

## The Federal Regulation of Zoos

The public clamor for wildlife protection had already reached Congress: In 1966 The Endangered Species Act was passed to conserve and protect native species of fish and wildlife threatened with extinction. In 1969 it was amended to include foreign species.

Zoo professionals testified in favor of the legislation on both occasions, and attempted to counter the opposition of the pet and fur industries. Mrs. Christine Stevens presented testimony for the Animal Welfare Institute (AWI) in support of the 1969 legislation, and HSUS Chief Investigator Frank McMahon submitted a letter expressing the support of The Humane Society. These are the only expressions of support by national animal welfare organizations indicated in the transcript of the hearings (U.S. Congress 1969, pp.64-67, 194-195).

By 1969 the public outcry against roadside zoos had grown so great that the Department of the Interior drafted a model state law to regulate them and submitted it to the Council of State Governments. The HSUS was listed among the various animal welfare organizations that had been asked to make suggestions and endorse the proposed legislation. In the preamble to the proposed model law, the Department of the Interior reported on the extent of public indignation over roadside zoos (HSUS: Roadside Zoos File):

Aroused citizens register numerous complaints every year concerning inhumane and unsanitary conditions existing at many private roadside zoos, menageries, and snake pits exhibiting wild birds and other wild animals. Most complaints center around private exhibitions used as attractions at filling stations, souvenir shops, refreshment stands, and other businesses catering to tourists. The unwholesome conditions have been well documented by photographs and articles published in magazines and other news media. The Federal Government does not have jurisdiction in this field. It is generally accepted that control in this area is the prerogative and responsibility of

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local or State government agencies. Many complainants, nevertheless, have petitioned the Federal Government to establish minimum standards governing the establishment, maintenance, and operation of public exhibitions of wild birds, mammals, reptiles, and other wild creatures.

The preamble also indicates that the agents of the Department of the Interior's Bureau of Sport Fisheries and Wildlife verified the complaints through investigation and determined that among the 50 states, only 17 issued permits for zoos or menageries, and among these 17 only 9 prescribed minimum standards.

All of the major national animal welfare organizations endorsed the bill (Defenders, The Humane Society of the United States, American Humane Association, American Humane Education Society, Animal Welfare Institute, Friends of Animals, and National Catholic Society for Animal Welfare). The American Association of Zoological Parks and Aquariums (AAZPA), however, opposed it, even though its provisions would not apply to any "municipal, county, State or other publicly owned zoo or wildlife exhibit." Based on this opposition, USDI withdrew the bill (O'Marr, 1970).

Defenders of Wildlife was advised (O'Marr, 1970a) by AAZPA President Ronald Reuther that the Association's opposition to the model state law was based upon its "unsuitable specifications" and AAZPA "wished to suggest improvements." Because Congressman Whitehurst's bill, H.R. 13957, had been introduced in the interim, AAZPA felt that it "would do the job better, more effectively, since it would be a national law, as opposed to a state option." Therefore AAZPA proposed to "endorse and support the Whitehurst Bill."

In spite of this avowal of support, no member of the AAZPA appeared at the hearings

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to testify for the bill. According to a statement which appears in course material from AAZPA's Management School, zoos were taken by surprise when they were included for regulation under the Animal Welfare Act. The Department of Agriculture had apparently created a climate of false security among zoo people when it made known its feelings that "because of the magnitude and implications" of including so many more animals under the Act, the bill's chances for passage seemed very small (Wagner, Personal Communication).

The bulk of the testimony given by several animal welfare organizations during the June 1970 hearings concerned the need to improve the regulations covering animals for research. HSUS's testimony, presented by Murdaugh Madden and Frank McMahon, makes only the briefest reference to the need to regulate zoos. In three full pages of testimony, Madden stated only that, "We fully support the bill's coverage of zoos, pet shops, circuses, and animals used for exhibit purposes. These unregulated operations are a constant source of concern to humane societies because cruelty and exploitation is rampant in them. A law to regulate them is desperately needed" (U.S. Congress, 1970, p.18). McMahon warned that although these operations needed regulating, the Department of Agriculture was already overworked and understaffed, thus Congress should consider the practical need for effective enforcement (pp.20-21).

Christine Stevens (p.34) spoke at greater length about the need to regulate zoos, stating: "Charges of cruelty against both roadside, commercial zoos and municipal zoos are common." She also submitted letters supporting her assertions, including one from the staff member of a city zoo describing deplorable conditions he found in a private zoo in Colorado and asking for the AWI's help in putting it out of

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business.

In the statement submitted by Cecile O'Marr for Defenders (P.92), she described generally the conditions she had found in both roadside and city zoos, and the support of the nearly 2,000 members of Defenders who had contributed to the campaign against roadside zoos. But her statement was, ultimately, an expression of opposition to zoos as a concept:

The ultimate aim [of society] should be to do away with confinement of animals that are designed to roam, for no matter how kindly the caged beasts may be treated, the true fact that they are caged is contrary to their very nature. However, whenever this end cannot presently be accomplished to see that conditions of confinement meet high standards is an important step forward.

That zoos were included under the Animal Welfare Act with a minimum of urging by national animal welfare organizations, and no opposition from the AAZPA is clear. What is less clear is the extent to which there might have been a grass roots movement for their inclusion. Sue Pressman believes that Congress had been primed by years of complaints from citizens about roadside menageries and, additionally, congressmen were urged to support the proposed legislation by Congressman Whitehurst's wife. Mrs. Whitehurst had been interested in zoos for a number of years and felt they needed both regulation and assistance. Despite the interest in roadside zoos which had been growing for a number of years, Mrs. Whitehurst recalls no specific grass roots movement or great public outcry leading to their inclusion under the Animal Welfare Act in 1970 (Personal Communication). Her own influence was probably substantial, but John Grandy of Defenders of Wildlife gives a large measure of credit for the inclusion of zoos under the Act to Christine Stevens.

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Shortly after the passage of the Animal Welfare Act in 1970, Congressman Whitehurst introduced a bill calling for the establishment of a federal board to set standards for the accreditation of zoos and aquariums. The bill also contained a provision allowing zoos to receive federal funds to make improvements in their operations. Similar bills were introduced in the mid-1970's by Senator Hatfield and Congressman Dingell. All of these zoo accreditation bills created great controversy between the zoo world and the humane movement and among national animal welfare organizations within the humane movement. An excellent description of both the bills and the controversy can be found in the Federal Regulation of Zoos published by the Boston College Environmental Law Center (Rosin, 1976, pp. 399-416).