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Buddhist decision reversed

by John Donnelly

Michelle Earltinez learned Thursday that she has won her battle.

After a year of arguing her case, the 23-year-old, two-year animal medical technology major will be allowed to keep her laboratory animals alive, according to a letter from UMO President Howard R. Neville.

Earltinez, a Zen Buddhist, said a required course, laboratory animal care, "needlessly sacrifices" animals after they're used for experiments. The killing of the animals, she said, violated her religious and moral principles.

Neville's letter overruled two previous decisions made by James M. Clark, vice president for Student Affairs, and John H. Wolford, chairman of animal and veterinary sciences.

Her last option for appeal within the University system was to Neville. If Neville had turned down her request, Earltinez said she would have filed suit against the University.

Neville, in the letter, said, "An exception is justified in this case because I'm satisfied that your reasons of religion and philosophy are sincere and conscientious."

The letter stated, "After discussing the matter with you on Oct. 27, and after reviewing the information gathered by Dr. Clark on the matter, I have decided to make an exception to existing guidelines in your case and allow you, under certain conditions, to assume responsibility for the continuing care of the laboratory animals on which you practice procedures required in 14 AnV-L (laboratory animal care)."

The "certain conditions" were that Earltinez would pay for the animals after the course completion and submit a plan to animal and veterinary sciences for care of the animals.

The decision will not exempt Earltinez from any of the academic requirements in the course, the letter stated.

The course includes blood-sampling, injections and ear-clipping of small animals, such as rabbits and rats, and is required for animal medical technology majors.

Also, in the letter, Neville said if an objection to the policies of the laboratory animals' care arises in the future, a
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Committee of two faculty members, and one student, appointed by the College of Life Sciences and Agriculture Dean, will make a recommendation to the department chairman.

The solution chosen by Neville was one of the alternatives she presented to Wolford at the beginning of the semester. Another alternative was that she would take her laboratory animals home after the semester and return them to the University for further research.

"I offered them as many alternatives as I could think of," she said.

Clark and Wolford based their decision not to grant an exception to Earltinez on two objections: it would set a precedent, and it would violate HEW guidelines.

An HEW official, though, said in September that no federal violations would be broken if Earltinez kept her laboratory animals alive and termed the University reasoning "hogwash."

Neville said Thursday that Earltinez had a "good case. If she didn't have one, I wouldn't have ruled that way," he said.

Clark also commented on the decision, saying he was "involved" in it. "Dr. Wolford and I had a hand in on the decision," he said.

Wolford was in Portland Thursday and could not be reached for comment.

Reacting to the decision, Earltinez said she was "shocked. I'm ecstatic and surprised."

"It was a nice discussion we had Friday (between Neville, Earltinez and SLS representatives), but I didn't think this would happen," she said.

"They've at least acknowledged now that there's a possibility of other students having conflicting ideas of utilization and sometimes feelings of exploitation of the animals that they use," Earltinez said.

Earltinez praised the decision to have a committee hear future cases and make a recommendation to the department chairman.

"I feel pretty good about it," said one of Earltinez's legal representatives, Jud Esty-Kendall, Student Legal Services lawyer. "I thought it was a good academic issue. It was something that should have been solved within the University."

In September, Clark said Earltinez probably would not win her case. "Although I'm not a lawyer," he said, "I'm convinced we have a solid legal case on the basis of the investigation."

"The whole thing is a matter of personal judgment, but we can only do what we judge as in our best interests," he added.

Earltinez said Clark encouraged her to take the case as far as she could but he thought "nothing would come out of it."