A New President at the Helm

Twenty-two years ago I was provided the opportunity to become president of The Humane Society of the United States, then headquartered at 1145 19th St. in Washington, D.C., in a small rented suite of offices. This opportunity came at a time when I was considering an alternative vocation to the one in which I was then engaged—clergyman in the United Presbyterian Church, U.S.A. It was an opportunity and challenge I accepted most enthusiastically.

I have frequently been asked why I decided to "leave the ministry" to become associated with an animal-protection organization. In most cases, the questioner was hinting that I had chosen perhaps a lesser calling; or that I may have fallen too early in my ministry" that are in large measure responsible for the extraordinary growth and development realizable to such people that, in choosing to become associated with The HSUS for almost two decades. But he also brings managerial and financial skills unparalleled in the animal-protection movement.

A woman of great talent and ability, Patricia Forkan has, as senior vice president and, prior to that, vice president, program and communications, skillfully and enthusiastically directed the many campaigns and activities of The HSUS that have helped to bring about a better day for animals.

In my new role as chief executive and CEO I shall continue to guide and direct the entire family of HSUS organizations, including the National Association for Humane and Environmental Education (NAHHEE), the Center for Respect of Life and Environment (CRLE), which seeks to enlarge the participation of academic and religious communities, as well as various other professions, in a concern for the Earth and its inhabitants; EarthKind, our newly formed environmental organization, which seeks to address environmental issues from the perspective of their impact on animal suffering and survival; and Humane Society International (HSI), the organization through which we shall extend the activities and leadership of The HSUS more fully into the international arena. HSI will be our vehicle to assist those countries, organizations, and individuals who so greatly need our support in advancing the cause of animal protection across the face of the Earth.

Through HSI we shall be represented in the international bodies that frequently determine the fate of animals in ways not always available to a national organization.

As president of HSI I shall spend considerable time and effort in enlarging further and extending the international role of The HSUS on behalf of animals, while Paul Irwin and Patricia Forkan guide and direct the programs and activities of The HSUS within the United States.

To both Paul and Patricia I extend, on your behalf, a warm welcome to your new positions and sincere congratulations on having been elected to these leadership roles by the Board of Directors.

John A. Hoyt, President
BEAR #134: AN UPDATE

Remember Bear #134, the wild grizzly that was captured in Yellowstone National Park, now languishes in a laboratory. A good home awaits her if she is released.

THE HSUS has strategies for protecting small animals used in holiday promotions and for obtaining food products derived from humanly raised animals. Contact the Farm Animals and Bioethics section of the HSUS for information on how you can help.

CELEBRATE SPRING WITH AVEDA

To help celebrate the coming of spring, the Aveda Corporation, maker of fine hair-care products and cosmetics and other personal-care products, is sponsoring a Beaut-a-Thon on April 26, 1992, the Sunday following Earth Day. Many local beauty salons nationwide that sell Aveda products will offer reduced rates on facials, facials, pedicures, manicures, and other services. Aveda plans to distribute proceeds from this event among six organizations, including The HSUS. To locate a salon nearest you, call Aveda Corporation's customer service number, 1-800-328-0848.

EASTER PETS, EASTER VICTIMS

Advertised like cuddly toys, chicks and other small animals can be obtained on impulse, especially at Easter time, from classified ads, pet stores, drug stores, farm-supply outlets, and hatcheries. Regulations concerning the treatment and care of such Easter pets are inadequate. Few states even require that live chicks or rabbits offered for sale be kept in suitable facilities with adequate food, water, and temperature levels. In approximately twenty-five states, young animals are legally subject to the risk of being doped and given away or sold indiscriminately.

Last year in Biloxi, Mass., nearly two thousand ducklings were sold in a single promotion before the city council banned such giveaways. The HSUS has strategies for protecting small animals used in holiday promotions and for obtaining food products derived from humanly raised animals. Contact the Farm Animals and Bioethics section of the HSUS for information on how you can help.

CALL U.N.I.T.E.

The telephone number for Sebastian International's Club U.N.I.T.E. program was listed incorrectly in the Winter HSUS News. The correct number is 1-800-929-7322. We regret any inconvenience this error may have caused.

AWARD, GRANT RECEIVED

KIND News, the highly acclaimed children's newspaper published by the National Association for Humane and Environmental Education (NAHEE), was recently awarded first place in the 1992 Association Trends publications contest in the category of tabloid newspapers. KIND (Kids in Nature's Defense) News was one of eighteen publications to receive first-place honors in their respective categories, out of a total of more than 500 entries from across the country. Association Trends, a national weekly newspaper for association executives, has been recognizing excellence in association publications for more than a decade. "We feel extremely proud to be honored by a publication as well-respected as Association Trends," said NAHEE's executive director, Patty Finch.

A recent broadcast of "ABC World News Tonight with Peter Jennings" included footage of a sixth-grade class that subscribes to KIND News. The classroom broadcast was taped for a national telecast and was the centerpiece of the Kind News issue of April 1992. The Kind News broadcast was featured on the "ABC News Tonight" program, which is seen in the Washington, DC, area. The Kind News broadcast was edited and distributed by the National Association for Humane and Environmental Education (NAHEE), a non-profit organization that promotes the human care of animals and the environment. NAHEE is proud to be honored by a publication as well-respected as Association Trends.
The Humane Society of the United States has made it easier to determine which products are not animal tested. The Beautiful Choice symbol, and only those manufacturers who take the pledge not to test products on animals can use it.

For more information on The Beautiful Choice campaign, including a list of participating manufacturers, or to become an HSUS member, please call 1-800-372-0800.

What Kind Of People Choose Products Not Tested On Animals?

Beautiful People, Naturally.

Anyone who uses non-animal tested cosmetics and personal care products is a star in our eyes.

And now The Humane Society of the United States has made it easier to determine which products are not animal tested. It’s the Beautiful Choice symbol, and only those manufacturers who take the pledge not to test products on animals can use it.

For more information on personal care products and cosmetics, and make a choice that makes you beautiful. From the inside, out.

For more information on The Beautiful Choice campaign, including a list of participating manufacturers, or to become an HSUS member, please call 1-800-372-0800.

AHA Laboratories America Inc. (for children), sold in drug and grocery stores.

“WHEN I CHOOSE PERSONAL CARE PRODUCTS, I CARE WHETHER OR NOT THEY’VE BEEN TESTED ON ANIMALS.

JOIN ME IN SUPPORTING ‘THE BEAUTIFUL CHOICE’.”

Anna-Lisa, Victoria Principal, Beatrice Wild, Sid Caesar, Dr. Franco Columbo, Robyn Douglass, Chad Everett, Whoopi Goldberg, Woody Harrelson, All Models, Virginia Principal, John Matuszak, Lorena Sotz, Lily Tomlin, Dick Van Patten, and Jane Wagner

BEAUTIFUL FOR ’92

T he HSUS’s campaign “The Beautiful Choice” encourages consumers to use non-animal- tested cosmetics and other personal-care products. Thirty- four manufacturers have signed the HSUS pledge that says their products are not animal tested. The “Beautiful Choice” symbol (tree opposite page) helps consumers identify the products associated with the campaign. Retailers may display “Beautiful Choice” products only with the permission of the products of these companies.

ABITIComCare, CarreCorSoaps, cream, lotions, shampoos, sun protection, soaps, and personal-care items. Found in health food stores. Call (212) 890-8300 (cooler) for information or to order products or a catalog.

Aromatique, Aromatique Herbal Toothpastes, Chandrika Ayurvedic Soap, Sweetpea Ayurvedic Massage Oil, Herbocomment Ayurvedic Bathing Powder. Sold in fine health food stores nationwide. For a free catalog, call 1-800-735-4691.

AVANZA Corp./Nature Cosmetics Inc. Cosmetics, body lotions, bubble bath, and other beauty items. Found in health food stores and in select pharmacies. Call (800) 353-6818 (in California) or (213) 389-6185 (Los Angeles) for information and an order form.

Beatrice Welles Inc. Fine cosmetics sold only at Bally’s and Caesars Casino and Resort and the Gold- en Nugget in Las Vegas, Na- vada. For information, write PO Box 5007, Henderson, NV 89016.

Beauty Without Cruelty Cosmetics Inc. Cosmetics and information on ordering cruelty-free cosmetics and skin-care products. Also manufactures The San Fran- cisco Soap Co. glycerin soaps and The Spanish Bath bath and shower gels. Also makes hair care products and distributes in department stores in California. For information, call (415) 383-2525.

Blackmores. Blackmores skin- and hair-care products, distributed by Edgar S. Reimann Com- pany. Found in health food stores and select pharmacies. For information, write Black- mores Ltd, Guy’s Hospital, North Brunswick, NJ 08902.

The Body Shop. Products that cleanse, polish, and protect the skin and hair. “Our products are inspired by other cultures who have used plants safely and ef- fectively for centuries.” Approximately 60 shops nationwide. To order products or a mail-order catalog, call (800) 541-2535.


Edward & Sons Trading Co. Shampoos, toothpaste, soaps, and other products. Found primarily in health food stores. Call (800) 977-8000 or (800) 694-8500 for information and to place orders.

Ele Kiel Cosmetics and skin-care products. Found in health food and other fine food stores. For information, call (818) 991-1800 or write Ele Kiel Cosmet., 250 E. Ventura Blvd., Suite 205, Encino, CA 91366.

FREEMAN COSMETICS. Freeman nail- and skin-care treatments. “Made with natural ingredients and the latest scienti- fic advancements.” Sold in drug and discount stores and supermarkets.

To order, call (212) 470-6890.

HABA Laboratories America Inc. Beauty, divined skin-care prod- ucts. Direct mail orders. Call (800) 982-9590 for a catalog.

JASON Natural Products. Cos- metics, skin-care products, colo­ nial, solid, shaving soaps, skin cleansers, cream, oils, and other personal-care prod- ucts. Found primarily in health food stores. Call (800) 821-5791 (in California), (212) 836-7545, or (800) 378-1544 to order products or a catalog.

Kiss My Face. Soaps, moisturiz­ er, foundation (for men and women), and skin-care products. Moisturize, smooth, and shave other and personal-care products. Found primarily in health food stores. Call (800) 252-1525 to order health food stores, West Coast beauty supply stores, and major depart­ ment stores in California. For information, call (415) 999-2630.

Luba Criste Inc. Skin- and beauty-care products. Founded in health food stores. Call (800) 307-3212 to order a catalog.

MERK. Avedon & Nature’s Skin and beauty-care products. Found primarily in health food stores. Call (800) 307-3212 to order a catalog.

MENTS, Inc. “Quality Personal Care Products.” Made from 100 per- cent biodegradable organic complex­ es and are 100 percent non- polluting. The products contain no synthetic fragrances or dyes and are made without animal by- products or testing. All are sui- table for all skin types. Found in health food stores. Call (800) 752-7618.


Nanowave of High Tor Ltd. Sold in pharmacies in Rockland County, N.Y. For information, call (800) 384-2407 or to order a catalog and products, call (800) 634-8342.

Natural World Inc. Fine health and beauty skin-care products. To order a catalog or products, call (800) 728-3388 or (203) 356-0003.

NATURADE, The Royal Collect­ ion, Alice Were 80 Calendar Edition, Col­ or Cosmetics, Special body- and hair-care products. Found in health food stores and wherever fine nutritional products are sold.

Ralph Perry color cosmetics and skin-care prod- ucts. Found in health food stores and some beauty supply outlets. Call (800) 365-8848 to order a catalog.


Seabstiont International Inc. Fine hair products, available in beauty salons and barber shops. For information, call (800) 729-7322 or write PO Box 4111, Woodland Hills, CA 91364.

St. Ives Laboratories. Hair- and skin-care products sold in drug and grocery stores nationwide. To order a catalog, call (800) 421-8231 in California, call (918) 796-5500.

ShiKai, ShiKai, Henna Gold, and Salon Naturals hair-care prod- ucts. Shampoo, bath, and skin care products. Found in health food stores and salons. Call (800) 448-5098 for information and to order products or a catalog.

Sunless Bronze MERA. Found in health food stores primarily in health food stores.

Tom’s of Maine. Tom’s of Maine is a leading producer of natural toothpastes, mouthwashes, flossing ribbons, shampoos, and hygiene products. Many are packaged using re- cycled and recyclable plastic.

Weleda, Inc. Weleda, skin, hair- body-, and mouth-care products. Available in health food stores and by mail order.

WHEN I CHOOSE PERSONAL CARE PRODUCTS, I CARE WHETHER OR NOT THEY’VE BEEN TESTED ON ANIMALS.

JOIN ME IN SUPPORTING ‘THE BEAUTIFUL CHOICE’.”

Anna-Lisa, Victoria Principal, Beatrice Wild, Sid Caesar, Dr. Franco Columbo, Robyn Douglass, Chad Everett, Whoopi Goldberg, Woody Harrelson, All Models, Virginia Principal, John Matuszak, Lorena Sotz, Lily Tomlin, Dick Van Patten, and Jane Wagner

BEAUTIFUL PRODUCTS; FOR BEAUTIFUL PEOPLE.

Beautiful People, Naturally.

Anyone who uses non-animal tested cosmetics and personal care products is a star in our eyes.

And now The Humane Society of the United States has made it easier to determine which products are not animal tested. It’s the Beautiful Choice symbol, and only those manufacturers who take the pledge not to test products on animals can use it.

For more information on personal care products and cosmetics, and make a choice that makes you beautiful. From the inside, out.

For more information on The Beautiful Choice campaign, including a list of participating manufacturers, or to become an HSUS member, please call 1-800-372-0800.

The Humane Society of the United States 2 P.O. Box 947 West Washington, D.C. 20037

©1991. The Humane Society of the United States. All rights reserved.
Montana vs. Bison—Again

State controls fate of park wanderers

Almost every winter for more than fifteen years, bison from Yellowstone National Park’s northern herd have crossed the invisible line that separates the park from the state of Montana. Perhaps the bison are searching for food and water; perhaps they’re traveling from force of habit. In stepping beyond Yellowstone’s protective boundaries, however, they unknowingly walk toward a fate of November 1991 and January 1992, the National Park Service, the annual public hunting of bison in Montana (see the slaughter of Yellowstone’s bison has long caused deep distress to the HSUS. HSUS members have risen to the challenge with an avalanche of calls and letters. Thanks in part to your outrage, the Montana legislature last spring outlawed public hunting of bison in the state.

For the bison, however, nothing has improved. Following the legislative ban on hunting, the Montana Board of Livestock declared a quarantine on the Yellowstone bison and issued new rules requiring the killing of all bison before they cover an area thirty-five feet long and six feet wide. The organism that causes brucellosis (the bacterium Brucella abortus) lives only in internal organs, especially the reproductive organs, and usually is transmitted when aborted fetuses or other birth material is released from an infected cow (a very unusual event for Yellowstone bison). In failing to ensure the safe disposal of potentially infected organs, the state’s policy of killing bison almost surely increased the risk of brucellosis transmission to domestic cattle, as well as to coyotes, grizzly bears, and other scavengers that might consume the infected tissues.

Recent events, however, have confirmed the HSUS’s repeated assertion that brucellosis risk is remote and only a rationalization for killing:

- Both sides of the controversy acknowledge that bison bulls cannot transmit brucellosis to domestic cattle. Montana’s previous policies recognized this fact in allowing flexibility regarding the treatment of bison bulls leaving Yellowstone. However, new livestock-board rules require the killing of all bison outside the park, including bulls.
- In January, The HSUS learned of a particularly ghastly and telling aspect of the Yellowstone bison controversy. Rather than requiring the safe disposal of entrails from killed and butchered bison, Montana authorities permitted the entrails to accumulate on the grounds of a local ranch until they covered an area thirty-five feet long and six feet wide. The organism that causes brucellosis lives only in internal organs, especially the reproductive organs, and has never been transmitted to domestic cattle by free-ranging elk or bison.

As claims of brucellosis risk have weakened, Montana’s campaign against the bison has become more overtly unyielding and irrational. Sadly, the National Park Service has little legal control over the fate of Yellowstone’s bison once they leave the park. For now, responsibility for the lives of Yellowstone’s bison rests with the state of Montana. Although legal efforts to stop the killing have so far failed, The HSUS is continuing to explore all possible channels. We are working with the National Park Service and the state of Montana in the preparation of a long-term bison-management plan for Yellowstone. Such a plan could include “bison-safe” buffer zones around the park or a humaneely administered transfer program. The HSUS remains committed to allowing Yellowstone’s bison to live in peace.—Allen Rutberg, senior scientist, wildlife and habitat protection.

Bad News for Bears

Spring hunting seasons orphan cubs

If traditional wildlife management has one unshakable tenet, it is that wildlife must not be hunted during the season in which young depend on adults for food and protection. Flouting this principle, several states hold spring hunting seasons on black bear. These seasons undoubtedly leave very young bear cubs orphaned and certain either to die a prolonged and painful death or face life in captivity.

Each fall, in preparation for sleeping through the winter in a snug den, black bears gorge on nuts, berries, grasses, grubs, rodents, carrion, and other foods. Once the bear is in its den, its body temperature drops and its respiratory and metabolic rates decrease by about one half. While hibernating, female bears (sows) three and a half years or older may give birth—usually to twins, but sometimes to as many as five cubs. Each is blind and dependent on the sow. For two or three months, the cubs eat, sleep, and grow in their insulated den site and avoid predators. The process takes up to a year and a half. In some states, however, bear cubs risk losing their mothers to human hunters long before there is any chance of their surviving on their own.

Eight states—Alaska, Arizona, Colorado, Idaho, Montana, Oregon, Utah, and Wyoming—currently allow hunters to kill black bears during spring seasons ranging in length from a few weeks to several months. Although these states prohibit the taking of sows with cubs, a bear biologist in one of the states confirmed The HSUS’s
concern that even experienced biologists have difficulty determining if a bear has cubs unless the cubs are actually seen with the mother. Consequently, spring bear seasons may leave young cubs orphaned, certain to die of starvation, exposure, predation, or accident. The fate of cubs found after the sow is killed is not much better—a life in captivity in a roadside zoo, circus, game farm, or other cruel and unnatural environment. The season is no more fair to adult bears—male or female—than to cubs, since the methods used to hunt the bears have nothing to do with sport or “fair chase.” Bears emerging from hibernation are tired, groggy and disoriented and move slowly. Their first priority is to find food and prepare for the long winter. Meanwhile, bear cubs will continue to be orphaned. The two-week extension of the season is expected to more than triple the number of lactating females killed in the spring season. The commission refused to discuss restrictions on the use of bait and dogs.

In voting to continue and extend spring bear hunting, the strongly pro-hunting majority of the Colorado Wildlife Commission listened only to outfitters and hunters (although not all bear hunters support the season); the commission’s decision overlooks the outings for all U.S. bear populations, thereby threatened by poachers anxious to profit from the lucrative black market in bear gall bladders and paws, used in traditional medicines and foods in the Far East. In recent years spring bear season has been controversial in Colorado. Despite public opinion polls showing overwhelming opposition to spring bear seasons, the testimony of groups, including The HSUS, and the recommendations of its own wildlife biologists, the Colorado Wildlife Commission recently voted to continue the spring season and lengthen it by two weeks. Although a three-year plan calls for a gradual reduction in the number of bears killed during the spring season, there is no guarantee that the commission will not return to business as usual at the end of the period. Meanwhile, bear cubs will continue to be orphaned. The two-week extension of the season is expected to more than triple the number of lactating females killed in the spring season. The commission refused to discuss restrictions on the use of bait and dogs.

CUB COALITION IN COLORADO

Taken as a whole, Colorado’s bear-hunting policy enjoys public approbation. No other state’s populous is more abysmally and obscenely tranquil. Although twenty-eight states allow bear hunting in the spring (including Colorado) permit the hunting of black bears in the spring and the use of dogs and bait. Public comment to the Colorado Department of Wildlife (DOW) before last November’s commission vote ran 16 to 1 in favor of eliminating the spring season and 122 to 1 in favor of halting the use of bait and dogs. This DOW-initiated public-opinion survey revealed the hostility of the majority of Coloradans oppose both spring bear season and the use of bait and hounds. The DOW itself recommended a complete termination of spring hunting; state wildlife manager Len Carpenter called spring bear hunting “morally indefensible,” according to the February/March 1992 issue of Peak & Prairie, published by the Rocky Mountain chapter of the Sierra Club.

Convinced of the cruelty of both spring bear hunting and the use of hounds and bait and determined to support the views of a majority of the state’s populace, the HSUS, together with the Fund for Animals, vigorously supports Coloradans United For Bears (CUB), a coalition formed to place an initiative on the November 1992 ballot. This initiative would ban black bear hunting but would outlaw spring, bait, and hound hunting.

The birth of CUB has proven the widespread sentiment for such an initiative. Members of the coalition include such diverse groups as the Boulder Audubon Society, Urban Wildlife Rescue, the Rocky Mountain Sierra Club, the Coalition for Responsible Hunters, the Colorado Environmental Coalition (an organization with forty state environmental groups as members), the Sheep Mountain Alliance, and the American Humane Association, with headquarters in Denver.

An office for CUB has been established and regional coordinators are in place in preparation for the campaign to obtain the 49,500 registered-rotor signatures necessary to get the initiative on the ballot. Ultimately the people of Colorado must decide whether they wish to continue to see atrocities against the gentle black bear. The HSUS is confident that, in this instance, the black bears of Colorado will gain from citizens the protection denied them by the wildlife commission.

For more information on how you can help the Colorado black bears, contact David Wills, HSUS vice president, investigations, or Sue Rodriguez-Pastor of CUB at (303) 494-3780.

SAY NO TO SPRING BEAR HUNTS

To protest against spring bear-hunting seasons, write:

Alaska Department of Fish and Game
Division of Wildlife Conservation
PO Box 3-2000
Juneau, AK 99802

Arizona Game and Fish Department
Wildlife Management Division
206 E. Broadway
Phoenix, AZ 85023-4332

Colorado Wildlife Commission
460 Broadway
Denver, CO 80216

Idaho Fish and Game Department
600 South Walnut
PO Box 25
Boise, ID 83707

Montana Department of Fish, Wildlife, and Parks
1420 East Sixth
Helena, MT 59620

Oregon Department of Fish and Wildlife
Wildlife Division
PO Box 59
Portland, OR 97207

Utah State Department of Natural Resources
Division of Wildlife Resources
3561 West North Temple
Salt Lake City, UT 84116-3154

Wyoming Game and Fish Department
PO Box 9
Laramie, WY 82076

Coalition for Responsible Hunters, the Colorado Environmental Coalition (an organization with forty state environmental groups as members), the Sheep Mountain Alliance, and the American Humane Association, with headquarters in Denver.

As the months pass, we will continue to see atrocities against the gentle black bear. The HSUS is confident that, in this instance, the black bears of Colorado will gain from citizens the protection denied them by the wildlife commission.

For more information on how you can help the Colorado black bears, contact David Wills, HSUS vice president, investigations, or Sue Rodriguez-Pastor of CUB at (303) 494-3780.

After two decades of being unfairly denied the safeguards afforded by the federal Animal Welfare Act (AWA), laboratory mice, rats, and birds finally had their day in court—and emerged victorious (see page 36). In 1970 the AWA’s provisions were broadened to apply to all warm-blooded laboratory animals, that is, all mammals and birds. Unfortunately, the U.S. Department of Agriculture (USDA), the agency responsible for enforcing the AWA, never expanded its regulations to include mice, rats, and birds. In fact, the USDA explicitly excluded these warm-blooded animals from coverage, thereby denying protection to eight of every ten animals used in research, testing, and education. On January 8 however, the U.S. District Court in Washington, D.C., ruled that the USDA has been violating the AWA by excluding the estimated 15 million mice, rats, and birds annually used in laboratories. The ruling was in response to a lawsuit brought by The HSUS, the Animal Legal Defense Fund (ALDF), one of whom is Dr. Patricia Knowles, a scientific adviser to The HSUS. In its ruling, the court rebuked the USDA for its inaction, stating that its “inertia allows the mistreatment of these animals to continue unchecked by the agency charged with the protection of laboratory animals. The court cannot believe that this is what Congress had in mind.” The court continued:

The inclusion of rats, mice and birds under the act would send an important message...
to those responsible for their care—that the care of these animals is something for which they are legally accountable and is an important societal obligation. This message is much more consistent with the purposes of the act than the current message the exclusion of these animals conveys: that the researchers may subject the birds, rats, and mice to cruel and inhumane conditions, that such conduct is sanctioned by the government and has no legal consequences.

The HSUS and co-plaintiffs filed the lawsuit in 1990 after they had exhausted other options. (In the late 1980s, The HSUS and other organizations independently corresponded with USDA officials on this issue, to no avail. In 1989 The HSUS and ALDF filed an administrative petition with the agency, seeking an end to the arbitrary exclusion of mice, rats, and birds. The petition was denied—hence the need for the lawsuit.)

While the court’s ruling stops short of explicitly ordering the USDA to begin regulating the care and treatment of mice, rats, and birds, it should have the same effect. The court ordered the USDA to reconsider the agency’s denial of the HSUS/ALDF petition “in light of the interpretation of the law set forth by [this] court.”

Dr. Martin L. Stephens, HSUS vice president, laboratory animals, called the court’s decision “a milestone in the protection of laboratory animals. It’s particularly heartening that mice and rats are getting a break. These unpopular animals are all but overlooked in animal-welfare debates.”

AWA regulations specify minimum standards for the housing and care of animals, as well as administrative procedures that research institutions must follow, such as establishing training programs for laboratory workers. When mice, rats, and birds are covered by the regulations, they will benefit from these standards and procedures. This coverage will have a host of ramifications, including:

- Any laboratories, schools, or dealers that use or sell only mice, rats, or birds will be subject to AWA regulations for the first time.
- Animal care-and-use committees, which review research proposals, will have to begin scrutinizing all proposals involving mice, rats, or birds.
- Arrocan conditions or treatment of mice, rats, or birds in the laboratory could result in criminal prosecution under the AWA.
- The USDA will begin compiling and publishing year-end statistics on the use and treatment of mice, rats, and birds, yielding a much more comprehensive picture of animal research.

The USDA has sixty days in which to appeal the court’s ruling. The HSUS hopes that the USDA will accept the ruling and begin protecting the animals the agency has disfranchised for two decades.

**ORGANIZATIONS RECEIVING AID FROM ALICE MORGAN WRIGHT-EDITH GOODE FUND TESTAMENTARY TRUST**

**Statement of Assets and Liabilities**

<table>
<thead>
<tr>
<th>Assets</th>
<th>Liabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust Corpus</td>
<td>$1,352,868</td>
</tr>
<tr>
<td>Less on Sale of Securities</td>
<td>(2,531)</td>
</tr>
<tr>
<td>1990 Income from Investments—Net</td>
<td>868,866</td>
</tr>
<tr>
<td>Less: Distribution of 1989 Income</td>
<td>(391,170)</td>
</tr>
<tr>
<td>Balance 12/31/90</td>
<td>$1,324,315</td>
</tr>
</tbody>
</table>

**Represented by**

- Cash | $448,436
- Accrued Interest Receivable | 6,793
- Investments—Securities at Book Value | 868,866

**Balance 12/31/90 | $1,324,315**

**Statement of Receipts and Disbursements**

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Disbursements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 Income from Investments—Net</td>
<td>$72,417</td>
</tr>
<tr>
<td>Grants of 1990 Income to Organizations</td>
<td>$72,417</td>
</tr>
</tbody>
</table>

**Organizations Receiving Aid from Alice Morgan Wright-Edithe Goodie Fund 1990 Trust Income**

- Advocates for Animals, Edinburgh, Scotland
- American Foundation, Boston, Massachusetts
- Animal Protection League, Milwaukee, Wisconsin
- Association for Animal Welfare, Montevideo, Uruguay
- Assistance aux Animaux, Paris, France
- Association for the Prevention of Cruelty to Animals in Public Spectacles, Barcelona, Spain
- Blue Cross of India, Madras, India
- Brooke Hospital for Animals, London, England
- Cape of Good Hope SPCA, Pretoria, South Africa
- Committee to Abolish Sport Hunting, White Plains, New York
- Deutsche Tierfreunde e.V., Munich, Germany
- Endowment for the Prevention of Cruelty to Animals, Innsbruck, Austria
- Friends of Dogs, Calestia, India
- G. Irwin welcomes Expo '92 exhibitors and attendees to Bally's Casino Resort in Las Vegas.
- HSUS Mid-Atlantic Regional Director Nina Auenstein (left) admires the Expo '92 tote bag held by Joe and Maria Kiejavsky, who came to Las Vegas from New Jersey.

**By Nicholas P. Gilman**

On February 2, 1992, the doors opened on one of the largest animal care gatherings ever. Instead of five hundred attendees the HSUS staff had hoped for, well over one thousand people participated in the first annual HSUS Animal Care Expo. Animal-care workers, administrators, and exhibitors convened at Bally’s Resort in Las Vegas, Nevada.

Expo ‘92, the vision of HSUS President Paul G. Irwin, proved to be an exciting, educational venture. “The animal-care community needed a clearinghouse for ideas, resources, and materials,” said Mr. Irwin. “The HSUS had the wherewithal to bring all that together under one roof.”

At the welcoming remarks, HSUS Chief Executive John A. Hoyt officially announced that Mr. Irwin would succeed him as president of The HSUS. Mr. Hoyt also announced that he would step into the role of president of The HSUS’s Humane Society International (see the president’s perspective).

Mr. Irwin recounted how he had asked Phyllis Wright to be the Animal Care Expo ‘92 keynote speaker. Recently retired from the position of HSUS vice president, companion animals, she had responded, “No way. Let Marc Paulhus loose on them!” Ms. Wright has been a primary sponsor of the animal-care and animal-welfare communities for nearly three decades. It was fitting that so many of her prodigies were present when she passed the...
Clockwise from above:

HSUS Vice President, Companion Animals, Marc Paulhus scored a big hit with Phyllis Wright and Paul G. Irwin during his keynote address.

New England Regional Director Arnold Baer is surrounded by Expo '92 attendees examining HSUS materials at the “Choose a Pal for Life” booth.

HSUS Vice President, Investigations, David Wills (center) pauses to reflect on the success of the Expo.

Over a four-day period in February, approximately 1,000 people visited the first “animal-care expo”; 100 exhibitors took part as well.

torch to Marc Paulhus, the new vice president, companion animals. Mr. Paulhus’s keynote address challenged the audience to find, and pursue, their life’s purpose.

Your purpose is that most important lifelong theme against which you measure your daily actions. Your purpose should be simple but have broad applications to your everyday choices. . . . Most of all, it should be rather difficult to achieve. The unifying purpose of the animal-care-and-control movement is to promote reverence for life and responsible stewardship.

The address set the tone for the next three days. Although originally envisioned as a trade show, Animal Care Expo ‘92 was much more to its attendees. Participants crowded into conference rooms to hear seminars conducted by nationally recognized experts. Sessions offered practical advice on such topics as computers, the use of videotape in cruelty investigations, fundraising, nutritional needs of shelter animals, and animal first-aid and cardiopulmonary resuscitation. Workshops addressed such ethical issues as cat overpopulation, resources for humane education, and ways to advance animal welfare.

Fifty-six classes were held over a three-day period. One hundred companies dealing in animal-care equipment and resources had booths at the Expo. Two exhibitors brought full-size trucks into the exhibit hall as part of their display of emergency animal-care vehicles. Microchip-identification companies demonstrated how microchips, when implanted beneath the skin of a dog or cat, can provide pertinent information about the animal when an electric “wand” is passed over the pet.

Microchip identification may prove to be invaluable in reuniting lost pets with their owners.

An architectural firm displayed work chosen to highlight how animal shelters should be designed with the animals’ well-being in mind, and an architect conducted a workshop on proper shelter design. Such presentations helped animal-care leaders identify means by which they can improve their communities’ assistance to animals.

The HSUS solicited the comments of exhibitors and attendees. The evaluations were overwhelmingly favorable. Especially appreciated were thoughtful critiques that will help The HSUS tailor Animal Care Expo ‘93 to the animal-care community.

As the animal-protection movement leads us to a more humane society, it will continually face new challenges. Mr. Paulhus commented in his keynote address, “This movement is about change. ‘Expo’ is about change. And certainly The Humane Society of the United States is changing to meet the challenges of the 90s.”

Nicholas P. Gilman is The HSUS’s field coordinator, animal sheltering and control.

There will be an Animal Care Expo ‘93! Look for details in future HSUS publications.

The HSUS’s Ann Joly (left) and Karen Higgins enjoy some booth time.

The HSUS’s Dorothy Willer (left) and NAHEE’s Cindy Stone explain the HSUS Adopt-A-Teacher program.

Exhibitors had ample opportunity to explain their products and services to attentive Expo ‘92 attendees.

(From left to right) K. William Wzseman listens as HSUS Chief Executive John A. Hoyt, Paul G. Irwin, and The HSUS’s Guy Hodge take to the airwaves at Expo ‘92.
be institutional animal com-
mittee provided for in the
Animal Welfare Act (AWA) should be a crucial element in pubic purview of the use
of animals in laboratories.
Such purview can then be
an important factor in se-
curing the humane and restrained use of
animals and in minimizing laboratory-
animal suffering. Public purview can lead
to additional legislation for laboratory-
animal welfare, regulations implementing
that legislation, and more voluntary and
cooperative humane action by the institu-
tions and people using the animals.
We need to strengthen the status, makeup,
and responsibility of the institutional animal
committee and increase its responsibility.

This goal can be accomplished by court and
other action constructing and enforcing ex-
sting laws, by new legislation improving
those laws, and by assertive participation of
people concerned about animal protection.
Such people should strive to be named to
such committees and, once a member, stand
firm for animal protection, even in the face of
dependence as a minority—even as a minority of
one. A strong advocate will have an effect
for protection even if that advocate is vote-
down again and again.
The AWA specifically provides that the
institutional animal committee “shall represen-
tate society’s concerns regarding the welfare
of animal subjects,” and the nonaffiliated member
“is intended to provide represen-
tation for general community interests in the
proper care and treatment of animals.” But
animal committee participation on or with institutional animal
committees, the movement will be
more vigorous and well
organized and will be
more effective.
The article “Serving on an Institutional Animal Commit-
tee,” appeared in the Fall 1991
issue of The HSUS News.

A previous article, “Service on an Institutional Animal Commit-
tee,” appeared in the Fall 1991
issue of The HSUS News.
A QUESTION OF MORALITY

Carpe who has only discovered the value of whale-bone and whale-oil be said to have discovered the true uses of the whale? Can he who slays the elephant for his ivory be said to have seen the elephant? No, these are petty and accidental uses. Just as if a stronger race were to kill us in order to make buttons and flageolets of our bones, and then prate the usefulness of man.

—Henry David Thoreau, The Journal, 1853

This is an essay about elephants and morality: our morality, not theirs.

It is a story about African elephants, the largest land mammals left on planet Earth.

African elephants are facing perhaps the last—and certainly the greatest—threat to their continued existence as a species. By the time you read this, the nations of the world will have decided the fate of the African elephant in the wild (see the Winter 1992 HSUS News). If the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) ban on ivory is lifted in even one small corner of the world, the death sentence for all African elephants will have been irrevocably delivered. Just as irrevocably, a judgment will have been passed on the human species.

I spent five weeks in southern Africa documenting the elephant poaching endemic to that region. In the countries I visited (Zambia, Malawi, Zimbabwe, and Botswana), elephant poaching is widespread.

Millions of words have been written about elephants: scientific descriptions of their age, social structure, mating habits, herd composition, and dietary habits and arguments about the merits of what is euphemistically called elephant management but is simply the murder of entire families of gentle giants.

Stories have been told of the millions of elephants that inhabited the African continent at the turn of the century. These tales in turn have given way to descriptions of the brutal slaying of millions of these animals over the past four decades and of the men and women who craved the teeth of these fascinating and unique evolutionary miracles. People have lusted after ivory since the dawn of civilization; indeed, it is worth at times as much per kilogram as gold itself. An elephant's worth was—and in many circles still is—determined by the ivory it carries. Every day trophy hunters and poachers alike talk wistfully of the days when they bagged a "hundred pounder" or a "seventy pounder," referring to the weight of a single tusk.

But there are no hundred pounders or seventy pounders today. Hunted mercilessly for ivory, elephants no longer roam the African continent in the millions. Best guesses are that anywhere from 600,000 to perhaps as few as 400,000 elephants remain. Those may not exist by the end of the decade.

Stories have been told about elephants that didn't involve ivory or trophies. They describe the incredible love and affection elephants have for one another. There are stories of two elephants trying to help a wounded and dying comrade by lifting him to his feet; of a daughter who returns frequently to the skeletal remains of her murdered mother.
INVESTIGATION IN SPOTLIGHT

The HSUS/HSI held a news conference to announce the results of an undercover investigation into the plight of the African elephant. The investigation was conducted by HSUS/HSI Vice President, Investigations, David K. Wills, who traveled to four Southern African nations to collect data in preparation for the March 1992 CITES meeting. Mr. Wills discovered that dwindling African elephant populations in Botswana, Malawi, Zambia, and Zimbabwe cannot withstand any weakening of the CITES Appendix I listing, which placed an international ban on the trade in elephant parts, such as ivory, beginning in January 1990 (see the Winter 1992 HSUS News and page 16). Several African countries were proposing to down-list the African elephant to Appendix II at the meeting; down-listing would legalize trade in elephant parts.


Broadcast on local television news programs, an HSUS-produced video brought the story of African elephants to hundreds of thousands of viewers. “Fox Morning News” aired a thirty-second news feature on the HSUS-produced video, the advertisement about African elephants, the program is viewed by Washington, D.C., decision makers who could help ensure that, at the CITES meeting, our government voted for continued Appendix I protection for African elephants. To reach yet more people, The HSUS released radio public-service announcements in which actresses Candice Bergen and Loretta Swit urge people not to buy ivory and to protect the African elephant.

“David, I’ve been watching elephants for over twenty years and never have I seen a baby even bumped by the herd, not even when they were fleeing from a hunter’s rifle,” I turned back to watch with new respect the gracefulness of those giants and realized suddenly that there was a magic and mystery as old as time itself being played out before my eyes. Suddenly my eyes watered as I felt for just a brief, searing moment the pain they must feel when their babies are shot to death before their eyes.

My second story is not so pleasant. As I traveled, I saw carcasses after carcasses of elephants murdered for their ivory: a fifteen-year-old in Kafue, Zambia; a twelve-year-old in Zimbabwe near Mana Pools; a twelve-year-old bull got shot in the Luangwa wildlife region of Zambia. Near Kafue National Park we came upon a trail only a week or so old. As we followed the trail, Greg explained, “See, the animal has been shot low, probably in a tree. It’s got an arrow in the river. ‘How can you know?’ I asked. ‘See here, David.’ Greg pointed. ‘See where he lounged against the tree? See the dried blood, near a quart or so. It is low on the tree, so the animal is small and you can see the wound is low.’

Finally, after ten or twelve such blood-stains, we found the carcass of a female elephant no more than eight years old. She had fallen and would not stand again. Her killers had beaten her to death with an ax. “Her ivory could not have weighed eight pounds,” Greg said. She was a half mile from the river. “How did you know she would head for the river?” I asked Greg. “David, when they get shot it must burn like hell itself, and they try to find water to relieve the agony,” he explained.

Sometimes when I see what we as a species do to animals, I feel as though we must be mad. There are 30 million tropical animals in Africa. How can we be so stupid? People in southern Africa, but apparently cannot be found for 600,000 of the most intelligent and complex mammals on this planet.

Suffering does not occur to a species. Suffering happens to individuals. Just as individual human beings suffer pain or emotional trauma, so do individual animals.

Elephants grieve, suffer, and experience joy and sorrow as surely as we do. Why is it so difficult for people to accept fact and pain and their grief as kindred to their own? In Elephant Memories, Cynthia Moss writes: After eighteen years of watching elephants, I still feel a tremendous thrill at witnessing a grieving ceremony. Sobbing, she epitomizes what makes elephants so special and interesting. I have no doubt even in my most scientifically rigorous moments that the elephants are experiencing joy when they find each other. It may not be similar to human joy or even comparable, but it is an elephantine joy and it plays an important part in their whole social system. Why isn’t it similar to human joy? Elephants are as complex as we are, and they suffer in the same way as we do. They are intelligent mammals on this planet.

BIRD CRISIS IS FOCUS OF REPORT

Timing in politics is everything, especially in the politics of the wild-caught bird trade. The European Parliament recently approved a report that outlines ways to end the trade. If this report becomes a regulation proposed by the European Commission and approved by the European Council, the cruelty of the wild-caught bird trade and its threat to the biodiversity of species could end. But the European Commission is not hurrying to pass a law to protect wild-caught birds. The Commission has publicly stated that it does not believe such a law is currently necessary and that it will not, therefore, pursue remedies proposed by the European Parliament. Because every day of delay means increasing numbers of dead birds, European environmentalists are now trying to gain revisions to the European Community regulations that implement CITES in Europe. Now under discussion, revisions could quickly accomplish some of the goals specified in the European Parliament and the Royal Society for the Prevention of Cruelty to Animals and the Royal Society for the Protection of Birds spearheaded the European Parliament’s recognition of the wild-caught bird crisis. The HSUS/HSI is working closely with these organizations to ensure a speedy end to the cruel wild-bird trade.

The report recommends a ban on wild-caught birds into the European Community for the pet trade should be banned on conservation and animal-welfare grounds,” said Caroline Jackson in the report approved by the European Parliament.

She added, “This does not mean that the pet trade should be banned. All species of birds that are suitable for keeping in captivity can be bred in captivity.”

The report recommends a ban on wild-caught birds in all but “exceptional circumstances.” Such a ban would clearly specify any exemptions, as determined by the European Commission—as such birds needed for breeding. The exemptions would need to comply with animal-welfare requirements established by the commission. Ms. Jackson’s report also recommends that a European animal-welfare inspectorate enforce this and future wild-caught bird legislation.

—Betsy Dribben, European director, HSI
Dedicated to wildlife

November 20, 1991, was a historic day for The HSUS/HSI. HSUS President Paul G. Irwin met with the president of Honduras, Rafael Leonard Callejas, and Mario Nafio Gamero, minister of natural resources, in a formal ceremony in the presidential palace to sign agreements committing The HSUS/HSI to a cooperative program for the rescue and rehabilitation of wild birds in Honduras.

The project is the first of its kind in Central America and, we believe, the first in the world. A local nongovernmental organization, with advice and technical assistance from The HSUS/HSI, will work with local people to develop ecotourism and local support for the preservation and protection of native wild birds. With the help of the U.S. Peace Corps, project leaders will educate the public through demonstrations of the beauty and value of wild birds. This program represents a country's strong commitment to protect its wildlife from unbridled exploitation fueled by the demand for pet birds in the United States and western Europe.

By protecting its wildlife and encouraging nonconsumptive, nondestructive birdwatching—ecotourism—Honduras will reap the benefits of an enhanced tourist economy and flourishing wildlife populations. The alternative is decimation by the pet trade, which offers almost no benefit to the country in exchange for destroying precious native wildlife.

Birds—and all of the country's wildlife—are protected by a Honduran presidential decree that was issued in response to this havoc. Last year fourteen white-faced Amazon parrots were confiscated by the government of Honduras after The HSUS investigated wild-bird smuggling and committed to aid in the birds' rehabilitation (see the Fall 1991 HSUS News). Team leader Karlinn Kemeneshi has been in Honduras since July 1991, actively supervising the rehabilitation, medical treatment, and release of the birds, who have been housed at a temporary facility at the Tegucigalpa Zoo.

The ceremony drew attention to the successful release of the rehabilitated birds. For future rehabilitation projects, Recursos Naturales and CONDEFOR, the major government agencies in Honduras concerned with the protection of wildlife and habitat, formally agreed to cooperate actively with The HSUS/HSI in constructing a permanent rehabilitation facility in La Ceiba. Dr. Obdulio Menghi, scientific coordinator of CITES, who was present at the ceremony, announced that the Honduran bird-rehabilitation center would serve as a regional facility for Central America.

In early February Dr. John W. Grandy, HSUS vice president, wildlife and habitat protection, met with Honduran officials to confirm the donation of $18,000 of land to the Fundacion Cuero y Saldaña (FUCSA) for the construction of the facility. Construction should be completed by mid-April. By summer FUCSA will assume complete responsibility for the rehabilitation of wild birds.
In 1950 an Asian elephant was born in Hyderabai, in southern India. She tasted freedom for four short years. On May 22, 1954, the four-year-old elephant was captured and separated from her family; in fact, the elephant hunters may have killed other family members to capture the baby. She was immediately sold by the Zoological Corporation to the Milwaukee County Zoo for $3,500 and shipped from the hot climate of southern India to the cold of Milwaukee, where, named Lota, she remained in confining, unnatural quarters for the next thirty-six years.

The Zoo Milwaukee citizens had for years vigorously protested the deficient conditions for elephants at the Milwaukee zoo. But Lota would endure something much worse. After thirty-six years Milwaukee, like most zoos, apparently had no use for an "elderly" elephant such as Lota. Perhaps she was no longer considered "cute" and had become what zoo folks call "surplus." On May 22, 1990 the zoo decided to dump her.

If the zoo had consulted humane organizations, it could have found Lota a home such as a wildlife sanctuary. Instead, the zoo decided to dump her. Don Meyer, who has close ties to the circus and had become swifter as the years went by, arranged for the zoo to give Lota to Mr. Meyer and sent the bill to the Milwaukee zoo. Mr. Meyer, one of the founders of the American Association of Zoo Keepers, stated: "The manner in which the animal who for years was known that elephants must be gradually taught how to board a truck. An elephant keepers know that elephants must be gradually taught how to board a truck. It was obvious things were not going smoothly with this move. As horrified reporters looked on, a nightmarish scene unfolded. Elephant keepers knew that elephants must be gradually taught how to board a truck. It was obvious things were not going smoothly with this move.

By Michael Winikoff

An elephant condemned to life in a circus may yet be helped by a well-known federal law.
“This type of behavior toward an animal constitutes animal abuse.”
—Ken Willingham

Running down the middle of the inside of the truck was ‘‘arime mixed with some rusty part of the floor.’’ But rust does not get thicker and redder, as this was doing.

A brief jolt of common sense struck the keepers, and they let the slack out of the rope holding Lota’s front leg and moved the truck forward, allowing her to pull out of the trailer and immediately right herself.

But during a second attempt to get her into the truck, she fell again. The keepers resumed striking her on the legs, the wrist, the head, and the feet, landing some blows so hard that a rod used in the beatings was bent. Finally, three hours after the ordeal began, the poor creature was pounded into confusion, submission, and taken away to become a circus performer. We can only imagine what she now suffers as she is forced to learn new tricks.

Rachel Anastasi left the Milwaukee Zoo on a steamy day soon after Lota’s ordeal.

When my city editor called my resigning the following day, ‘‘December ‘‘foolish forever, because I did not have an explanation for my feelings. How do you adequately imagine what she now suffers as she is forced to learn new tricks?"

Keepers seek to develop a relationship based on trust, not fear. Sadly, the old school of handling, elephant hooks, and shovel handles, they bludgeoned her so badly that people who had worked with her for years could no longer recognize her. No cruelty charges were filed.

We studied every federal law that had anything to do with animals—and found the key to Lota’s possible salvation.

The Lawsuit

On November 26, 1991, the one-year anniversary of Lota’s beating, The HSUS announced our intention to sue the DOl to spend much of her remaining life traveling in a box, occasionally let out to perform demeaning stunts.

The Endangered Species Act

The Endangered Species Act (ESA) protects endangered species by eliminating the profit made on those animals. When Congress framed the act, it realized that the motivation for most animal exploiters is financial gain. Legislators thought that banning commercial trade in endangered species would allow endangered species to survive.

In 1976 the U.S. Department of the Interior (DOI) listed the Asian elephant as an endangered species. However, one supposedly loophole built into the act soon grew beyond all bounds. The DOI allowed ‘‘scientific utilization’’ of these animals, which it included zoos, to continue to take endangered species. The DOI does not regulate what zoos do with these animals after they become ‘‘surplus,’’ like Lota. So the zoos give or sell the animals to profit-making corporations, such as the Hawthorn Corporation.

Although Hawthorn trains the animals for circuses and rides, a person might think would be prohibited by the ESA, the DOI allowed the transfer despite our objections. We studied the legal basis for the ESA’s built-in cop-out: objections based upon the requirements imposed by law for the humane transportation of endangered species. Then the DOI swiftly granted Hawthorn a permit to ship Lota around the world to perform in circuses.

Lota, who had spent her entire adult life at the Milwaukee zoo, was now condemned by the DOl to spend much of her remaining life traveling in a box, occasionally let out to perform demeaning stunts.

In 1987 Lota was photographed as she was being weighed at the Milwaukee zoo. She spent thirty-six years at the zoo prior to her move.

The Endangered Species Act (ESA) protects endangered species by eliminating the profit made on those animals. When Congress framed the act, it realized that the motivation for most animal exploiters is financial gain. Legislators thought that banning commercial trade in endangered species would allow endangered species to survive.

In 1976 the U.S. Department of the Interior (DOI) listed the Asian elephant as an endangered species. However, one supposedly loophole built into the act soon grew beyond all bounds. The DOI allowed ‘‘scientific utilization’’ of these animals, which it included zoos, to continue to take endangered species. The DOI does not regulate what zoos do with these animals after they become ‘‘surplus,’’ like Lota. So the zoos give or sell the animals to profit-making corporations, such as the Hawthorn Corporation.

Although Hawthorn trains the animals for circuses and rides, a person might think would be prohibited by the ESA, the DOI allowed the transfer despite our objections. We studied the legal basis for the ESA’s built-in cop-out: objections based upon the requirements imposed by law for the humane transportation of endangered species. Then the DOI swiftly granted Hawthorn a permit to ship Lota around the world to perform in circuses.

Lota, who had spent her entire adult life at the Milwaukee zoo, was now condemned by the DOl to spend much of her remaining life traveling in a box, occasionally let out to perform demeaning stunts.

The Lawsuit

On November 26, 1991, the one-year anniversary of Lota’s beating, The HSUS announced our intention to sue the DOI to spend much of her remaining life traveling in a box, occasionally let out to perform demeaning stunts.

The Endangered Species Act

The Endangered Species Act (ESA) protects endangered species by eliminating the profit made on those animals. When Congress framed the act, it realized that the motivation for most animal exploiters is financial gain. Legislators thought that banning commercial trade in endangered species would allow endangered species to survive.

In 1976 the U.S. Department of the Interior (DOI) listed the Asian elephant as an endangered species. However, one supposedly loophole built into the act soon grew beyond all bounds. The DOI allowed ‘‘scientific utilization’’ of these animals, which it included zoos, to continue to take endangered species. The DOI does not regulate what zoos do with these animals after they become ‘‘surplus,’’ like Lota. So the zoos give or sell the animals to profit-making corporations, such as the Hawthorn Corporation.

Although Hawthorn trains the animals for circuses and rides, a person might think would be prohibited by the ESA, the DOI allowed the transfer despite our objections. We studied the legal basis for the ESA’s built-in cop-out: objections based upon the requirements imposed by law for the humane transportation of endangered species. Then the DOI swiftly granted Hawthorn a permit to ship Lota around the world to perform in circuses.

Lota, who had spent her entire adult life at the Milwaukee zoo, was now condemned by the DOl to spend much of her remaining life traveling in a box, occasionally let out to perform demeaning stunts.
not protected by the ESA. The DOI has argued for years that endangered species held in captivity in the United States since before passage of the act are exempt. Thus, Susan, who was at the zoo before the act was passed, would not be protected.

Our research revealed that Congress never intended such an interpretation. Congress clearly indicated that only those animals permanently kept out of the “chain of commerce”—not used for profit—are left unprotected. Congress intended the protections of the act to “kick in” if the animal was ever returned to a profit-making venture.

We are confident that Lota’s case will be because we are not seeking to enact a new law or even to change an existing one; we are simply seeking to reinforce an established, broadly supported federal statute. While we accept that Lota, unfortunately, will not be able to return to the Hawthorne Corporation in ciruses, rides, and “entertainment.” A victory for Lota will also be a victory for the hundreds of other endangered animals transferred annually from zoos to a variety of profit-making endeavors, such as game ranches, roadside zoos, and movies and television. A victory will open the door to a new area of animal protection law. If cause zoos will be forced to guarantee lifetime care for any endangered species currently under their stewardship, they will acquire new animals much more slowly. This will, in turn, reduce the number of animals removed from their natural habitats.

Think about Lota, But Act Locally!

Your local zoo probably keeps a Lota, or someone just like her, waiting to declare her surplus and ship her into the animal slave trade. While we certainly are not big fans of zoos, unfortunately, most animals who wind up in a zoo suffer much more than those who remain. An elderly animal who has never been moved from the zoo is especially hard-pressed. Exact numbers are unavailable because the DOI regulates zoo-to-corporation transfers inadequately and incompletely, but we estimate that each year hundreds of animals, including numerous endangered animals, are given or sold to zoos by profit-making corporations, including circuses, roadside attractions, and even hunting preserves.

ELEPHANTS ARE NOT FOR ENTERTAINMENT!

The American public is slowly realizing that using elephants for circus stunts and children’s rides is both cruel to the animal and dangerous for the children. Consider these incidents, all of which involved the Great American Circus:

On February 1, 1992, an endangered Asian elephant being used for rides in Palm Bay, Florida, turned on her trainer and killed her. On June 19, 1992, a different elephant, involved in such incidents ever again! While children may dream of running away from the circus, you can be sure that elephants dream of running away from the circus, if they can still dream at all.

The greatest circus in the world today uses absolutely no animals—Canada’s fabulous CIRQUE DU SOLEIL. For an evening of highly social animals like elephants be left and protected in their natural habitats rather than turned into fur in American zoos.

Write to Secretary of the Interior Manuel Lujan, (The Hon. Manuel Lujan, Secretary of the Interior, U.S. Department of the Interior, 18th and C Streets, NW, Washington, DC 20240.) Ask him to enforce the ESA by prohibiting transfers of endangered species from zoos to profit-making corporations. Write to the editors of all newspapers and magazines you read concerning animals and zoos and circuses. Such letters are one of the most effective ways that you as an individual can help.

Make Your Town a Cruelty-Free Zone!

The city of Hollywood, Florida, has adopted a marvoulsly progressive ordinance that effectively prohibits elephant rides and many other forms of animal exploitation within the city. You can have a similar ordinance passed in your community. Write to The HSUS for help.

Lota is just one of many victims in this trade. The elephant you view in your local zoo today will be tomorrow’s Lota, unless you act now.

What You Can Do

- When you hear about incidents such as Lota’s beating, write to your district attorney or prosecutor and demand action. Follow up with phone calls and letters to ensure that the case is being pursued to your satisfaction. Begin now to monitor your local zoo’s disposal of elderly or unwanted animals.

- Contact the HSUS Investigations section for information on how to do this. We can show you how to follow the paper trail, so that, as soon as we win this lawsuit, you can apply it in your own community.

- Write to your local zoo. If you live in the Milwaukee area, write to the Milwaukee Zoo. Ask for a copy of its “orphans animal” disposition policy. Begin a local campaign to convince your zoo to make a lifetime commitment to the animals there.

- Ask the zoo to adopt a formal policy that commits to caring for any animal for the duration of the animal’s life. Always keep copies of any letters you send and any responses you receive.

- Better yet, tell your zoo that responsible animal stewardship demands that intelligent, highly social animals like elephants be left and protected in their natural habitats rather than turned into fur in American zoos.

- Write to Congress about this issue, and other issues related to the ESA. Your representative in Congress is the most effective person you can write to when you want to make a difference.

- Write letters to the editors of all newspapers and magazines you read concerning animals and zoos. Such letters are one of the most effective ways that you as an individual can help.

- Teach your children that the best way to learn about animals, besides visiting them in their natural habitats, is to watch a well-done animal program on television or in the classroom. Teach them that animals have feelings and that they too have rights.

- Write to Secretary of the Interior Manuel Lujan, (The Hon. Manuel Lujan, Secretary of the Interior, U.S. Department of the Interior, 18th and C Streets, NW, Washington, DC 20240.) Ask him to enforce the ESA by prohibiting transfers of endangered species from zoos to profit-making corporations. Write to the editors of all newspapers and magazines you read concerning animals and zoos and circuses. Such letters are one of the most effective ways that you as an individual can help.

- Make Your Town a Cruelty-Free Zone!

The city of Hollywood, Florida, has adopted a marvoulsly progressive ordinance that effectively prohibits elephant rides and many other forms of animal exploitation within the city. You can have a similar ordinance passed in your community. Write to The HSUS for help.

Michael Waldorf is The HSUS’s legal investigator.

Comprehensively and professionally illustrated, The HSUS’s 112-page Pocket Guide to the Humane Control of Wildlife in Cities & Towns is a first of its kind publication that provides citizens with clear, straightforward instructions for the nonlethal control of wildlife in urban areas.

The Pocket Guide to the Humane Control of Wildlife in Cities & Towns is available from The Humane Society of the United States for $4 per book, plus $.50 for postage and handling. Special discounts are available on bulk orders. Also available at your local bookstore for $6.95.

Item | Quantity | Cost | Total
---|---|---|---
Pocket Guide to the Humane Control of Wildlife in Cities & Towns | 1 | $4.00 | $4.00
50-99 | $3.25 ea. | $3.25 ea.
100+ | $2.50 ea. | $2.50 ea.
Shipping/handling | 1.00 | 1.00
Subtotal | | | |
TOTAL | | | $7.00

1. Check payable to The Humane Society of the United States is enclosed.

All work was completed and paid for by Wildlife@Work supplies Inc. Make all checks payable to "The HSUS", 20240 Street, Silver Spring, MD 20907. We ship UPS; please provide a street address. Make checks payable in U.S. funds only.
Sick dogs purchased from pet stores or some commercial breeders would be covered by H.R. 3718, the Puppy Protection Act.

Representative Cardin relied on background information from The HSUS, including the results of investigations conducted over the last ten years by HSUS investigator Rob Baker. We will work with Representative Cardin to push for hearings at the House’s Commerce Consumer and Competitor Protection Subcommittee, chaired by Rep. Cards Collins of Maryland, and seek a sponsor of the bill in the Senate.

The HSUS continues to fight efforts—both in Congress and on an international-trade level—that threaten to undermine the U.S. Marine Mammal Protection Act (MMPA), the linchpin of dolphin protection. Although a three-man General Agreement on Tariffs and Trade (GATT) panel issued a decision last August stating that certain provisions of the MMPA are a barrier to world trade, further action by the 107-member GATT council was postponed at the request of both Mexico and the United States because the decision has potentially far-reaching adverse consequences for many U.S. environmental laws and, possibly, for international conventions that protect health, the environment, and endangered species worldwide. The panel’s decision has opened the door to complaints about GATT to other U.S. environmental laws that impose embargoes on certain products from other countries.

In the meantime, members of Congress have been working on a new trade agreement, called the Uruguay Round of GATT, and intense negotiations are under way in an effort to conclude this round. On December 20 GATT Federal Director General Arthur Dunkel published the “GATT Draft Final Text,” a document that would commit the agreement.

Unfortunately, this text contains a number of points that, like the GATT tuna/dolphin panel decision, threaten existing U.S. consumer and environmental laws. It has become clear that, in many cases, the GATT rules under which GATT operates result in the failure to factor environmental considerations into trade decisions. For example, the text appears to reinforce prohibition of enforcement of such laws beyond a nation’s borders and may threaten the U.S. Clean Air Act, which uses trade sanctions to enforce the Montreal Protocol for ozone-layer protection, and laws to protect whales, fish, and birds, such as the Pelly Amendment to the Fisherman’s Protective Act.

The HSUS is leading other animal-protection groups in joining with environmental and consumer groups to express concern about the text of the draft—on Capitol Hill, to the United States Trade Represen­tative (USTR), and even to the General Assembly, an international group of legislators that includes members of the U.S. Congress, the European Parlia­ment, and the Japanese Diet. Although the Bush administration has generally approved of the Dunkel draft, we are urging the USTR, Treasury, and especially Carlin Hills, to see that key changes are made in the draft and urging other officials in the Bush administration to reject any draft that would threaten the environment or marine mammals world-wide. HSUS Director of Legislation Martin Causey attended recent meetings of the GLOBE trade delegation in Washington, D.C., urging them to express their concern to GATT.

On a related matter, on January 9 the U.S. District Court for the Northern District of California ruled in favor of Earth Island Institute and the Marine Mammal Fund in their suit brought against the U.S. government in an effort to get the government to enforce the secondary embargo under the MMPA. Earlier this year, the court ruled that the government must implement the primary embargo against the importation of Mexican and other whale-finning tuna into the United States because the MMPA requires such an embargo against countries that have killed more dolphins than allowed under it. The secondary embargo will prevent export of tuna products to the United States from countries that import whale-finning tuna from embargoed nations.

The federal funding authorization for the Endangered Species Act (ESA), one of the nation’s most powerful and effective laws for conservation of endangered and threatened species, expires in 1992. The HSUS discussed its investigative findings at livestock auctions and proposed remedies to alleviate the suffering of downers. The hearing, chaired by Rep. Charles Stenholm of Texas, follows a January 15 field hearing in Amarillo, Texas.

In the summer of 1991, Rep. Kika de la Garza of Texas, chairman of the House Agriculture Committee, together with Rep. Stenholm, chairman of the Agriculture Subcommittee on Livestock, Dairy, and Poultry, requested a General Accounting Office (GAO) report on the roles of the U.S. Department of Agriculture (USDA) in monitoring and regulating the livestock and meat-packing industries. While the GAO investigation was being conducted, Chairman Stenholm became interested in the downer issue, reports of abuses began to emanate from stockyards, and public concern about the handling of downers began to grow.

By early May 1991, many livestock-industry leaders have recognized the need to change the way that animals, particularly downers, are handled at auctions. While industry leaders do not agree on a remedy, some have worked on policy statements addressing the problem, and many agree that the current handling prac­tices need to be changed. Through our Farm Animals and Bioethics section, The HSUS is making every effort to work with the industry to attain a satisfactory resolution of this problem.

Representative Cardin relied on background information from The HSUS, including the results of investigations conducted over the last ten years by HSUS investigator Rob Baker. We will work with Representative Cardin to push for hearings at the House’s Commerce Consumer and Competitor Protection Subcommittee, chaired by Rep. Cards Collins of Maryland, and seek a sponsor of the bill in the Senate.

The HSUS continues to fight efforts—both in Congress and on an international-trade level—that threaten to undermine the U.S. Marine Mammal Protection Act (MMPA), the linchpin of dolphin protection. Although a three-man General Agreement on Tariffs and Trade (GATT) panel issued a decision last August stating that certain provisions of the MMPA are a barrier to world trade, further action by the 107-member GATT council was postponed at the request of both Mexico and the United States because the decision has potentially far-reaching adverse consequences for many U.S. environmental laws and, possibly, for international conventions that protect health, the environment, and endangered species worldwide. The panel’s decision has opened the door to complaints about GATT to other U.S. environmental laws that impose embargoes on certain products from other countries.

In the meantime, members of Congress have been working on a new trade agreement, called the Uruguay Round of GATT, and intense negotiations are under way in an effort to conclude this round. On December 20 GATT Federal Director General Arthur Dunkel published the “GATT Draft Final Text,” a document that would commit the agreement.

Unfortunately, this text contains a number of points that, like the GATT tuna/dolphin panel decision, threaten existing U.S. consumer and environmental laws. It has become clear that, in many cases, the GATT rules under which GATT operates result in the failure to factor environmental considerations into trade decisions. For example, the text appears to reinforce prohibition of enforcement of such laws beyond a nation’s borders and may threaten the U.S. Clean Air Act, which uses trade sanctions to enforce the Montreal Protocol for ozone-layer protection, and laws to protect whales, fish, and birds, such as the Pelly Amendment to the Fisherman’s Protective Act.

The HSUS is leading other animal-protection groups in joining with environmental and consumer groups to express concern about the text of the draft—on Capitol Hill, to the United States Trade Representative (USTR), and even to the General Assembly, an international group of legislators that includes members of the U.S. Congress, the European Parliament, and the Japanese Diet. Although the Bush administration has generally approved of the Dunkel draft, we are urging the USTR, Treasury, and especially Carlin Hills, to see that key changes are made in the draft and urging other officials in the Bush administration to reject any draft that would threaten the environment or marine mammals world-wide. HSUS Director of Legislation Martin Causey attended recent meetings of the GLOBE trade delegation in Washington, D.C., urging them to express their concern to GATT.

On a related matter, on January 9 the U.S. District Court for the Northern District of California ruled in favor of Earth Island Institute and the Marine Mammal Fund in their suit brought against the U.S. government in an effort to get the government to enforce the secondary embargo under the MMPA. Earlier this year, the court ruled that the government must implement the primary embargo against the importation of Mexican and other whale-finning tuna into the United States because the MMPA requires such an embargo against countries that have killed more dolphins than allowed under it. The secondary embargo will prevent export of tuna products to the United States from countries that import whale-finning tuna from embargoed nations.

The federal funding authorization for the Endangered Species Act (ESA), one of the nation’s most powerful and effective laws for conservation of endangered and threatened species, expires in 1992. The HSUS discussed its investigative findings at livestock auctions and proposed remedies to alleviate the suffering of downers. The hearing, chaired by Rep. Charles Stenholm of Texas, follows a January 15 field hearing in Amarillo, Texas.

In the summer of 1991, Rep. Kika de la Garza of Texas, chairman of the House Agriculture Committee, together with Rep. Stenholm, chairman of the Agriculture Subcommittee on Livestock, Dairy, and Poultry, requested a General Accounting Office (GAO) report on the roles of the U.S. Department of Agriculture (USDA) in monitoring and regulating the livestock and meat-packing industries. While the GAO investigation was being conducted, Chairman Stenholm became interested in the downer issue, reports of abuses began to emanate from stockyards, and public concern about the handling of downers began to grow.

By early May 1991, many livestock-industry leaders have recognized the need to change the way that animals, particularly downers, are handled at auctions. While industry leaders do not agree on a remedy, some have worked on policy statements addressing the problem, and many agree that the current handling practices need to be changed. Through our Farm Animals and Bioethics section, The HSUS is making every effort to work with the industry to attain a satisfactory resolution of this problem.
The HSUS is gearing up for the Fiscal Year 1993 appropriations cycle and will target a number of federal agencies with specific programs affecting animals. We will testify on a number of ongoing, animal-related federal programs. We will continue our vigil for substantial increases in funding for enforcement of the Animal Welfare Act (AWA), including additional funding that will enable the USDA to conduct more frequent and rigorous inspections of laboratory and commercial dog-breeding facilities covered by the AWA. We will also strongly support the development and implementation of nonlethal animal-control methods under the USDA's Animal Damage Control program.

The success of our lobbying efforts for '92 will give us increased incentive to once again win funding for several programs. Last year The HSUS successfully lobbied Congress for first-time funding for the National Organic Standards Board, the key to a national organic-labeling program. We will be seeking additional funding. HSUS efforts were instrumental in the development of the new national standards for our nation's wild horses, which includes a humane method of contraception. We will remind Congress of the necessity for and value of this management plan. Together with the Massachusetts Society for the Prevention of Cruelty to Animals and the American Humane Association, The HSUS will seek additional funding for the National Toxicology Program, an interagency program within the National Institutes of Health (NIH) that establishes new toxicology validation of nonanimal alternatives to research. We will also seek funding for the Biological Models Materials Resources program, which is administered by NIH and offers monetary grants to scientists for research that uses alternatives to animals. Such efforts on alternatives will be enhanced by specific provisions of H.R. 2507, the NIH reauthorization bill, introduced by Rep. Henry Waxman of California. H.R. 2507 contains language promoting the use of animal alternatives in research through NIH, if passed in the House in July 1991. Efforts are being made to reconcile it with a similar bill in the Senate.

**ANIMAL-FACILITY BREAK-IN BILLS**

Late last year, at the request of the chairman of the House of Representatives Agriculture Committee, Kika de la Garza of Texas, H.R. 2407, the Farm Animal and Research Facility Protection Act, was introduced to the full committee from the House Agriculture Department Operations Subcommittee. H.R. 2407 has almost 250 cosponsors, and a similar bill, S. 544, sponsored by Sen. Howell Heflin of Alabama, has already been passed by the Senate. The HSUS has opposed these bills and continues its efforts against them because specific provisions would impede legitimate investigations and prevent the exposure of animal cruelty and misuse outlined in the AWA. We will continue to press Congress for assurance of protection for legitimate whistleblowers who witness animal cruelty.

**THANK YOU!**

The HSUS extends its thanks to the following members of Congress who have recently taken the lead in promoting legislation on behalf of animals.


Rep. Jolene Unsold of Washington, for her continued leadership, in both the Congress and international organizations, on the effort to ban large-scale drift-net fishing worldwide.

Approximately 700 game fowl, including this injured bird, were seized in two major raids last May in Ohio.

Auction off others. A lower court had ordered the birds, which were intended for fighting, to be euthanatized. However, the Ohio Gamefowl Breeders Association appealed the court's decision, and the birds were returned to their owners.

A felony cockfighting bill has been introduced by State Rep. Dean Conley, who, if passed, would make sure such outcomes would not recur.

**A CRUSHING BLOW TO KISER LAKE**

Information obtained by the Great Lakes office recently led to a recommendation for denial of a drug license for a USDA-licensed dog dealer and, subsequently, to that dealer's surprising withdrawal of his application. The Ohio Board of Pharmacy learned that Kiser Lake Kennels was operating without the necessary license for obtaining, storing, and using dangerous drugs after a complaint was lodged by program coordinator Robin Weirach. Ms. Weirach's complaint alleged unlicensed possession of sodium pentobarbitone by an Ohio dog warden, who reportedly received it from Kiser Lake Kennels. Kiser Lake Kennels applied to the Ohio Board of Pharmacy for the long-overdue license but the board recommended that the application be denied.

Kiser Lake requested a hearing on the matter. However, it withdrew its application after Ms. Weirach's testimony and cross-examination were heard by the board.

Kiser Lake Kennels has for many years provided euthanasia services to county animal facilities, retaining some live dogs for resale to research facilities, in contradiction of Ohio law. Now that it is clear the kennel lacks the proper license to utilize euthanasia drugs, the practice may stop.

**SOCIEDTIES SEEK HSUS HELP**

Program coordinator Robin Weirach traveled to Jefferson and Hancock Counties in West Virginia; Floyd, Posey, and Gibson Counties and the city of Terre Haute in Indiana; Perry and Clermont Counties in Ohio; and Ann Arbor, Michigan, to observe shelter operations and review adoption policies.

**REGIONS REVIEW**

**GREAT LAKES**

The success of our lobbying efforts for '92 will give us increased incentive to once again win funding for several programs. Last year The HSUS successfully lobbied Congress for first-time funding for the National Organic Standards Board, the key to a national organic-labeling program. We will be seeking additional funding. HSUS efforts were instrumental in the development of the new national standards for our nation's wild horses, which includes a humane method of contraception. We will remind Congress of the necessity for and value of this management plan. Together with the Massachusetts Society for the Prevention of Cruelty to Animals and the American Humane Association, The HSUS will seek additional funding for the National Toxicology Program, an interagency program within the National Institutes of Health (NIH) that establishes new toxicology validation of nonanimal alternatives to research. We will also seek funding for the Biological Models Materials Resources program, which is administered by NIH and offers monetary grants to scientists for research that uses alternatives to animals. Such efforts on alternatives will be enhanced by specific provisions of H.R. 2507, the NIH reauthorization bill, introduced by Rep. Henry Waxman of California. H.R. 2507 contains language promoting the use of animal alternatives in research through NIH, if passed in the House in July 1991. Efforts are being made to reconcile it with a similar bill in the Senate.

**ANIMAL-FACILITY BREAK-IN BILLS**

Late last year, at the request of the chairman of the House of Representatives Agriculture Committee, Kika de la Garza of Texas, H.R. 2407, the Farm Animal and Research Facility Protection Act, was introduced to the full committee from the House Agriculture Department Operations Subcommittee. H.R. 2407 has almost 250 cosponsors, and a similar bill, S. 544, sponsored by Sen. Howell Heflin of Alabama, has already been passed by the Senate. The HSUS has opposed these bills and continues its efforts against them because specific provisions would impede legitimate investigations and prevent the exposure of animal cruelty and misuse outlined in the AWA. We will continue to press Congress for assurance of protection for legitimate whistleblowers who witness animal cruelty.

**THANK YOU!**

The HSUS extends its thanks to the following members of Congress who have recently taken the lead in promoting legislation on behalf of animals.

Rep. Gerry Studds

Rep. Jolene Unsold

**GREAT LAKES**

Last May two major cockfighting bills in Ohio, the result of a months-long undercover investigation by the Ohio Department of Agriculture, netted nearly 500 arrests and the confiscation of 700 game fowl. The HSUS played a major role in this effort (see the Fall 1991 HSUS News). Although the raids were a huge success, things went downhill once local officials got involved. Charges against some individuals were dropped in one jurisdiction because the sheriff had failed to notarize the paperwork. The judge hearing a case against other individuals was unconvinced the confiscated game cocks were intended for use in fighting and ordered the birds returned to their owners.

In another jurisdiction, officials were forced to return some game fowl to owners and auction off others. A lower court had ordered the birds, which were intended for fighting, to be euthanatized. However, the Ohio Gamefowl Breeders Association appealed the court's decision, and the birds were returned to their owners.

A felony cockfighting bill has been introduced by State Rep. Dean Conley, who, if passed, would make sure such outcomes would not recur.

**A CRUSHING BLOW TO KISER LAKE**

Information obtained by the Great Lakes office recently led to a recommendation for denial of a drug license for a USDA-licensed dog dealer and, subsequently, to that dealer's surprising withdrawal of his application. The Ohio Board of Pharmacy learned that Kiser Lake Kennels was operating without the necessary license for obtaining, storing, and using dangerous drugs after a complaint was lodged by program coordinator Robin Weirach. Ms. Weirach's complaint alleged unlicensed possession of sodium pentobarbitone by an Ohio dog warden, who reportedly received it from Kiser Lake Kennels. Kiser Lake Kennels applied to the Ohio Board of Pharmacy for the long-overdue license but the board recommended that the application be denied. Kiser Lake requested a hearing on the matter. However, it withdrew its application after Ms. Weirach's testimony and cross-examination were heard by the board.

Kiser Lake Kennels has for many years provided euthanasia services to county animal facilities, retaining some live dogs for resale to research facilities, in contradiction of Ohio law. Now that it is clear the kennel lacks the proper license to utilize euthanasia drugs, the practice may stop.

**SOCIEDTIES SEEK HSUS HELP**

Program coordinator Robin Weirach traveled to Jefferson and Hancock Counties in West Virginia; Floyd, Posey, and Gibson Counties and the city of Terre Haute in Indiana; Perry and Clermont Counties in Ohio; and Ann Arbor, Michigan, to observe shelter operations and review adoption policies.

**AN OMINOUS RULING**

In December Ohio Attorney General Lee Fisher issued an opinion to the Ohio Veterinary Medical Board which concluded that humane societies are not authorized under state law to own and operate spay/neuter clinics and employ veterinarians.

The goal of county humane societies in Ohio is the inculcation of humane principles and enforcement of laws for the prevention of cruelty. According to Sandy Rowland, Great Lakes Region director, “Quite disturbing is the fact the attorney general’s office does not see the link between reducing our present pet-overpopulation problem and reducing cruelty to animals.”

Ms. Rowland has sent copies of Mr. Fisher’s opinion to all Ohio humane organizations.
NEW DAY FOR DEER?

An $80,000 grant from the USDA to Rutgers University has spurred new interest in immunonoclonal contraception birth control to manage the New Jersey deer population.

The Mid-Atlantic Regional Office has for decades tried to expose the mismanagement of the white-tailed deer population by the state Division of Fish, Game, and Wildlife. The HSUS has been working on our own contraception program, a vaccine that essentially immunizes a doe against sperm.

The vaccine is being developed by Jay Kirkpatrick, associate professor at Eastern Mont Tana College, and several other academic investigators (see the Fall 1991 HSUS News).

It has been successfully used in tests on deer and wild horses and on zoo animals, but it requires two shots from a dart gun administered one month apart. Dr. Kirkpatrick is trying to develop a one-shot vaccine. Regional director Nina Austenberg was interviewed for a national radio segment for "Down to Earth" with CBS-TV's Harry Smith about the 50,000 deer killed by automobile on the nation's highways.

GREAT SWAMP PROTEST '88

The protest of the deer hunt at the Great Swamp National Wildlife Refuge was the first such protest at a national wildlife refuge and for years the only one. In December, for the eighteenth year, demonstrators raised their voices in protest at the Great Swamp in Passaic Township, New Jersey. The group, led by Nina Austenberg, carried signs against hunting in a refuge, as well as against using hunting as a means to control overpopulation.

Collectors Found Guilty

On June 1, 1991, New York State Police and animal protection officials executed warrants at the Estherville Animal Shelter, Greenfield Center, New York, based on information gathered in an investigation by New York State Police investigator Sue McDonough. Assisting Ms. McDonough in the raid were investigator Bob Reder of the HSUS Mid-Atlantic Regional Office, program coordinator Frank Ribaudo of the New England Regional Office, Samantha Mullien of the New York State Humane Association, and two volunteers of various New York shelters.

The shelter operator was charged with 100 counts of animal cruelty and after a four-day trial in mid-December, the jury took only twenty minutes to find the operator guilty on all counts. Sentencing has been delayed pending an appeal by the shelter operator, who faces a maximum sentence of a $1,000 fine and one year in jail.

In the meantime, the shelter remains open.

Legislative Update

Among bills introduced for action in the region's legislatures are those that would establish state programs (Connecticut, New Hampshire); institute restraint requirements for animals in open vehicles (Connecticut, Massachusetts, and Rhode Island); and mandate rabies inoculations for dogs and cats (Maine, New Hampshire, Rhode Island, Vermont). The HSUS supports all of the measures.

A roll of film developed at a press conference at Camp Lejeune with a request to the military in both cases.

Puppy Mill Raided

When John and Sandy Boone of the Taylor County (Kentucky) SPCA visited Pleasant Valley Kennels in rural Green County, they found dogs of a variety of breeds. Most were underweight, filthy, and suffering from various ailments. Several cages held decomposed dog carcasses. The Boone's contacted the Central Regional Office.

Program coordinator Jim Tedford drove to Kentucky to assist in the subsequent raid. The HSUS, Taylor County SPCA, Jefferson County Department of Animal Control and Protection, the Kentucky Humane Society, and local law enforcement and rescue squad personnel confiscated more than 150 dogs and puppies and five cats. Approximately a dozen dead dogs were found. The owners were charged with cruelty to animals and voluntarily surrendered the animals to the SPCA.

A "fainting goat" organization was one of the exhibitors at the International Goat Days festival in Tennessee.

Military Abuse

The Boones determined that the stable manager had allowed a local trapper to trap inside the barn. It was stopped immediately. According to Col. John Snyder, responsible for the installation, "Trapping is prohibited throughout the installation." The HSUS group agreed and received excellent cooperation from the military in both cases.
agreed to several ‘humanely permissible’ hunting black bears. A bill has been introduced that would make it a third-degree misdemeanor to prohibit the killing of black bears. A bill has been introduced that would make it a third-degree misdemeanor to prohibit the killing of black bears. A bill has been introduced that would make it a third-degree misdemeanor to prohibit the killing of black bears. A bill has been introduced that would make it a third-degree misdemeanor to prohibit the killing of black bears.

**Wyoming Dog Poisonings**

In early 1992 there were four confirmed cases of intentional dog poisonings in the small community of Rock River, Wyoming. The Northern Rockies Regional Office immediately offered a $2,000 reward for information leading to the arrest and conviction of a suspect.

**PLEASE SAY NO, SHREVEPORT**

After being denied access to dogs and cats from Dallas and Fort Worth, the Texas College of Osteopathic Medicine is soliciting research subjects from Shreveport/Caddo Parish in Louisiana. The Gulf States office, together with local and state humane associations, is calling upon parish officials to preserve the integrity of their animal shelter by refusing the offer.

**REINTRODUCTION OF FERRETS**

The U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife, and Parks are considering reintroducing endangered black-footed ferrets to the C. M. Russell National Wildlife Refuge in Montana. The HSUS offered our input to ensure a well-planned, safe, and effective reintroduction project.

**Wyoming Dog Poisonings**

In early 1992 there were four confirmed cases of intentional dog poisonings in the small community of Rock River, Wyoming. The Northern Rockies Regional Office immediately offered a $2,000 reward for information leading to the arrest and conviction of a suspect.

**PLEASE SAY NO, SHREVEPORT**

After being denied access to dogs and cats from Dallas and Fort Worth, the Texas College of Osteopathic Medicine is soliciting research subjects from Shreveport/Caddo Parish in Louisiana. The Gulf States office, together with local and state humane associations, is calling upon parish officials to preserve the integrity of their animal shelter by refusing the offer.

**REINTRODUCTION OF FERRETS**

The U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife, and Parks are considering reintroducing endangered black-footed ferrets to the C. M. Russell National Wildlife Refuge in Montana. The HSUS offered our input to ensure a well-planned, safe, and effective reintroduction project.
In January 1992, in response to a suit brought by The HSUS and the Animal Legal Defense Fund (ALDF), the U.S. District Court for the District of Columbia ruled that the U.S. Department of Agriculture (USDA) violated the Federal Animal Welfare Act (AWA) by denying basic protections to the estimated fifteen million birds, rats, and mice used annually in research (see page 9).

This decision stems from the suit that The HSUS and ALDF filed in 1990 against the USDA to compel it to begin protecting birds, rats, and mice. The USDA, which is responsible for enforcing the AWA, has since 1987 specifically excluded birds, rats, and mice from the definition of “animal” in the regulations through which USDA administrators and enforces the AWA. The court ruled that, since the AWA was intended to assure humane treatment to animals used in research, testing, or experimentation and since birds, rats, and mice are in fact used, the USDA’s exclusion of these animals from the definition of “animal” violates the AWA.

The court ordered the USDA to reconsider its denial of the 1989 petition with the ALDF that sought inclusion of birds, rats, and mice in the AWA regulations. This decision stems from the suit that The HSUS and ALDF filed in 1990 against the USDA to compel it to begin protecting birds, rats, and mice. The USDA, which is responsible for enforcing the AWA, has since 1987 specifically excluded birds, rats, and mice from the definition of “animal” in the regulations through which USDA administrators and enforces the AWA. The court ruled that, since the AWA was intended to assure humane treatment to animals used in research, testing, or experimentation and since birds, rats, and mice are in fact used, the USDA’s exclusion of these animals from the definition of “animal” violates the AWA.

In addition to the decision on the merits of the case, the court issued a preliminary injunction in April 1991 in which it made a significant decision, holding that The HSUS and ALDF had demonstrated sufficient “standing” to remain in court. “Standing” is a set of requirements that a plaintiff must meet in order for a court to recognize that person or organization as the proper party to bring the suit.

In any suit, the court makes a preliminary inquiry—whether the plaintiffs have standing to challenge a particular action. Because animals, like children and incompetent adults, are themselves inherently incapable of using the courts, the question of whether or not animal advocates and organizations have standing to make a suit that benefits animals is critical and is often raised by opponents. Because of this problem of standing, lawyers from the animal-protection community too often find themselves thrown out of court before they even begin to make their case. Animal protection groups have been held to lack standing because they do not own, possess, use, or enjoy the laboratory animals they seek to protect through litigation. Such groups certainly have a strong interest in the well-being and protection of laboratory animals, but courts have held that such an interest, however intense and well-meaning, is too abstract to be in itself sufficient to confer standing. What organizational plaintiffs must demonstrate is known as a “legal injury”—a concrete harm to their pro­grams or activities. The con­ siderations underlying such decisions are, to an extent, political and amount to a judg­ment by the courts as to what parts of society should be able to use the federal judicial sys­tem to further their own inter­ests and, by extension, what interests are worthy of judicial protection. Courts have also been reluctant to recognize the standing of animal-protection organizations because Congress, in drafting the AWA, did not expressly provide for suits by private par­ties to compel enforcement of the act. Rather, Congress com­mitted the enforcement and administration of the act exclu­sively to the secretary of agriculture.

In this particular suit, the court chose to address only one type of legal injury alleged by The HSUS and ALDF—the abil­ity of The HSUS and ALDF to collect and disseminate information about labor­atory animals due to the USDA’s failure and refusal to include such animals under the AWA regulations.

An organization whose primary function is the dissemina­tion of data may be injured by an agency’s failure to provide or collect that information. This inability to disseminate data is a basis for what is termed “informational standing.” To sus­tain informational standing, a plaintiff must assert a plausible link between that organization’s activities and the agency’s action or inaction. Moreover, the information’s absence must render the organi­zation’s activities impossible. It is not necessary that all activ­ities of an organization be made totally inaccessible, only that an activity that is integral to the organization’s purpose be sig­nificantly hindered.

In this suit, The HSUS and ALDF successfully argued that the regulation, by failing to in­clude birds, rats, and mice within the act’s protections and reporting requirements, injures the organizations by hindering their ability to disseminate to their members information about the treatment and condi­tions of laboratory animals. The USDA is required by law to collect and publish infor­mation from registered re­search facilities about labora­tory animals protected by the act. Each facility, birds, rats, and mice from the AWA’s coverage eliminated the need for research facilities to gather and report data about those species. The information that The HSUS and ALDF are seeking to provide to their members is information that Congress mandated be reported and dis­seminated by the secretary of ag­riculture. The goal of The HSUS and ALDF is to compel the USDA to disseminate that information in the same manner that Congress was intended to do.

The court noted that this case does not involve a situation in which The HSUS’s and ALDF’s use of the data would be inconsistent with the purpose for which it would be gathered or in which the plaintiffs are seeking to bypass the administrative enforcement provisions to create their own standards through the use of private lawsuits. Rather, the court declared, The HSUS and ALDF are seeking to monitor the proper enforcement of the act as an act of furthering public policy. Thus, the court found that The HSUS and ALDF’s efforts to dis­seminate that information is a set of requirements that the proper party to bring the suit. The standing decision of April 1991 and the January 1992 decision on the merits of the case are both significant victories. In March 1992, the USDA filed a notice of appeal against the standing decision of January 1992.

The law notes are written by HSUS General Counsel Roger Murdaugh Stuart Madden.
The HSUS is one entity in a global family of organizations which includes its two divisions, The National Association for Humane and Environmental Education (NAHEE) and The Center for the Respect of Life and Environment (CRALE). Its international network, Human Alliance International, reaches into 39 countries around the world and shares its commitment to an animal-focused perspective.

How do these affiliated organizations interact? What are their separate—and shared—missions? The 1992 annual conference and pre-conference symposium will feature the diverse and complementary members of the HSUS global family. Complete details will appear in the Summer HSUS News.