To Find Other and Better Ways: Animal Research Issues

The HSUS emerged, in part, from tensions surrounding the use of pound and shelter animals in research, and it formed at a time of significantly expanding government-funded scientific research, much of it relying on animals. In the ensuing years, public support for animal experimentation, the entrenched position and influence of institutions tied to the practice, and the increasing complexity of animal use made it a vexing and difficult issue to address.

When The HSUS began its work, staff members labored mainly on the federal humane slaughter campaign. Even so, The HSUS had a well-defined but limited agenda in relation to animal research—to keep pound, shelter, and stolen animals out of the laboratory; to campaign for the humane handling and treatment of animals used by scientists; and to develop the facts about conditions in the nation’s laboratories. The HSUS was not an antivivisection society, as Fred Myers explained in a 1958 HSUS News article. Rather, it stood for the principle that “every humane society…should be actively concerned about the treatment accorded to such a vast number of animals.” It also believed that “every individual person, and particularly everyone who endorses the use of animals in research, has a moral obligation to know the facts and to do all that can be done to protect the animals from preventable suffering.” At The HSUS’s 1958 National Leadership Convention, Myers reminded his audience that “the animal that will die six seconds from now, the animal that is dying now, the [millions of] animals that will die this year—these animals cannot wait.” For these animals, he argued, people of goodwill needed “to do now what can now be done.”

Nor did the founding staff and board members seek to make an enemy of the scientific community. In 1961, explaining why The HSUS had not been organized as an antivivisection society, Myers told one correspondent that the organization believed that scientists needed encouragement “to find other and better ways of accomplishing the ends that animals now serve,” and that it was “possible to improve the care of animals in many laboratories and that, through careful design of experiments it would be possible to reduce the number of animals necessarily used.” By the time Myers wrote this, William Russell and Rex Burch had published their seminal work, *Principles of Humane Experimental Technique* (1959), and Frederick “Doc” Thomsen recalled that the book had served as Myers’s bible as he prepared The HSUS’s first legislative initiatives concerning the humane treatment of animals in laboratories. Consistently and throughout its first half-century, The HSUS associated itself with the principles embodied in this work—that scientists, policy makers, and the public should agree upon an active program of reduction, replacement, and refinement—the Three Rs—to alleviate the suffering and, where feasible, to eliminate the use of animals in experimentation.

In the years following Myers’s death in 1963, The HSUS pushed for federal legislation to protect animals in research, testing, and education. Its investigations of the laboratory animal trade provided crucial momentum for the passage of the Laboratory Animal Welfare Act, and staff members worked to promote subsequent legislative amendments designed to extend
substantive protection to animals in laboratories. Although The HSUS had sought other goals, it nevertheless threw its full support behind passage of the amendments that transformed the Laboratory Animal Welfare Act into the AWA.

In the 1970s, after John Hoyt became president, The HSUS recruited professional staff to work on laboratory animal issues and sought to boost the status of nonanimal methods research through the formation of ISAP. By the 1980s, with the use of animals in research, testing, and education receiving tremendous public attention, the Animal Research Issues section placed its support behind the passage of the Dole-Brown amendments and appropriate implementation. It also pushed for administrative reforms within USDA and other supervisory authorities to enhance and extend the coverage of the AWA. At the same time, The HSUS continued to protest weak enforcement by USDA and took a variety of measures to enhance government accountability, successfully petitioning for regulatory coverage of farm animals (when used in biomedical research); filing an administrative petition to secure the inclusion of mice, rats, and birds under the Act; and attempting to strengthen legislative and regulatory backing for the Three Rs.

During the same period, The HSUS extended its efforts to promote a strategic approach to the development, validation, and acceptance of nonanimal methods in research. By 2004 The HSUS was pursuing a program of action very much in accord with the one it had forged in relation to animal research in its earliest years. The Animal Research Issues section was the humane movement’s strongest promoter of the integration of the Three Rs approach into both government and corporate strategies for reducing human reliance on animal use in laboratories. With its pain and distress initiative, The HSUS attempted to set the pace and tenor for a campaign that directly addressed the question of animals’ actual suffering and sought to remedy such suffering through concerted action.

The Post-1945 Context of Animal Use
Before 1954 animal protectionists had very little impact on the conduct and course of animal use in research, testing, and education in the United States. Close to a dozen antivivisection and vivisection reform societies had formed by the early years of the twentieth century, and a variety of legislative proposals surfaced in state legislatures like those of California, Illinois, Massachusetts, New York, and Pennsylvania. There were half a dozen antivivisection societies operating when The HSUS formed, but they were virtually irrelevant entities with no serious influence beyond the occasional bit of publicity. Animal experimentation in the United States flourished without any legislative restriction whatsoever.

Until 1960 or so, almost all of the bills relating to laboratory animal use that came before any legislature centered on the seizure of animals from pounds and shelters. This was an especially controversial issue within the humane community, for it struck at the heart of the mission most advocates associated with pound and shelter work—to provide animals with either a second chance at life or a dignified and painless death. Moreover, such bills generally resulted from the initiative of biomedical research interests, seeking to legalize and simplify access to dogs and cats from pounds and shelters. In the post-World War II period, with research booming and demand for animals on the rise, the medical research...

Investigators found overcrowded pens—holding 50–75 dogs each—on the premises of a Pennsylvania dealer who supplied animals to laboratories.
community pushed hard for pound access laws. In 1948 and 1949, researchers in Minnesota and Wisconsin succeeded in pushing through strict seizure laws, forcing shelters operated entirely by charitable funds to supply animals for experiments.3

Biomedical researchers’ aggressive efforts to secure pound and shelter animals antagonized humane workers, who saw these attempts as a betrayal of the basic charge of an animal organization. Responding to the situation, with a gambit that proved to be controversial, AHA President Robert Sellar attempted to negotiate with the National Society for Medical Research (NSMR), which represented the biomedical research community in these interests, hoping to secure a deal in which researchers could seek to acquire animals from publicly subsidized or operated pounds and shelters but would refrain from attempts to secure them from privately subsidized facilities of any kind. However, Sellar’s attempt to resolve the threat posed by seizure legislation to the morale and smooth functioning of the shelter community became controversial when news of the negotiations leaked out to antivivisectionists. Sellar’s subsequent death ended serious efforts to address the issue through negotiation, and the surviving AHA leadership—dominated by the leaders of large humane societies—found it difficult to resolve the ongoing tensions.4

In 1952 the representatives of member organizations at AHA’s national convention approved a resolution to develop nationwide resistance to the NSMR’s efforts. However, AHA management backed away from engagement with the issue, leading to still greater discord. Hired by Sellar to edit the AHA’s publication, the National Humane Review, Fred Myers vigorously attacked the NSMR for its policy and conduct. In short order, he clashed with AHA’s post-Sellar management, which favored a less direct and less confrontational challenge. The subsequent debate over censorship of his articles led to the showdown that resulted in Myers’s departure—along with three other AHA staff members—to found the National Humane Society, the organization that became The HSUS.5

In the years immediately following The HSUS’s formation, pound seizure was at the heart of the organization’s program activity, as it assisted local organizations in legislative and public awareness battles that pitted them against research institutions across the country. The HSUS’s efforts were handicapped by the acquiescence of several major organizations—including the ASPCA—to researchers’ demands for pound access. The HSUS worked hard to defend the interests of humane societies that did not want to operate under the burden of pound seizure requirements, helping to defeat legislation that might have required them to turn over animals to laboratories.6

Apart from these early skirmishes over pound seizure, the broader familiarity of The HSUS with laboratory animal issues came from investigations undertaken by staff members and other humane workers. In 1957 Fred Myers and Helen Jones visited medical school animal quarters in three states, observing experiments and postoperative care. In 1958, after a three-year campaign, their reports and activism concerning shipments of monkeys—dead, dying, and mutilated—coming through New York’s Idlewild (now JFK) Airport persuaded the government of India to adopt stricter guidelines for transportation and care of animals destined for use in polio research. In 1959 another animal advocate, Ann Cotrell Free, exposed the terrible conditions in which caged dogs were kept by the FDA in its Washington, D.C., facility. Free’s revelations raised concern about the prevalence of substandard treatment, housing, and care—even in a federal laboratory setting.7

During 1958 and 1959, The HSUS also sent animal caretakers to seek positions inside several California research facilities to gather evidence. The investigators took photographs and kept diaries to record the work of the scientists who employed them. Their efforts revealed gross neglect, and it was “claimed and proven,” as HSUS director Jacques Sichel wrote to one
U.S. senator, “that animals were left unattended to die after the completion of painful experiments, that live animals were thrown into garbage containers, [and] that animals were kept in their quarters and permitted to suffer without any attempt at post-operative care.” The HSUS began to prepare evidence for a complaint under the California anticruelty statute, because the California Board of Health, charged with the statute’s enforcement, failed to hold a public hearing on the matter, although it claimed to have investigated the charges thoroughly. In 1960, after The HSUS took an appeal to the California Supreme Court, three doctors sued the California branch for $240,000, alleging that The HSUS’s charges had libeled them. Interpreting the researchers’ actions as an expression of the NSMR’s recently announced strategy to destroy any humane organization that sought to promote reforms in the institutional use of animals, The HSUS fought back. Among other actions, it published a collection of the depositions. HSUS officials looked forward to the chance to see their charges of cruelty publicly aired, but, ultimately, the case went away because no decision was handed down against the branch. Even as the case disappeared, however, the widespread publicity it generated helped to create momentum for reform.8

The HSUS was active on other fronts as well. In 1961 a $10,000 grant from the Doris Duke Foundation made it possible to perform a statistical analysis of grants made in support of animal experimentation. Myers hired Westat Research Analysts to conduct a study of reduction of animal use through improved experimental design and statistical methods. In a sample of 173 research projects involving animals, reported in the 1961 Index Medicus, Westat found that 129 of them—close to 75 percent—could have reduced their use of animals through proper statistical design. Moreover, Westat concluded that only 4 percent of the 173 projects written up had been well designed and properly analyzed.9

The following year, HSUS director James T. Mehorter, a psychologist at Berkshire Community College in Massachusetts, collaborated with two medical doctors to conduct an attitudinal survey of fifteen hundred prominent opinion makers on animal use in laboratories. A majority of those surveyed supported the view that painful uses of animals should be limited and probably controlled by law.10

The Push for Federal Legislation

As it moved to establish a broad policy position on the use of animals in research, testing, and education, The HSUS set its sights on the passage of federal legislation modeled after the English Cruelty to Animals Act of 1876, which put a rudimentary system of oversight in place. Other organizations, especially Christine Stevens’s AWI, also sought to make the case for a system of regulation and restraint. From the start, however, there was a serious question about whether the movement would be able to unite around a proposal for federal legislation. Unity was necessary, many argued, to overcome the overwhelming forces that would array themselves against such a bill. Nevertheless, there were significant differences of opinion about the provisions such legislation should contain.

For a few years in the 1950s, The HSUS believed that it might be possible to prosecute laboratory workers for cruelty under ordinary state statutes. Proposals for the regulation of animal experiments began to surface in the U.S. Congress in the late 1950s. However, the emphasis placed upon the passage of humane slaughter legislation at both the federal and state levels prevented animal protection organizations from devoting their full energy to reforming laboratory animal use.11

In May 1960 Senator John Sherman Cooper (R-KY) introduced the first serious federal bill on the topic in over half a century. S. 3088 established basic record-keeping requirements, mandated comfortable and decent housing and nourishment, and called for pre- and
postprocedural anesthetic relief when it would not interfere with experimental outcomes. Painful experiments could not be conducted without proper licensure. Twelve other senators co-sponsored the bill, which was drawn up by Abe Fortas. The following month Representative Martha W. Griffiths (D-MI) introduced a companion bill, H.R. 1937, in the House. 12

The HSUS did not support the Cooper-Griffiths bill, placing the organization at odds with Christine Stevens. The Cooper-Griffiths bill proposed to place enforcement authority within the U.S. Department of Health, Education and Welfare (HEW), the same agency dispensing grants to researchers through the National Institutes of Health. The HSUS doubted that enforcement would be vigorous under the proposed arrangement and felt vindicated by its observations of the response of the FDA and HEW to the inadequate conditions Ann Cottrell Free had uncovered in an FDA laboratory. 13

The HSUS’s experience in the California episode also influenced its rejection of the Cooper-Griffiths legislation. Here, The HSUS spent thousands of dollars on investigations, court action, and educational outreach to the public and to legislators. The California law that purportedly protected animals in laboratories had never been enforced, and The HSUS thought the statute’s delegation of enforcement authority to the wrong agency (the state’s Department of Health) was the reason. 14

Instead of HEW, The HSUS wanted to explore and promote other enforcement options that did not leave oversight in the hands of any agency or department that would itself be regulated by the proposed legislation. Several subsequent bills sponsored by The HSUS (like Representative Claude Pepper’s H.R. 8077 in 1963) sought to place enforcement power within a proposed Agency for Laboratory Animal Control, a scientifically oriented agency of the Department of Justice. 15

In 1961 The HSUS backed H.R. 3556, introduced by Congressman Morgan Moulder (D-MO). This bill was a little more restrictive than the British act upon which the Cooper-Griffiths bill had been based. Among other things the Moulder bill specified that “no unanesthetized animal shall be burned, scalded, or subjected to perforation of the abdominal viscera, or to any similarly acutely painful procedure,” and that “animals used in surgery or other procedures causing pain or stress shall be given pain-relieving care.” In a single month, The HSUS sent out more than 100,000 folders about the Moulder bill to humane societies and advocates. 16

In 1962 both bills received a hearing, and Fred Myers presented extensive testimony before the House committee overseeing the legislation. Myers told of “seeing dogs in cages so small they could not stand, cats in cages with wire mesh floors so widely spaced they could not walk, stand or lie down in a normal manner, animals left unattended after surgery, or treated in ‘pigsty conditions.’” At the hearings and on national television, Myers demonstrated working models of the Blalock Press and the Noble-Collip Drum, devices used to create injuries, pain, and shock during laboratory procedures. 17

Because it, too, proposed to place enforcement authority for ensuring laboratory animal welfare within HEW, The HSUS withheld its support for the senate bill co-sponsored by senators Joseph S. Clark (D-PA) and Maurine Neuberger (D-OR) in early 1963. Instead, The HSUS promoted H.R. 4856, the legislation it drafted for Representative William J. Randall (D-MO), and H.R. 8077, the bill introduced by Pepper later the same year. These bills required that research projects use the fewest possible animals and none at all when a substitute method was available, that animals be fully anesthetized except when it could be fully
demonstrated that anesthesia would interfere with the experiment, that animals likely to suffer prolonged pain or distress in experiments be killed painlessly immediately after their completion, and that animals be kept in comfortable, clean quarters and given postoperative care comparable to that enjoyed by human patients undergoing significant procedures. The HSUS thought the Pepper and Randall bills retained all of the virtues of the Moulder legislation.

Even as the debate over federal legislative proposals continued, The HSUS extended its public outreach efforts. HSUS director Cleveland Amory's June 1 and August 3, 1963, *Saturday Evening Post* articles leveled a serious indictment of laboratory animal care in the United States. The HSUS also produced literature that made the case for oversight, like *Cruelty Retards Medical Research* and *Proof of Cruelty to Laboratory Animals*, adopting a careful approach of providing no horrifying accounts or disturbing photographs. This was part of a strategy to avoid antagonizing sensitive supporters and the scientific community it hoped to influence. With as many as eight competing bills on the subject in the Eighty-eighth Congress, the movement could not muster the same degree of unity and cooperation it had managed for the Humane Slaughter Act. Congress was also engaged in crucial debates on civil rights legislation, which pushed many other matters off of the congressional agenda. Federal protection for animals in laboratories would have to wait its turn.

The struggle continued on several other fronts. From 1960 on The HSUS collected statements from scientists and experimenters who were willing to speak frankly about avoidable pain and suffering in the laboratory and the limits of experimental methodology. The pointless infliction of pain and the suspect character of results gained from using badly stressed and neglected laboratory animals became important arguments during the campaign for federal protection for laboratory animals.

In early 1964 Amory, HSUS President Oliver Evans and investigator Frank McMahon made unannounced visits to a number of animal laboratories in New York State and took photographs to document what they saw. Several animals lay dead in their cages. Others were emaciated. Cages were overcrowded, and many animals lacked food and water. Sanitation was poor, and animals recently subjected to surgery received insufficient attention and care.

Public pressure resulted in significant developments within the scientific community. The NIH published its first *Guide to the Care and Use of Laboratory Animals* in 1963. The American Association for Accreditation of Laboratory Animal Care (AAALAC) was established in 1965, in part as an effort to shore up the claim of self-regulation. The April 1965 report of Great Britain's Littlewood Committee, appointed by the Home Office to reevaluate the control of experiments under the British Cruelty to Animals Act of 1876, also encouraged American humanitarians. HSUS spokesmen underscored the British report's emphasis on the need for increased governmental inspection, greater restrictions on the infliction of avoidable pain, and unnecessary duplication or replication of experiments.

The HSUS's unique contribution to the campaign for regulation was its five-year investigation of animal dealers who supplied laboratories. With the laboratory animal issue heating up in the early 1960s, field investigators intensified their efforts to expose the system that took animals from such random sources as dealers, auctions, pounds, and assorted other sites to medical or commercial laboratories. After Frank McMahon joined The HSUS as director of field services in
1961, he began aggressive investigations of dog dealers in a number of states, trying to generate support for a federal law to prevent cruelty to laboratory animals and the repeal of pound seizure laws like New York State’s Metcalf-Hatch Act. McMahon’s arrival marked the start of five years of intensive investigative work tied to the goal of federal and state regulation, during which time The HSUS was instrumental in securing convictions for illegal acquisition of animals, cruelty, filthy conditions, and neglect in feeding, watering, and control of disease at dealers’ establishments. In 1962 McMahon participated in the arrest of Lester Brown, a Whitehall, Maryland, animal dealer, who was later convicted of cruelty to animals. This set the stage for a more fateful encounter with Brown four years later.23

Antipathy to the Metcalf-Hatch Act led The HSUS to extend its investigations to New York State. In October 1963 McMahon and investigators from a local humane society entered the premises of Rock Mountain Valley Farm, near High Falls, with a magistrate’s warrant. McMahon arrested the proprietor, who was managing a colony of animals recovering from experimental surgeries in dirty and overcrowded conditions. Rock Mountain Valley Farm purportedly housed experimental dogs for Columbia, Cornell, and New York universities as well as for several New York City hospitals.24 While the complaint was dismissed on a technicality, The HSUS pointed to the case as evidence of the need for federal legislation to prevent cruelty to animals in laboratories and for revision or repeal of Metcalf-Hatch.

Many of the dealers who supplied laboratories operated in Pennsylvania, and HSUS investigators spent a lot of time there working with Fay Brisk of the Animal Rescue League of Berks County and other campaigners seeking to reform the traffic in animals. In 1964 The HSUS collaborated in a series of investigations of Pennsylvania dealer John Dierolf, charging that hundreds of animals on his farm were housed and fed improperly. McMahon, Brisk, and several colleagues, deputized as agents of the Animal Rescue League of Berks County, entered the Dierolf premises with a search warrant. Besides the unbelievably horrendous conditions in which the animals lived, dozens of the animals were seriously ill. Other humane society investigations revealed the state as the main crossroads of a spirited traffic in animals for research, many badly cared for by negligent dealers. McMahon was also monitoring Pennsylvania’s dog auctions, where large numbers of animals were sold without any proof of ownership.25

Testifying before representatives of the Pennsylvania Department of Agriculture, McMahon observed, “Animals held in this Commonwealth for resale to various institutions are kept under the most repugnant and appalling conditions imaginable.” Among other measures The HSUS strongly backed an enhanced dog law for the state, which McMahon called a “clearinghouse for cruelty.” In late 1965 a bill to stiffen penalties for cruelty to animals by kennel operators and others passed the Pennsylvania legislature. HSUS officials hailed Pennsylvania’s new dog law as a model for the nation. Even so, it was very difficult to get a state’s attorney to work energetically on such cases, and cruelty convictions, when secured, had limited effect. In most instances the dealer paid a $450 fine and court costs and could resume his operation unchanged.26

By the time the Pennsylvania bill passed, The HSUS’s efforts to track the traffic that sent pets to laboratories had also attracted the attention of federal legislators. The case of Teenie (or Tiny), a small black and white setter purchased by NIH from a Pennsylvania dealer, was a catalyst in the drive toward federal reform. Fay Brisk traced ownership of the dog to a Virginia man who had reported Teenie stolen in August, but NIH would not release her, claiming she was the property of the U.S. government. At that point Frank McMahon, Dale Hylton, and HSUS attorneys traced and verified the sequence of dealer transactions that had brought

Frank McMahon (left) comforts Teenie, with her owner, Garland Lloyd, after her rescue from an NIH kennel in Maryland.
Teenie to NIH, demonstrating that not even the nation’s federal research laboratories bothered to keep adequate records of the animals it acquired for experiments.27

The HSUS remained vigilant in Pennsylvania, even as federal attention to the subject increased. McMahon continued to uncover “shocking abuses and cruelty” at dog auctions, cooperating with Brisk to bring together evidence and testimony from sheriffs, policemen, dealers, informers, doctors, veterinarians, and humane agents to make the case for an act to protect dogs, cats, and some other animals being supplied to laboratories.28

The Laboratory Animal Welfare Act

In spring 1965, with events unfolding rapidly in both Pennsylvania and the U.S. Congress, The HSUS placed its support behind new legislation, H.R. 10049 and H.R. 10050, sponsored by Claude Pepper and Paul Rogers (D-FL), respectively, and largely drafted at The HSUS by “Doc” Thomsen and others. Rogers was influential within the House Subcommittee on Health and Public Safety, which planned to hold hearings on laboratory animal use, and chaired a committee investigating general HEW practices. For the first time, The HSUS supported the establishment of an Office of Laboratory Animal Welfare within HEW, independent and insulated from political pressure. The Pepper-Rogers legislation also required measures to achieve reduction, replacement, and refinement, encompassed laboratories and dealers not targeted by earlier bills, and proposed ineligibility clauses for violators. In September 1965 Senator Thomas McIntyre (D-NH) introduced S. 2576, a companion bill to Rogers’s H.R. 10050, and it, too, gained The HSUS’s endorsement.29

By that time, however, the campaign for legislation to regulate animal use in laboratories had taken a fateful turn, and a new approach quickly pushed older ones aside. Public outrage over the theft of animals for sale to medical research facilities led to a recasting of the debate. It was the trade in animals, not their treatment in laboratories, that would become the primary subject of legislation.30

On September 2, 1965, Representative W.R. Poage, champion of the Humane Slaughter Act, held a public hearing on H.R. 9743, a bill introduced on July 9 by Representative Joseph Y. Resnick (D-NY) to ban interstate shipment and sale of stolen pets. Resnick had conscripted USDA attorneys to help him craft a bill that would bypass congressional health committees. Senators Warren Magnuson (D-WA) and Joseph Clark (R-PA) immediately introduced a companion bill.31

Resnick became incensed about dog stealing after investigating the alleged theft of a family dog for sale to a Bronx research facility. Pepper, a dalmatian, disappeared from her backyard in July and was later identified in a photograph of animals being unloaded by a Pennsylvania animal dealer from his truck. Discovering that the dog had been sold to a dealer in Resnick’s home state, New York, the family appealed to him after being denied access to the facility. Resnick’s bill proposed making it a federal crime for any facility to purchase or transport dogs or cats in interstate commerce without a license from USDA, and requiring research facilities to purchase animals from licensed dealers.32

Frank McMahon was a crucial witness in the hearings on the Resnick bill. In his testimony he gave details of a sting operation in which he helped Nassau County, New York, police...
convict a dealer who bribed shelter employees on Long Island for access to impounded pets. HSUS President Oliver Evans testified, too, making a few additional recommendations. The HSUS entered a detailed record of its five-year investigation of animal dealers into the record.33

McMahon and Fay Brisk also produced a confessed dog stealer who testified for one hour before the assembled congressmen. The thief answered McMahon’s questions about methods of stealing, vehicles used, auction practices, and interstate transportation. “The HSUS has given invaluable assistance in all of my efforts to obtain enactment of this bill, especially in locating this man who has been in the dog racket,” Resnick said as the hearing closed.34

Representative Poage sponsored H.R. 12488, the bill that emerged from the committee hearing, and the research community opposed it with vigor, arguing that the proposed legislation would fatally diminish the supply of needed laboratory animals and impede medical progress. But the course of events made it impossible to overcome the momentum building toward its passage. In late January 1966 Frank McMahon, together with the Maryland State Police, organized a raid on the facilities of Whitehall, Maryland, dog dealer Lester Brown, who had been arrested for cruelty to animals four years earlier. Investigators found more than a hundred dogs, sick, injured, and starving, and—in one case—frozen to death. The veterinarian on the raid recommended immediate euthanasia of fifteen animals, and Brown was charged with twenty-nine counts of cruelty. The raid on this “Concentration Camp for Dogs” received coverage in Life magazine. The Life piece, with accompanying photographs by Stan Wayman, generated extraordinary public concern and an outpouring of constituent response.35

With the Poage bill still pending, another HSUS investigator, Declan Hogan, revealed the results of a six-month investigation of dog dealers and laboratory animal suppliers. Hogan, who posed as a potential buyer and seller of dogs, cats, and other animals, worked his way into the vast, unregulated network of wholesale dealers in laboratory animals. In a few instances, his reports provided information used to bring cruelty charges against specific dealers. However, The HSUS also used Hogan’s field notes to illustrate the need for remedial legislation at additional hearings held in March.36

Cultivating a shabby appearance and presenting himself as having a checkered background, Hogan had nevertheless been able to secure an interview with an NIH official to discuss a contract to supply animals. The NIH animal procurer gave Hogan a set of minimum standards that The HSUS already knew was not being followed by the majority of NIH suppliers and recommended a man who had been charged with cruelty to animals as having an “ideal setup” that Hogan would do well to emulate. Later on, visiting the parking lot to examine the aluminum camper that Hogan and Dale Hylton had rigged out as a disguised animal transport vehicle, the NIH man said, “Beautiful! The Humane Society will never suspect you’re an animal supplier!”37

On April 29, 1966, the U.S. House of Representatives approved an amended version of the Poage bill, with a 352–10 roll call vote. Stripped by congressmen acting at the behest of the research community, the bill covered only dogs and cats. It did not provide for mandatory inspection of dealers, and it did not extend to the laboratory environment itself.38

Now action shifted to the Senate, where Warren Magnuson made clear his intention to see a bill released from the Senate Commerce Committee, which he chaired. Opponents of protective legislation successfully stripped the Senate bill of any reach into the laboratories,
but Senator Mike Monroney (D-OK) proposed an amendment to restore coverage of animals in research institutions. A heated hearing occurred on May 25.39

The HSUS thought Monroney’s proposals for regulating usage were inadequate and feared that their adoption would “foreclose for a number of years the additional legislation which would be needed for adequate coverage of all of the problems involved.” Staff analysts were also disappointed that Monroney’s initiative removed Magnuson’s proposal to outlaw auctions—notorious sites of cruelty and illicit trade in animals. Thus, The HSUS favored the Magnuson bill without the Monroney amendments and pressed for two separate pieces of legislation, one covering animal dealers, the other designed to protect animals in research laboratories. This strategy did not find favor, and the Magnuson-Monroney proposal was reported out of the committee on June 15 and passed by the Senate on June 22 by a vote of eighty-five–zero.40

Although The HSUS had sought to strengthen or eliminate the laboratory provisions, it celebrated the passage of Poage-Magnuson. President Johnson signed the bill into law on August 16, 1966, with HSUS investigator Frank McMahon receiving a ceremonial pen. The Laboratory Animal Welfare Act was not limited to dogs and cats but extended its provisions to monkeys, guinea pigs, hamsters, and rabbits. The Act did exempt animals from coverage “during actual research or experimentation.” It placed enforcement power within USDA, which had about eight hundred veterinarians in its Animal Health Division at the time. While the Act focused on the prevention of pet theft and empowered the Secretary of Agriculture to license dealers who buy and sell dogs or cats, it also required that research facilities register with the Secretary of Agriculture, that dogs and cats be identified, and that dealers and research facilities keep records of their purchase, sale, transportation, identification, and previous owners’ shipment of the animals. In addition, it set standards for housing, feeding, and veterinary care for dogs and cats and sanitation, ventilation, and separation by species.41

McMahon represented The HSUS at meetings convened by USDA to discuss implementation. USDA officials asked for input on proper methods of transporting, caging, and identification of animals. The agency also asked for access to The HSUS’s files on dealers, and the organization complied, providing information on more than four hundred dealers, accumulated during five years of investigation. Several months later The HSUS provided detailed comments on USDA’s proposed regulations for administration and enforcement.42

At the same time, The HSUS did not feel that the Laboratory Animal Welfare Act went far enough, pointing out that it would protect only a small percentage of the millions of animals being used in research. After the Act’s passage, The HSUS pushed hard to secure prosecutions of violators, cracking down on unauthorized release to laboratories by pounds and shelters and on unlicensed dealers. Dealers fought back, sometimes with lawsuits.43

The HSUS worked hard to fend off a serious postenactment threat, the denial of congressional funding for enforcement. Time ran out on its efforts to secure legislation to extend protection into the laboratory during that session. However, at the start of the Ninetieth Congress in 1967, Oliver Evans made clear The HSUS’s intention to seek legislation that ensured reform within the research laboratories themselves.44

Because The HSUS had spent almost five years gathering evidence of misconduct and animal misery in the animal dealer trade, and because the prosecution of cases sometimes...
took years to complete, HSUS field representatives continued to be highly active as investigators and court witnesses, even after passage of the Laboratory Animal Welfare Act. McMahon and other agents also pursued efforts to have civil service status attached to the position of dog warden in key states like Pennsylvania, where agents of the Agriculture Department sometimes appeared in court to help exonerate animal suppliers from cruelty charges.

Field representatives also continued to cooperate with local humane authorities in raids on animal suppliers as part of The HSUS’s efforts to demonstrate that inadequate congressional appropriations for administration and enforcement of the Laboratory Animal Welfare Act were rendering it ineffectual. The HSUS used raids in Missouri and New Jersey—which revealed diseased and malnourished animals being held under conditions that failed to comply with the Act—as evidence for its argument that the government should discontinue licensing dealers before rigorous inspection of their facilities.

With the Laboratory Animal Welfare Act secured, The HSUS focused its efforts on extending protection to the treatment of animals during experimentation. In 1967 it supported legislation introduced by Representative Paul Rogers (D-FL) and Senator Jacob K. Javits (R-NY) that attempted to enlarge the scope of the Act. This legislation had twenty congressional and seven senate sponsors. It would have expanded the Laboratory Animal Welfare Act to include protection for all warm-blooded animals, in nearly all laboratories, and throughout any experiment in which they were involved. The Rogers-Javits bill also required the improvement of facilities, the use of anesthesia and pain-relieving drugs (where it did not defeat the purposes of the experiment), good postoperative care, and the substitution of non-sentient and less developed forms of life for higher mammals. It called for an institutional animal care committee at each laboratory and proposed assigning responsibility for enforcement to HEW. Under the proposal, mechanisms for enforcement would have been coordinated with accrediting bodies within the scientific community.

"Doc" Thomsen shared The HSUS’s view that USDA was not the logical agency to administer an act dealing with medical research. It was one thing for the agency "to administer an act regulating dog dealers, who commonly operate from farms, and with provisions relating only to the housing and care of animals." But USDA was not properly equipped "to deal with the most important provisions of a laboratory bill." In 1967 Thomsen and others could well recall USDA’s active opposition to enactment of the Humane Slaughter Act a decade earlier; the agency did not exactly inspire confidence in its desire or its ability to oversee standards of animal welfare in the complex world of laboratory animal use.

Sponsors and supporters of the Rogers-Javits bill, however, had not reckoned with the opposition of Christine Stevens of AWI, who was determined to block transfer of responsibility from USDA. Once an advocate of placing jurisdiction within HEW, she was firmly against it by 1968. While the Rogers-Javits bill had an unprecedented 38 House and Senate co-sponsors, Stevens used her considerable political influence to get it buried in committee.

In his postmortem commentary on the 1967-1968 campaigns, Thomsen admonished opponents of the Rogers-Javits bill for the misrepresentations they had made and the disharmony they had engendered. His defense of the bill emphasized its codification of an alternatives strategy, its proposal for oversight committees, and its attempts to improve housing and care. Thomsen also noted Rogers’s successful efforts to gain
broad approval from affected departments of the government, many humane groups, and important scientific constituencies.50

In 1969, attempting to satisfy discordant factions within the humane movement, Representative Rogers wrote his new version of the bill in such a way that, if enacted, it would not interfere with Public Law 89-544, the Laboratory Animal Welfare Act. The HSUS was not naïve about the prospects for enforcement within HEW but thought it would be possible to push for independent administration of the Act with the support and oversight of the bill’s legislative sponsors. The organization also pointed to cases in which USDA veterinarians had come to the defense of laboratory animal dealers on trial for cruelty.51

In the meantime HSUS investigators continued to generate evidence that the Laboratory Animal Welfare Act as it stood was not being enforced properly, and HSUS News carried accounts of substandard dealers still in operation, serving as dog wardens and animal control officers, buying animals from pounds in states where it was prohibited, securing USDA licenses with ease, transporting animals under horrible conditions, and carrying on a vigorous business at auctions and “trade days” around the country.52

While convinced that Rogers-Javits was the stronger bill, The HSUS was realistic when confronted with evidence that continuing political roadblocks would forever forestall a vote on its merits. The HSUS did not reciprocate with opposition when the legislation Christine Stevens favored was proposed in 1970 by representatives William Whitehurst (R-VA) and Thomas Foley (D-WA). Instead The HSUS threw its full support behind Foley-Whitehurst, offering suggestions for its enhancement and working effectively with legislators to ensure its passage.53

The bill that eventually resulted, H.R. 19846, was the subject of hearings on June 5 and 6, 1970, and passed the House on December 7. A Senate version was approved the next day, and, on Christmas Eve 1970, President Nixon signed the legislation into law. The Laboratory Animal Welfare Act became the Animal Welfare Act (AWA). Now the law regulated more dealers, exhibitors, and others who handled live animals and provided for enhanced housing, care, sanitation, and veterinary care for animals in laboratories, including the use of pain-killing drugs, tranquilizers, and analgesics. The 1970 law required that institutions provide pain-relieving drugs and analgesics and report their use or lack of use. Another important addition to the law was its requirement for an annual report by the Secretary of Agriculture on the administration of the AWA, "to include recommendations for legislation to improve the administration of the Act or any provisions thereof."54

Everyone in the HSUS orbit agreed that the AWA was a big step forward. However, it still exempted animals mistreated in numerous categories of activity, and it did not extend its protection to those animals actually undergoing an experimental process or procedure in a laboratory.55 Moreover, there was one component in the Rogers-Javits bill that the Foley-Whitehurst legislation did not perpetuate: a provision for replacement techniques like cell and tissue culture, computer simulation, and physicochemical (or physiochemical) analysis. The HSUS would lead the way in pushing such nonanimal methodologies in the years to come.56

1970–1990: Alternatives, Animal Liberation, and Accountability

In the 1970s new factors began to influence the debate on animal use. First was the emergence of the philosophies of animal liberation and animal rights, which provided compelling arguments for those who sought to challenge animals’ use in research and fueled some of the animal protection movement’s earliest applications of strategy and tactics characteristic of the civil rights and women’s movements. At the same time, the development of nonanimal methodologies began to flourish, fueling the claim that there were—increasingly—alternatives to at least some animal use. Some of the earliest proposed amendments to the AWA provided for the collection and dissemination of information to reduce duplication of experiments and promoted the development of substitutes for animals in testing and refinement of protocols to alleviate suffering.57
After the 1970 amendments, deliberations concerning expansion of the AWA’s coverage began to shift toward the air transportation of animals to supply the pet trade. However, occasional public scandals continued to infuse debate on the AWA’s application to laboratory animals. In 1973, for example, thousands of Americans wrote to elected officials in protest of the U.S. Air Force’s use of two hundred debarked beagle puppies for pollution studies. As it turned out, both the Air Force and the U.S. Army were using beagles in experiments. John Hoyt wrote letters to Secretary of Defense James Schlesinger and other officials seeking information on military use of animals. The replies he received, Hoyt told HSUS News readers, made clear that the Department of Defense “does not feel obliged to justify the morality of its actions.”

HSUS legal staff initiated proceedings under the Freedom of Information Act to force release of the facts concerning experiments at the Army’s chemical warfare research facility at Edgewood Arsenal in Maryland. In June 1975 The HSUS’s inquiries resulted in a restricted tour. As HSUS staff member Phyllis Wright (a one-time inspector of animal research facilities in the District of Columbia) quickly realized, Army facilities didn’t even come close to the AWA standards. Wright observed “deplorable” conditions for housing animals at the Army’s Edgewood, Maryland, installation. Among other things Wright found beagles kept in cages with wire grid floors in an unventilated building whose interior temperature exceeded 100 degrees and rhesus monkeys quarantined in cages fifteen by twenty-two by twenty-two-inch-es. Although they lacked enforcement authority, USDA inspectors subsequently confirmed Wright’s assessment, noting that while Edgewood and other federal facilities were exempt from the AWA’s provisions, the 1970 amendments did require that federal facilities maintain equivalent standards.

The issue gained further ground in the public arena with the 1975 publication of Peter Singer’s Animal Liberation, which singled out questionable examples of animal use in research, testing, and education. That same year the National Academy of Sciences sponsored a symposium to explore ethical, philosophical, and legal aspects of biomedical research. John Hoyt sounded the note of accountability that would guide The HSUS’s policy on the issue. “For too long, scientists have enjoyed the luxury of ‘doing their thing’ behind closed doors and most often they are doing it with public monies. Neither their objectives nor their techniques have had to stand the test of public scrutiny. Consequently, only rarely are they required to apply to their work ethical and moral standards other than their own.”

Even before the Air Force beagles episode, The HSUS had begun to explore the creation of a staff position specifically devoted to laboratory animal welfare. Robert C. Bay, D.V.M., a laboratory animal veterinarian and the first recipient of AWI’s Albert Schweitzer Medal in 1955, joined The HSUS in the early 1970s to work on program issues from the California office run by Mel Morse. Personality clashes with Morse made Bay’s tenure a short one, and The HSUS carried on for a few years more without a full-time staff position focusing on animal research.

It was the establishment of the Institute for the Study of Animal Problems as a research division within The HSUS that laid the groundwork for its future contributions in this arena. When Michael Fox joined The HSUS as ISAP director, he was able to trade on his academic contacts to gain access to a number of laboratories where he could continue to learn about and monitor developments in the use of animals in research, testing, and education. While at Washington University, he had been appointed to two committees of the National Academy of Sciences that focused on laboratory use, and he was able to continue on these for a time. In 1976, after Henry Spira (1927–1998) launched his first lab animal initiative, a targeted campaign against experiments conducted at New York’s Museum of Natural History, Fox visited Lester Aronson, Ph.D., head of the research project at the museum. Later he recalled that Aronson’s defense of “knowledge for knowledge’s sake” transformed his own approach to the issue.
With interest and opportunity in the field of alternatives growing, John Hoyt hired Andrew Rowan, D.Phil., as associate director for ISAP in 1978. Rowan had spent two and a half years as scientific administrator at Great Britain’s Fund for the Replacement of Animals in Medical Experiments (FRAME) and had advanced this issue in a number of academic papers, including one that addressed the reduction of primate use in vaccine development. Now Rowan became The HSUS’s leading spokesperson on the potential of nonanimal methods. “I would say that you could reduce the use of animals by 30 to 50 percent and not retard the progress of research very much,” he told the *New York Times* in 1981.65

Just after Rowan’s arrival, ISAP conducted a review of animal use in research, testing, and education to (1) test the effects of the AWA, (2) review the degree to which scientists addressed animal welfare concerns in submitting their grant applications, and (3) establish guidelines for peer review boards. The thirty-two-page report concluded that applications for research support provided review committees with insufficient information to make informed judgments about whether the proposals were in compliance with NIH guidelines for the care and use of animals in laboratories.66

The HSUS was also a critic of research at the nation’s federal primate centers, its attention having been directed by a few sympathetic primatologists to unflattering internal federal critiques. ISAP representatives provided congressional testimony and scientific review, and in 1984, building on its own assessment of the limited utility of research being conducted at the nation’s primate centers, The HSUS proposed that Congress divert funds from the centers to establish National Centers for the Development of Alternatives.67

These activities were characteristic of the steps taken to fulfill ISAP’s charge to “meet the development of laboratory animal science or laboratory animal medicine with the science of animal welfare.” As ISAP advisory board member Franklin Loew, D.V.M., noted, “This has involved expanding human understanding of non-human animals’ requirements for space, social interaction, and other environmental components on the one hand, and on the other, an increasing realization by scientists that in certain fields, animals may no longer be the best means of obtaining scientific information.”68

From the outset of Spira’s efforts, The HSUS provided crucial support to the architect of the Coalition to Ban the Draize Test and several other campaigns that targeted laboratory use. The HSUS covered numerous incidental costs associated with Spira’s campaigns and hired a Draize test coordinator to provide additional support. Rowan and other staff members gave technical and strategic advice that proved to be essential to Spira’s success, and they helped to gather much of the material used to document the test’s deficiencies and the true potential for the development of alternatives.69

The relationship with Spira was a dynamic one that exemplified the desire and willingness of HSUS officials to pursue mutually agreeable objectives with independent advocates motivated by the writings of Peter Singer (*Animal Liberation*), Tom Regan (*The Case for Animal Rights*), and other intellectual leaders of the growing social movement devoted to animals’ interests. Spira had taken Singer’s course at New York University in 1974 and consciously sought to apply the principles he learned in a succession of mid-twentieth-century social justice movements to a new cause—the elimination of animal suffering.70
Spira’s strategy and practice introduced a sophisticated reliance on the private sector’s dynamic potential, once mobilized, turning it into an instrument of change. His approach, emphasizing preliminary research and strategic preparation, precise definition of practical and achievable objectives, readiness to negotiate, determination of arenas for compromise, and magnanimity and fairness in acknowledging any positive concessions made by the targeted institutions, found favor within The HSUS. It was a model of action that appealed to key staff members and one that many would adapt for other issues in the years that followed.

The HSUS was also approached by Alan Goldberg, Ph.D., director of the Johns Hopkins Center for Alternatives to Animal Testing (CAAT), to join its advisory board. The CAAT had its origins in the agreements reached by the cosmetics testing industry and the Spira-led coalitions. For the first time, serious financial, scientific, and practical resources were being directed toward the identification and validation of alternatives to animal use in research, testing, and education. More important, through CAAT, the issue penetrated to the heart of the toxicology establishment.

The technological developments of the 1980s resulted in the proliferation of educationally and economically advantageous alternatives. Political pressure, public concern, and an appreciation of the scientific possibilities inherent in nonanimal methods research also led to an Office of Technology Assessment (OTA) study on nonanimal methods in 1986. HSUS pressure resulted in the inclusion of four animal welfare advocates on the advisory panel, and Representative Doug Walgren (D-PA) held hearings devoted exclusively to alternatives.

In the mid-1980s The HSUS completed a survey of nearly six hundred companies to verify which of them conducted animal tests. This survey formed the basis of a campaign encouraging consumers to purchase cosmetics and household products produced by companies that eschewed animal tests. Launched in 1990, The Beautiful Choice™ highlighted companies and brands whose products did not involve animal ingredients or animal testing, featuring a list of “The Beautiful Twenty-Six” in Cosmopolitan and a widely circulated HSUS Close-Up Report.

The Road to Dole-Brown

By the late 1970s and early 1980s, bills promoting the dedication of federal funds to the investigation and validation of nonanimal alternatives surfaced regularly. The HSUS, working with director Robert Welborn and Bernard Rollin, Ph.D., a philosophy professor from Colorado State University, was helping to lead the push for alternative methods of testing, specifically those that reduced laboratory animal pain and distress. As always it remained committed to advancing the humane care of laboratory animals until such time as replacement alternatives could be developed. The 1980s saw an invigorated campaign to promote additional amendments to the AWA, even as the Reagan administration sought to zero-budget inspection funding under the AWA every year. The HSUS worked with members of the Agriculture Appropriations Subcommittee to restore these funds. The cause was helped by a General Accounting Office report that revealed deficiencies in enforcement practices on the part of USDA.

In October 1981 Congressman Doug Walgren (D-PA) held hearings in his Science, Research, and Technology Subcommittee to consider animal use in research and testing. Walgren invited input from a variety of parties, including colleagues who had introduced legislation concerning alternatives or—in the case of Representative Pat Schroeder (D-CO)—measures to minimize painful experiments, establish oversight committees, and add rats and mice to the list of animals protected under the AWA. Both Fox and Rowan testified at the Walgren subcommittee hearing.
As it happened, the Walgren hearings took place just after the sensational controversy surrounding Edward Taub, Ph.D., and seventeen monkeys at his lab in Silver Spring, Maryland, came to public attention, and this case dominated the two-day hearings. The Silver Spring monkeys case—brought to light by Alex Pacheco and Ingrid Newkirk, who used it to launch their organization, People for the Ethical Treatment of Animals (PETA), to national prominence—seemed to render some legislators more open to the claim that abuse could and did occur in laboratories regulated by the federal government. Fox testified as an expert witness in the trial of Taub and his assistant, after each was charged under Maryland state law with seventeen counts of inflicting unnecessary pain and suffering on primates. Before the verdict in the trial came in, HSUS attorneys filed suit against USDA to require better enforcement of the AWA. The suit, eventually dismissed, contended that numerous serious violations of primate care standards had been present the very day that a USDA inspector had visited Taub’s Institute for Behavior Research laboratory. A further setback occurred in August 1983, when Taub’s conviction for cruelty to a laboratory animal was overturned by the Maryland Court of Appeals.77

The emergence of PETA and other animal rights groups in the early 1980s introduced many new voices and approaches to the controversy surrounding animal experimentation. These organizations also tended to campaign more aggressively than The HSUS—sometimes to good advantage, sometimes not. At its best, the work of the newer organizations did render further evidence of the failure of research institutions to maintain their compliance with required standards of due care under the AWA and of a disturbing lack of commitment by NIH and USDA to promote and enforce compliance with determination.

While The HSUS did not play the central role in any of the era’s most significant animal care scandals, its staff members did provide crucial support and technical counsel to individuals and organizations attempting to identify breaches of the AWA and other question-able laboratory practices. Michael Fox was one of five experts PETA asked to view and provide a deposition on conditions in Taub’s facility. In 1984 Fox and investigator Marc Paulhus accompanied Tallahassee, Florida, police on an authorized search of a Florida State University laboratory where cats were reportedly being deprived of water as part of an ongoing experiment.78

President Reagan’s October 1984 veto of the Walgren amendments to the NIH reauthorization bill set the stage for the struggle to enhance the AWA to ensure greater protection for animals in American laboratories. Walgren’s bill, the result of a long and complex conferencing process in the House and Senate, had been approved by Congress, but the president re-jected the authorizing legislation twice, citing its attempt to “exert undue political control over decisions regarding scientific research.”79

On October 30, 1985, President Reagan again vetoed provisions to protect laboratory animals—with the full support of the NIH—embedded in the NIH reauthorization and the Man-power Act. This was an ominous sign of the many fights that lay ahead. While advocates heralded congressional passage of additional humane standards some fifteen years after the last passage of relevant legislation on laboratory animals, the president rejected them as “overly specific requirements for the management of research.”80

Fortunately, animal protectionists had opened the struggle on another front, one that proved to be more difficult for the administration to circumvent. The decisive moment came when Robert Dole (R-KS), Senate majority leader and—with Representative George Brown (D-CA)—cosponsor of legislation on the use of laboratory animals, attached the laboratory animal measure he was sponsoring to the Senate version of the 1985 omnibus farm bill. The Dole-Brown legislation bore some similarity to the NIH reauthorization initiatives, and Brown had introduced a bill with these provisions in the earlier session with little success. The matter took off in the Ninety-ninth Congress, however, because Dole enjoyed controlling influence over the farm bill. Moreover, since USDA administered the AWA, the farm bill was a
plausible vehicle for amendments. The 1985 Dole-Brown amendments mandated improved standards for lab animal care and institutional animal care committees to assess research proposals and address animal welfare problems within those institutions and encouraged alternative methods—especially those that reduced pain and distress. The legislation also compelled NIH to establish plans for research into methods of experimentation that adhered to the Three Rs—reduction and replacement to lessen the overall numbers of animals used and refinement to produce less pain and distress than methods currently in use. In addition to animal care committees and a program for the evaluation of nonanimal research methods, the amendments directed researchers to avoid repeated operations on the same animal, to consult with a veterinarian to evaluate strategies and methods for pain relief to reduce animal distress, and to use an information service at the National Agricultural Library to ensure that they avoided unnecessary duplication of experiments.81

The Dole-Brown legislation had some teeth, in that it authorized the assessment of fines for unchecked violations and provided for the suspension of funds to facilities that failed to correct identified deficiencies. Senator John Melcher (D-MT), a veterinarian, also saw to it that Dole’s proposal included stipulations that primates’ psychological well-being would be addressed through facilities improvement. The debates over environmental enrichment for primates and the exercise needs of dogs in laboratories were not easily resolved and would last well into the twenty-first century.82

The Dole-Brown amendments enjoyed the united support of both The HSUS and Christine Stevens’s AWI, which had not seen eye to eye on all aspects of the 1966 and 1970 legislation. Although some other organizations’ and individuals’ opposition to the measured character of the Dole-Brown amendments was intense, the strong support of these two established groups helped to ensure their passage. As in 1966 aroused public concern helped to override the usual protests from some quarters of the research community. Similarly, the passage of the 1985 amendments owed much to the catalytic impact of the Silver Spring monkeys case (1981) and a subsequent University of Pennsylvania Head Injury Clinical Research Center scandal (1984–1985), cases exposed by PETA but publicized by a wide variety of groups during an intense round of activism that encompassed the period of debate over the Dole-Brown bill. Between the two, animal advocates conclusively demonstrated that substandard treatment of animals could and did occur in the nation’s laboratories.83

After Dole-Brown

The Dole-Brown amendments to the AWA brought significant but not very visible gains. These were bolstered by similar provisions in the Health Research Extension Act of 1985, which led to the issuance of the Public Health Service Policy on humane care and use of laboratory animals. Working within the framework established by these legislative changes, The HSUS sought to advance the cause of laboratory animals by undertaking a range of initiatives designed to buttress that framework. While some elements in the biomedical research community resisted reforms, The HSUS tried to promote greater understanding of the new requirements and sought to influence the promulgation of appropriate regulations for implementation.

By the 1980s research demands for chimpanzees and other primates for use in studying AIDS, hepatitis, and other diseases, combined with the dwindling supply of animals from the wild, pushed the use of primates squarely onto the humane agenda. Their use became even more controversial after NIH announced plans to launch a program for breeding chimpanzees in centers throughout the country. The HSUS was critical of the plan for its failure to address the heightened ethical implications of using animals so genetically close to human beings. The NIH plan failed to address alternative options, appropriately designed and enriched housing standards, provisions for mother-infant contact, and other concerns.84

The HSUS worked hard to advance the case for administrative regulations that set minimum standards for implementation of the 1985 amendments, which were designated the Im-
proved Standards for Laboratory Animals Act. In 1990 the organizations charged that USDA had let five years pass without promulgating standards, and that regulations, once issued, were riddled with loopholes concerning cage-size requirements. In October of that year, after congressional pressure forced the publication of USDA’s draft regulations, staff members from five departments helped to compose The HSUS’s 150-page commentary on the proposals.85

In autumn 1992 The HSUS filed an administrative petition seeking an overhaul of USDA’s reporting system, which was woefully behind those of other nations that used laboratory animals extensively. The petition called upon USDA to employ a “pain scale” with meaningful categories, a classification of experiments by purpose, and a system for confirming which animals were obtained from pounds, shelters, or the wild or were bred for research.86

The HSUS also sought to promote greater accountability in those government agencies where there had generally been very little. In mid-1986 The HSUS pushed congressional representatives to amend the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) authorization, thus bringing that agency under the provisions of the recently passed Dole-Brown legislation.87 A still more impressive result ensued from The HSUS’s initiative to bring military experiments under the aegis of the AWA. This campaign coincided with two congressional oversight hearings, in 1992 and 1994, and The HSUS played a central role in shaping the language and tone of the resulting report. The HSUS recommended that the Department of Defense submit an annual report on its animal use, embrace an aggressive alternatives development program, appointment an ombudsman for humane concerns at each of its research facilities, and include animal protection advocates on its animal care committees.88

The Dole-Brown bill’s establishment of a requirement for institutional animal care and use committees (IACUCs) at all institutions that used animals set the stage for another positive oversight scheme. The legislation required that each IACUC include one member not directly affiliated with the institution (although Patricia Forkan and Christine Stevens had strenuously lobbied for two outside members). The Animal Research Issues section did its best to educate and instruct IACUC members in the principles of humane experimental technique and confronted IACUCs in cases where they failed to diligently and vigorously implement the AWA’s mandates.

The HSUS’s pursuit of sound public policy and adherence to the federal standards took place within the context of shrill backlash from some sectors of the research community, especially from interest groups with a stake in the status quo. Drawing on accounts of threats or acts of sabotage conducted against animal researchers and their institutions, and sometimes on prejudicial reports of specific incidents, the research lobby tried to smear The HSUS as a “terrorist” organization. Against these baseless charges, John Hoyt, Martin Stephens, Ph.D., who oversaw the section beginning in 1986, and other staff members consistently underscored The HSUS’s absolute commitment to nonviolent moral suasion in letters to journals and periodicals, in congressional testimony, and over the airwaves. The Joint Resolutions for the 1990s, to which The HSUS was a principal signatory, absolutely condemned “threats and acts of violence against people,” and “willful destruction and theft of property.”89

The issue of whether rats, mice, birds, and farm animals ought to be included within the protective framework of the AWA went back to 1970, when Congress broadened the scope of the act to include all mammals and birds. Through the years, pleading lack of resources and relying on linguistic evasions of the AWA’s requirements, USDA specifically excluded farm animals, birds, rats, and mice from coverage.90

On November 15, 1989, The HSUS joined with the Animal Legal Defense Fund (ALDF) to petition USDA for the extension of the AWA to all birds and mammals used in laboratories.
Such a move would provide protection to mice, rats, birds, and farm animals, species that together comprise almost 90 percent of vertebrate animals used in research. The exclusion of these animals was a result of USDA’s questionable interpretation of the language in the 1970 amendments to the AWA, which had as their purpose the extension of statutory protection to all warm-blooded animals used in research. Despite the evidence provided that it did not have the discretion to deny such protection, USDA had failed to alter its policy of exclusion.91

In April 1990 USDA announced that it would extend the provisions of the AWA to all farm animals used in biomedical research. However, USDA responded to the other elements of the petition by reasserting its position that the Secretary of Agriculture had discretion to determine which animals used in research ought to be covered by the AWA. On August 7, 1990, The HSUS and ALDF joined forces again, this time in a lawsuit that sought to compel USDA to take steps to protect birds, mice, and rats used in biomedical research. On April 1, 1991, a federal district court denied USDA’s motion to dismiss the suit. The parties had “standing” to sue because they had been denied the right, as contemplated by the 1970 amendments, to disseminate comprehensive and accurate information and data concerning laboratory animal use to their members.92

On January 8, 1992, the U.S. District Court in Washington, D.C., ruled that USDA was in violation of the AWA, having failed to take administrative measures to incorporate all warm-blooded laboratory animals within the protective aegis of the legislation, as required in 1970. The court strongly rebuked USDA for its intransigence and ordered the agency to reconsider the 1989 petition that plaintiffs had filed for the inclusion of birds, rats, and mice in the AWA regulations.93

Unfortunately, an appeals court reversed the decision, ruling that The HSUS, the ALDF, and other plaintiffs lacked legal standing to bring suit.94 In the late 1990s, the Alternative Research and Development Foundation, a project of The American Anti-Vivisection Society, met a court’s test for standing, and then-Secretary of Agriculture Dan Glickman voiced support for a settlement that set the stage for rules that included mice, rats, and birds. Before it went any further, however, the National Association for Biomedical Research, an animal use lobby, persuaded senators to block USDA from spending any funds from the FY 2001 agricultural appropriations budget on implementation. The following year, Senator Jesse Helms (R-NC) successfully amended the Senate’s version of the 2002 farm bill to permanently deny AWA protection to mice, rats, and birds.95

**Advancing Alternatives**

During the 1980s and the 1990s, HSUS staff members testified at virtually every congressional hearing concerning animal testing, placing special emphasis on the potential of nonanimal methods. In a movement increasingly enthralled by the promise of alternatives, The HSUS sought to provide realistic perspectives on what was possible. In 1986 this commitment resulted in the publication of *A Layman’s Guide to Alternatives to Animals in Research, Testing, and Education* by Martin Stephens. *A Layman’s Guide* was designed for legislators, journalists, humane advocates, and others interested in a brief survey of the promise as well as the current limitations of such methodologies.96

In 1991 The HSUS inaugurated its Russell and Burch Award to honor those scientists who—in the tradition of the two men who produced the founding document of the field—
made a significant contribution to the development and advancement of humane experimental technique that resulted in reduction, replacement, or refinement. Initially awarded annually, and, later, every three years, the honor had gone to scientists outside the United States on four occasions by the time The HSUS celebrated its fiftieth anniversary—testament to the broad international scope of the so-called fourth wave in alternatives development.97

Nineteen ninety one was also the year that Hoyt, Stephens, HSUS director Eugene W. Lorenz, and David O. Wiebers, M.D., established The HSUS’s Scientific Advisory Council (SAC), recruiting physicians, psychologists, veterinarians, and other scientists as part of an attempt to further the embrace of nonanimal methods in research. In 1994 three academic physicians, all members of the SAC—Wiebers, Jennifer Leaning, M.D., and Roger D. White, M.D.—published a letter in the British medical journal *Lancet*, asking fellow medical scientists to work to improve the status quo in animal use, above all by actively embracing the Three Rs. Wiebers, Leaning, and White encouraged their colleagues to avoid “reflexive, parochial attacks, based in part on untenable positions,” in favor of an approach that recognizes the animal protection community as a positive stimulus “for change that would otherwise be unlikely to occur.”98

By 1995 The HSUS’s efforts to cooperate with major corporations involved in product development led to a partnership with the Gillette Company, directed toward research and validation of nonanimal methods. That year the program disbursed $100,000 in support of scientific work concerning skin and eye irritation. The HSUS also helped fund a 1995 workshop to evaluate the results of a three-year assessment of alternatives to rabbit-eye irritancy testing, which drew representatives from government, industry, and other stakeholders.99

An important measure of the degree to which The HSUS had successfully crossed the threshold of the policy networks in which crucial decisions about animal use were made was the invitation Stephens received to participate in the early deliberations of the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM), formed as a result of 1993 legislation requiring the development of validation and regulatory strategies within the National Institute of Environmental Health Science (NIEHS). Stephens was the only representative of an animal-protection organization invited to attend, although Andrew Rowan—then at Tufts University—eventually joined the NIEHS Federal Advisory Committee on Alternative Toxicology Methods, which provided guidance and counsel to ICCVAM.100

Another marker of The HSUS’s rise to prominence as a partner in the worldwide search for identification, development, and validation of nonanimal methods was its increasing involvement with the triennial World Congress on Alternatives and Animal Use in the Life Sciences. The HSUS played a central role in the organization of the fourth World Conference, held in New Orleans in 2002, which drew almost five hundred participants from several dozen countries, representing the full range of stakeholders in the field. The HSUS also edited the conference proceedings for eventual publication, as part of the broader effort to disseminate the knowledge and insights that emerged from the event.

**The Pain and Distress Campaign**

In the late 1990s, The HSUS began an intensive review of policies and practices concerning animal pain and distress at the nation’s research institutions. The Animal Research Issues section initiated a careful analysis of available statistics on pain and distress. In 2000 the section launched a refinement initiative focused on pain and distress.

The HSUS’s campaign coincided with USDA’s July 2000 solicitation of comments on the regulation and reporting of pain and distress under the AWA. The HSUS also asked constituents to contact USDA to ask that the agency demand stricter accountability from report-
ing institutions and take active steps to promote understanding and awareness of animals' pain and distress. More than 2,500 public comments were received.\textsuperscript{101}

The HSUS's insistence on an accurate USDA reporting system was a core element of the Pain and Distress Campaign. While better statistics and record keeping in and of themselves would not relieve animals' pain and suffering, they would, as earlier regulations concerning other aspects of animal use in the laboratory had, lead to more focused attention on the question of how to effectively assess, prevent, or alleviate distress.\textsuperscript{102}

The HSUS acted with the knowledge that enforcement of the federal reporting requirements concerning pain and distress, mandated under the AWA amendments of 1970, had been poor. Investigation and inquiry revealed that scientists frequently cited a lack of data and information on "how to recognize, assess, alleviate, and prevent pain and distress in research animals as a rationale for either not reporting pain and distress or not acting to mitigate it—which leads to tremendous animal suffering."\textsuperscript{103}

As part of the campaign, the section contacted every research institution in the United States, soliciting support for a concerted push to eliminate significant pain and distress in the laboratory by the year 2020. The campaign sought to generate more attention to the detection of pain and distress in animals, better approaches to the identification and measurement of pain in animals, and greater momentum toward the elimination of these conditions. The HSUS placed substantial emphasis on gaining endorsements for the initiative from professional associations and government agencies and sought to secure their cooperation with efforts to promote workable definitions of animal distress as well as with efforts to eliminate it. Another objective was the allocation of funds from the NIH budget for the identification and alleviation of pain and distress in animal research subjects.\textsuperscript{104}

\textbf{Conclusion}

When The HSUS formed, animal protectionists enjoyed only the slightest influence on the course of animal research in the United States. Scientists were largely able to do whatever they wanted to laboratory animals, and the standards of care provided in many laboratory animal facilities were limited. Laboratory animal use grew from around 17 million a year in the mid-1950s to more than 60 million a year in the early 1970s. By the turn of the twenty-first century, the number of laboratory animals used annually had dropped by 50 percent, to less than 30 million, standards of care had been improved dramatically in both theory and practice, and researchers were obliged to justify their proposed projects before IACUCs. Even though the IACUCs’ enforcement of USDA regulations varied widely, it was clear that many fewer animals were being used, that animals used in laboratories were receiving better care, and that all projects involving animals required more careful justification than was the case fifty years before.\textsuperscript{105}

Fifty years after The HSUS's constructive early engagement with the question of animal use in research, testing, and education, the organization was an important participant in relevant policy networks within both the public and private sectors and had played a major role in the improvements in laboratory animal welfare. The HSUS championed the incorporation of the Three Rs approach into national law and policy and helped to make the drive for alternative methods a self-sustaining process. The scope of the Animal Research Issues section's activities extended well beyond the boundaries of the United States, as staff members also took part in the deliberations of a number of international bodies where animal research issues were considered.

Whatever the deficiencies of the AWA in 2004, a fair assessment should acknowledge its contributions to improved animal well-being over four decades. Because of the 1960s campaigns and subsequent revisions, many unprincipled dealers who once operated with impunity were forced out of business. Under pressure from The HSUS and other organizations,
the AWA expanded to include more species, and more environments in which animals are used have come under its aegis. New levels of oversight, like those embodied by the IACUCs, were put in place, and these, too, improved the situation. The AWA was the instrument of needed reforms in the transport of animals and in the protection of animals outside the arena of laboratory use. It was also, especially after 1985, the frame of reference for debates over evolving definitions of animal well-being, pain and distress, and environmental enrichment in the laboratory setting. For its part, The HSUS was where its founders intended it should be—at the heart of those debates.