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ISSUES & IDEAS

Animal Testing Battle Focuses Anew On Apes

SHOULD CONGRESS PROTECT GREAT APES FROM INVASIVE RESEARCH -- AND GIVE THEM RETIREMENT SHELTERS?

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by Neil Munro

The Humane Society of the United States is pushing Congress to bar "invasive research" on chimpanzees and a few other intelligent primates, saying that it is no longer needed for medical and psychological testing. But some scientists

contend that such a move would stymie important research and is the leading edge of a drive to ban all experiments using animals. Ideological opponents of the legislation also say that the animal-protection movement weakens the philosophical foundation for human rights.

House Oversight and Government Reform Committee Chairman Edolphus Towns, D-N.Y., has gathered almost 60 co-sponsors for the Great Ape Protection Act. The bill states that chimpanzees, bonobos, gorillas, orangutans, and gibbons "are highly intelligent and social animals, and research laboratory environments involving invasive research cannot meet their complex social and psychological needs."

The measure would forbid the use of federal funds in experiments on apes, impose fines of \$10,000 a day for violations, and require the government to provide retirement shelters for the animals.

Backers include Rep. Roscoe Bartlett, R-Md., a former biological scientist, who said he was appalled by a secretly photographed documentary about the treatment of chimpanzees and the conditions under which they're held. "Years ago, we knew very little, and we had to use the whole animal for testing.... Today, the need to do that is minimal" because of new testing technologies, he told *National Journal*.

"We're the only developed nation that uses chimps in experiments," said Humane Society President Wayne Pacelle. "We do not believe there is any path-breaking research coming from any of this."

About 1,000 chimps are kept at research centers, according to the Humane Society. (Gorillas, bonobos, orangutans, and other apes are not used in invasive studies, the group says.) They are periodically subjected to painless behavioral studies as well as experiments that may involve pain, such as surgical procedures. The chimps, which can live for several decades, are very strong and are expensive to keep, so most researchers prefer to use smaller animals such as dogs, cats, mice, and rats. A Humane Society brief distributed by Towns's office says that the federal government spends an estimated \$25 million a year caring for the 500 chimps it owns.

Animals, including chimps, are needed for research that yields novel drugs and other treatments, counters Carrie Wolinetz, an advocate at the Federation of American Societies for Experimental Biology. "We could not do medical research without them," she said. Her organization is a coalition of

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22 groups, many of whose members are employed at major research universities.

Scientists do much of their work on cells and other tissues kept in glass containers. But this in vitro research must be complemented by in vivo experimentation, using mice or chimps as stand-ins for human patients. "Sooner or later, you have to take that [potential product] into the whole organism to see how the entire animal responds, and you certainly can't do that in humans," Wolinetz said.

The battle over chimps, she said, may be a precursor to disputes over scientists' use of mice, rats, and similar creatures. "We're a long way from that, [but] we are concerned there is not as much appreciation in the general public about how important animals are in research," Wolinetz said.

Indeed, the bill's backers include a variety of groups that oppose the use of some, or even any, animals in medical research. They say that new technologies, such as software models that mimic the human body and stem cells extracted from embryos or grown from skin cells, will reduce or eliminate the need for animal testing.

The controversial organization People for the Ethical Treatment of Animals is formally staying out of the chimp debate, spokeswoman Alka Chandna said, because "there are other groups doing that without us stepping into the fray."

PETA's role "has always been to try to push the envelope," she said. PETA first focused public attention on chimps and other apes 20 years ago and is now pushing to block the use of monkeys. Each year, about 55,000 rhesus macaque monkeys are used in research, Chandna said. PETA and its affiliates in Europe are also seeking to bar the use of mice and rats, she added. "We have not started that debate in the U.S. [But when] we determine that mice and rats are complex beings that can feel pain and suffering, that have empathy, and sing love songs to potential mates -- [how can] we continue to do what we do because we've always done it?"

Some university advocates and legal clinics are trying to gradually establish rights for animals. Gary Francione, a law professor at Rutgers University, argues that animals should not be used in experiments, or killed for food, because they are sentient and can feel pain. Many people, including some scientists, rationalize the suffering they inflict on animals by asserting human dominance over nature, even though that stance is used by some humans to claim superiority over other humans and also "rests on Judeo-Christian concepts" about man's right to use animals and nature, he said.

Some environmentalists have joined the drive to expand animal protections. "Species should be given equal regard because we are all so interconnected," said Paul Watson, founder of the Sea Shepherd Conservation Society. "We are not talking about giving animals the right to vote but the right to exist and survive without suffering, and to have the habitat to allow them to survive." Watson adds that animal habitats can be fully protected only if the human population shrinks from 7 billion to 1 billion. "My entire approach to animal rights is purely an ecological one," he said.

In a few international cases, advocacy groups have won legal rights for plants as well as animals. In Switzerland, a national ethics committee declared in 2008 that plants have "intrinsic dignity" that requires some protection from humans. Also last year, two U.S.-based groups, the Community Environmental Legal Defense Fund in Chambersburg, Pa., and the Pachamama Alliance in San Francisco, persuaded Ecuador's legislature to add a clause granting legal rights to nature to a draft constitution that won approval from voters. "Nature, or Pachamama [Mother Earth, according to Andean folklore], where life is reproduced and exists, has the right to exist, persist, maintain, and regenerate its vital cycles, structure, functions, and its processes in evolution," the document declares.

In 2007 Spain's legislature declared that apes are part of the "community of equals" with people. The statement was a victory for the Great Ape Project, an international coalition pushing to extend some human rights to primates. The group would grant apes the right to life, to dignity, to form families, and to be free from "intentional imposition of intense pain, physically or psychologically," along with the freedom to live in preferred habitats.

"The Great Ape Project specifically seeks to topple human beings from the pedestal of exceptionalism and to turn us just into another animal morally equal to chimpanzees," said Wesley J. Smith, a senior fellow at the Discovery Institute in Seattle. But "if we think of ourselves as just another animal in the forest, that's just how we'll act, and then we'll do to other humans as animals do." One likely result of curbs on animal research, Smith contends, is that scientists would perform more experiments on humans overseas, and on vulnerable people and embryos in the United States.

The animal-rights perspective is at odds with the view of most Americans, who believe that humans' exceptional sense of morality obliges them to treat animals decently, but more important, to recognize rights only for fellow humans, said Smith, the author of a forthcoming book, *A Rat Is a Pig Is a Dog Is a Boy -- The Human Cost of the Animal Rights Movement*. (The title plays off a controversial 1989 statement by PETA co-founder Ingrid Newkirk.) If advocates win rights for animals, then the long-standing notion of "human exceptionalism is over," he said, and with it the idea of human rights.

"We don't think our ethic is contradictory to that hierarchal notion of life," countered the Humane Society's Pacelle. Compassion "is the mark of humanity, and this [chimp-protection bill] is a logical extension of the principles of compassion and kindness to animals who can clearly suffer as we can," he said.

Towns's office seeks to minimize the underlying controversy over possible rights for chimps and other apes. "This bill is not about chimpanzee rights -- it's about phasing out invasive research on chimpanzees and providing those chimpanzees owned by the government with the sanctuary that they deserve," a statement from the lawmaker's office says.

"I'm not concerned about the rights of animals," Bartlett said. "I'm concerned about what this treatment [of chimps] does to humans, because it dehumanizes us."

The scientific groups are focusing their attention on the near-term impact of testing curbs and will lobby for their cause. "Groups like the Humane Society of the United States have a strong support network," Wolinetz said. "We need to mobilize our grassroots to pay attention to this issue."

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