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9-22-1978

## Official calls reason 'hogwash'

John Donnelly  
*University of Maine*

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### Repository Citation

Donnelly, John, "Official calls reason 'hogwash'" (1978). *Social Justice: Diversity, Equity, & Inclusion*. 394.  
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## Official calls reason 'hogwash'

by John Donnelly

An HEW official said Thursday it's "hogwash" that federal guidelines prohibit a UMO student from taking care of her own animals required for a course.

Michele Earltinez, a 23-year-old Zen Buddhist, majoring in animal medical technology, is required to take a course, laboratory animal care, that she says "needlessly sacrifices" laboratory animals, violating her religious principles.

The University, in a March 9 letter to Earltinez, listed its two major reasons for denying her request to keep her laboratory animals alive: a precedent would be set if Earltinez was given preferential treatment, and it would violate HEW guidelines.

However, Dr. Roy Kinard, the HEW official, said no federal regulations would be violated. "As long as the animal is healthy, we have no objections to her (Earltinez) taking care of the animals, bringing in her own, or paying for them," said Kinard, animal welfare officer of the Office for Protection from Research Risks, which is a division of the Department of Health, Education and Welfare.

Earltinez will file suit against the University if she cannot keep alive her own animals for the course, said Jud Esty-Kendall, Student Legal Services staff member,

who is representing Earltinez along with SLS paralegal Jonathan Smith.

Earltinez, who has been researching her case since last October, offered several alternatives, including those mentioned by Kinard, to John H. Wolford, chairman of Animal and Veterinary Sciences, but Wolford rejected them.

The letter to Earltinez was written by James M. Clark, vice president of Student Affairs. Clark's letter stated the reasons Wolford gave for the denial in the case.

"I offered them as many alternatives as I could think of. I haven't offered him (Wolford) anything that would upset the whole system," Earltinez said in an interview last week.

Kinard also talked about Wolford's reasons. "I never have exactly understood what Wolford was getting at by saying it violated HEW policies. It seems to me that Dr. Wolford had made this decision for purely his own personal reasons, and he tried to blame it on us.

"Of course, I wrote back saying it's hogwash and doesn't violate our regulations. They shouldn't come out saying something like that," he said.

When asked about the case, Clark said, "No comment." Wolford could not be reached for comment Thursday.

Kinard's letter, which was written on Feb. 22, came in reply to a SLS inquiry on HEW regulations. The letter stated, "We have reviewed the situation of Ms. Earltinez as described in your (SLS) letter of February 9, and we find that the officers of the University seem to misunderstand Department of Health, Education and Welfare policy on the use of animals....I don't see how any of these principles would be violated by giving Ms. Earltinez a normal animal.

"But the main problem seems to be contamination. We do expect institutions receiving grants from HEW to dispose of all infectious matter in a safe manner, but we have no written policy or regulations which would prohibit giving a student an animal which is not known to have been

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## ● Official disputes reason

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given any dangerous organisms and which appears healthy.

"I have checked with the Department of Agriculture, and I found that their regulations to enforce the Animal Welfare Acts do not prohibit giving an animal to a student.

"If the animal seems healthy—no infections and no pain—and if Ms. Earltinez can care for it, we have no objections to her taking it.

"There may be other factors or aspects to this problem that are none of my business. I don't presume to tell the University what to do with their animals or what to require of their students. But unless the giving of animals becomes common and causes problems for us or our grantees, we will not try to control it. The way things stand now, the University will have to argue its own case," the letter said.

In addition, Kinard wrote another letter

on May 1 to SLS.

The letter ended, "In my letter of February 22, I think that I successfully countered all of Dr. Wolford's and Mr. Clark's reasons for their decisions except one, the setting of a precedent which may cause trouble in the future."

In response to Kinard's Feb. 22 letter, Clark, on March 9, wrote to Earltinez.

The letter stated, "Dr. Wolford has repeatedly told me that he is concerned that he not establish—by giving you laboratory animals—a precedent that might lead to other students taking laboratory animals and, perhaps, violating one of the HEW principles, because other students may not care for the animals in a humane manner. Even Mr. Kinard has indicated that there could be a problem, if the giving of animals becomes common.

"I think Dr. Wolford is trying to ensure (1) that HEW principles be observed and (2) that he establish no precedents which could lead (a) to other students feeling aggrieved because you have been given preferential treatment, or (b) to potential violation of HEW principles or (c) to the jeopardizing of the department's accreditation to conduct research," the letter said.

Esty-Kendall, Earltinez's legal representative, said Clark and Wolford have not withdrawn their assertion that the case will violate HEW regulations.

"I really think the University is not being asked to do much, if anything at all," Esty-Kendall said. "They're not being asked to set any precedent. They can just say this is a unique case.

"I just can't see what the stupid objection is. This is a case that doesn't happen all the time. It's not a case of her wanting to bring home a cute rabbit. There are very deep reasons behind this," he said.

"The HEW guidelines are just a smoke screen. The only objection I can see is that its against former policy," he added.

Kinard, in a telephone interview Thursday, said this was the first time he has heard of such a case.

"I've never heard of anything like this before. If something like this would come up, then I would think they would take care of it and not make a big issue out of it," Kinard said.

"I think if I were in the administration there," Kinard continued, "I wouldn't even make her pay for it. As long as the animal was healthy, I'd give it to her.

"My thought is that if this problem had come up at another university, then they would let her have the animal, or if they said no they would back it up with some reason of their own, not one they fabricated," Kinard said.