A Well-deserved Victory
Principle of free debate upheld by court

In January, the appellate division of the Supreme Court of New York threw out a libel suit brought by Immuno AG, an Austrian medical-supply firm, against Dr. J. Moor-Jankowski, a researcher at New York University Medical School. While Dr. Moor-Jankowski was the sole remaining defendant at the time of the appeal, the suit had its origins in a letter written by Dr. Shirley McGreal, chairwoman of the International Primate Protection League, to the Journal of Medical Primatology, which Dr. Moor-Jankowski edited. Dr. McGreal’s letter criticized Immuno’s plans to establish a chimpanzee-research facility in Sierra Leone, West Africa, on grounds of the plan’s possible impact on wild chimpanzee populations and its apparent purpose of getting around international laws and treaties restricting trade in endangered species, among others. The letter was published in December 1983, after which Immuno sued Dr. Moor-Jankowski, Dr. McGreal, and a number of other defendants for libel. (The HSUS and several other animal-protection and wildlife organizations filed a brief as amici curiae, emphasizing the importance of free and untrammeled public debate in matters concerning the environment and endangered species.)

In many senses, animal-protection organizations and others that depend upon speaking out and alerting the public in the face of the daunting accumulation of material resources that business corporations possess should be heartened by the appellate division’s decision. In addition to declaring Dr. McGreal’s letter to be not only clearly protected opinion but also “demonstrably true,” the court sharply criticized the trial court for not cutting off the litigation at an early stage. “To unnecessarily delay the disposition of a libel action,” the court declared, “is not only to countenance waste and inefficiency but to enhance the value of such actions as instruments for harassment and coercion inimical to the exercise of First Amendment rights.”

The court’s opinion thus represents a welcome vindication of Dr. McGreal and those who courageously alert the public to the truths of animal exploitation. It is to be hoped that the court’s opinion, in its completeness and scholarship, will have a salutary effect upon plaintiffs who may seek to use defamation law to stifle the voice of animal advocates and upon trial judges, at least in New York State, who, guided by the decision, will strive to terminate such suits as soon as possible, to the relief of charitable defendants whose funds are strained by legal fees as well as by liability-insurance premiums.

When one considers that Dr. McGreal’s statements were in the form of a letter to the editor—a forum in which un fettered give-and-take is expected and which is a premiere showcase of the free marketplace of ideas in this country—that Dr. McGreal’s letter dealt with a subject of undeniable public and international concern (the protection of endangered species) and that, in spite of these facts, an appellate court required a turgid, technical decision to resolve the case, one wonders whether the court’s opinion really represents enhanced protection or rather a failure of the judicial system to protect, rather than suppress, the truths of animal exploitation.

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The Marine Mammals, including whales, dolphins, sea lions, and fur seals, are a group of marine mammals for which traditional native handicrafts are allowed, although native Alaskans are allowed to use a limited number of marine mammals in handicrafts. The natives are not allowed to harvest marine mammals for subsistence and only minor transportation of marine mammals may take place within the immediate area of the harvest. However, the natives are attempting to increase the number of marine mammals they may take by broadening the definition of traditional handicrafts.

To counter this attempt, the HSUS recently submitted comments to the U.S. Fish and Wildlife Service (FWS) on the use of marine mammals in handicrafts by Alaskan natives. The HSUS told the FWS that the natives’ exemption should be interpreted as narrowly as possible, in order to provide the necessary protection for marine mammals, and that no new handicraft activities should be permitted under the MMPA.

The HSUS Senior Vice President Patricia Forkan and John Gleiber, executive secretary of the Animal Welfare Institute, make their points at the demonstration, held during a visit of Japan’s Prime Minister Noboru Takeshita to Washington. The Parks Foundation provides financial support to organizations for programs to improve the status of animals. Awards are made either for specific projects, the construction of shelters, or for general shelter operating costs. Applications are now being accepted for this year’s grants. To be eligible, organizations must have established IRS 501(c)3 status. For details on program areas of interest to the foundation and how to apply, write to: The William and Charlotte Parks Foundation for Animal Welfare, c/o Maine National Bank, P.O. Box 3555, Portland, ME 04104.

Grant proposals for the 1989 review cycle are due by May 1, 1989.

If you don’t think animal protection is a battle, consider the weapons we’re up against.

Every day, throughout the world, millions of animals suffer needlessly. We’re fighting to stop that suffering. In recent years, we’ve brought an end to dozens of inhumane acts by changing laws, uncovering illegal activities and educating local governments. To continue, we need your help. Become a member. Write WSPA, PO Box 190, 29 Perkins St., Boston, MA 02130. Or call (617) 522-7000. Your support is our only line of defense.
A THOUSAND ADOPTIONS

The National Association for the Advancement of Humane Education (NAAHE)'s Adopt-A-Teacher program got a tremendous boost from the Michigan Humane Society (MHS) when it became the first organization to "adopt" one thousand teachers. The Adopt-A-Teacher program enables individuals and humane agencies to provide classroom teachers with humane-education materials every month during the school year. Each adopted teacher receives a Kids In Nature's Defense (KIND) Club packet, complete with student identification cards and materials to help turn the classroom into a KIND Club. In addition, each adopted teacher receives a year's subscription to Children's Animals magazine and Kind News, the official children's newsletter of the KIND Club. Kind News is delivered in bundles of thirty-four copies.

Individuals or organizations that participate in the Adopt-A-Teacher program may adopt any number of teachers they wish. Each adoption costs $79.50. When organizations adopt one thousand or more teachers, they receive a special benefit: their name and address are printed on the front page of each copy of Kind News and may reach up to thirty-four thousand homes. In this way, humane organizations receive publicity while expanding their humane-education programs. As David Wills, MHS executive director, explains, "Through Adopt-A-Teacher, we know that one thousand classrooms are going to have continual reinforcement of humane values on a daily basis. No visiting humane-education specialist, no matter how efficient, could reach that many classrooms so consistently. I would strongly urge other shelters and humane societies to participate in the Adopt-A-Teacher program."

For more information on the Adopt-A-Teacher program, contact NAAHE, P.O. Box 362, East Haddam, CT 06423.

Shelly Rosenfield, the first teacher adopted by the MHS, receives an adoption certificate from Ron Blauet, MHS director of education.

THE FORT WAYNE DEPARTMENT OF ANIMAL CONTROL IN FORT WAYNE, INDIANA, put together their first large-scale campaign to date—concluded 1988 with the "Be a P.A.L.—Prevent A Litter" campaign. Through the Fort Wayne Department of Animal Control and the Fort Wayne Humane Society, the "Be a P.A.L.—Prevent A Litter" campaign got a tremendous boost from the Michigan Humane Society (MHS) when it became the first organization to "adopt" one thousand teachers.

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ALICE MORGAN WRIGHT—EDITH GOODE FUND TESTAMENTARY TRUST

December 31, 1987

Statement of Assets and Liabilities

Assets

<table>
<thead>
<tr>
<th>Description</th>
<th>Balance 12/31/87</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assets:</td>
<td>$1,308,076</td>
</tr>
<tr>
<td>Dividends and Interest Income—Net</td>
<td>$3,503</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$1,305,540</td>
</tr>
</tbody>
</table>

Less: Distribution of 1986 Income                  | $30,800          |

Balance 12/31/87                                   | $1,335,340       |

Organizations Receiving Aid from Alice Morgan Wright—Edith Goode Fund 1987 Trust Income

<table>
<thead>
<tr>
<th>Organization</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>The American Humane Society</td>
<td>$7,993</td>
</tr>
<tr>
<td>The International League for Animal Protection</td>
<td>$7,500</td>
</tr>
<tr>
<td>Animal Protection League, Milwaukee, Wisconsin</td>
<td>$7,091</td>
</tr>
<tr>
<td>The Animal/ Crusaders, Inc., Everett, Washington</td>
<td>$3,000</td>
</tr>
<tr>
<td>Asociacion Urugua ens de Proteccion de Animales, Montevideo, Uruguay</td>
<td>$1,503</td>
</tr>
<tr>
<td>Assistance aux Animaux, Paris, France</td>
<td>$933</td>
</tr>
<tr>
<td>Beefie Hospital for Animals, London, England</td>
<td>$1,350</td>
</tr>
<tr>
<td>Asociacion Urugua ens de Proteccion de Animales, Montevideo, Uruguay</td>
<td>$1,200</td>
</tr>
<tr>
<td>Deutsche Tierfreunde e.V., Munich, Germany</td>
<td>$700</td>
</tr>
<tr>
<td>Deutschland Schutz fuer Tiere e.V., Berlin, Germany</td>
<td>$500</td>
</tr>
<tr>
<td>Detroit Animal Society, Detroit, Michigan</td>
<td>$300</td>
</tr>
<tr>
<td>Four Paws, Columbus, Ohio</td>
<td>$200</td>
</tr>
<tr>
<td>Friends of Hope, Columbus, Ohio</td>
<td>$200</td>
</tr>
<tr>
<td>Fund for the Replacement of Animals in Medical Experiments, Newmarket, England</td>
<td>$600</td>
</tr>
<tr>
<td>Hellenic Animal Society</td>
<td>$400</td>
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<tr>
<td>Humane Society of Tom Green County, Fort Worth, Texas</td>
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<td>$400</td>
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<tr>
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<td>$400</td>
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<tr>
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<td>$400</td>
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Reflect for a moment... how can I help animals even when I no longer share their world...? By your bequest for animal protection to The Humane Society of the United States, you will be able to provide for animals after you're gone. Naming The HSUS demonstrates your lasting commitment to animal welfare and strengthens the Society for its future. We will be happy to send information about our animal protection and animal programs and which will assist in planning a will.

Please send: will information

Name ________________________________

Address ________________________________

City __________________ State __ Zip __

Mail in confidence to: Murthaugh S. Madden, Vice President/General Counsel, The Humane Society of the United States, 2100 L Street, NW, Washington, DC 20037

The Animal Alliance Society billboard got a lot of attention in El Paso, Texas.
free phone number allowed the public to call for a list of veterinarians in the Bay Area that would provide pet sterilization at a reduced fee. The Alliance for Animal Protection, a teaching unit for elementary schools titled “Become a P.O.E.T.” (Pet Overpopulation Educator Today) that was implemented in the fall of 1988. Designing its own press kit, the Alliance took on the theme of “Sex Education Isn’t Just for People” and distributed television public-service announcements, newspaper ads, posters, and billboards.

The Coalition for Pet Population Control of Los Angeles, the second winner in this category, began in October of 1987 with a single goal: reducing the overpopulation of dogs and cats in its area through spaying and neutering. All eleven public sheltering agencies serving Los Angeles County are participating.

During the first twenty-week-long campaign, more than 7,300 pet owners dialed spay/neuter hot-line numbers after discovering the service through public-service ads on television and radio and in buses, bus shelters, newsmakers, and fliers. The second twenty-week campaign has a target of ten thousand calls. Volunteers man the hot lines 120 hours each of the twenty weeks. The coalition has agreements with sixty-six veterinarians and eleven spay/neuter clinics in Los Angeles County, and it recently expanded to include Orange and San Diego counties.

The work of three groups in Philadelphia rounds out Category V’s winners. The Women’s SPCA of Pennsylvania, the Morris Animal Refuge, and the Pennsylvania SPCA are commended for their well-organized, thoughtful outreach program, beginning with last year’s “Be a P.A.L.” promotion in April. In its list of goals, the Women’s SPCA included “preserve our pet and companion animals.” Thirty-one veterinarians agreed to participate in the “Be a P.A.L.” effort by offering 25 percent discounts throughout April, and almost all agreed to participate again.

School and community programs during March and April focused on pet overpopulation and spaying and neutering. Mayor W. Wilson Goode proclaimed April as “Prevent a Litter” Month in Philadelphia; the Philadelphia Electric Company building’s crown of lights lit up with the Alliance’s “Prevent a Litter” and “Call your SPCA;” public-service announcements were written and distributed throughout the area.

The “Be a P.A.L.” campaign was designed to encourage partnerships that could more effectively help animals by forming them into a unique, public, and unified community. The results of these efforts translate clearly into a better life for companion animals.

Public support for the animals increased as a result of public pressure. Industry has developed a number of potential alternatives to animal testing, particularly the Draize Test. Several of the most promising of these are being studied to determine which will be most effective.

One of the most heartening recent developments was a January 1989 announce­ment by the Novell Corporation, maker of Nonoxema and Cover Girl and Clinique cosmetics, that it will screen new cosmetics and skin-care products for safety by applying them to tissue cultures in laboratory flasks rather than in rabbits’ eyes. This non­animal test, the Agarose Diffusion Method, was previously scientifically validated to screen the toxicity of plastics in medical devices; now, after two years of study, the test is being applied to eye irritants. According to a letter from Novell to The HSUS, the company expects this substitution to reduce its use of the Draize Test by 80 to 90 percent.

A growing number of companies has avoided animal testing altogether. The HSUS recently revised its Humane Shop­per’s Guide, which lists ninety “cruelty­free” manufacturers. Unlike other manufactur­ers of cosmetics, personal-care products, and related items, these companies rely on careful formulation rather than on scientifi­cally questionable animal tests to ensure the safety of their products. They use in vitro tests on cell cultures generally recognized as safe, often of “food­grade quality.” These products have traditionally been sold at health-food stores and food cooperatives, but they are becoming available in more mainstream outlets such as major supermarkets, drugstores, beauty salons, and department stores.

In January 1989, The HSUS convened a meeting of several cruelty­free cosmetics manufacturers to explore common interests and mutual goals. The companies explained the importance of their insurance practices and expressed a willingness to work with The HSUS to expand consumer awareness of animal testing and cruelty­free alternatives. The HSUS has also been involved in legislation to reduce or eliminate animal tests. At the federal level, Representative Barbara Boxer has introduced a bill that would ban the traditional LD50 Test and compel federal regulators to reevaluate and justify periodically any regulations that en­

ce, religious slaughter of ani­mals for food is exempt from the U.S. 1958 Humane Slaughter Act, the barbaric practice of shackling and hoisting fully conscious animals to the animals used as subjects and products, and even death— are inherent in the LD50 Test; the aim of the test is to determine the dose that kills 50 percent of the animal subjects, hence the name “Lethal Dose 50 Percent” or “LD50.” Bills calling for a ban on animal testing are being introduced at the federal, state, and local levels. Increasing public aware­ness could eventually eliminate the use of animals in product testing.

Although many companies continue to use animals to determine their products’ safety, they are reevaluating that approach, largely as a result of public pressure. Indus­try has developed a number of poten­tial alternatives to animal testing, partic­ularly the Draize Test. Several of the most promising of these are being studied to determine which will be most effective.

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The Humane Society News • Spring 1989

FARM ANIMALS

Improving Kosher Slaughter

New systems eliminate need for shackle hoist

Because religious slaughter of ani­mals for food is exempt from the U.S. 1958 Humane Slaughter Act, the barbaric practice of shackling and hoisting fully conscious animals to the animals used as subjects and products, and even death— are inherent in the LD50 Test; the aim of the test is to determine the dose that kills 50 percent of the animal subjects, hence the name “Lethal Dose 50 Percent” or “LD50.” Bills calling for a ban on animal testing are being introduced at the federal, state, and local levels. Increasing public aware­ness could eventually eliminate the use of animals in product testing.

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available in the United States, thus the ex-
ception of religious slaughter from hu-
mane standards. All other livestock
slaughtered for food must be rendered un-
conscious prior to shackling and hoisting.

Devices that hold the animal in an up-
right position during religious slaughter
are now available for all species. The
ASPCA pen for large cattle was developed
in the early sixties. In 1980, the V.
convoy restrainer was adapted for kosher
slaughter by the addition of a head holder.

This apparatus makes it possible for very
large kosher slaughter plants to eliminate
shackling and hoisting. It approxi-

cately 75 percent of the large cattle
slaughtered in kosher plants are held in
either the ASPCA pen or a V-conveyor
restrainer. Shackling and hoisting of large
cattle has declined since 1980, partially
due to the invention of the modified V
restrainer.

Until recently, all calves and sheep were
shackled and hoisted prior to religious
slaughter because appropriate restraining
equipment was not available for these
smaller animals. However, over the last
two years, a new system that eliminates
shackling and hoisting for sheep and

slaughter has been developed and tested in
a commercial calf-slaughter plant. Funded
under the Council for Livestock Protection,
a consortium of national humane organiza-
tions that includes the HSUS, the new system was researched initially at the
University of Connecticut. My com-
pany, Grandin Livestock Handling Systems,
developed and invented many parts of this
system.

Calves enter the slaughter plant and ride
astride a moving double-rail conveyor.
The calf rides quietly, seldom struggling,
until it reaches the end of the conveyor,
where a yoke attaches to the bottom of
a gate descends to hold the animal's back.
The animal is then slaughtered according
to religious requirements (see photo and
diagram, below).

The plant equipped with this system
slaughters less than 5 percent of all kosher
slaughtered calves; all other plants
still shackles and hoist calves prior to
kosher slaughter.

Although the invention of the modified
V restrainer contributed to declining use
of the shackle hoist in large-cattle opera-
tions, so did increasing concern about
employee safety. Slaughter plant operators
want to avoid insurance premiums and
lawsuits from injured employees, and,
for this reason alone, upright restraint
equipment has made sense.

The table above graphically illustrates
a big reduction in accidents after the new
double-rail restrainer system was installed
in the calf plant described earlier. The data
was accumulated eighteen months prior to
installation of the system and eighteen
months after installation of the restrainer.

There have been similar dramatic re-
ductions in accidents in large-cattle plants
when the shackle hoist was replaced with
the new restraint systems. The University
of Connecticut has developed a small
restrainer that costs less than $1,000 for
the installation in ten- and smaller-sized
slaughter plants. Small slaughter operations can no longer cite
economics as an excuse not to switch to
these humane—indeed safer—methods of
religious slaughter. It is now time for the
United States to get out of the Dark Ages
and require the use of proper restraining
devices. —Temple Grandin, Grandin Live-
stock Handling Systems, Inc.

In a newly developed small-animal system funded by the Council for Livestock Pro-
tection, calves ride quietly on a conveyor prior to slaughter.

SHACKLE HOIST

<table>
<thead>
<tr>
<th>Accident</th>
<th>Working Days</th>
<th>Lost</th>
</tr>
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<tbody>
<tr>
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<td>82</td>
<td></td>
</tr>
<tr>
<td>Shackled fell on person's head</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Kicked hand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strained shoulder</td>
<td>21</td>
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<tr>
<td>Kicked hand</td>
<td></td>
<td></td>
</tr>
<tr>
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DOUBLE RAIL RESTRAINER

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<th>Working Days</th>
<th>Lost</th>
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</thead>
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<td>Hand injury</td>
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<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
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**COMPANION ANIMALS**

End of the Animals Farm Home

McCarthy pleads guilty to animal cruelty

The single largest case of animal cruelty in the United States began in
November 1987, when Justin McCarthy, owner of the Animals Farm Home
in Ellenville, N.Y., was arrested and charged with cruelty to animals
(see the Summer 1988 HSUS News). More than 1,000 animals were found
on the farm, including almost 500 dogs. Hund-
reds of dogs were locked in dark, stench-
filled rooms with no food or water. Most
were suffering from mange and were ex-
tremely emaciated. Many had resorted to
cannibalism to survive.

A second warrant was issued to im-
pound the animals on the premises and give
humanity control of the farm, to care for them. Under the
direction of Samantha Mullen of the New
York State Humane Association (NYSHA), a massive photo-identification
and treatment program was launched by
the Ulster County SPCA, NYSHA, and
The HSUS. Dr. Lawrence Bartholf
headed a team of veterinarians who ex-
thanatized the most seriously ill animals
and started medical treatment for the sur-
vivors. HSUS staff worked with local
groups monitoring the conditions at the
farm and caring for the animals.

Ulster County District Attorney
Michael Kavanaugh brought the case before
the grand jury in April of 1988. Mr.
McCarthy was indicted on twenty-five
counts of animal cruelty following a
September 1988 visit to the farm and
started medical treatment for the sur-
vivors. HSUS staff worked with local
groups monitoring the conditions at the
farm and caring for the animals.

Ulster County District Attorney
Michael Kavanaugh brought the case before
the grand jury in April of 1988. Mr.
McCarthy was indicted on twenty-five
counts of animal cruelty in May.

A separate civil suit was filed charging
that Mr. McCarthy had operated the large
slaughter operations in an illegal and
fraudulent manner. The New York State
attorney general sought to put Mr. McCarthy's business and permanently
close the farm.

In the civil action, New York State
Supreme Court Justice Vincent Bradley
denied the Ulster County SPCA as tem-
orary receiver in October, giving it con-
trol of the farm, and an intensive adop-
tion effort began. The judge ordered that
the attorney general, the Ulster County
SPCA, and Mr. McCarthy agree on the
permanent dissolution of the farm.

Justin McCarthy pleaded guilty on
November 9, 1988, to four criminal counts
of animal cruelty, including allowing ani-
mals to starve to death and engage in
dog-fights and cannibalism over a two-year
period. Mr. Kavanaugh, the New York State
Humane Association, and The HSUS
urged the courts that Mr. McCarthy not
be permitted to retain any animals.

As part of the agreement, Mr.
McCarthy is "permanently enjoined from own-
ing, operating, or being associated in any
manner with an animal shelter or any
related business whatsoever." He is fur-
ther "permanently enjoined from soliciting or accepting charitable contribu-
tions for the care, maintenance, or sup-
orment of animals." Mr. McCarthy's wife,
Cathy Marinaccio McCarthy, is similarly
enjoined for as long as the resides with her
remains married to Justin McCarthy.

The Animals Farm Home will be sold
and the proceeds used to pay off the debts in-
curred by the Ulster County SPCA for
the care of the animals, operation costs,
medical fees, and legal fees.

Justin McCarthy was sentenced to three
years' probation by Judge Francis Vogt.
As part of the sentencing, Mr. McCarthy
must abide by the agreement entered into
in supreme court. Both Mr. McCarthy and
his wife will no longer be permitted to
have anything to do with an animal shelter.

However, humane groups were appalled
that both judges allowed Mr. McCarthy to
keep 25 personal pets.

HSUS New England Regional Program Coordinator Frank Ribaudo organized "Opera-
tion Cooperation" to help find homes for the last 125 dogs remaining at the Animals
Farm Home. Only neutered animals were offered for adoption.

December 28 and 29 marked the final
closing of the Animals Farm Home. Hu-
mane organizations throughout New
England, including the Cocheco Valley
(N.H.) Humane Society, the Maine Federa-
Hon of Humane Societies, the Massachu-
setts SPCA, and the Boston Animal
Rescue League took dogs for adoption.
Assisting were the York County SPCA in
Townsville, Pennsylvania, and the Berk
County, Pennsylvania, Humane Society.
The status of Mr. McCarthy's personal
pets will be closely monitored. —Barbara
A. Cassidy, HSUS director, animal shel-
tering and control
PROBLEMS OF ENFORCEMENT

BY ANNSMALLEY

Passed in its original form in 1966, the Animal Welfare Act has evolved into the nation's most comprehensive legislation protecting animals. On paper, the Animal Welfare Act safeguards many species used in laboratories, puppy mills, circuses, and other potentially abusive situations.

But ask any HSUS investigator, regional director, or wildlife expert about enforcement of the Act, and you are likely to hear a long litany of complaints, frustrations, and indictments against the USDA (U.S. Department of Agriculture) andAPHIS (Animal and Plant Health Inspection Service), the agency within the USDA responsible for enforcement of the Act. Delays, apathy, and incompetence are all laid at the USDA's door.

Upon closer look, however, much of the criticism directed at the USDA's performance is misplaced. While, in some cases, USDA personnel do behave incomprehensibly, in others, USDA procedure is "by the book"—only "the book," the Act itself, proves insufficient in some way. Sometimes, a case is well prepared only to be slowed by legal processes which, because of our system of justice, may consume substantial amounts of time.

In Part I, which appeared in the Winter issue of the News, we examined the content of the Act, its history, and its intent. In Part II, we present three case histories that illustrate a few of the problems that arise with enforcement of the AWA.

The Case of the Kansas Puppy Mill

Abuses in commercial mass-production kennels (puppy mills) have long been of concern to The HSUS. The HSUS has extensively investigated puppy mills and discovered that dogs at many of these mills endure filthy surroundings, inadequate shelter, insufficient food and water, overcrowding, disease, excessive breeding, lack of veterinary care, and general neglect.

In 1970, The HSUS, in conjunction with other animal-welfare groups, was instrumental in amending the Laboratory Animal Welfare Act of 1966 to require commercial breeders wholesaling dogs to the pet industry to be licensed, inspected, and regulated by the USDA. Subsequently, the USDA promulgated minimum requirements of care at commercial breeding facilities, including standards on housing, shelter from extremes of weather and temperature, sanitation, ventilation, water, food, handling, veterinary care, and transportation.

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It was hoped that this legislation, by requiring wholesale dealers to meet humane standards of care for their dogs, would soon

The Animal Welfare Act was intended to ensure humane treatment for animals such as this rhinoceros, one of a number of animals abandoned by a traveling zoo in Maryland during a 1988 summer heat wave. How effectively is this law helping animals in the United States?
eliminate substandard puppy-mill operations. But the mere existence of a law does not guarantee its successful enforcement. In the case of midwestern puppy mills, some USDA personnel do not do their job or do not apply the law. The agency must enforce the law, and the agencies responsible for working with the humane standards required by law—have acted in inexplicable—and, to some people, unbelievably frustrating—ways, as the following example shows.

On July 18, 1988, the Winfield City (Kansas) Police Department, Ms. Cynthia Newton, general counsel for the Humane Society, and Dr. John Johnson, a local veterinarian, responding to a complaint about a kennel in the city of Winfield, Kansas, executed a search warrant directed at the kennel. (This visit and the subsequent request that charges be filed are described in a letter dated October 14, 1988, from Ms. Newton to Dr. R.L. Risler, the director of domestic programs at the USDA.) The kennel was an unlicensed facility that had been in operation for thirty-five years. The conditions the inspectors uncovered included: dried fecal matter on the floor; overcrowding throughout the kennel; water bowls coated with thick green slime; dogs with severely matted hair; animals suffering from sarcoptic mange, whipworms, hookworms, tapeworms, ear mites, and severe flea infestation; food obtained from dumpsters—meat that the owner claimed she boiled and meat from dumpsters—meat that the owner claimed she boiled and meat that was under refrigeration but refrigerated with animals suffering from sarcoptic mange. (This visit is described in a letter dated August 11, 1988, from Dr. Johnson to Dr. Risler.) Dr. Sutton and Mr. Taylor asserted that the conditions were so severe that the animals were not receiving proper care and the USDA personnel also questioned Dr. Johnson's findings at the kennel.

The USDA personnel questioned Dr. Johnson's findings at the kennel. On October 14, 1988, Ms. Newton wrote to Dr. Risler, describing the case and asking why the USDA had apparently gone out of its way to intervene in an ongoing cruelty case. She never received a response, although she had told HSUS Investigator Bob Baker that, on a follow-up call to the USDA, the assis­tant county attorney and Dr. Johnson said that visits were hardly a necessary or ordinary part of licensing procedures under the Animal Welfare Act. The inspectors' actions appear to amount to an extraordinary effort on the part of federal personnel to advocate the interests of a licensee before local authorities in pending procedures under state cruelty laws.

Puppy mills that wholesale dogs to the pet industry have been regulated by the Animal Welfare Act since 1970. Yet, HSUS investigations of midwestern puppy mills have shown that dogs at many of these operations continue to suffer severe hardships and inhumane treatment in these sections. Station and national policy is that we will cite all deficiencies.

Apart from the controversy over the conditions at the kennels (Ms. Newton has asserted that the kennel could not meet Animal Welfare Act standards without the total rebuilding or restructuring of the operation . . . ), the most puzzling question about this case is why USDA personnel went to the trouble of visiting both the assis­tant county attorney and Dr. Johnson. Six visits were hardly a necessary or ordinary part of licensing procedures under the Animal Welfare Act. The inspectors' actions appear to amount to an extraordinary effort on the part of federal personnel to advocate the interests of a licensee before local authorities in pending procedures under state cruelty laws.

U
nder the Animal Welfare Act, dealers are people who buy and/or sell animals—"dealters/bunchers"—dealers who buy animals for pounds to resell to research laboratory dealers. They must meet the humane standards for care of animals. Dealers must be licensed or registered and must meet the humane standards for care set by the Act for the animals under their supervision. The following case history concerns one of the largest federally licensed dealers/bunchers on the West Coast, James W. Hickey of S & S Farms.

The Case of the Oregon Buncher

Mr. Hickey was assessed a civil penalty of $40,000 and had his USDA animal dealer's license suspended for twenty-five years. Mr. Hickey appealed the decision. In May 1988, the June 1987 decision was upheld on appeal. Mr. Hickey subsequently filed suit with the U.S. court of appeals and received a stay allowing him to continue to operate. As of this writing, the appeal is pending.

In this case, there were no complaints about the performance of the USDA personnel in Oregon, who, according to the HSUS West Coast Regional Office, did an excellent job. This time, frustration arose from what appeared to be lengthy delays on the part of the USDA. The case history concerns one of the largest dealers/bunchers, Mr. Hickey, who was accused of not meeting the standards of the Animal Welfare Act. The June 1987 decision was upheld on appeal. Mr. Hickey's case was decided, and he appealed the decision. Was this excessive? If it was, was the USDA to blame? Tom Walsh, assistant general counsel of the USDA, says no to both questions. The process by which a case moves from complaint to hearing to decision is governed by carefully set procedural rules and statutes, many of them grounded in constitutional guarantees.

In January 1986, the USDA filed a formal complaint against Mr. Hickey. The OGC alleged a "number" of violations of the Animal Welfare Act. (The actual number was seventeen.)

In August 1986, Mr. Hickey missed his hearing date due to illness. No new date was set. Mr. Hickey then decided to write to the OG office in Washington, DC, to ask for action on this case. In February 1987—an entire year after the Regional Office learned that the hearing on Mr. Hickey had been rescheduled for March 24–25, 1987—USDA inspectors from the Oregon office again reported that full compliance with the Animal Welfare Act was not required of Mr. Hickey. In June 1987—two years after the original complaints were filed—Mr. Hickey's case was decided, and he appealed the decision. Was this excessive? If it was, was the USDA to blame? Tom Walsh, assistant general counsel of the USDA, says no to both questions. The process by which a case moves from complaint to hearing to decision is governed by carefully set procedural rules and statutes, many of them grounded in constitutional guarantees. Mr. Walsh is perfectly within his rights to hire a lawyer, contest the suit, and appeal the decisions handed down—all of which take time.

In August 1987, the case was not ready for trial. Mr. Hickey was as­signed to the regional office in Portland, Oregon. The regional office did an excellent job. This time, USDA responsible for prosecuting the cases was in Portland. In September 1987, the USDA OGC informed Mr. Hickey that full compliance with the Animal Welfare Act was required of him and that formal action would be taken in the event of future violations.

Such conditions prove that the existence of a law does not necessarily guarantee its successful enforcement.

In February 1984, the USDA Office of General Counsel (OGC) issued a letter of judgment to Mr. Hickey for failing to properly identify dogs he had purchased and failing to provide lighting and ventilation in his kennels. The letter advised Mr. Hickey that full compliance with the Animal Welfare Act was required of him and that formal action would be taken in the event of future violations.

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APHIS, which can prioritize its cases for the OGC and see that a complaint is sent to the OGC as soon as possible after APHIS receives it from a regional office. "We did receive a lot of mail on the Hickey case," recalls Mr. Walsh. "It really should have gone to APHIS, the agency responsible [for enforcement of the AWA]. The OGC simply provides legal services for APHIS to do its job." HSUS West Coast Regional Director Char Drennon points out, however, that the HSUS had contacted APHIS regarding the progress of this case, only to be referred to the OGC.

The AWA is a law. But, in protecting animals, it cannot abrogate the protections that other laws give citizens in this country, including the right to a hearing, the right to due process, and the right to appeal. The Case of The Wonder Zoo

Exhibitors—who have animals on display to the public or conduct performances involving animals—are also covered by the Animal Welfare Act and must comply with the standards of the Act and its regulations pertaining to animal care.

Small traveling circuses and menageries are, more often than not, pitifully cruel to the animals. The Federal Animal Welfare Act provides a good beginning to achieving humane and ethical care for captive animals, but it must be backed up by rigorous enforcement. To The Wonder Zoo, the thought of allowing inadequate traveling animal exhibitors to continue roaming the country is intolerable, and hardly any action that stops them comes quickly enough. In the following case history of a traveling zoo,Details regarding the enclosure were not clear enough to inspect the zoo but that he hadn't yet read the report. On May 19, 1988, the Southeast Regional Office reported to HSUS headquarters that the sick baby elephant had been euthanized due to salmonella poisoning and that the zoo was working very hard to get the zoo in better condition and to protect it.

The Wonder Zoo had been inspected in Florence, South Carolina, and sanitation and cleaning deficiencies had been found and the elephants appeared thin. Dr. Stewart commented that the operators of the zoo told the USDA inspector that the elephants were mountain elephants from India, which normally are quite thin. Dr. Stewart told Mr. Lieberman that this is why the animals were euthanized.

On June 22, 1988, eighty-five elephants of The Wonder Zoo were found packed into two truck trailers parked in a shopping center parking lot in Fairfax County, Virginia, during a heat wave in which temperatures reached 102 degrees. The temperature in the trailers was more than 110 degrees. Fairfax County firefighters were called in to hose down a baby elephant, a zebra, ponies, goats, ostriches, and other animals. Fairfax County officials impounded the animals, stating they were not receiving adequate food, water, or fresh air. The animals were taken to a animal-farm park located in the county.

On June 23, 1988, a third truckload of animals, including an elephant, a rhinoceros, a hyena, and a tiger, was found abandoned in Prince George's County, Maryland. The animals were taken into protective custody by county officials.

On June 30, 1988, the USDA suspended Richard Garden's license for twenty-one days, the maximum allowed by the AWA pending an inquiry into whether he should be charged with violation of the Animal Welfare Act.

On July 8, 1988, Richard Garden donated the animals that had been seized in Fairfax County to the Animal Protection Association of America, without admitting any negligence in their care. Fairfax County dropped charges pending against him.

In February 1989, Mr. Garden agreed to sign over ownership of the animals that had been seized by Prince George's County officials to the county in exchange for the county's dropping the charges against him.

Mr. Garden's USDA license was reinstated after twenty-one days, pending the completed investigation of his operation by April 1989. It is to be hoped that REAC will solve some of the problems there may be in changes in its regulations if it becomes apparent that the existing ones are inadequate.

One step in the right direction is the creation of the USDA/APHIS National Animal Welfare Education and Research Institute (NAWEREI), a new division of the USDA which will work exclusively on animal welfare issues. This program was established by the Animal Welfare Act (P.L. 95-213) and operational by April 1989. It is to be hoped that REAC will solve some of the problems there may be in changes in its regulations if it becomes apparent that the existing ones are inadequate.

There are Animal Welfare Act successes as well as those that illustrate severe problems, and there is no question that animals are better off since the enactment of the AWA than they were before it. But the Act has not solved all problems, and we should not be lulled into a sense of false security just because of its existence. Animal-protectionists should constantly question, monitor, and encourage enforcement of the Act and work for changes in its regulations if it becomes apparent that the existing ones are inadequate.

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I am twenty birds back on the left side of the sky, looking over my shoulder at Malachi. He has taken many pellets in his eastern movements and cannot pull it high enough for a full stroke. My right leg is dragging as we hunger our way south in the late afternoon. Two pieces of shot are embedded there, and they will cause me great difficulty when we land.

We stayed too long in the north. All of us knew that. But the summer ran late and warm; we became fat, floating on amiable water, and delayed the leaving. Lobu had argued for days that it was time to go. But we whirled at him and refused to rise when he urged us.

A cold night rain fell and turned to snow by morning. The snow fell so fast it dropped the black birds from their perch above our heads. They did not come down until they saw that the snow was not going to cease. Then they settled down as I settled down, and the night was long for us. We were cold and hungry. Cold and hungry.

Lobu's voice came as we were sleeping. Lobu's voice was a gruff whisper, like the sound of a distant cataract.

"Lobu!" I began to rise, and the snow fell on me, and I saw that it was time to go. The snow fell from the sky, and the sun rose high in the sky, and the world was bright.

I called upon myself for the strength to rise once more, and I called upon myself for all that I had ever been. To my left, I could see a hunter swinging his dark figure in a practiced, even way, following the woman of Malachi through early light.

Coming off the water she exploded in a cloud of blood and feathers as the full load hit her. A sudden blackness when she went over her floating body only ten feet below me. The hunter's fiery light fell from shell to pump gun, and I could see pellets digging into the water ahead of him.

East we all were moving, perpendiclar to the guns, straight into a confusion mixture of breathing rain and rising sun. Birds were tumbling downward, some giving cries, others falling silent in silence. The guns kept firing as I reached climbing speed. Malachi had drawn almost even with me, coming up on my left as we passed directly in front of the rollers. Rolling upward to the right. Apricot flame. A surge of it. Buffeting core of mountain thunder. At the same moment, I felt the impact on my leg. Malachi had started to fall, and he had saved himself and stayed low behind a small tree, where the guns could not find him.

Sixty yards out. Almost safe. Coming around to follow Lobu, I could see a covey of them now shooting through the air, spaced beside him. He was shouting a wild cry of elation and waving his gun above his head. But Lobu did not understand the words he said.

Birds were struggling, others lay still. Some fell dead in mid-inhales. I signalled them instantly, reaffirming what he feared, and we began our takeoff, struggling desperately for speed, for another day, for another moment.

The snow fell from the sky, and the sun rose high in the sky, and the world was bright. The snow fell from the sky, and the sun rose high in the sky, and the world was bright.

---

By ROBERT J. WALLER

Southern Flight

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Toned to listen, to remember.

And the traveler,
spoken.

And as the night
of dreams, there are:

Unresolved.

And lingering images.

From the days of rocks and fire.

Just after the great ice had gone.

A resistance to come before them.

They are rational to rise.

With that, he would swim away and pretend to be himself at leashing along a shore where the wild rice yet grew. We shall see Zachary.

We shall see Zachary, and we have heard about the condor and the falcon. And the little sparrows of the Florida sunshine. We have seen the cormorant, languishing and the streams turning dark with soil from the fields. The places for flying are being taken or polluted with the of food. Behind me, I hear a small sound. I turn to look at Malachi and see his damaged wing flapping out of harmony with the good one. There is more blood, coming from his injured eye. Fear screams from the other. He begins to fall away.

I start to follow him, but clearly he is going to fall away fast. No longer is smoking, and I watch him drop toward a small grove of trees with a winter twilight. He lands on a small branch, and his eyes are closed.

Southward we move, potting through the snow with Lobu guiding us. The only sound I hear are the Words. From our wings they come, and sweeping on along the wind they find and comfort me.

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THE PROBLEM OF PET THEFT

"Darkness had just settled over Fayetteville on November 8, 1988, when Cheryl Burley let her dog Baby out for her evening constitutional." It was the last time Cheryl was ever to see Baby.

"On the afternoon of January 14, Chester Webb watched his two dogs trot over a hill toward a pond near his Bedford home." That’s the last time he saw them.

Stories such as these have appeared in countless local newspapers across the country. Cheryl Burley and Chester Webb and tens of thousands of other Americans have been victims of pet theft. Action 81, a nationwide organization dedicated to recovering lost pets, estimates that more than 2 million dogs are stolen each year.

Pet theft is on the increase in certain parts of the country. Why?

After receiving information that the number of dogs reported missing each month in the Fayetteville area had doubled, Northwest Arkansas Times reporter Deborah Robinson began a two-month investigation to discover the fate of the animals.

The result was an in-depth, five-part series about the problem of pet theft and the brutality stolen animals endure on the road to research. Working with Fayetteville Animal Shelter Director Lib Horn, Ms. Robinson discovered a pattern of dog theft that was disturbingly similar to outbreaks or in which there is an active animal dealer.

In 1980 a survey in Virginia conducted by Action 81, which tracks lost-animal reports and trends, reports a high rate of pet theft in areas where a pound sells to research facilities or in which there is an active animal dealer. In 1980 survey in Virginia conducted by Action 81, it was learned that more than one half of the stolen dogs in a specific area were concentrated in the vicinities of pounds selling animals to research or of active dealers. If researchers seek animals with specific qualities, e.g., purebred dogs such as German shepherds, or dogs with a specific body size, dishonest dealers do not fill that order from a standing inventory or an inter-dealer network. They steal many of the animals.

Dealers will also sell dogs for the guard dog trade. With the escalation of crime in many metropolitan areas, the guard-dog business has become big business. If an unusually large number of German shepherds, rottweilers, or Dobermans is missing in an area, it is suspected that dog thieves are at work.

Sometimes, no theft pattern will immediately emerge, but, if a local shelter keeps good, accurate records of lost reports, such a pattern will eventually become evident. For example, in Fayetteville, Arkansas, the figure of 25 missing dogs per month doubled to 50—for a total of 300 in six months—from June to December of 1988.

In one week, in another community, 8 dogs of the same size and age disappeared. In another two-week period, 16 dogs disappeared in a four-block area. Of the 16, all were the same size and coat length; 4 of the 16 were bassett hounds.

In Lawrence County, Indiana, 250 dogs were reported missing in six months; the previous average was 10-12 per month. Of the 250, 40 to 50 were beagles; a dozen were huskies; 8 to 10 were schnauzers.

A Virginia community has seen a doubling of its lost-dog reports on specific breeds during certain times of the year. Dog thieves use lures such as a female in heat in the back of a truck or a piece of drug-laced raw meat to attract individual dogs. Dog thieves often will "case" a neighborhood in advance and know exactly what dogs they want and where they are. They will also determine which homeowners are gone all day. With media attention, the thieves often drive trucks or vans that are falsely marked as animal-control or humane society vehicles. To thwart dishonest "bunchers" (dealers who sell animals for research purposes) from using that tactic in Fayetteville and to let residents know what to look out for, Lib Horn placed a photo of her agency’s vehicle and uniformed animal-control officers in the local paper. Dishonest bunchers have also been known to answer "free to good home" ads or may even place an ad in the paper themselves stating they will buy litters of puppies or purebred dogs. Researchers are willing to pay $50 or more (as documented by U.S. Department of Agriculture [USDA] license applications listing dealer incomes from sales) for healthy, obedient dogs of a specific type or breed, so bunchers go to great lengths to supply them with pet-like animals.

THEFTS ARE WIDESPREAD

An ongoing investigation in a Mid-Atlantic state has revealed evidence of a tri-county dog-theft ring. It is suspected that some of the bunchers involved are drug users who are stealing dogs for resale to a middleman to support their habit. Because almost all of the stolen dogs in this area are purebred females, it is suspected that the dogs are being stolen for the puppy-mill trade. A citizens’ coalition has been formed to alert the public and gather more information. It expects to be able to go to the state’s attorney with enough evidence to prosecute the bunchers.

In Lawrence County, Indiana, experienced a dramatic increase in the reports of stolen pets during two periods in 1988. According to Lawrence County Humane Society Shelter Director Kathy Howe, more than 250 dogs were reported missing in a six-month period. Almost all of the reports were for large dogs such as huskies, German shepherds, and malamutes. The state police launched an investigation, and The HSUS offered a $5,000 reward for information leading to the arrest and conviction of anyone stealing dogs. With media attention, the thieves dropped off. They resumed in late June for a short period during the summer, when lost-dog reports for hunting dogs, coon hunts, walkers, and beagles jumped to forty or more in a month.

THE BRUTAL ROAD TO RESEARCH

When pets are stolen, they are not necessarily resold immediately. The roads they
In one Mid-Atlantic state, a dog-theft ring is suspected of stealing purebred female dogs from three counties for the puppy-nilly trade. Puppy-nilly breeding stock, such as the dog at left, often live miserable lives in cramped, unsanitary conditions. The owner after being stolen two years before. Durand during those two years are unknown.

In an interview with the LaPorte Herald Argus, a dog breeder confirmed that animals are traded to other bunchers in Indiana and surrounding states or to universities in Ohio. The newspaper reported that the breeder said he main looks for hound dogs that weigh more than forty pounds, which are suspected of stealing a "free to good home" ad. Honest bunchers prey on such ads, promising to provide a good home in the country. If you must give up an animal, you may also wish to place an ad alerting the dangers of advertising pets in this fashion. Find out if your community and state have legislation to protect animals. Several states have introduced legislation that would prohibit pound seizure. Legislation has been introduced in Minnesota that would ban Class B dealers (see sidebar) from operating in the state. Write to your representatives and let them know how you feel about animal protection issues. The HSUS can assist you with information about your state.

Spread the word about responsible pet ownership! Urge friends and neighbors to have their pets spayed or neutered and to not leave their pets unattended or allow them to roam the neighborhood at will. In 1988, Senator Wendell Ford of Kentucky introduced federal legislation addressing pet theft. No final action was taken. Indications are the senator intends to introduce legislation on the same subject in the months ahead.

**Definitions**

- **Class A Dealer**—USDA-licensed dealer who breeds and raises every animal he/she sells.
- **Class B Dealer**—USDA-licensed dealer who buy and/or sell warm-blooded animals for any purpose.
- **Buncher**—Licensed or unlicensed dealers who buy and sell animals strictly for research purposes. Bunchers buy and sell animals at auctions or trade days. They sell animals to other dealers. They have been known to respond to "free to good home" ads and will take giveaway animals. They have been known to prey on newly-cloned animals and dogs left unattended. It is not uncommon for them to clear out a neighborhood before moving on.
- **Source**—Refers to animals used in laboratories that are not specifically bred for biomedical research.
- **Bunching**—The practice of taking animals from an animal shelter for use in biomedical research.
- **Pound Seizure**—The practice of taking animals from an animal shelter for use in biomedical research.

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The “VALUES” OF SENTIENT BEINGS

By Dr. Michael W. Fox

THE HUMANE SOCIETY OF THE UNITED STATES

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References


When we begin to perceive other existences... the notion of human “superiority” is shattered.

Dr. Michael W. Fox is director of the Center for Respect of Life and Environment, an affiliate of The HSUS.
Right, greyhounds pursue a live domestic rabbit attached to a mechanical arm at a Florida training track. Opposite, jackrabbits such as this one, confiscated by wildlife officers, traditionally are used to train racing greyhounds.

On the fateful morning, [Robert] Mendheim had just finished schooling twenty-two pups when eleven police cars came tearing up the road. "I'd have thought they were after Bonnie and Clyde or John Dillinger," Mendheim said. In addition to the planted eyewitnesses, agents hiding in shrubbery with long distance lenses had taped the entire training exercise...—Greyhound USA, January 1989

No, it wasn't Bonnie and Clyde or John Dillinger Florida law-enforcement officers were after, but greyhound trainers suspected of breaking state law. On the morning of October 4, 1988, The HSUS, with assistance from state and local law-enforcement agents, converged on a Lee, Florida, greyhound training track to arrest dog trainers for using live rabbits as lures for their charges. In the first felony raid of its kind, the Lee, Florida, action followed the first successful infiltration of such a training operation in the United States.

Robert Mendheim—one of America's most prominent greyhound owners with many of the country's most successful dogs—was not the target of the sting operation. He was just one of several trainers charged with releasing dogs to chase a live domestic rabbit at the training track that morning. In all, a dozen people were arrested; four, including Mr. Mendheim and track owner/operator George Frost, were charged with third-degree felonies, another eight for misdemeanor offenses.

The HSUS's undercover investigation began in early 1988, after the HSUS Southeast Regional Office in Tallahassee received an anonymous tip that someone was dumping large numbers of jackrabbit carcasses in the Lee, Florida, area. A rural community, Lee is located sixty miles east of Tallahassee, near the Georgia state line. A large number of highly successful greyhound owners and trainers reside there.

Twelve-dollar Jacks

Faster than domestic rabbits, jackrabbits are traditionally used in "coursing"—releasing two or more greyhounds in an enclosed field to chase, and ultimately savage, a jackrabbit. "Jacks," as they are called, are widely used for this purpose because they dart about quickly, giving greyhounds a good run for their $12 cost. The dogs eventually catch up with their quarry,
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by the abdomen to the track's mechanical arm and whirled once around the track to ensure that the track was in good working order. Shortly thereafter, the first two greyhounds were released to pursue the path.

In addition to the criminal charges against

Florida Game Commission officers remove a dead domestic rabbit from the training track's mechanical arm after the October raid. Florida has a strong state law prohibiting live lures for the purpose of baiting animals.

Those participating in the baiting exercise, all individuals face severe penalties meted out by the Florida Division of Pari-Mutuel Wagering, which regulates dog racing throughout the state. According to that agency's regulations, "Any person...found guilty of using or permitting the use of rabbits, cats, or foxes or other animals in the training of racing greyhounds shall be fined or suspended or both..." The regulations go on to specify that all dogs owned in part or whole by those found guilty can be barred from racing, not just the sixty-eight greyhounds present during the raid.

To date, the Florida Division of Pari-Mutuel Wagering has visited Puerto Rico for a total of six visits, and The HSUS has conducted an extensive investigation. The HSUS is looking to that agency to impose stiff penalties, including a total of sixty-eight greyhounds seized.

In December, The HSUS visited Puerto Rico when a contingent of their staff traveled there to work with local animal welfare agencies on issues of animal welfare. The American territory has severe animal cruelty and dog fighting problems, with little animal control. Southeast Regional Director Marc Paulhus, Legal Director Laura Bevan, and Dr. Susan Lieberman, joined by John Snyder of the National Animal Control Association, conducted a one-day seminar on humane and effective methods of dog fighting. The seminar was attended by over forty local legislators, humane societies, animal shelters, and zoos.

In Puerto Rico, the investigation, and with all the tips we've received since, it's become very clear that this is a huge problem throughout the greyhound industry, and one we will continue to expose until it stops.

THE HSUS POLICY ON GREYHOUND RACING

The Humane Society of the United States is alarmed by the increase in greyhound racing and, specifically, the training and use of greyhounds in the United States. The American territory has severe animal cruelty and dog fighting problems, with little animal control. The HSUS is looking to that agency to impose stiff penalties, pending an administrative hearing, on those involved - using hundreds of dogs from racing. Such a move would send shock waves throughout the entire greyhound industry and serve as a deterrent to those currently using live lures in their training regimens.

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For the fifteenth year, representatives of animal-protection groups were organized in 1988 by the HSUS Mid-Atlantic Regional Office and Deer, Inc., protested against the annual deer hunt held at the Great Swamp National Wildlife Refuge in New Jersey in December. Most of the sixty protestors greeted hunters on opening day. Mid-Atlantic Regional Office Director Nina Astenberg criticized state wildlife officials for failing to achieve their stated goal of reducing the numbers of deer. The state deer herd is currently estimated at 160,000, as opposed to 150,000 in 1970. The Mid-Atlantic Regional Office would like to thank Animals Need You, the New Jersey Animal Rights Alliance, and the Jersey Shore Animal Center, the New Jersey Animal Rights Alliance, and other similar groups, who came from Pennsylvania to participate in the protest.

AWARD FOR SENATOR RUSSO
Representatives of several animal-protection groups were on hand as New Jersey Senator John F. Russo received the Humane Society of the United States Certificate of Appreciation on January 31, 1989, at the New Jersey state house. Senator Russo has introduced legislation to expand the state’s animal-population-control fund to include cats and dogs adopted from shelters; a bill to abolish the Draize test; and a bill to prohibit black-bear hunting. He has, as well, lent his support to other bills, including a bill to ban any substances that act as neuromuscular blocking agents in pet euthanasia and a bill to increase fines for animal fighting.

FIFTEENTH PROTEST
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NEW CALIFORNIA BILLS INTRODUCED
California Sen. Alan Robbins has introduced a bill requiring the labeling of all cosmetic and household products that are tested on animals. S.B. 1207 would require a conspicuous statement on the label or package that animals were used in the testing of that product. Sen. Art Torres has introduced a revised version of a vicious-dog bill that failed in last session’s legislature. S.B. 428 will define “potentially dangerous” and “vicious” dogs according to their actions. It will also specify the hearing process available to owners of dogs alleged to be potentially dangerous or vicious. The bill differs from last year’s version in that it states that cities and counties may adopt their own programs to deal with such animals as long as the program is not specific as to breed.

PROTECTION FOR EXOTIC BIRDS
On February 17, 1989, HSUS Associate Director of Wildlife and Environment Dr. Susan Lieberman testified before the Washington State Committee on Fisheries and Wildlife in support of H.B. 804, which would protect exotic birds. The bill, introduced by Representative Ken Jacobsen, would prohibit the sale of any bird or egg taken from the wild and would ban the importation of the same or any parts of the state of Washington. The West Coast Regional Office urges all Washington members to write to their state representatives in support of H.B. 804.

SACHAK JOINS TASK FORCE
West Coast Regional Investigator Eric Sakach has been appointed to a California task force whose purpose is to establish guidelines for the humane handling of wild and exotic animals in captivity. The task force was organized following public hearings held by California State Senator Dan McCorquodale, the chairman of the senate committee on natural resources and wildlife, to investigate the alleged beating of an elephant at the San Diego Wild Animal Park in February 1988 (see the Fall 1988 HSUS News). The task force is made up of representatives of zoological institutions, animal-welfare organizations, and government regulatory agencies. The HSUS is urging the American Association of Zoological Parks and Aquariums to use all possible resources to recommend sensible and humane guidelines for the management of elephants.

CUTLERY STAVRATIONS
Early in November 1988, thousands of cattle were found starving to death on a North Texas ranch in Kaufman County. Many of the cattle could not stand and some had lost their sight. It was estimated that the cattle had not been fed since July. The HSUS Gulf States Regional Office contacted the Kaufman County district attorney to ask that the defendant in this case be prosecuted to the fullest extent of the law. Thirty-two counts of cruelty have been filed against him. The HSUS will continue to monitor this case.

STOP BARROOM BEAR ACTS
In Sindic, La., recently, animal activists saw to it that a barroom “rasslin’ bear” act featuring a Siberian grizzly was cancelled. Working with health officials, they found that the state sanitary code prohibited animals from eating- and drinking establishments. Health officials acknowledged the code and closed the show.

If you want to stop exploitation of animals in events such as these, talk to your state representative and ask him or her to introduce legislation to outlaw animal and human fights. The Gulf States Regional Office can provide you with a model law. For more information, contact the office at 6262 Weber Rd., Suite 105, Corpus Christi, TX 78413.

TEXANS AGAINST DOGFIGHTS
The Texas Department of Public Safety has assigned several full-time investigators and dog warden to investigate and stop illegal dog- and cockfights and criminal activities in connection with dog- and horse racing in Texas. The HSUS is working closely with this special division. A dogfight raid in Mathis, Tex., led to the arrest of fourteen people and the confiscation of $22,000 in gambling money.

A barroom wrestling-bear act features a deanged, declawed, and chained bear used for “entertainment” purposes.

NEW ENGLAND

OPERATION COOPERATION
There was some good news for the remaining exotic birds in New Hampshire. HSUS New England Regional Office staff had assisted New York authorities with the state’s worst cruelty cases ever (see the Summer 1988 HSUS News and related article in this issue, p. 40). More than 250 animals taken from the Animals Farm Home were adopted by individuals or sent to area animal shelters for placement.

Approximately 125 pets at the Animals Farm Home remained and had to be placed by the end of 1988. New England Program Coordinator Frank Ribundo devised an “Operation Cooperation,” a program to place the remaining animals in humane shelters throughout Connecticut, Maine, New Hampshire, and Massachusetts. Mr. Ribundo met with humane-society federations in those states and the Concerned Citizens Committee, a local group opposing the legal and welfare problems of exotic animals. By year’s end, all the remaining dogs were placed with shelters and many had already been adopted into good homes.

LAWSUITS TO STOP DEER KILL
In a last-minute effort to stop the shooting of exotic deer in the West Coast Regional Forest Preserve District near Chicago in Lake and Cook counties. HSUS has joined forces with the Concerned Citizens Committee, a local group opposing the legal and welfare problems of exotic animals. The action came about after weeks of discussions between animal-protection groups and the Lake County Forest Preserve District failed to produce any acceptable solution to the problem. Although the number of deer at the preserve has not been officially determined, plans by the forest preserve officials called for the elimination of all but twelve deer by hiring marksmen to shoot them.

EXOTIC BIRDS WILL HAVE INCREASED PROTECTION IN WASHINGTON If a bill now pending before that state’s legislature is passed, exotic birds will have increased protection in Washington if a bill now pending before that state’s legislature is passed.

COLORADO NEW ENGLAND

WASHINGTON

A workshop is planned for June 7, 8, and 9 at the Quality Inn in East Brunswick, N.J. It will be sponsored by the Mid-Atlantic Regional Office and the New Jersey State Department of Health. The first day will feature a rabies update for New Yorkers. On the second and third days, workshops on the New York pet-shop regulations, animal behavior and vicious-dog legislation, shelter procedures, and animal control will be offered.

Kentucky State Senator John Rousso has introduced legislation on January 31, 1989, at the New Jersey state house. Sen. Rousso received the Draize test, and a bill to prohibit black-bear hunting. He has, as well, lent his support to other bills, including a bill to ban any substances that act as neuromuscular blocking agents in pet euthanasia and a bill to increase fines for animal fighting.

REGIONAL WORKSHOP
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WEST COAST

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A barroom wrestling-bear act features a deanged, declawed, and chained bear used for “entertainment” purposes.
EXPERT ASSISTANCE

T he HSUS is pleased to announce that former U. S. Senator John Melcher of Montana will be assisting us as a legislative consultant on critical issues. Sen. Melcher, a veterinarian and a strong proponent of animal protection, was the author of a 1985 Animal Welfare Act amendment which states that anyone subject to the Act must provide for the well-being of primates and a 1985 National Institutes of Health (NIH) appropriations amendment prohibiting NIH grant recipients from using chimpanzees taken from the wild. It is a boost for animal-protection efforts to have this talented and dedicated senator working with us. During this congressional session, The HSUS will continue to benefit from the political skills of former U. S. Senator Paul Tsongas of Massachusetts. Sen. Tsongas will continue as a consultant to The HSUS on laboratory-animal issues.

EMERGENCY ACTION NEEDED

O n February 16, 1989, a coalition of animal-welfare and conservation organizations, led by The HSUS, submitted a petition to the Department of the Interior to list the African elephant as an endangered species two years ago, there were millions of African elephants. As recently as 1981, there were estimated to be 1,200,000 elephants in Africa, which dwindled to less than 800,000 in 1987 (see the Spring 1988 HSUS News). Recent reports place the current number at just under 400,000. Unless the ivory trade is ended, the African elephant may become virtually extinct in five to ten years. The vast majority of all ivory on the world market, including the ivory the United States imports, is from poached elephants. The United States should set an example that the rest of the world will quickly follow. While the recently passed Elephant Conservation Act of 1988 bans the importation of ivory from certain countries, additional action by the Interior Department is also needed. Should the secretary of the interior list the elephant as an endangered species immediately, it will prohibit all commercial trade in ivory in the United States.

Please write Secretary of the Interior Manuel Lujan, Jr., at: Department of Interior, 18th and C Streets, NW, Washington, DC 20240, and ask him to take emergency action to list the African elephant as an endangered species. Also, urge your legislators to send letters to Secretary Lujan seeking emergency action on the petition.

Dr. Susan Lieberman, of The HSUS, and former senator John Melcher testify to have the African elephant declared endangered.

MORATORIUM NEEDS SUPPORT

T he HSUS will again be back ing legislation in 1989 to impose a moratorium on the patenting of genetically altered animals. Although the moratorium bills introduced by Senator Mark Hatfield of Oregon and Representative Charlie Rose of North Carolina in the One Hundredth Congress did not pass, extensive hearings were held in the House Judiciary Committee, chaired by Rep. Robert Kastenmeier of Wisconsin. The House of Representatives passed a substitute bill introduced by Rep. Kastenmeier, which might have discouraged extensive genetic engineering of farm animals because it exempted farmers from patent royalties on the offspring of these animals, but, predictably, even this simple bill was opposed by the biotechnology industry. Since it was therefore the matter of the Patent Judiciary Patents Subcommittee refused to consider it in the last closed session. The HSUS is a member of a coalition of animal-protection groups, farm groups, environmental groups, public-interest groups, and religious leaders that agree that animal patenting is a controversial issue. We believe a moratorium should be imposed while the ethical, animal-suffering, environmental, and economic ramifications of such patenting are thoroughly studied and laws and regulations established to appropriately deal with these problems.

Please let your federal legislators know that you are concerned about the future of these animals which will be the most extensively studied and laws and regulations do not cover rats, mice, and farm animals, the very species to which the most extensive subjects of genetic engineering. In your letter, ask legislators to vote in favor of a moratorium so that this issue can be studied before more patents are issued.

LEGISLATIVE ROUNDUP

W hile the One-hundredth and first Congress in its early stages, efforts are already underway to legislate on a variety of animal issues. Rep. Toby Roth of Wisconsin has introduced H.R. 425, which would amend the Animal Welfare Act to enable the secretary of the department of general to obtain an injunction or temporary restraining order against any person who places any animal in a serious danger, pending the U. S. Department of Agriculture (USDA) being able to take action in the matter. The bill, endorsed by the USDA, has sixty-six signatures on it and has been referred to the House Agriculture Committee.

MMPA UPDATE

A n amendment to the Marine Mammal Protection Act, sponsored last fall by Massachusetts Rep. Gerry Studds, would have expanded U. S. ability to impose economic sanctions on any country that allows the commercial trade in ivory in the world will be enough to stop the decline of this endangered species. The Amendment would also have enabled the president to embargo Japan's wide whaling moratorium. The Studds Amendment would have strengthened the Pelly Protection Act, which enables the president to embargo only fish from countries that continue to hunt whales or violate drift net regulations or other marine conservation treaties. Rep. Studds' proposal would have expanded embargo authority beyond fishing to all products from offending countries. The amendment would have been a boost for compliance with marine mammal protection laws.

TAX REFORM LOOMS

ooming on the horizon is a threat to the Unrelated Business Income Tax (UBIT), which could have a direct negative impact on activities of animal shelters and charitable animal hospitals. Currently, a humane society's income from providing veterinary services (with the exception of such procedures as grooming) to the public for free or at a cost plus 10 percent rate is not subject to the UBIT tax. The House Ways and Means Committee, encouraged by members of the veterinary community, wants to revise the law so that it exempts only emergency medical care, sterilization, and public-health measures, such as rabies shots, from UBIT taxes. Hence, a portion of operations could be subject to the UBIT taxes.

Reform of the UBIT tax could also effect broader ramifications, subjecting shelters and charitable animal hospitals to state tax payments. Furthermore, it would undermine donors' ability to receive federal tax deductions, and could undermine shelters' and goods to animal shelters.

The HSUS and the Michigan Humane Society have been leading the fight to block changes in UBIT. It is important that you write your legislators to stress that any reform of the UBIT law could undermine shelters' and charitable animal hospitals' ability to serve the community and should be opposed.

Any member of the Senate must be reached to the U.S. Senate, Washington, DC 20510. Any representative may be reached to the House of Representatives, Washington, DC 20515.
In December, the United States Court of Appeals for the Second Circuit issued an opinion confirming the constitutionality of Connecticut’s hunter-harassment law. A federal trial court had invalidated that law, but the state appealed to the second circuit (see the Spring 1988 HSUS News). The law as enacted made it unlawful for anyone to harass or interfere with anyone engaged in the lawful taking of wildlife or who was “in preparation” for such taking.

The court of appeals determined that the statute criminalized a substantial amount of constitutionally protected speech and that the state of Connecticut had made no showing that protecting hunters from harassment was a compelling state interest so as to justify the restriction on speech that protests or opposes hunting.

The court further found that the law, in seeking to protect people who were not only hunting but also preparing to hunt, had the potential to restrict anti-hunting speech in circumstances taking place long before the actual act of hunting.

While veterinarians disagree about the extent of the potential impact of the FDA’s new, more restrictive policy, we are concerned that the new FDA position will result in significant suffering on the part of animals in need of veterinary care, since veterinarians will be reluctant to compound their own drugs. There are a number of commonly encountered diseases affecting both food and companion animals for which there are no currently approved drugs, but which have been regularly treated by using unapproved drugs. Veterinarians also find it necessary to use even FDA approved drugs in manners other than that for which they have been approved. Antibiotics, for example, frequently need to be prescribed in much higher doses than are sanctioned by FDA labeling. In addition, recently emerging veterinary specialties such as oncology, ophthalmology, and cardiology rely heavily upon the use of drugs approved by the FDA only for human use. These specialties and related research would be set back by the FDA’s restrictive policy. Moreover, many drugs are approved only for use in particular species, even though veterinarians commonly use them in other species requiring treatment, particularly exotic or unusual species.

While The HSUS recognizes the great value of the FDA’s regulation of new drugs to ensure safety and effectiveness, we believe that the paramount consideration must be to ensure needed individualized treatment of animals to prevent suffering.

SPECTATORS, BEWARE

In January 1989, the Supreme Court of the United States declined to review a decision of a California district court of appeals which upheld the constitutionality of a California statute that criminalizes being present at a cockfight as a spectator. The Supreme Court’s decision not to review the case means that the state appellate court’s opinion remains in effect and that spectators at cockfights in California may continue to be prosecuted.

The law notes are compiled by HSUS General Counsel Maurice Stuart Madden and Associate Counsel Roger Kindler.

A fighting cock seized in a California raid is evidence of illegal activity.

Olympic gold medalist Matt Biondi perfected his winning swimming techniques by practicing with dolphins. “Now, I owe the dolphins,” he says.

As chairman of the HSUS children’s campaign to save the dolphins, Matt is working to stop massive drownings of dolphins by the international tuna-fishing fleet.

For unknown reasons, yellowfin tuna swim under herds of dolphins in the Eastern Tropical Pacific Ocean. An estimated 125,000 dolphins drown each year when tuna fishermen intentionally set their nets around both the dolphins and the tuna. Setting nets on dolphins, however, is completely unnecessary; less than 10 percent of the world’s tuna is caught this way. Alternative methods of fishing for yellowfin tuna must be developed that do not involve the harassment and killing of dolphins and other marine mammals.

Help Matt and The HSUS help the dolphins by joining our education campaign. Our “Team Up with Matt Biondi” poster is available now. Post it in classrooms, offices, and libraries in your area. Posters are $2.00 each; 2-5 are $1.50 each; postage and handling included.

For more information on how you can help save dolphins, contact: Save the Dolphins Campaign, HSUS, 2100 L Street, NW, Washington, DC 20037.

For children’s education materials contact: The National Association for the Advancement of Humane Education, P.O. Box 362, East Haddam, CT 06423.
We often assume that all children love animals. Unfortunately, that's not always true. Children have to be taught to care, especially if they are to grow up to be caring, concerned adults.

That's why humane education is so important. You can help make it happen in our schools by participating in the HSUS "Adopt-A-Teacher" program. It's quick and easy!

For more information, write to The National Association for the Advancement of Humane Education, a division of The HSUS, P.O. Box 362G, East Haddam, CT 06423.