exposing the lost opportunities for cures and the life-threatening results of animal-modeled research.

NAVS Sanctuary Fund

The NAVS Sanctuary Fund provides emergency assistance to animal shelters and other organizations that are rescuing animals in desperate need as a result of a natural or human-made disaster. In addition to assisting in the relocation of animals released from research facilities, NAVS Sanctuary Fund grants have helped rebuild shelters destroyed by hurricanes and tornadoes, rescued animals from abusive situations, conducted wildlife rehabilitation efforts, and supported innovative spay/neuter programs. Since the NAVS Sanctuary Fund was established in 1998, over $700,000 in emergency funds have been awarded.

To learn more about NAVS or to join our efforts to save animals from being exploited in product testing, biomedical research and education, call us at 800-888-NAVS (6287) or visit us at www.navs.org
Additional Resources

To learn more about animals and the law, visit these websites:

www.AnimalLaw.com
This NAVS-sponsored website includes a searchable database of statutes, legislation, case law and model laws.

www.animallawintl.org
International Institute for Animal Law promotes the development of legal scholarship and advocacy skills on behalf of animals.

www.abanet.org/tips/animal/home.html
The Animal Law Committee of the American Bar Association Tort Trial & Insurance Practice Section. Formed in 2005, the Committee on Animal Law features links on its website to its newsletter, committee memberships, and additional resources.

www.animallaw.info
Michigan State University College of Law’s Animal Legal & Historical Web Center contains frequently asked questions and a wealth of articles, cases and commentaries on animal law.

www.aldf.org
The Animal Legal Defense Fund provides helpful links to resources for law students and professionals, as well as its own programs to help animals.

www.abolitionistapproach.com/
Rutgers University School of Law Professor Gary L. Francione maintains this website and blog on animal rights and the law.

www.tufts.edu/vet/cfa
Center for Animals and Public Policy—Tufts Cummings School of Veterinary Medicine investigates the ethical, legal, social and scientific dimensions of human-animal studies.

www.ipl.unm.edu/cwl/
Center for Wildlife Law—University of New Mexico School of Law is the only national center dedicated to education, research and analysis of state, national and international wildlife laws.

www.instituteforanimalrightslaw.org
Institute for Animal Rights Law is a program of the International Society for Animal Rights.

www.lclark.edu/org/animallaw
The National Center for Animal Law—Lewis & Clark Law School also publishes a semi-annual Animal Law Review.

www.Pet-Abuse.com
This website is an all-volunteer organization that researches and tracks incidents of criminal animal cruelty for animal advocates and humane law enforcement.

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

Dr. Martin Luther King, Jr. (1929-1968) Political activist and a leader in the American civil rights movement
The address and telephone number of the National Anti-Vivisection Society may be found on the back cover. You may obtain a copy of NAVS’ annual financial report by writing to us. In addition, residents of the following states can receive copies as follows. In Arizona: A copy of the official registration may be obtained from the Secretary of State, State of Arizona, State Capitol, 1700 West Washington 7th Floor, Phoenix, AZ 85007-2808 or by calling toll-free 800-458-5842. In California: A copy of the official financial statement may be obtained from the Attorney General’s Registry of Charitable Trusts, Department of Justice, P.O. Box 903447, Sacramento, CA 94203-4470 or by calling 916-445-2021. In Los Angeles: Information card on file with Los Angeles Police Commission. In Florida: A COPY OF THE OFFICIAL REGISTRATION (#SC-03423) AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE 1-800-435-7352, WITHIN THE STATE. In Kansas: Kansas registration number is available upon request. A copy of the financial report is on file with the Kansas Secretary of State's Office, Capitol - 2nd Floor, Topeka, KS 66612. In Maryland: Upon request, Maryland residents may obtain a copy of the current financial statement of the charity from the Secretary of State’s Office, State House, Annapolis, MD 21401 or from the charity directly. In Michigan: The charity’s Michigan registration number is available upon request. In New Jersey: INFORMATION FILED WITH THE ATTORNEY GENERAL CONCERNING THIS CHARITABLE SOLICITATION MAY BE OBTAINED FROM THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY BY CALLING 201-504-6215. In New York: Upon request the latest annual report may be obtained from the charity directly by sending a self-addressed stamped envelope to the charity’s address or by writing to the Office of Charities Registration, Department of State, 162 Washington Avenue, Albany, NY 12231. In North Carolina: A COPY OF THE LICENSE TO SOLICIT CHARITABLE CONTRIBUTIONS AS A CHARITABLE ORGANIZATION OR SPONSOR AND FINANCIAL INFORMATION OR A COPY OF THE LICENSE AND FINANCIAL INFORMATION OF THE SOLICITOR MAY BE OBTAINED FROM THE DEPARTMENT OF HUMAN SERVICES, SOLICITATION LICENSING BRANCH, BY CALLING (919) 733-4510. In Pennsylvania: A copy of the official registration and financial information may be obtained from the Pennsylvania Department of State by calling toll-free within Pennsylvania, 800-732-0999. In Virginia: A financial statement is available from the Commonwealth of Virginia, Division of Consumer Affairs, P.O. Box 1163, Richmond, VA 23209 or by calling 804-786-1343. In Washington: Financial statement is available from the Secretary of State, State of Washington, Olympia, WA 98504-9000. In West Virginia: Residents may obtain a summary of the registration and financial documents from the Secretary of State, State Capitol, Charleston, WV 25305. In Wisconsin: A copy of the charity’s financial statement disclosing assets, liabilities, fund balances, revenue, and expenses for the preceding fiscal year will be provided upon request by writing to the charity's name and address. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.