

Telephone conversation with Mrs. Rosalie Earle, Executive Secretary of the New York State Society for Medical Research - July 21, 1966.

I called her because of receipt of a new revision of the Javits Bill which includes parts of the Lister Hill Bill and a few new additions incorporating everything into the Department of HEW without involving the Department of Agriculture. I had been perplexed because of a letter from Roy H. Millenson, Minority Clerk, of the Committee on Labor and Public Welfare of the U. S. Senate addressed to Dr. Greenbaum indicating that a compromise animal laboratory measure is being pushed in the House of Representatives by Mr. Rogers and others, and that he had contacted Senator Javits and that both Senator Javits and Mr. Rogers would be communicating with Dr. Greenbaum for his ideas on the subject. Dr. Nangeroni is now President of the New York State Society and Dr. Greenbaum is out of the country for a month. Dr. Nangeroni is ~~in~~ ^{going to} Washington because of this at the present moment.

Mrs. Earle states that Dr. Greenbaum has suggested consultation with Miss Watters, legal counsel to the New York State Society, and that she feels this bill as now assembled is the best thing we could have. Mrs. Earle and Dr. Nangeroni were unhappy with Section 5 of the new bill, the initial paragraph of which includes the statement that the Secretary of HEW shall consult with several groups in formulating standards and regulations. Item No. 4 of these groups is "such private non-profit organizations as he may select that are primarily concerned with the humane care and treatment of animals." Mrs. Earle and Dr. Nangeroni feel that this could perfectly well include the Humane Education Society and others. She feels that Christine Stevens has established herself so well that there is real danger that she might be such a consultant with disastrous results. She feels that Section 5, Article 1, immediately following the above, might even conceivably include Christine Stevens and company where it says, "All laboratories supported by federal funds shall be accredited and their premises and facilities shall be periodically inspected by the accrediting agency and by the Secretary or by qualified representatives of the Secretary."

Mrs. Earle and Dr. Nangeroni also object to Section 9 of the Bill which states, "Any person guilty of violating any provision of this act shall be fined not more than \$1,000 or imprisoned not more than one year or both." She and Dr. Nangeroni feel that this is a totally unreasonable penalty and that it could destroy a promising man's career. She felt there was real danger of this in view of the possibility outlined concerning Section 5 that Christine Stevens and company might be in a position to do something about accomplishing just such an end.

Lowell Greenbaum apparently telephoned Senator Javits about this before leaving the country and indicated presumably after consultation with Miss Watters, that this Bill was probably the very best that we could get.

Mrs. Earle and Dr. Nangeroni are seriously concerned that the patterns of implementation of the law and the interpretations of the law that might be used could be such with the wording of the law as it stands as to be disastrous.

Telephone conv. with Mrs. Earle (continued)

Mrs. Earle also was concerned that prosecution would go directly to the U. S. Court of Appeals, according to the Bill, and that all that would be required would be one antivivisectionist judge to destroy a man's career. It seems to me that this means that the matter could go directly to the Supreme Court and be settled once and for all, if such a case were to arise.

The attention of the New York State Society was brought to this situation by the Bill having been sent to Dr. Greenbaum by the Minority Clerk of the Committee on Labor and Public Welfare of the U.S. Senate, Mr. Roy H. Millenson, on July 14. As this letter makes clear, it is Congressman Rogers, one of our worst enemies, who is backing this compromise animal laboratory measure. It seems to Mrs. Earle that Mr. Millenson did not even suspect that any of the scientific community would accept this Bill without serious opposition.

Mrs. Earle states that Dr. Nangeroni is hoping to consult with the Cornell University attorneys at Ithaca, New York, through Dr. Metz, Head of the Cornell Agricultural Experimental Station, run both by the State and Cornell University. He might also do this through the intermediation of Dr. Poppensiek, the Dean of the Veterinary College at Ithaca.

Dr. Nangeroni communicated at once with Dr. Kingman of the NSMR, and found that Dr. Kingman apparently knew nothing about this move of Congressman Rogers, but rather asked for all of the information he could gain and for a copy of the Bill as quickly as possible.

Mrs. Earle asked if I would communicate with her after talking with Dr. Visscher and that in addition I would send her two copies of whatever I might write to Dr. Visscher, if this is appropriate in his eyes, so that both she and Dr. Nangeroni could be kept on the alert. She also would like to have two copies of my Presidential Address to the Vascular Surgery group.

Both Mrs. Earle and Dr. Nangeroni are terrified of the still-existent apathy which seems to exist in the scientific community.

C. Dennis, M.D.

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