

NIH Conflict of Interest Meeting Has Early Ending

The National Institutes of Health (NIH) had planned an all-day public meeting to discuss proposing rules regarding conflict of interest in the conduct of clinical evaluation of commercial products. The meeting, however, lasted less than a half-day.

Approximately 250 people from the scientific community showed up on the NIH campus for the meeting scheduled to run from 8:30 a.m. to 4:30 p.m. Two-and-a-half hours later, including a 45-minute coffee break, the meeting was adjourned, as none of the attendees wanted to make any more comments or ask any more questions, largely because of the lack of response from an NIH panel to the comments and questions being asked.

George Galasso, associate director for extramural affairs at NIH, opened the program by saying the meeting was an information-gathering session before proposing rules. James Mason, assistant secretary for health at the U.S. Department of Health and Human Services, reported that when conflict of interest rules were first proposed in September 1989, the department received 751 letters of comments. Those proposed rules were recalled in December 1989.

The meeting then heard four brief presentations as to the views of a clinical scientist, university administrator, industry, and academia-industry ties concerning conflicts of interest. Following the coffee break a three-person panel representing NIH and the Alcohol, Drug Abuse, and Mental Health Administration was seated to respond to audience comments and questions. But few responses were made by the panel members, causing some attendees to wonder if anyone from the government was listening.

The concerns voiced by the attendees regarding proposed rules included the following: will the now limited proposal for rules become broader after

(continued on page 17)

Two High Courts to Hear Animal Activists Arguments About Jurisdiction, Standing

Two supreme courts—the U.S. Supreme Court and the Oregon State Supreme Court—have agreed to hear animal activist arguments regarding a jurisdictional dispute concerning the Silver Spring monkeys and a bid to gain standing for the right to challenge decisions by institutional animal care and use committees.

Lower courts in both cases have ruled against the activists.

U.S. Supreme Court

The U.S. Supreme Court has agreed to review a decision that allowed the National Institutes of Health (NIH) to transfer from a state court to a federal court a lawsuit filed by animal activists seeking to prevent the euthanasia of the Silver Spring monkeys.

Should the activists win their appeal, the suit will be sent back to a Louisiana state court where proceedings will be renewed. If the court rejects the appeal, the activists' legal fight on this issue would be over.

The Silver Spring monkeys have been the center of legal disputes for nearly 10 years following a complaint to police by Alex Pacheco, a volunteer worker at the Institute of Behavioral Research, who charged that 17 monkeys were being mistreated in the Silver Spring, MD, laboratory. The complaint resulted in a police raid and confiscation of the monkeys.

Only four of the monkeys are now the subject of the legal dispute, as five have been moved to the San Diego Zoo and eight have either died or were euthanized. The four are housed at the Delta Regional Primate Center in Louisiana.

The jurisdictional dispute dates back to 1988 when NIH announced plans to euthanize three deafferented monkeys, whose conditions had deteriorated, and then conduct experiments to learn about rehabilitation therapy for persons who suffered a stroke, brain or spinal cord damage, or similar injuries.

Before NIH could act, however, a lawsuit to block the euthanasia was filed in Louisiana state court by Pacheco, People for the Ethical Treatment of Animals, International Primate Protection League, and Louisiana in Support of Animals. But NIH had the suit transferred to a federal court and eventually to the 5th U.S. Circuit Court of Appeals, which ordered the suit dismissed.

In dismissing the suit the appeals court ruled that the three types of injury claimed by Pacheco and the three organizations were not sufficient to sustain a suit in a federal court.

The injuries claimed were “permanent disruption of their (Pacheco and the three organizations) personal relationships with the monkeys,” impairment of their commitment to prevent inhumane treatment of animals, and impairment of their mission “as advocates for the rights of the Silver Spring monkeys, who have no means of protecting themselves.”

The issue to be determined by the Supreme Court is whether NIH should have been permitted to remove the lawsuit from the state court.

Oregon Supreme Court

The Oregon Supreme Court has agreed to hear an appeal of a lawsuit filed by the People for the Ethical Treatment of Animals (PETA) against the University of Oregon.

The suit, filed two years ago, challenges the procedures by which the university's institutional animal care and use committee authorized research involving

three barn owls. The research, supported by NIH, examines how barn owls use sound to visualize the terrain below, work that could lead to devices that would enable the blind to "see" based on sound.

Both the Marion County Circuit Court and the state Court of Appeals have ruled that PETA had no legal standing to contest the committee's decisions. The courts also said PETA had suffered no harm as a result of the decisions.

Animal activists groups have been denied standing in the federal courts, having had their appeals rebuffed by the U.S. Supreme Court after their petitions were rejected by both federal district and appeals courts. Standing is the recognition granted by a court to private citizens and organizations as plaintiffs with legally protectable and tangible interests at stake in civil litigation.

William M. Samuels

British Scientists Support Animal Research Declaration

The British Association for the Advancement of Science has developed a declaration in support of the use of animals in research.

Eleven scientific organizations and six Nobel Laureates are among the original signatories to the declaration that outlines the issues animal researchers face in the United Kingdom. The declaration is broader in scope than the resolution supporting the use of animals in research enacted by the American Association for the Advancement of Science.

The British declaration states:

In view of the threat to medical research posed by increasingly vocal and violent campaigns for the abolition of animal experimentation, we make the following declaration:

- Experiments on animals have made an important contribution to advances in medicine and surgery, which have brought major improvements in the health of human beings and animals.
- Continued research involving animals is essential for the conquest of many unsolved medical problems, such as cancer, AIDS, other infectious diseases, and genetic, developmental, neurological and psychiatric conditions.
- Much basic research on physiological, pathological and therapeutic processes still requires animal experimentation. Such research has provided and continues to provide the essential foundation for improvements in medical and veterinary knowledge, education and practice.
- The scientific and medical community has a duty to explain the aims and methods of its research, and to disseminate information about the benefits derived from animal experimentation.
- The comprehensive legislation governing the use of animals in scientific procedures must be strictly adhered to. Those involved must respect animal life, using animals only when essential and as humanely as possible, and they should adopt alternative methods as soon as they are proved to be reliable.
- Freedom of opinion and discussion on this subject must be safeguarded, but violent attacks on people and property, hostile campaigns against individual scientists, and the use of distorted, inaccurate or misleading evidence should be publicly condemned. ☞

(continued from page 16)

those rules are in place; after an institutional review the institution (not the government) should be the judge as to whether there is a conflict of interest; the funding agency should not second-guess the institution (as it has been done in some cases of scientific misconduct) after the institution has reported its findings.

It was said by a participant that conflict of interest perception vs. reality blurs the issue for the public. The perception is that government is ethical while scientists cannot be trusted. ☞

APS Testifies on NSF Reorganization

On November 29–30, 1990, the National Science Foundation (NSF) Biological, Behavioral and Social Sciences (BBS) Task Force "Looking to the 21st Century" heard testimony on a proposed reorganization of the BBS Directorate. **C. Richard Taylor**, Harvard University, represented the Society at the hearing focusing on the needs of the physiological community. The message communicated to the Task Force was that it should "consider a structure that is most beneficial to the pursuit of science, rather than to the establishment of administrative domains. The scientific community is struggling under the weight of decreasing research support, making it difficult to gain new insights into biological processes and to recruit new students to our ranks. A reorganization of the Directorate should not add additional stress to an already fragile system." Copies of the testimony may be obtained from the APS Headquarters, 9650 Rockville Pike, Bethesda, MD 20814-3991.

Call For Papers

Have you received your *Call for Papers*? Deadline for receipt of abstracts for the APS Conference Interactions of the Endocrine and Cardiovascular Systems in Health and Disease and the 13th Annual Meeting of the IUPS Commission on Gravitational Physiology is *May 14, 1991*. Contact FASEB Meeting Office, 9650 Rockville Pike, Bethesda, MD 20814-3998. Tel: 301-530-7010, Fax: 301-571-1855.