

The institutional animal committee provided for in the Animal Welfare Act (AWA) should be a crucial element in public purview of the use of animals in laboratories. Such purview can then be an important factor in securing the humane and restrained use of animals and in minimizing laboratory-animal suffering. Public purview can lead to additional legislation for laboratory-animal welfare, regulations implementing that legislation, and more voluntary and cooperative humane action by the institutions and people using the animals.

We need to strengthen the status, makeup, and authority of the institutional animal committee and increase its responsibility.

goes on. It violates the equal protection concept of federal and state constitutions because it applies only to members of the committee; other persons who may know as much or more than those members are not so constrained. It violates the constitutional guarantee of the right of free speech. It conflicts with the federal Freedom of Information Act.

A basic consideration in the concern for the humane usage of animals in laboratories and thus in the laws, regulations, and special procedures regarding such usage is that laboratory animals are not mere commodities, materials to be used and manipulated to test products or to experiment in medical procedures and substances. They are sentient creatures who experience pain, torment, and misery. Thus, any justification for confiden-

animal protection and hope to be effective, we must deal with the prevailing human attitudes and laws. Those attitudes and laws acknowledge as proper the use of animals for testing and experiments. We must work with and enlarge the pronounced public concern for the welfare of animals and thereby make that concern more effective. This can best be done by being a force of conscience within the system and by constantly seeking to eliminate certain uses of animals, to minimize other uses, and to preclude pain and discomfort in all uses.

The AWA condones those uses of animals for testing and experiments that are justified on the basis of human benefit. The question then in every case is whether there is any human benefit and, if there is some apparent benefit, whether that benefit is suf-

their work in confidence. Animal advocates must insist that animals are not just materials and that the welfare of these sentient beings outweighs any claim of secrecy. Many experiments and much testing involve projects supported by public funds or projects in which the public has a particular interest. Certainly the public has a right to know what goes on: those people using animals and claiming the benefit from their suffering cannot hide from animal-protection concerns through assertions of private interests or privilege.

3. When proposed uses of animals are considered, the reviewing authority must rely considerably on what the tester or experimenter proposes. A real test of necessity and importance of the proposed use would come in terms of the final results. There should, therefore, be a requirement that every person using animals for testing or experiments report in full to the committee on the results of the test or experiment, and all results should be made known and placed on record.

This requirement would enable the committee to withhold approval of non-bona fide procedures before they start, particularly if a person's record is considered when new uses are proposed.

4. The strength of the public representation on the committee should be enhanced; eliminating the confidentiality provision would help in this regard. Another means of strengthening would be to require a minimum proportion of public membership on the committee and to select community representatives impartially, such as by a court or an independent public agency or office.

CONCLUSION

All of us in the animal-protection movement know how difficult legislation is to come by, how vigorous and well financed the opposition is. But if we put forth a basic blueprint for change and improvement as just described, we will unite ourselves, act more effectively, and increase our chances of achieving our goals.

I firmly believe that the committee on which I served did in fact lessen animal suffering by its very existence, by its review of procedures and facilities, and by its requirements for change. Although others may have had very unsatisfactory experiences on or with institutional animal committees, the committee concept should not be abandoned.

As long as our human society requires that animals be used for experiments and testing, our goal must be to minimize their suffering; a responsible committee set up for that purpose must be one of the most important means of achieving the goal. Members of such committees should be knowledgeable in the scientific aspects of the matters that come before them, including the physiological and psychological effects on the animal subjects, and should conscientiously represent the welfare of the animal subjects and the public concern for ending animal suffering. With a spirit of cooperation, public and scientific members of the committee should together seek to implement society's concerns for animal welfare and always seek to reduce animal usage and preclude suffering. This is what the AWA is about, but its provisions and implementation need strengthening and broadening.

If the animal-protection movement abandons or deprecates as useless this committee concept, as some have urged, because of depressing or frustrating experiences people have had involving institutional animal committees, the movement will be abandoning or declaring useless what certainly must be one of the best hopes, if not the best hope, for the diminishment and perhaps ultimate elimination of animal suffering in laboratories.

The article "Serving on an Institutional Animal Committee" was intended to describe how one particular committee operates and what kinds of cases it considers. The article tried to demonstrate that a committee can do good things but that more is needed. I urge those concerned with animal protection to seek participation on a committee and to report on their experience. If you suffer as I do when animals suffer at human hands, this service will be stressful and miserable, but it should not produce despair. These innocent creatures desperately need our best efforts to relieve their misery. ■

Robert F. Welborn, Esq., is a member of the board of directors of The HSUS.

THE POTENTIAL FOR THE INSTITUTIONAL ANIMAL COMMITTEE

BY ROBERT F. WELBORN, ESQ.

This goal can be accomplished by court and other action constructing and enforcing existing laws, by new legislation improving those laws, and by assertive participation of people concerned about animal welfare. These people should strive to be named to such committees and, once a member, stand firm for animal protection, even if they must serve as a minority—even as a minority of one. A strong advocate will have an effect for protection even if that advocate is voted down again and again.

The AWA specifically provides that the institutional animal committee "shall represent society's concerns regarding the welfare of animal subjects," and the nonaffiliated member "is intended to provide representation for general community interests in the proper care and treatment of animals." But the act then provides that committee members shall not release any confidential information—the act makes general statements as to what might be confidential—and specifies criminal and civil penalties.

This confidentiality provision should be attacked in court and in Congress, in part for several reasons. There are several bases for attack: It conflicts with the concept of community representation, which is stultified if the community cannot be told what

tiality in developing new methods or materials does not apply when animals are involved. The moral consideration that is inherent in our desire to protect animals from human infliction of suffering is reflected in the AWA itself by its very title and by its specific reference to "society's concern for the welfare of animal subjects." These considerations outweigh claimed private proprietary rights to protection of research or products. The use of materials for testing or experiments may be a private matter, but the use of animals for these purposes is a public matter.

GOALS

I question the moral propriety of causing animals to suffer for the purpose of testing products intended for humans or for dealing with human maladies. Serving on an institutional animal committee caused me great anguish, as protocol after protocol was read and discussed. Many people, of course, experience great sorrow when working for animal protection and wish for a complete cessation of animal use and abuse. But if we engage in public discourse on behalf of

ficient to justify animal suffering. The institutional animal committee should be a major factor in answering these questions and in implementing the answers. The committee can be somewhat effective under existing laws and regulations, as my experience has indicated. But new laws and regulations, as well as more forceful attitudes on the part of committee members, are needed. Such new laws and regulations should cover four areas.

1. The committee should be given the responsibility and authority to require the explication in advance of a reasonable rationale for the proposed use of animals, what is to be achieved, what benefit it will provide, and why animal-experimentation rather than some other form of experimentation must be used.

2. Although the AWA refers to the avoidance of duplication in experiments, no specific provision precludes duplication or requires the institutional animal committee to look at the question. Such a provision should require institutions using animals to make public their activities so that the question can be analyzed. The resistance to such a proposal would be intense; experimenters and their supporters would insist that testers and experimenters should be free to pursue

A previous article, "Service on an Institutional Animal Committee," appeared in the Fall 1991 issue of the HSUS News.