

## Animal Welfare, Zoos & Legislation in the Mid-1970's

The relationship between zoos and humane organizations became markedly more adverse in 1973 and 1974. All of the major national animal welfare organizations had begun to criticize zoos, with some indicating their opposition to any continuance at all of zoos and aquariums. The zoos blamed the criticisms of the animal welfare organizations, to varying degrees, for the increase in restrictive legislation. By this time, zoos were subject to federal regulation under the Endangered Species Act, the Animal Welfare Act, the Lacey Act, and the Marine Mammal Protection Act. In this negative climate zoo officials and humane society representatives began to regard each other with mutual suspicion: Animal welfare advocates appeared to suspect there was more cruelty in zoos than was readily apparent, and some zoo people feared that all humane groups were, in spite of pronouncements to the contrary, opposed to zoos altogether.

Animal welfare organizations no doubt contributed to the adversity with the testimony they submitted in 1974 to the Senate Subcommittee considering two bills to provide federal assistance to zoos and aquariums. Although the testimony presented by HSUS President John Hoyt was more favorable to zoos than that presented by Bernard Fensterwald for the Committee for Humane Legislation or Christine Stevens for the Society for Animal Protective Legislation, it was ultimately incompatible with The HSUS's own rating system. All three organizations had indicated their common belief that federal funds should not be used for the enlargement of zoos or for their proliferation. Only The HSUS indicated an understanding of the problems facing zoos in the form of municipal interference, antiquated structures, and lack of funds, based on its inspection of more than 250 zoos of all sizes since 1971.

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Mr. Hoyt stated that:

The HSUS believes that certain types of zoos do indeed have a place in the ecological and educational systems of our society and culture. However, we believe quite strongly that there are few zoos in the United States today that can justify their continued existence, based on current philosophy and rationale (U.S. Cong., 1974, p.69).

This statement presented a far more negative view of zoos than The HSUS's rating system which revealed that most American zoos--other than the "roadside" menageries--were considered to be in class 2, and though not living up to their potential, should not be considered as fit subjects for elimination.

Like the other organizations presenting testimony, The HSUS felt that the proposed Federal Zoo Board should not contain a majority of members representing zoological interests, but acknowledged that zoo professionals should certainly be included. Mrs. Stevens had gone so far as to say "we do not believe any zoo director should be on a board where decisions are being made, either about the level of standards or about the provision of funds to zoos" (U.S. Cong., 1974, pp.61-62).

Where Fensterwald had suggested that all "commercial zoos" be eliminated from eligibility for federal funds under the bill, The HSUS recognized the necessity for distinguishing between such good commercially operated establishments as Busch Gardens and the "unprofessional roadside zoo" (p.60).

All of the humane organizations stressed the need for the bill to specify that no research could be conducted in zoos which was not directly beneficial to the health and welfare of the animals in the collection. John Hoyt went so far as to assert

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that The HSUS had not accepted as fact the charges that "the bill is a front for providing animals for research facilities, and providing extraneous research possibilities" (p.70).

It is worthy of note also that although Mrs. Stevens entered a number of newspaper articles about zoos in the record along with Desmond Morris's 1968 Life magazine article, only The HSUS Special Report on Zoos appears in the transcript of the hearings.

After the publication of the second HSUS Special Report on Zoos in 1975, the relationship between The HSUS and the AAZPA deteriorated even further. By that time a number of AAZPA members had gotten together to form the Zoological Action Committee, or ZOOACT, to lobby against legislation and regulations seen as unduly restrictive. In a presentation to the April 1975 Regional Conference of the AAZPA, ZOOACT's Executive Director George Steele, Jr. criticized The HSUS along with the other "protectionists-for-profit" which were trying to close all exhibitions of all wild animals in this country" (HSUS Files).

Steele charged that the March 1975 HSUS Special Report contained "false and perhaps libelous statements." One of those statements was the assertion that the AAZPA had hired a lobbyist to fight restrictive legislation. The zoos were very sensitive about the issue because the AAZPA was subject to the same restrictions upon lobbying as humane societies. Steele stated that the distribution of the report had been temporarily halted by the AAZPA, and that the report condemned all zoos "through guilt by association" and misinterpreted the motives of the "zoological community." He made what was undoubtedly intended to be a most damning charge

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against The HSUS: that it was starting to look like a radical rather than a reasonable humane organization. He said:

Until recently, many of us representing zoological institutions went out of our way to separate The Humane Society [of the U.S.] from those radical, extreme humaniac organizations who oppose zoos. It would appear that perhaps we were wrong. It is becoming as difficult to separate humaniac organizations as it is to distinguish boys from girls at a unisex convention. Unfortunately, and regrettably, this latest publication by The Humane Society is uncomfortably reminiscent of some of the statements made by Alice Herrington and the Committee of [sic] Humane Legislation and the Friends of Animals (HSUS Files).

Steele also referred to the threat against zoos from restrictive state legislation. He cited the Animal Protection Act pending in the state of Texas, "aided and abetted" by The HSUS's Gulf States Regional Office, which, Steele claimed, "could be far more restrictive and damaging to zoos in the state than the current existing and pending federal legislation." He neglected to say, and perhaps he was unaware, that HSUS Regional Director Doug Scott had asked for the assistance of several zoo people, with whom he had worked closely and cooperatively on numerous occasions, in drafting the proposed act. To Scott's dismay, he found that not only did no one respond, after he had taken the time to keep them informed of the progress of the legislation--intended to eliminate roadside zoos--and solicited their comments, but those whom he had considered as allies with mutual humane interests showed up to testify against the bill (Scott, Personal Communication). In this climate of mutual distrust, zoo professionals and humane societies could not work together to realize their common goals.

Sue Pressman, George Steele, and some members of the AAZPA believed it was essential to break this nonproductive impasse. ZOOACT had indicated as one of its

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objectives the intent "to establish a rapport with the opposition" (Todd, 1976, p.4); so, in 1976 a series of "Zoological/Environmental" conferences was begun. The purpose of these meetings was to enable the parties to discuss their differences civilly, and to agree on legislative matters where possible in order to present a "united front" to Congress. Only those "responsible conservation and environmental organizations" were invited to participate. It was felt that no progress would be possible if humane organizations were included which opposed zoos altogether, and only The HSUS and the Animal Welfare Institute have been consistently included in these meetings over the years.

In 1979 when he was asked to represent animal trainers, George Steele agreed to do so only if the trainers would accept the minimum standards drawn up by The HSUS.