

2016 ANNUAL REPORT



**“An animal’s eyes
have the power to speak
a great language.”** —*Martin Buber*

President's Message



NEW ENGLAND ANTI-VIVISECTION SOCIETY

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Founded in 1895, the New England Anti-Vivisection Society (NEAVS) is a Boston-based, national animal advocacy organization dedicated to ending the use of animals in research, testing, and science education. Through research, outreach, education, legislation, litigation, and policy change, NEAVS advocates for replacing animals with modern alternatives that are ethically, humanely, and scientifically superior.



Photography by Jo-Anne McArthur

On the Cover: Cotton-top tamarins now living in the safety of Jungle Friends Primate Sanctuary.

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Dr. Capaldo and her
rescued Shiba Inu, Kibou

Founded 1895 and Still “Standing”

2016 brought enormous success to NEAVS’ long-standing focus on non-animal alternatives and chimpanzees. Federal legislation introduced in 2015 gained momentum toward ending cosmetics testing on animals. And, our fellowship grant was awarded to a promising scientist working with a heart-on-a-chip.

Campaigns that began in 2002 with the rescue of Arthur and Phoenix, chimpanzees sold from a lab into entertainment and housed at a rundown zoo—culminated in unprecedented victory with NIH’s announcement to end funding for biomedical research on chimpanzees and retire them to sanctuary. That same campaign track led to U.S. Fish and Wildlife Service (FWS) finally granting captive chimpanzees protections under the Endangered Species Act (ESA).

Still, bureaucracy being what it is compelled NEAVS to focus on eight chimpanzees from Yerkes’ laboratory destined to be shipped overseas into entertainment after a lifetime in a lab. Their new protections under the ESA, perversely, didn’t protect them.

NEAVS took this campaign on because the rippling effects are extensive. FWS violated public trust following its up-listing of captive chimpanzees to endangered, by allowing these chimpanzees to be exported for exploitation at a zoo where they’ll spend their remaining lives on exhibition. They deserved, morally and legally, the safety of sanctuary that U.S. law should have afforded them.

We lost our lawsuit against FWS on “standing.” That is, while the judge’s summary could not have been more supportive of our legal arguments, she then lowered an axe. She decided those of us who brought suit did not have the “legal standing” to act on behalf of these chimpanzees. Without legal standing, we are powerless to work on behalf of animals. Weak laws with loopholes big enough to drive atrocities through, and the courts, force us to abandon the myth that any animal is truly protected by any law.

In 2017, we’ll join the finest U.S. attorneys to undo the absurdity of the words “lack of standing.” This will be one of our most important campaigns. Like past work, it may take years. When we prevail, those working hard to seek justice for animals will have a solid platform to stand on—not the flimsy laws we have to rely on today.

We consider our work for the Yerkes 8 a success although we didn’t prevail in getting them to sanctuary. Because of NEAVS, the judge’s language serves the next case, until justice is within every animal’s reach—through his or her own paw, hand, hoof, fin or claw, and through the human hands working to protect them.

Thank you for being an important part of NEAVS!

For the animals,

Theodora Capaldo, EdD
President

Stand Up for Animals in Labs

Because of supporters like you, who stand up for animals in labs, more is being done each day to end 'status quo' animal research. Thanks to your generosity, NEAVS is able to focus valuable resources on targeted campaigns that really matter. Campaigns such as championing non-animal, scientifically advanced research alternatives through our NEAVS/AFAAR fellowship grants; engaging the public to ask their federal legislators to end the use of animals in cosmetics testing by passing the Humane Cosmetics Act; and, now that we've realized real victories with Project R&R, Release and Restitution for Chimpanzees, committing to spotlighting ALL primates in research—the tens of thousands of monkeys who suffer and die needlessly.

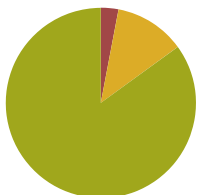
NEAVS' road to our mission's success to end the use of animals in research, testing, and science education is bound to the support we receive from our donors. As a team, together, we are moving toward the day when no animal, regardless of species, will have to suffer and die in a steel lab cage.

But, lasting and meaningful change takes time. With each new success, we remain confident of many more to come! We hope that you and every one of our supporters—whether with us for years or recently joined—are with us for the 'long haul' so together we can bring about the changes the animals desperately need.

Once more, we want you to know how grateful we are to you. And, we want to remind you that any gift, regardless of amount, makes a difference to the animals we serve. Please, consider making as generous a donation as you can—because when you make that gift, you are more than a contributor, you are a member of NEAVS' team.

PS: We really enjoy talking to our supporters!
If you have questions, please call Member Services at 617-523-6020 or email info@neavs.org.
If you prefer to give online, visit neavs.org and click DONATE, it's that simple.

Year-End Financials

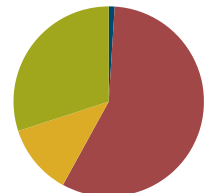


2016 Operating Expenses

Programs	85.02%.....	\$881,425
Development	11.97%.....	\$124,131
Administrative	3.01%.....	\$31,219
		\$1,036,775

2016 Contributions and Income

Bequests	30.23%.....	\$335,206
Contributions	11.99%.....	\$132,996
Investment Revenue	57.63%.....	\$639,073
Other	0.15%.....	\$1,652
		\$1,108,927



Cornerstones Have



Highlighted Advances for Animals in 2016:

- **Ten years after NEAVS' launch of Project R&R: Release and Restitution for Chimpanzees in U.S. Laboratories**—to end their use in research and provide them release and restitution in sanctuary—the **National Institutes of Health (NIH) announced it would no longer support biomedical research on chimpanzees**, and would retire all NIH-owned and supported chimpanzees by 2023.
- **This huge accomplishment followed U.S. Fish and Wildlife Service's (FWS) previous announcement to up-list captive chimpanzees to endangered, and therefore protected under the U.S. Endangered**

Species Act (ESA) as their free living relatives had been for 25 years.

- Still, NEAVS' and our coalitions' efforts under the ESA to protect eight chimpanzees at Yerkes Research Center from being sent to an overseas zoo, did not prevent it. However, the judge's strong language will serve the next case to protect endangered species from loopholes in the ESA that FWS refuses to close. NEAVS lost on the grounds of 'lack of standing' not on the merits of our case. **We will join a team of experts who will take on "standing," one of the greatest obstacles to justice for other species.**
- NEAVS and its affiliate, the American Fund for Alternatives to Animal Research (AFAAR), continued to support women in science committed to

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advancing non-animal alternatives in research and testing. **NEAVS/AFAAR's post-doc recipient, Sushila Maharjan, PhD, is working with the heart-on-a-chip to look at sex differences in heart disease.** We are proud to fund her work at the Khademhosseini Lab/ Wyss Institute—an affiliated lab of Harvard University and the Massachusetts Institute of Technology.

- A groundswell of countries followed others that have gone 'cruelty-free'—ending the use of animals in cosmetics testing. **NEAVS hosted Cruelty-Free Beauty Days to: educate on what is wrong and inhumane about animal testing; promote passage of the Humane Cosmetics Act (HCA); and hand out samples of Leaping Bunny products.**

Building on the Momentum in 2017:

- **Following our 2016 victories for chimpanzees in labs, we will concentrate on the tens of thousands of monkeys in labs.** As we did so successfully for chimpanzees, **we will bring to light the severe psychological trauma they endure as a result of research and confinement.** Our first strike: focusing on the psychological well-being of monkeys in labs,

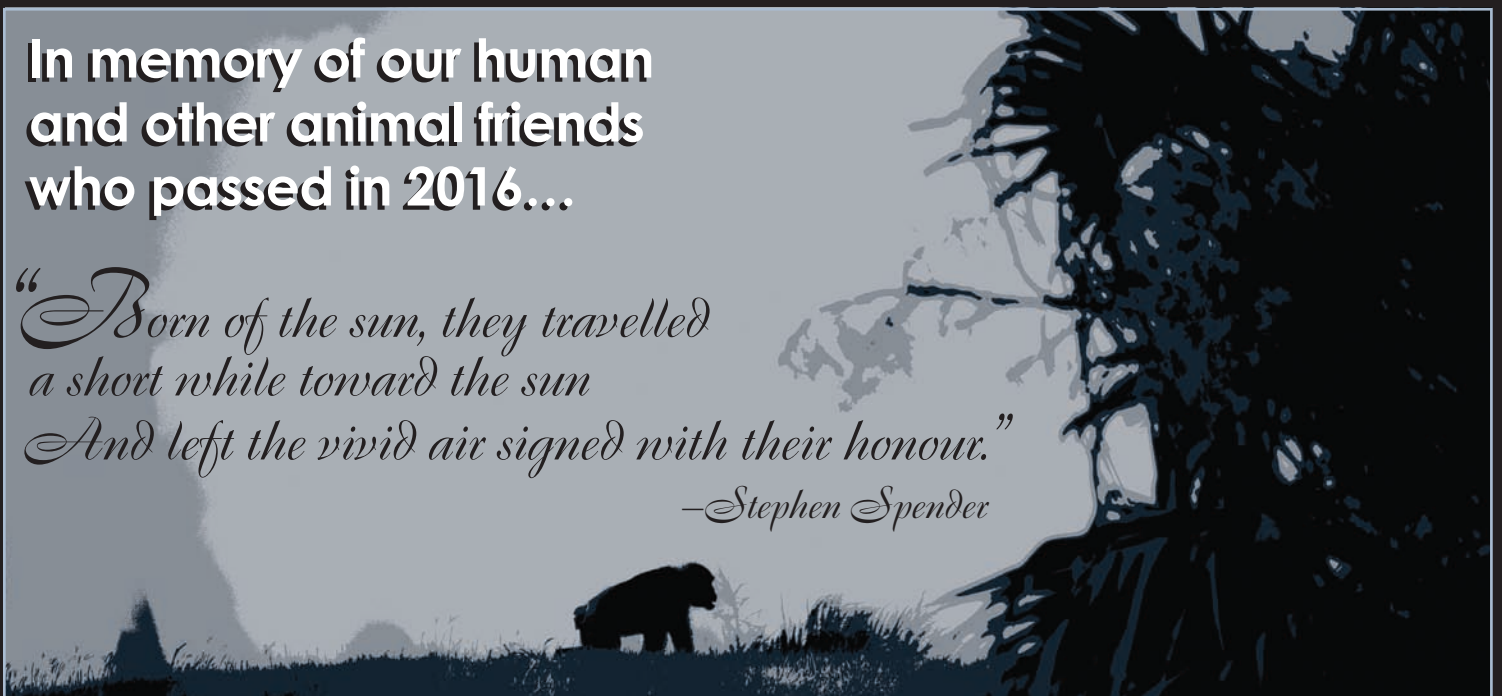
and the vacuous law meant to protect them from this inexcusable suffering.

- **We will be joining other advocates and top U.S. attorneys, in efforts to tear down the obstacles surrounding the ability to demonstrate 'standing' for captive animals.** With time and determination, we will give those of us who work so hard for animals more solid ground.
- Focusing on getting the U.S. in alignment with numerous countries that have already ended the use of animals in cosmetics testing remains a priority! **It is up to our Congressional leaders, inspired by you, to reintroduce the HCA in the 115th Congress. Once law, the HCA will end the suffering and deaths of millions of animals in U.S. cosmetics testing.** Follow NEAVS on Facebook to see our 'Cruelty-Free Beauty Days' 2017 calendar!
- NEAVS/AFAAR will continue promoting the next generation of scientists through its Postdoctoral Fellowship Grant. **Watch for progress updates from our current recipient, Sushila Maharjan, PhD, and info on an upcoming webinar featuring Drs. Ali Khademhosseini and Maharjan, and other scientists, for an introduction to existing non-animal alternatives and the future of these scientific advances.**

In memory of our human
and other animal friends
who passed in 2016...

*"Born of the sun, they travelled
a short while toward the sun
And left the vivid air signed with their honour."*

—Stephen Spender



Getting Knocked Down on Standing

Katherine Meyer, Esq.

NEAVS attorney for *New England Anti-Vivisection Society v. Fish and Wildlife Service, et al.* (2016)



Despite our hard work, we were unsuccessful in preventing the transfer of eight Yerkes chimpanzees to an overseas zoo. This wasn't because the Court disagreed with the *merits* of our argument that the transfer violated the Endangered Species Act. On the contrary, the Judge stated, "[t]his Court considers doubtful FWS's insistence that...Congress...intended to authorize the agency to 'sell' its permits in this fashion..." The Court ruled against us solely on the grounds that we, the plaintiffs, lacked "standing" to bring the case—and therefore, she had no *authority* to rule, one way or another.

Standing derives from Article III of our Constitution. The Supreme Court defines it as requiring a Plaintiff to prove three things: (1) that the Plaintiff is *injured* by the action being challenged; (2) that the injury is *caused* by the challenged activity; and (3) that if the court rules in the plaintiff's favor, the court will be able to "redress" that injury. It has been difficult for plaintiffs in non-economic cases to demonstrate Article III "standing." It is especially difficult in cases challenging the way *captive* animals are treated.

In environmental cases, for example, where the plaintiffs are challenging actions by a federal agency that will damage the environment, it is enough if the plaintiffs demonstrate they live in or visit the area in question and their interests in enjoying that environment will be

damaged. Even in cases where plaintiffs have challenged actions that will harm *wild* animals—

"...the judge held that she lacked jurisdiction to decide the case."

e.g., challenging a permit to allow killing whales—plaintiffs can demonstrate standing by showing they enjoy observing, studying, or photographing them in the wild and the challenged activity will diminish their ability to do so in the future.

However, when, as in our case, the plaintiffs challenge an activity that will harm *captive* animals, it is extremely difficult to demonstrate standing because, although those particular animals may be harmed, the plaintiffs will not be harmed. When challenging an action with respect to *captive* animals, it is usually necessary for the plaintiffs to demonstrate they have a special interest in *those particular animals*, and that *this* interest is being harmed by the challenged activity. This is because, to date, the courts do not recognize animals as being

able to be plaintiffs themselves, and therefore, although the harm at issue is really to the animals, the human plaintiffs must demonstrate what is happening to the animals somehow harms the humans. This is the crux of our problem.

While we had several plaintiffs who knew and had previously worked with these chimpanzees, because they had no *current* ability to visit them at Yerkes, the Court held they had no current interest that was being harmed. Although we argued this wasn't relevant because Yerkes had decided to get rid of the chimpanzees, and hence they were going to be relocated *somewhere*—and if to a U.S. sanctuary, our plaintiffs would be able to see them again, the Court referred to this as "dashed hope"—and not sufficient for Article III standing. Accordingly, the judge held that she lacked *jurisdiction* to decide the case.

NEAVS, as a key plaintiff, argued it was also injured by the transfer because it jeopardized NEAVS' ability to carry out its "R&R" (Release and Restitution) program for these particular chimpanzees, and all the plaintiffs were injured because they were being denied important information that formed the basis for the Fish and Wildlife Service's decision—the Court held that none of these injuries was sufficient for standing.

By the time the court issued its decision, we did not have time to appeal. By the time an appeal would have been heard, the chimpanzees would be in England.

Standing is never a barrier to the courts when corporations seek to recover damages for an alleged illegal act. But when public interest plaintiffs seek to vindicate *their* rights and interests to protect *captive* animals from harm and exploitation, standing can be an absolute barrier to the courthouse doors. This is what happened to us in the Yerkes case.

A way to alleviate the standing obstacle for captive animals who fall under the Animal Welfare Act is to amend that statute to create a "**private right of action**" to bring such cases, and to designate the individuals who could represent the interests of the animals directly, e.g., an organization like NEAVS. I am personally committed to working with NEAVS and others to explore this...in hopes of opening an avenue with fewer obstacles from which a host of captive animals can be protected in the future.



The Many Faces of NEAVS

NEAVS is the 'home base' for diverse programs and approaches to our anti-vivisection mission to maximize impact for the animals.

When you see any of the following, recognize us as NEAVS!



Project R&R: Release and Restitution for Chimpanzees: NEAVS' national campaign to end chimpanzee use in research and provide them homes in sanctuary.

releasechimps.org



NEAVS is a founding member of the Coalition for Consumer Information on Cosmetics (CCIC) and its Leaping Bunny program certifying cruelty-free products.

neavs.org/campaigns/ccic



NEAVS' sister organization the American Fund for Alternatives to Animal Research (AFAAR) provides funding to researchers worldwide to develop, validate, and implement alternatives to animal use in all areas of science.

neavs.org/campaigns/afaar



NEAVS' educational affiliate Ethical Science Education Coalition (ESEC) affirms the right to cruelty-free science education, providing students at all levels support for their right to non-animal alternatives.

neavs.org/campaigns/esec

Leadership

For more information, visit neavs.org and releasechimps.org.

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Words of Inspiration...

"We owe an enormous debt of gratitude to you [NEAVS]...who have worked so tirelessly to achieve the incremental steps to bring safety and comfort and happiness to animals..." —Karen and Harvey S.

"I have been very touched by your organization. I am so glad that you exist..." —Gail L.

"Thank you for your amazing patience and dedication NEAVS!" —Nicole G.

"I have been with your organization for many years...THANK YOU for all you have done." —Alice S.

"Keep up the fight...until ALL [animals] are free from harm!" —Nalyne L.

