

Veterinary Research News

Issues

Novel strategy aims at getting chimpanzees recognized as legal persons

This past December, the Nonhuman Rights Project petitioned courts in three New York state districts for the release of Tommy, Kiko, Hercules, and Leo on the grounds that each of the captive chimpanzees is a “legal person” being illegally imprisoned.

This is the first time any court has been asked to grant chimpanzees the right to bodily liberty through a common law writ of habeas corpus, a long-standing procedure for testing the legality of custody that has only ever been applied to human beings. Historically, laws in the United States have regarded animals as property with no protected rights.

The Nonhuman Rights Project’s novel argument is based on research showing chimpanzees possess many complex cognitive abilities similar to those of humans, including autonomy, self-awareness, and empathy. The animal rights organization contends these traits are sufficient for the four captive chimpanzees to be recognized as legal persons entitled to bodily liberty protected by a writ of habeas corpus under Article 70 of New York statutory law.

The NhRP filed its petitions during the first week of December 2013 in Fulton, Niagara, and Suffolk counties, where the chimpanzees live. (Hercules and Leo are part of one suit, because they are owned by the same laboratory.) Lawyers with the organization also requested that the chimpanzees be released and moved to a sanctuary selected by the North American Primate Sanctuary Alliance.

Corporations, ships, and idols

During an hourlong hearing before Montgomery County, N.Y., Supreme Court Justice Joseph Sise, NhRP founder and president Steven Wise

explained that the question before the court is not whether a chimpanzee is a human being, but rather, whether a chimpanzee has characteristics that qualify the animal as a legal person. Wise cited legal precedents in domestic and international jurisprudence that grant personhood to corporations, partnerships, ships, and even religious books, idols, and a river in New Zealand.

“A legal person is not synonymous with a human being,” Wise stated according to a court transcript. “A legal person is an entity that the judicial system here—and we’re asking this court to begin to consider it—that judicial system considers is important enough so that it’s (legally) visible ... whether it’s a river or a Hindu idol or a holy book or corporation.” He also highlighted how, prior to the Civil War, New York courts recognized African-Americans as legal persons subject to the writ of habeas corpus in a period when they were considered chattel.

Court documents show the NhRP believes Tommy, Kiko, Hercules, and Leo to be the last surviving chimpanzees in New York state. The original number of plaintiffs was seven, but three of the chimpanzees died before the petitions could be filed. Lawyers for the chimpanzees aren’t claiming the animals are being abused or mistreated, only that they’re “prisoners” denied their right to freedom.

Wise referred to affidavits submitted by a dozen primatologists supporting his claim that chimpanzees are cognitively sophisticated animals akin to humans, according to the court transcript. “They are extraordinarily similar to us,” he said. “And if we focus in on not just how they look, their brains are similar to us. They’re essentially almost us. And if you focus on the issue of autonomy, self-determination, choice, that those are such powerful concerns of the courts of New York that a being who can dem-

onstrate—which we do demonstrate, that they indeed have that autonomy—that is a sufficient condition for legal personhood.”

Within a week, all three petitions had been denied. None of the judges believed that a writ of habeas corpus could be applied to a nonhuman animal. The NhRP wasn’t surprised by the rulings, given the novelty of the argument and the lack of any precedents to guide the courts. “These were the outcomes we expected. All nonhuman animals have been legal things for centuries. That is not going to change easily,” Wise said.

It wasn’t all bad news for the NhRP lawyers, however. The court transcript reveals a sympathetic jurist. “Your impassioned representations to the court are quite impressive,” Justice Sise said. “You make a very strong argument. However, I do not agree with the argument only insofar as Article 70 applies to chimpanzees. Good luck with your venture. I’m sorry I can’t sign the order, but I hope you continue. As an animal lover, I appreciate your work.” The cases are currently under appeal.

Objection

Richard Cupp is a self-identified animal lover. He’s also a tort scholar who teaches at Pepperdine University School of Law in Malibu, Calif. Cupp has been following the development of wrongful death lawsuits for pets since the late ’90s.

“Over time, I started realizing that a lot of the people pushing for noneconomic damages for pets, which I oppose as being bad for pets and bad for people, really had a bigger agenda in mind: They seemed more interested in the questions of personhood and rights status,” Cupp told *JAVMA* News.

“There’s an argument that noneconomic damages could be a steppingstone toward that by convinc-

ing people to see pets are more like children. I began to see the implications of personhood and rights as the most interesting issues.”

Cupp says he respects Wise; he just doesn't agree with him on animal rights issues. He considers Wise's strategy to seek a common law writ of habeas corpus for the four chimpanzees a creative approach. “Generally, governments are the entities imprisoning people, so the writ of habeas corpus action is usually against the government. But if you go back in history, there were habeas corpus lawsuits related to freeing slaves. I think that's part of what's going on here, and there is some precedent for habeas actions brought against nongovernmental actors,” he said.

Because habeas corpus is a common law procedure, approval by the legislature is not needed to expand the scope of the law, according to Cupp. “The legislature can then pass a statute revoking what the judge has done, but this is an interesting way to avoid having to go through a popularly elected legislature,” he explained. “You don't have to get a majority vote to create a statute; you just have to get the right set of judges to agree that the writ of habeas corpus applies to chimpanzees.”

As for Wise's argument that the law already recognizes various nonhuman entities as legal persons, Cupp responds that each of those entities was created by humans to serve as legal proxies for humans. “The reason for creating corporate personhood is to serve human interests. It's a legal fiction to more effectively manage and govern humans,” he said. “If you gave personhood to a chimpanzee or any other nonhuman animal, it would be a fundamental shift away from any sort of personhood that's been extended previously.”

Bridge animals

The same week the NhRP petitions were filed, Wise presented his legal strategy during a meeting at Yale University on the moral and legal justifications for counting animals as legal persons. Philosophers, lawyers, and scientists attended the Personhood



Nonhuman Rights Project founder and president Steven Wise

Photo by R. Scott Nolen

Beyond the Human Conference, held Dec. 6-8, 2013, and keynoted by Peter Singer, PhD, author of the 1975 book “Animal Liberation,” which laid a philosophical foundation for granting rights to cognitively sophisticated animals.

Dr. Singer is a professor of bioethics at Princeton University and has been a leader in the animal rights movement for some 40 years. His presentation was a “nonspeciesist” answer to the question of what constitutes personhood. Dr. Singer began by noting how *Homo sapiens* has systematically subjugated nonhuman animals on account of a false belief in human exceptionalism that's based on a speciesist worldview. “Just being a member of the species of *Homo sapiens* is not enough to give that being more consideration than you'd give to another being of a different species,” he said.

Rejecting speciesism requires equal consideration for similar interests of beings that do, in fact, possess interests, according to Dr. Singer, describing these beings as conscious creatures with subjective awareness and capable of feeling pleasure and pain. He says research supports the notion that elephants, chimpanzees, and dolphins satisfy these standards, although the same cannot be said of insects, plants, and possibly, fish.

“I believe we can now argue that these are important characteristics that can arguably contribute to a special moral status for these beings,” Dr. Singer said, meaning the interests of certain cognitively complex animals such as chimpanzees should

be deemed as important as those of human beings. Dr. Singer believes the NhRP petitioning for a writ of habeas corpus marks a critical moment in the history of the animal rights movement.

“We are standing today, I believe, at the beginning of a long struggle for greater rights for nonhuman animals,” he said. “It's a struggle that has been going on for some time and still has a long way to go. We can hope that the lawsuit Steven (Wise) has launched is a further significant step along that march.”

Dr. Singer thinks a favorable ruling for the NhRP would not only benefit Tommy, Kiko, Hercules, and Leo but also might set the stage for a new relationship with animals. “It's possible,” he said, “that by getting a better recognition of the special moral status of some nonhumans—chimpanzees would probably be the easiest to start with—and getting them a different legal status, it's possible that they can serve as bridge over what is now a very wide and deep gulf that we have in our conceptions between humans and nonhuman animals.”

Raising global veterinary standards

In recent years, the World Organisation for Animal Health (OIE) has been making a major push to improve veterinary education and the regulation of veterinarians and paraprofessionals for the delivery of national veterinary services, as defined by the OIE. The focus has been directed primarily toward developing countries and those in transition.

To this end, the OIE has developed the following:

- International day-one competencies of graduating veterinarians.
- A model veterinary education core curriculum.
- Twinning projects between partners from developed and developing countries that focus on sharing expertise about veterinary education and veterinary statutory bodies.
- Legislative guidance for member countries describing veterinary educational requirements and responsibilities of veterinary regulatory bodies.

The OIE's work continued during the third OIE Global Conference on Veterinary Education and the Role of the Veterinary Statutory Body, held Dec. 4-6, 2013, in Foz do Iguaçu, Brazil. More than 1,000 participants from 110 countries attended the event, including AVMA CEO Ron DeHaven, who chairs the OIE ad hoc Group on Veterinary Education, which defined the day-one competencies.

"It is very gratifying to see the products of our group actually being put to use, particularly in many developing countries where the current level of education is, on average, very poor. This will ultimately help to improve the quality of veterinary education, and, by doing so, benefit animals," Dr. DeHaven said.

Also at the conference were Dr. Andrew Maccabe, executive director of the Association of American Veterinary Medical Colleges, and a number of U.S. and Canadian veterinary school deans.

Twenty-three recommendations came out of the conference from member countries. They request that the OIE and its member countries take certain actions to follow through on fulfilling the need for minimum veterinary competencies and improving veterinary infrastructures worldwide.

One of the recommendations would establish a global list of veterinary schools in OIE member countries.

It asks that the OIE create a reporting system by which each member country would report to the organization the number of veterinary

schools operating within its territory on a five-year cycle. The information would include for each institution the type of degree granted, the number of veterinary students per class, the minimum education required for admission, and the accrediting bodies. The collected information would be compiled and maintained within the OIE database and be made publicly available at the OIE website.

Other recommendations request certain tasks from member countries, including the following:

- Establishing veterinary statutory bodies, if they haven't already.
- Making appropriate provisions for the welfare of animals used in veterinary education and research.
- Developing or modernizing their national veterinary legislation to comply with OIE standards regulating the profession.

The OIE is being asked, among other things, to do the following:

- Increase its collaborative activities with governments and donors to support countries that want to participate in twinning agreements.
- Consider evaluating the quality of a member country's veterinary workforce on the basis of its initial education and continuing education, particularly where recognized systems for evaluation of education don't currently exist.
- Encourage the creation of regional associations of veterinary regulatory agencies that could accredit local veterinary schools after an external audit and on the basis of criteria accepted throughout the region, to facilitate mobility of veterinarians.
- Develop guidelines on best practices for the organizing and functioning of veterinary regulatory agencies, including guidelines on the legislative base and the establishment of public-private veterinary partnerships.

Members will consider endorsing the recommendations at the 82nd World Assembly of Delegates of the OIE in May in Paris.

Practice

AAHA develops guidelines on weight management

New guidelines could assist practitioners with the challenging endeavor of helping pets lose weight.

The American Animal Hospital Association released the 2014 AAHA Weight Management Guidelines for Dogs and Cats in the January/February issue of the Journal of the American Animal Hospital Association.

Dr. Deborah E. Linder is chair of the guidelines task force and the veterinary nutritionist who oversees the Tufts Obesity Clinic for Animals at Tufts University. "The guidelines are meant to serve as a toolkit for veterinarians who may be finding it difficult to troubleshoot certain situations," Dr. Linder said. "It's always helpful to know you're not the only one who is having trouble and to get ideas from others who have worked through the same thing."

A panel of experts developed the 11-page document, citing evidence for specific recommendations whenever possible and appropriate. Hill's Pet Nutrition and Zoetis sponsored the guidelines.

According to the abstract: "Communicating and implementing a weight management program for dogs and cats can be a challenging endeavor for veterinarians, but a rewarding one. An effective individualized weight loss program provides a consistent and healthy rate of weight loss to reduce risk of disease, prevent malnutrition, and improve quality of life. Weight loss is achieved with appropriate caloric restriction, diet selection, exercise, and strate-



Courtesy of OIE

Cattle with foot-and-mouth disease receiving treatment in Vientiane, Laos.



gies to help modify behavior of both the pet and client.”

The guidelines include sections on prevention, initial assessment, designing a weight-loss program, exercise/activity, and monitoring and maintenance. A one-page table covers issues impeding or preventing weight loss along with possible solutions.

The authors would like to see more research regarding the optimal exercise plans for cats and dogs. They also look forward to new model regulations this year from the Association of American Feed Control Officials that will lead to calories appearing on the labels of almost all cat and dog foods.

According to the guidelines: “The prevalence of overweight dogs and cats is excessively high, and the authors would like these guidelines to serve as a call to action for small animal practitioners everywhere to give these patients the attention they merit.”

The guidelines are available at www.aahanet.org/Library/Guidelines.aspx.

FDA offers resource on extralabel drug use

The Food and Drug Administration recently released “The Ins and Outs of Extra-Label Drug Use in Animals: A Resource for Veterinarians.”

The FDA article notes that federal law did not permit extralabel drug use in animals before Congress passed the Animal Medicinal Drug Use Clarification Act in 1994. The AMDUCA provisions amended the Food, Drug, and Cosmetic Act to allow veterinarians to prescribe human and animal drugs for extralabel uses in animals under certain conditions.

The article covers the following topics: the requirement for a valid veterinarian-client-patient relationship, general conditions for extralabel drug use, conditions for extralabel drug use in food animals, compounding, drugs prohibited from extralabel uses in animals, and how the FDA’s recommendations for judicious use of antimicrobials in food animals affect extralabel drug use.

The resource is available at www.fda.gov/AnimalVeterinary/Resources/forYou by clicking on “For Veterinarians” on the left side of the page.

Heartworm treatment remains in short supply

The only treatment on the U.S. market for heartworm infection in dogs, Merial’s Immiticide, has been in short supply for two and a half years now.

The Food and Drug Administration announced Dec. 3, 2013, that it will continue to allow Merial to import some Immiticide from the company’s European supplier. Merial’s U.S. supplier also recently manufactured a small amount of the drug. The FDA and Merial are asking veterinarians to conserve supplies by using the drug only for dogs in most urgent need of treatment.

Since mid-2011, the U.S. supplier faced technical difficulties in manufacturing Immiticide. The supplier decided to close the facility where it made the drug. Merial is pursuing other options, according to the company, but securing approval of another manufacturer will take time.

The product from the U.S. supplier has a shorter period before expiration than is normal for Immiticide. The product from the European supplier has a normal period before expiration. For the European product, Merial will provide a copy of the U.S. package insert with each shipment.

Immiticide is available only directly from Merial. Veterinarians who identify dogs that require heartworm treatment can request the product by calling 888-637-4251, option 1.

AVMA

Report summarizes year in state legislation

The AVMA Department of State Legislative and Regulatory Affairs recently released a report on several thousand bills and regulations that the department tracked in 2013.

The report highlights new rules of interest to veterinarians, trends in legislative and regulatory affairs, and other developments.

The report is available at www.avma.org/advocacy/stateandlocal under “State Legislative Updates” on the left side of the page. AVMA members may subscribe to a monthly email newsletter on state legislation by clicking the button on the right side.

Community

Universities partner to educate Alaska students

Some college students in Alaska will be able to complete two years of veterinary education in their home state starting in fall 2015.

Students who complete those two years will be able to complete their studies in Colorado, where they would receive DVM degrees.

Under an agreement signed Dec. 19, 2013, the University of Alaska-Fairbanks will accept 10 veterinary students into its new Department of Veterinary Medicine each year, and students who complete those years will be able to transfer to the Colorado State University College of Veterinary Medicine & Biomedical Sciences.

Dr. Todd O’Hara, interim associate dean for veterinary medicine and a toxicology professor at UAF, said his university worked to partner with CSU because the veterinary college has a good academic reputation, and the institutions share interests in biomedical research and efforts to simultaneously improve human, animal, and environmental health.

Dr. O’Hara said the veterinary program in Fairbanks will emphasize work in public health and rural medicine for domestic animals, wildlife, and fish. The state’s sled dogs also create a need for veterinarians able to provide sports medicine and husbandry services.



Courtesy of the University of Alaska-Fairbanks

Dr. Carla Willeto (left), an associate veterinarian at the University of Alaska-Fairbanks, shows Lily Ngai, a veterinary student from Colorado State University, how to auscultate a reindeer from a UAF research herd. Ngai was at UAF through an exchange program.

Alaska also has novel food security issues—such as those posed by *Brucella* organisms and lipophilic chemicals—that can affect residents who rely on wildlife for food, he said.

Dr. Mark Stetter, dean of Colorado's veterinary college, said the partnership will give his university new research opportunities and give its students experiences with more species and ecosystems. He noted that the veterinary college has been sending students to UAF for a summer research exchange program.

Dr. Stetter said that CSU had been planning to expand facilities and programs in the veterinary college in areas such as one health, sports and rehabilitative medicine, and nutrition.

He also expects students transferring from Alaska will be exposed to a different curriculum that could let them work in new areas of ecosystem health, research, academia, or other subject areas beyond the traditional areas of veterinary medicine.

"We're very sensitive to the fact that, in the veterinary profession, there's a lot of concern about the number of veterinary schools, the number of veterinary students that are graduating, and how many veterinarians are needed in the workplace," Dr. Stetter said. "And because of that sensitivity, we are spending a lot of time looking at much more diverse career opportunities for our students, so they're not just going into the traditional areas of veterinary medicine."

Under the agreement, the first two years of tuition for students in Alaska will be equal to that of students in Colorado, expected to be about \$27,000 yearly, according to an announcement from Colorado State. When students transfer from Fairbanks to Fort Collins, they will pay nonresident tuition, expected to be about \$54,000 yearly when the first class arrives in 2017.

Veterinary public health fellowship in the works

Throughout her career, Dr. Marguerite Pappaioanou has studied and applied the interconnectedness of human and animal health to improve global health. Now, she and a nonprofit are teaming up to encourage

veterinary careers in public health—both domestically and globally.

A partnership between Dr. Pappaioanou and the CDC Foundation has created the Pappaioanou Veterinary Public Health and Applied Epidemiology Fellowship. It will provide competitively selected veterinarians as well as third- and fourth-year veterinary students with opportunities for an applied, hands-on training experience in epidemiology, public health, or global health. Each fellow will spend up to one year with the Centers for Disease Control and Prevention working on a U.S.-focused or global public health project.

More details on the application process and how much each fellow will receive should be determined by mid-spring, said Pierce Nelson, vice president for communications for the CDC Foundation.

Dr. Pappaioanou currently serves as CDC's liaison to the Food and Drug Administration for food safety. She has over 30 years of experience working on domestic and global public health issues, including 22 plus years as an epidemiologist with the CDC, beginning in 1983.

On retiring from the Commissioned Corps of the U.S. Public Health Service in 2005, she moved to the University of Minnesota School of Public Health as professor of infectious disease epidemiology, with a joint appointment in the College of Veterinary Medicine. From 2007-2011, Dr. Pappaioanou was executive director of the Association of American Veterinary Medical Colleges. Just prior to rejoining CDC in 2013, she was senior one-health technical adviser to the Emerging Pandemic Threats/Respond Project, funded by the U.S. Agency for International Development, at Development Alternatives Inc. in Bethesda, Md.

"I am thrilled that through this fund veterinarians will have support to pursue exciting opportunities at CDC to improve human health and well being, and the environment in which we



Dr. Marguerite Pappaioanou

Courtesy of CDC Foundation

all live," she said in a CDC Foundation press release.

The CDC Foundation is an independent, nonprofit organization that connects the CDC with private-sector organizations and individuals to build public health programs.

Cornell to open equine hospital near racetrack

Cornell University College of Veterinary Medicine plans in April to open Cornell Ruffian Equine Specialists, a referral and emergency care hospital that will be near the Belmont Park racetrack backstretch on Long Island in Elmont, N.Y.

The college has signed a lease-buy agreement with Racebrook Capital Advisors LLC for the former Ruffian Equine Medical Center, according to a Dec. 4, 2013, university press release. The new hospital will provide elective equine specialty services to horses referred by their attending veterinarians. Full emergency and critical care services will be offered by spring 2015.

The 22,000-square-foot facility will provide surgical, imaging, diagnostic, and rehabilitation services. Dr. Alan J. Nixon, equine orthopedic surgeon and director of the Comparative Orthopedics Laboratory at Cornell, will serve as the chief medical officer. Drs. Lisa A. Fortier and Norm G. Ducharme, both professors of large animal surgery at the veterinary college and pioneers in regenerative and laryngeal procedures, will also offer advanced surgical procedures.

The hospital will be staffed by Cornell veterinarians and veterinary technicians and will offer a full complement of advanced orthopedic and soft tissue surgery and regenerative therapies, an internal medicine service, and diagnostic modalities, including advanced imaging such as MRI, CT, nuclear scintigraphy, high-speed treadmill endoscopy, arthroscopy, and laboratory services.

The Ruffian Equine Medical Center was opened in 2009 by International Equine Acquisitions Holdings Inc., which owned 2008 Kentucky Derby and Preakness winner Big Brown but closed less than two years after opening, when IEAH failed to meet its financial requirements.

Gift to fund new Purdue equine center

A \$2.7 million gift from Centaur Gaming will help Purdue University's College of Veterinary Medicine build the Centaur Regional Equine Diagnostic and Surgical Center in Shelbyville, Ind.

"The \$10 million center will house the most technologically advanced medical equipment to support diagnosis and treatment of equine patients, provide educational opportunities for veterinary students, and also enhance and expand our equine sports medicine research capacity," Dr. Willie M. Reed, dean of the veterinary college, said.

Plans for the center were announced Dec. 7, 2013. In addition to Centaur Gaming, Purdue will partner with Shelbyville and Shelby County to build the center.

The new center, which will be located just a few miles from the Indiana Grand Racing and Casino's track in Shelbyville, will be part of the Purdue Equine Sports Medicine program based on the West Lafayette, Ind., campus. It will offer advanced diagnostic imaging, shock-wave therapy, endoscopy, and specialized equine surgery in a one-story, 18,000-square-foot center.

Stockham recognized for veterinary clinical pathology contributions

Dr. Steven Stockham (KSU '72), professor of veterinary clinical pathology at the Kansas State University College of Veterinary Medicine, is the 2013 recipient of the Veterinary Clinical

Pathology Hall of Fame Award from the European Society of Veterinary Clinical Pathology. Award qualifications include having practiced clinical pathology for 25 years or more and having made substantial contributions to the profession.

Dr. Stockham was recognized for his roles as an educator of veterinary students and clinical pathology residents, for his numerous contributions to the discipline, for co-authoring the textbook "Fundamentals of Veterinary Clinical Pathology," and for his annual review of the certifying examination of the European College of Veterinary Clinical Pathology.

Dr. Stockham became a diplomate of the American College of Veterinary Pathologists in clinical pathology in 1980. He also is an honorary member of the European College of Veterinary Clinical Pathology.

Dr. Stockham has taught at Michigan State University and the University of Missouri-Columbia. In 2001, he returned to KSU with the primary responsibilities of teaching second-year veterinary students, training clinical pathology residents, and providing diagnostic services in the Clinical Pathology Laboratory.

Hoang honored as food safety veterinarian

Dr. Christine Hoang was named the 2013 Food Safety Veterinarian of



Dr. Steven Stockham

the Year by the American Association of Food Safety Veterinarians this past August in recognition of her dedication, service, and accomplishments

in food safety nationally and globally.

Currently, Dr. Hoang is an assistant director of the AVMA Scientific Activities Division, where she provides technical and scientific expertise for policy development, advocacy, and regulatory and legislative initiatives. Her key areas of responsibility include issues involving public health and food safety as well as zoonotic disease and antimicrobial resistance. Additionally, she serves as staff support for the AVMA Food Safety Advisory Committee and the Council on Public Health and Regulatory Veterinary Medicine.

Dr. Hoang received both her DVM and MPH degrees from the University of Minnesota and is certified by the National Board of Public Health Examiners. While at the AVMA, she has served on the planning committee for the International Conference on Emerging Infectious Diseases, has served on the board of directors and several committees of the U.S. Animal Health Association, and has participated on behalf of the AVMA as part of the U.S. delegation to the Codex Task Force on Antimicrobial Resistance. 🇺🇸



Dr. Christine Hoang.