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**REVIEW OF U.S. DEPARTMENT OF AGRICULTURE'S
ENFORCEMENT OF THE ANIMAL WELFARE ACT,
SPECIFICALLY OF ANIMALS USED IN EXHIBI-
TIONS**

HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

JULY 8, 1992

Serial No. 102-75



02 NOV 1992

Printed for the use of the Committee on Agriculture

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Department of
Agriculture**



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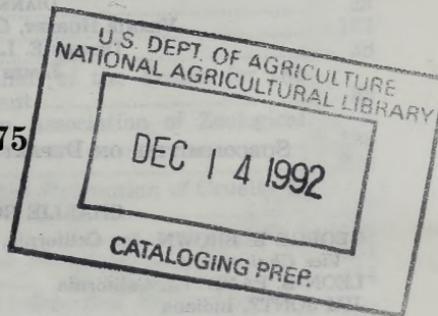
U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1992

58-088

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-039105-9



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REVIEW OF U.S. DEPARTMENT OF AGRICULTURE'S ENFORCEMENT OF THE ANIMAL WELFARE ACT, SPECIFICALLY OF ANIMALS USED IN EXHIBITIONS

WEDNESDAY, JULY 8, 1992

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH, AND FOREIGN AGRICULTURE,
COMMITTEE ON AGRICULTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 9:30 a.m., in room 1300, Longworth House Office Building, Hon. Charlie Rose (chairman of the subcommittee) presiding.

Present: Representatives Jontz, Kopetski, Stenholm, Volkmer, Tallon, Huckaby, Glickman, Roberts, Gunderson, Herger, Allard, Barrett, and Ewing.

Also present: Representative Smith, member of the committee, and Representative Bilbray.

Staff present: Joseph Muldoon, associate counsel; John E. Hogan, minority counsel; Glenda L. Temple, clerk; Keith Pitts, Joan Teague Rose, James A. Davis, Perri D'Armond, Xavier Equihua, David Ebersole, and Dale Moore.

OPENING STATEMENT OF HON. CHARLIE ROSE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Mr. ROSE. The subcommittee will please come to order. I want to welcome all of you here today to the Department Operations, Research, and Foreign Agriculture Subcommittee's hearing on the U.S. Department of Agriculture's enforcement of the Animal Welfare Act, specifically focused on animals used in the entertainment business. We are here to consider if existing laws and regulations appropriately protect the health and welfare of exhibition animals, and I think it is important to ask if USDA is properly enforcing the Animal Welfare Act.

Only last week a report by USDA's own Office of Inspector General stated that the Animal Welfare Act was not being enforced with respect to puppy mills. While this report just focused on the so-called puppy mills, if USDA is not able to enforce the Animal Welfare Act in those situations, are they able to enforce the laws anywhere else? I want to read part of the summary of the IG's report. This is not a report from the General Accounting Office. This is the Department's own internal Inspector General.

"Our audit concludes that APHIS cannot insure the humanitarian care and treatment of animals at all dealer facilities as required by the act. APHIS did not inspect dealer facilities with reliable frequency, and it did not enforce timely correction of violations found during inspections." Today's hearing is a fact-finding hearing to see if animals in the entertainment industry, for example, movies, rodeos, circuses, zoos, nightclub acts, are being properly protected by the Animal Welfare Act as it was intended.

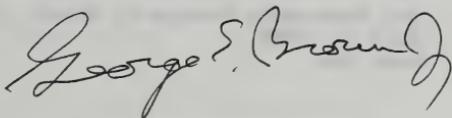
We are here to listen to testimony from different groups who feel strongly on both sides of the issue and I realize that this is an emotional issue and some here today would rather that we didn't hold these hearings, but the fact of the matter is that this subcommittee has a responsibility over the oversight of the Animal Welfare Act and we have a responsibility to make sure that they are being enforced. If we find that USDA has fallen short of its responsibility to protect exhibition animals, I think the subcommittee should consider what laws or regulatory reforms could be undertaken to ensure proper enforcement of the act.

I believe we will get good testimony from all sides today. I want to thank all of the witnesses for coming, and I would yield to my colleague from Kansas, Mr. Roberts for any opening remarks he might like to make.

Also, any prepared statements from the members will appear at this point in the record.

Thank you.

[The prepared statements of Mr. Brown, Mr. Stenholm, Mr. Koptski, and Mr. Allard follow:]



Statement of
The Honorable George E. Brown, Jr.
36th District of California
DORFA Subcommittee
Oversight Hearing to Review the Use of Animals in Exhibitions
July 8, 1992

Chairman Rose, Members of the Subcommittee on Department Operations, Research, and Foreign Agriculture, due to previously scheduled commitments I will not be able to take part in today's oversight hearing to review the use of animals in exhibitions. As a long-time supporter of animal welfare legislation and as one of the Members of Congress intimately involved in the most recent amendments to the Animal Welfare Act (AWA), I appreciate your continued interest and the interest of the Subcommittee.

After reviewing the USDA Inspector General's March 1992 report, "Animal and Plant Health Inspection Service (APHIS) Implementation of the Animal Welfare Act," I am deeply concerned with the agency's ability and willingness to adequately monitor and reasonably ensure the humane care and treatment of animals. The Inspector General stated, "Our audit concluded that APHIS cannot ensure the humane care and treatment of animals at all dealer facilities as required by the Act." While I am pleased to see this unambiguous statement, I am greatly troubled by the USDA's seemingly willful neglect of the law. I would like to remind the Members of the Subcommittee that it took APHIS over six years to promulgate regulations based on the amendments to the Act that were enacted in 1985. While this delay in responding to the requirements of the amendments was in my view unacceptable, I find it disconcerting to learn of the continuing problems associated with the enforcement of this Act.

Lack of adequate resources is part of the problem associated with APHIS's ability to adequately monitor and inspect animals and facilities. For several years I testified before the Appropriations Committee in favor of increased funding for enforcement of the AWA. I realize that Congress shares the burden of responsibility for not allocating the appropriate resources needed to fully implement this law.

The Honorable George E. Brown, Jr.
July 8, 1992
Page Two

While the budget has increased from \$5.828 million in FY 86 to \$9.688 million in FY 92, I should like to inquire of the agency why it requested over \$700,000 less for FY 93? Considering the implications of the Inspector General's report, it appears to me that APHIS cannot adequately meet the requirements of the law with its FY 92 funding level.

More importantly, however, the Inspector General's report indicates that APHIS has been neglecting its statutory obligations and has renewed facility licenses even when cited violations - past and present - had not yet been corrected. The report surely provides plenty of ammunition for concerned groups and citizens who have asserted for years that APHIS is not willing to enforce the AWA. I am hopeful that we can move forward from here and begin to provide a more meaningful level of protection for the thousands of animals under the current jurisdiction of APHIS.

The audit by the Inspector General substantively contradicts prior assertions by the former Administrator of APHIS with regard to the agency's enforcement of the Act. This too is distressing. I would like to enter as part of the hearing record the April 25, 1991 letter to Congressional staff from James W. Glosser, APHIS Administrator. In that letter, Dr. Glosser states, "The facility (where animals are to be housed) must be in compliance with the AWA standards and regulations before a license is issued." The Inspector General's report found that "APHIS regulations do not require that facilities be in compliance with the act to obtain license renewals." While facilities must meet the requirements of the act to obtain their original license, renewals are granted to facilities that are not in compliance with APHIS regulations. While APHIS maintains that it does not have the authority to withhold licenses for failure to comply with AWA requirements once an original license is issued, the agency does in fact have the authority to suspend and revoke the license of any facility that violates the Act. I am hopeful that this misunderstanding within the agency can be corrected. If it cannot be accomplished administratively than perhaps the Congress should consider amending the Act to provide APHIS with the proper authority.

Why is it appropriate for USDA to initially withhold issuing a license for an animal facility if the facility is not in compliance and then have the agency turn around and grant license renewals to existing facilities found to be in violation of the law? The logic escapes me.

The Honorable George E. Brown, Jr.
July 8, 1992
Page Three

The Inspector General's report also states that there is a serious problem with follow-up inspections of those facilities found to be in noncompliance with the Act, as well as a problem with the annual inspections. Despite the fact that the Deputy Administrator of regulatory enforcement animal care informed the Inspector General's office that facility inspectors are instructed to perform at least one inspection per year, 16.2 percent (46 out of 284) of the facilities reviewed by the Inspector General had not received an annual inspection. Of the remaining facilities that did receive an annual inspection, 156 were cited for violations. 126 of the 156 facilities with violations did not receive a follow-up inspection within the 30 day timeframe. Surely a 20 percent success rate for follow-up inspections is not acceptable.

Before the Congress moves to broaden the scope of animal-related activities which APHIS is responsible for enforcing, we must first make sure that the agency can properly handle all of its current responsibilities. Considering the negative tone of the Inspector General's report and the need to increase funding so that APHIS can carry out its present workload, adding responsibilities appears to be unwise at this time. Given the federal budget limitations, I would caution my colleagues about the need to significantly amend the Act.

I look forward to reading the testimony of the witnesses. And I especially look forward to seeing APHIS move forward with a progressive approach toward rectifying the egregious problems associated with the enforcement of the Act and its concomitant regulations. Again, I would like to thank the chairman for scheduling this hearing, and I apologize for not being able to actively participate.

(Attachment follows:)



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

P.O. BOX 3606
Washington, DC
20090-6406

April 25, 1991

Dear Agricultural Aide:

You may be receiving letters from constituents about the U.S. Department of Agriculture's enforcement of the Animal Welfare Act (AWA) as it pertains to commercial dog breeding facilities. For your convenience, we are providing some general information to assist you in answering inquiries on this subject.

In administering the AWA, our Agency requires that people who breed animals for sale as pets at the wholesale level be licensed by us. We are also responsible for ensuring that they provide their animals with at least the minimum specified standards of veterinary care and animal husbandry. Included are areas such as housing, handling, sanitation, food, water, transportation, and protection against extremes of weather and temperature.

When an individual applies for licensing as an animal breeder under the AWA, officials of our Agency inspect the premises where the animals are to be housed. The facility must be in compliance with the AWA standards and regulations before a license will be issued. To ensure that the standards are being maintained, we perform unannounced inspections of the premises and all animals whose care is regulated under the law. When deficiencies are noted, our inspectors instruct the owner to correct them. If reinspection reveals that any deficiency remains uncorrected, we will develop a case for possible prosecution.

We wish to assure you that we are committed to enforcing the AWA. Although our goal is to work with breeders and dealers to bring them into compliance with the law, we take strong action against violators whenever necessary. You can be assured that we will continue to exercise appropriate enforcement authority. In this regard, we are continually evaluating our inspection needs to make sure we have the resources necessary to enforce the AWA effectively. Last year, we added 12 inspectors to our Animal Care field staff, placing them in areas having the greatest number of licensed and registered facilities. This year, we anticipate being able to hire nine additional inspectors.

We hope this information is helpful. Please contact us if you need additional information.

Sincerely,

James W. Glosser
James W. Glosser
Administrator

Opening Statement
Charles Stenholm

Department Operations, Research, and Foreign Agriculture Subcommittee
Committee on Agriculture
July 8, 1992

I look forward to hearing substantiated and factual information related to the topic of alledged cruelty to animals used for exhibitions. The underlying question appears to be, "is there a problem in this country as to how exhibition animals are handled and trained." The underlying answer, from those who claim there are problems, seems to be, "that we need additional Federal legislation to regulate conduct with these animals."

I encourage all of today's witnesses to be of service to this Subcommittee and the American people by being factual and straightforward in their testimony and rise above perceptions based on personal emotions. It is true that perceptions become *reality*...especially in the political world... but they are not *actuality*. Your service of supplying a degree of actuality to this committee can only help facilitate sound decisions by those of us in the business of making policy.

Your input is important as is input from others who may hold different viewpoints than yours. Members of this Subcommittee will need to analyze this information, and that of others not present today, to arrive at a sound decision on the need of additional Federal involvement.

I know the Subcommittee has been refferred a bill pertaining to this issue, HR 3252, "Exhibition Animal Protection Act" which amends the Animal Welfare Act. I look forward to the debate as to why some feel it

is needed. HR 3252 appears to place far-reaching requirements on many different businesses without clear indication that a need exists. These requirements will create additional regulatory layers and ask an agency, already financially strapped, to increase its jurisdictional enforcement without offering a method to fund the increased work load. It is important that a demonstrated need exists before broad reforms are undertaken.

I would also encourage all who have interest in this issue to keep in mind that respect for other viewpoints, a sincere spirit of cooperation, a little common sense, and being realistic will go further toward solving problems where they exist.

Opening Statement of the Honorable Mike Kopetski
July 8, 1992
Before the House Subcommittee on Domestic Operations, Research and Foreign
Agriculture

Thank you Mr. Chairman for holding this hearing today. However, I hope in this deliberations we are able to distinguish between animal exhibition organizations that have made a concerted effort to address the humane treatment of animals, like the Professional Rodeo Cowboys Association and animal exhibitions that have not worked through the year to achieve high level of humane treatment. Clearly there is abuse of exhibition animals and USDA needs to work harder to ensure that exhibitors comply with the law. But we can't forget that many animal exhibition organizations work hard not only to comply with the law but actually exceed regulation requirements voluntarily. These organizations deserve alot of credit for that effort.

I'd also like to point out that alot of young people in Oregon get involved in rodeo as a positive youth activity. This involvement has grown throughout the years to the point at which we have many Community Colleges with rodeo clubs. As a society that is actively looking for ways to involve young people in constructive endeavors, rodeo can and does provide our youth with an appreciation and understanding of discipline, responsibility and respect for animals and joy in developing expertise and skill in a difficult sport.

*Statement of Congressman Wayne Allard before the Department
Operations, Research and Foreign Agriculture Subcommittee of the
House Committee on Agriculture*

July 8, 1992

Mr. Chairman:

First let me commend the Professional Rodeo Cowboy's Association for their part in providing better than adequate care for the animals which participate in their rodeos.

I would also like to commend the American Humane Association for their outstanding supervision of animal action in movies and television productions.

It is safe to say that we all agree that pain and suffering inflicted upon animals is unacceptable and simply will not be tolerated.

However, burdensome regulations are not the answers. What we need are more resources for the appropriate agencies to enforce and implement existing regulations.

The bottom line is that for operations such as circuses and rodeos, it is financially in their best interests to take good care of their animals because they are indeed their most valuable assets.

Due to the fact that there are too many people in my district who rely upon the rodeo/exhibition industry for their livelihood, I will not support any legislation which would effectively shutdown these industries.

With mechanisms currently in place which provide an equitable working relationship between the government and these organizations, why must government work against the grain instead of with it?

I am in agreement with the American Veterinarian Medical Association in that established professional codes along with the outstanding programs from the American Humane Association provide the best framework for protecting animals used in exhibition purposes.

**OPENING STATEMENT OF HON. PAT ROBERTS, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS**

Mr. ROBERTS. Thank you, Mr. Chairman. As the chairman has indicated, because of our subcommittee's jurisdiction over the Animal Welfare Act which establishes standards for virtually all aspects of human activity that touch on the use of animals for agricultural purposes or otherwise, we have prepared ourselves for what is certain to be an interesting and hopefully objective and informative review of the act's provisions for protecting animals used in rodeos, zoos, wildlife parks, aquariums, circuses and media productions. No one on this subcommittee, on the full committee or in this Congress for that matter endorses the submission of animals to needless suffering.

My own position is that we must ensure that the APHIS officials within the USDA and those of any other appropriate Federal or State agency charged with responsibility to enforce the act in a forthright manner have the necessary statutory authority and resources to meet their responsibilities. But just as important, it is imperative that these laws be regulated and administered with common sense and scientific validness.

Without these two factors that would govern the animal welfare standard enforcement process, the potential risk of emotion and hearsay rushing over due process is enormous. Upon reviewing today's written testimony it is clear that many of our witnesses' work will raise charges that the law is not working. It is extremely important to understand why.

I am looking forward to Dr. Arnoldi's testimony in regard to these charges. In particular with regard to any suggested amendments to the act or the need for additional resources that may be necessary to allow her to fulfill her duties. Beyond the governmental procedures involved in this issue it is obvious this is not an east coast or a west coast issue.

The use of animals for various purposes is very, very prevalent on the high plains. Several—my towns and communities in Kansas point with pride to the rodeos that have long been a key part of the rural American fabric. My home town of Dodge City, Kansas, can boast of holding one of the top and premiere PRCA rodeos in the Nation, one that is recognized as such by the professional cowboys as of themselves. I am certainly looking forward to the testimony to be offered by the PRCA and the IRPA with respect to their association's efforts to truly protect the livestock utilized in their sanctioned events.

There are also several Kansas communities that are immensely proud of their zoos which provide children and adults alike with a learning resource that is relative to wildlife and their habitat. Mr. Daniel A. Baffa, director of the Lee Richardson Zoo, has written to me regarding the ongoing efforts of zoos, wildlifes and parks and aquariums to make very significant contributions to the enhancement of the species, conservation and the rehab of injured wildlife and I ask that this letter be made part of the record at the appropriate place, Mr. Chairman. I also ask that the letter sent to my staff by Dr. James Hamid of the Hamid-Morton Three Ring Circus also be inserted in the record.

Finally, Mr. Chairman, before we proceed further, I respectfully request that the individual groups or facilities, particularly those who are not appearing before us today, are mentioned relative to any testimony by today's witnesses that the transcripts of those witnesses' testimony, especially if it involves allegations of wrongdoing, be forwarded to those mentioned and they be afforded the opportunity to respond to those allegations for the record.

Mr. ROSE. Without objection.

Mr. ROBERTS. In addition it is my understanding that some of our witnesses may be involved in litigation pending at some level within the courts. Again, I hope that our witnesses avoid statements or actions that could inadvertently or advertently enroll this subcommittee in those ongoing legal deliberations.

With that I am ready to proceed with what I am certain will be an objective and reasonable discussion on the issue of enforcement of welfare standards for animals used for exhibition purposes.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Roberts follows:]

The Honorable Pat Roberts
Hearing Statement: DORFA Subcommittee
Animal Welfare Standards review -- exhibition animals"
July 8, 1992

Mr. Chairman: Today's hearing marks one of those occasions when this Subcommittee reviews an issue that is not directly related to the development, production or marketing of agricultural products and commodities.

However, because of our Subcommittee's jurisdiction over the Animal Welfare Act -- which establishes standards for virtually all aspects of human activity that touch on the use of animals for agricultural purposes or otherwise -- we have prepared ourselves for what is certain to be an interesting, and hopefully objective and informative review of the Act's provisions for protecting animals used in rodeos, zoos, wildlife parks, aquariums, circuses and media productions.

To my knowledge, no one on this Subcommittee, on the Full Committee, or in this Congress for that matter, endorses submitting animals to needless suffering.

My own position is that we must ensure that USDA's APHIS officials and those of any other appropriate federal and/or state agency charged with responsibility to enforce the Act in a forthright manner have the necessary statutory authority and resources to meet their responsibilities.

But just as important, it is imperative that these laws be regulated and administered with judicious helpings of common sense and scientific validity. Without these two factors governing the animal welfare standard enforcement process, the potential risk of emotion and heresy running rough-shod over due process is enormous. Upon reviewing today's written testimony, it is clear that many of our witnesses will raise charges that the law is not working. It is important to understand why. I am looking forward to Dr. Arnoldi's testimony relative to these charges -- particularly with regard to any suggested amendments to the Act or the need for additional resources that may be necessary to allow her to fulfill her official duties.

Beyond the governmental procedures involved in this issue, it is obvious this is not an East Coast or West Coast issue. The use of animals for exhibition purposes is very prevalent on the High Plains. Several Kansas communities point with pride to the rodeos that have long been a key part of the rural American fabric. My hometown of Dodge City can boast of holding one of the premier PRCA rodeos in the nation -- one that is recognized as such by the professional cowboys themselves. I certainly am looking forward to the testimony to be offered by the PRCA and the IPRA with respect to their associations efforts to protect the livestock utilized in their sanctioned events.

There also are several Kansas communities that are immensely proud of their community zoos, which provide children and adults alike with a valuable learning resource relative to wildlife and their habitat. Mr. Daniel Baffa, director of the Lee Richardson Zoo in Garden City, Kansas, has written to me regarding the ongoing efforts of zoos, wildlife parks and aquariums to make significant contributions to the enhancement of species conservation and the rehabilitation of injured wildlife, and ask that his letter be made part of the record at the appropriate place.

I also ask that the letter sent to my staff by Mr. James Hamid of the Hamid-Morton 3-Ring Circus also be inserted in the record.

Finally, Mr. Chairman, before we proceed further, I respectfully request that if individuals, groups or facilities -- particularly those who are not appearing before us today -- are mentioned relative to any testimony by today's witnesses, that the transcripts of those witnesses' testimony -- especially if it involves allegations of wrong-doing -- be forwarded to those mentioned and that they be afforded the opportunity to respond to those allegations for the record.

In addition, it is my understanding that some of our witnesses may be involved in litigation pending at some level within the courts. Again, I respectfully request that our witnesses avoid statements or actions that could inadvertently -- or advertently -- enroll this Subcommittee in those ongoing legal deliberations.

With that, I am ready to proceed with what I am certain will be an objective and reasoned discussion on the issue of the enforcement of welfare standards for animals used for exhibition purposes.

Mr. ROSE. Are there other members of the subcommittee that wish to make an opening statement?

Mr. Smith.

**REMARKS OF HON. ROBERT F. (BOB) SMITH, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF OREGON**

Mr. SMITH. Thank you very much, Mr. Chairman. As everyone knows, I am not a member of this subcommittee, however, I am a member of the full Agriculture Committee and this subject is of vital interest to me and the area that I represent in Oregon.

To speak on this issue, I suppose I should inform the subcommittee on my background. Since 1950, I have actively operated a cattle ranch in Oregon. I have been a part of running livestock on that ranch, in active management to this day. I have been involved in rodeos all my lifetime, I even produced a couple, and so I think I have some background and ability to speak to these issues of humanness to animals, particularly when it comes to ranch operations and rodeos, which this bill specifically identifies.

You know, the people that take care of livestock and horses on ranches are really the true defenders of livestock because that is our business. Our purpose is to make sure that all the animals live and they all become salable and they are all treated properly or we wouldn't be in existence, and really rodeo cowboys are not trained in some camp someplace in the Adirondacks. Rodeo cowboys are trained on ranches.

Their purpose carried on into the arena is to take care of the animals and that is exactly what they do. These rodeo animals are not just normal kinds of animals. For instance, a good saddle bronco cost you more than your automobile and would live much longer than an ordinary horse most likely because he is probably only used 8 seconds every week or two and he gets the finest care of any animal I know.

And then you get to the livestock. Of course here again, these animals are necessary, they are chosen—by the way, 1 in 100 saddle bronc horses might be useful in a rodeo, and in discussion of the calves that are rode, the calves average between 225 and 275 pounds and when they pass through that weight, they are no longer used. So they are there a short time.

I have been on the team roping competitive part of rodeo for all my life. In fact, when I came to Washington, I brought with me a horse from Walla Walla, Washington, and I live about an hour from this place, as far as I can get away and have a reasonable commute, so I can have a horse and a dog and cats and pets. So nobody loves animals more than I do and nobody loves animals more than people who raise them for a living and nobody loves them more than rodeo cowboys.

So I don't like the inference somehow, and it is wrong. Well intended people reach conclusions that are dead wrong, and I think they are dead wrong in this case. For instance, sometimes extremists get a hold of these ideas, as extremists are in every category of human life.

It occurs to me if those people are so concerned about the animals, what about the rodeo cowboys? I mean, if you want to be

humane to somebody, let's take a look at the numbers for rodeo cowboys and last year I have some numbers which indicate, Mr. Chairman, 500 cowboys were injured in America and how about animals then? Less than 1 percent of the animals used in rodeos were injured. So the injuries are to the cowboys. The animals are winning. The cowboys are losing.

Well, what do you do when you go to a rodeo? Do you want to see everybody ride? Of course not. You go there to see a wreck, just like you go to a fight to see somebody knocked down, you go to see somebody in a terrible wreck, piled up on the ground. You hope he is not hurt, or she, but you are there to see a wreck.

Well, rodeo provides a wreck. At the same time it protects the animals, takes care of them better than they are taken care of any other place, provides them a longer life. They are valuable animals and they are accepted as valuable animals.

So, Mr. Chairman, in my experience, and I would like to see anybody contest the numbers in my prepared statement because I have gone to some length and I will submit them for the record, to change them, and if you can prove to me that they are wrong, I will change them, but the numbers indicate that we are taking care of these livestock, which are better friends to us than our dogs. There is no injury, excessive injury, certainly no planned injury to animals. The people that get hurt are the cowboys and the people that take care of the animals are the cowboys.

So if this legislation is going to include rodeos, it ought to be defeated. Thank you.

[The prepared statement of Mr. Smith follows:]

STATEMENT OF
ROBERT F. SMITH
BEFORE THE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS, RESEARCH, AND FOREIGN AGRICULTURE
JULY 8, 1992

I have been involved in various levels of rodeo, both as a spectator and contestant, for my entire life. I am currently a member of METRA, the Mid-Eastern Team Roping Association, where I participate in many events as a heeler.

As a cattle rancher and lifelong pet owner, I understand the close relationships that often develop between individuals and animals. Like most Americans, I support the humane treatment of all animals, including those on our nation's farms, in research facilities and in our homes.

I believe we all share a responsibility for the careful stewardship of the animals in our charge and I am repulsed by those who fail to live up to that responsibility. However, in our zeal to do right, we shouldn't paint everybody with the same brush.

For example, the Professional Rodeo Cowboy's Association, as are all legitimate rodeo organizations, is deeply concerned about animal welfare. In a 1988 survey, onsite veterinarians compiled data about animal injuries. In 6,933 outings, just 12 animals (less than 2/10th of a percent) were injured. None of these injuries were severe or life-threatening.

In one of the nation's largest rodeos, the Pendleton Roundup, which occurs each September in the 2nd Congressional District of Oregon, the animal injury rate is about the same. In the last 6,412 runs, there were 15 injuries to livestock.

The Professional Rodeo Cowboy's Association has detailed guidelines for the use, handling and care of animals used in its events. These guidelines are part of their rules and violations are subject to penalties. The Association is committed to the welfare of the animals in its events and makes itself available to consult with other rodeo organizations about its practices and procedures.

At the same time, the PRCA maintains an open door policy, inviting inspections of the animals and facilities associated with their competition at any time. If anyone is concerned about injuries at our nation's rodeos, they ought to be concerned about the contestants.

My dear friend, former Secretary of Commerce Malcolm Baldrige, was killed participating in the sport he loved. In all my years around rodeo events, I cannot recall the death of one animal as a result of competition.

According to the Professional Rodeo Cowboy's Association, visual injuries to contestants (lacerations, broken limbs, punctured lungs, pulled ligaments, etc...) numbered 527 in 1989, 536 in 1990, and 572 in 1991. Doctor's waivers, which are issued to contestants unable to preform due to injury, numbered 4,028 in 1989, 3,916 in 1990, and 3,796 in 1991.

Keep in mind these are reported injuries. Cowboys are notorious for being stoic. If he wakes up in the ambulance, chances are you'll never get him to stay for the whole ride to the emergency room.

It seems to me that we much more important matters to address in this country than the alleged mistreatment of animals at rodeos:

- * In 1991, almost 4 children per day died as a result of child abuse. This is up 50% since 1986.

- * In 1990, 280 women were raped each day, about 11 each hour

- * 4 out of every 1,000 elderly members of our society will be the victim of a violent crime

In a note closer to the subject, 15 million homeless dogs and cats are destroyed each year in the United States. In contrast, I cannot understand how the healthy and productive lives of the 20,000 rodeo animals deserve all this attention.

We must avoid the ignorant assumption that a sport involving livestock is somehow cruel or abusive to those animals. It has been my experience that people who seek out rodeo as a way of life do so because of the desire to be around animals. They have a genuine affinity for animals and care about their health and welfare.

As we examine this issue today, I hope that we can keep in mind the excellent animal welfare record of the rodeo community.

Mr. ROSE. The gentleman from Nevada.

REMARKS OF HON. JAMES H. BILBRAY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEVADA

Mr. BILBRAY. Mr. Chairman, I thank you for allowing me to sit in with your subcommittee. As you know, I am a member of the Armed Services Committee and Small Business Committee, but I appreciate coming over here today because the interest I have in this matter and the interest my district has in this matter. In hearing Mr. Smith's testimony I never thought of rodeos as interesting, but after having watched a few, I can understand that kind of philosophy and seeing that it may well be true.

We have some outstanding facilities in Las Vegas that take care of wild animals, dolphins and other animals that are kept within the shows. Unfortunately, for every one of the good ones there seems to be two or three bad ones. We have had some terrible cases of abuse in the area. It almost seems like every 2 weeks in the Las Vegas area something comes on showing horses that are starved, have to be destroyed because they have gone past the point of no return.

Wild animals that are kept by trainers that have been left out in 115 degree heat with no shade and little water. These kind of things shock people in my district, they shock me, they certainly shock my children who tell me about it almost every day and I get letters from my district. I appreciate these hearings because I think we have got to get to the bottom of this. We have got to get more people in because the biggest complaints I have from the people in my district is they see these things going on, they report them to the proper authorities and they wait and they wait and they wait and no one goes out there, or they get a report back, they have inspected and nothing is wrong.

Then a few weeks later, we find dead animals. So I think that the problem is that there are good people out there that treat their animals well, but there are people out there that treat them very poorly. A lot of them are professional people that are trainers and so forth and we have got to make sure that the good ones are able to continue and do the things they have to do but the bad ones are driven out of the profession and not allowed to have permits to keep animals that could be harmed or abused the way they are being abused.

I thank the chairman for having this hearing and I hope that from this hearing we move forward with legislation that will enable us to correct a lot of these inequities. Thank you.

Mr. ROBERTS. Mr. Chairman, would you yield just for a moment?

Mr. ROSE. Absolutely.

Mr. ROBERTS. I would like to mention, and the gentleman from Nevada made me think of it, that in Las Vegas there is an animal rodeo at the end of the rodeo season where various awards are handed out. In the seventh straight year, Kansas has won the top award from the professional cowboys. And we hope to win it again.

I also wish to associate myself with the remarks from my good friend from Oregon who is quite a rodeo hand himself.

I thank you.

Mr. ROSE. Thank you very much. Mr. Volkmer.

Mr. VOLKMER. I would like to make a brief statement. I will not hear the statements of the witnesses, even though it is a subject which I am quite interested in, but I have my own subcommittee hearing starting in about 10 minutes and I won't be able to be here—it isn't because of a lack of interest.

Mr. ROSE. Thank you, Mr. Chairman. I appreciate that. Peter Kostmayer, Member of Congress from Pennsylvania. We are happy to have you, sir.

**STATEMENT OF HON. PETER H. KOSTMAYER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF PENNSYLVANIA**

Mr. KOSTMAYER. Thank you very much, Mr. Chairman. I appreciate the opportunity to appear before your subcommittee this morning and I am not going to consume very much of your time. I know you have many others here to testify. I want to thank you for holding this hearing. Regardless of whether people think the subject is important or not, there are a lot of folks in the country that do think it is important, as you know, and I am one of them.

Mr. Chairman, in 1966 the Congress passed the Laboratory Animal Welfare Act. Four years later Congress amended the law in 1970 to the Animal Welfare Act. And the Animal Welfare Act is the basic law governing the treatment of animals in the country now. It deals primarily with animals that are being moved in interstate commerce. It does deal with animals that are being used for exhibition purposes.

There are lots of exceptions. Rodeos as Mr. Smith from Oregon may have mentioned are an exception. I feel strongly they should not be an exception, that all animals should be covered and the bill which I have introduced, Mr. Chairman, the Exhibition Animal Protection Act, deals with animals used for exhibition purposes, including animals in films and television and animals in rodeos.

Mr. Chairman, let me give you a couple of fairly recent examples. The first unhappily occurred in North Carolina, I am sure it wasn't in your district, Mr. Chairman, two lions were kept in a menagerie in a cage 8 by 5, barely one-quarter the necessary size.

Another problem is roadside zoos and these small roadside zoos are a real problem. A bear was fed a steady diet of doughnuts and soda pop, forced to stand in its own waste and human trash. Due to a lack of cleaning of his cage, the bear developed serious ulcers on the bottom of its feet.

At the San Diego Zoo, elephants were found to be suffering from foot infections called foot scald due to standing on wood floors in pools of urine and excrement. The zoo later erected a barrier so the elephants could not be seen from public.

In the Toby Tyler Circus, employees constantly tossed ice cold water on a caged chimpanzee until the animal became so enraged that it bloodied its hands terribly on the bars of the cage. In the movie "Sheena," horses were tripped on wires in a fast gallop in what is a fairly common undertaking. In a television movie, "Bluegrass," pregnant horses had labor induced for the purpose of filming a live birth. The result was a premature foal who subsequently died. In a Dove soap commercial, doves had a string, a cord tied around their feet and were yanked through windows. Trip wires

and explosions both were used and resulted in the deaths of many horses in a film called "The Charge of the Light Brigade."

And finally this phenomena of what is called dancing chickens, Mr. Chairman, in which chickens are placed on a surface which has been electrified and they are required to jump up and down, to dance as it is called, for 15 to 20 hours at a time without interruption. If they stop, the board is electrified.

This is the kind of treatment that we are trying to stop, and I think that these animals, these creatures deserve the protection of the Federal Government. It is as simple as that. The law which I have introduced would require fairly specific conditions that they be treated fairly specifically. We are wide open on how this should be done.

There are a lot of folks on this committee who know a lot more about the subject than I do and we are wide open and flexible as to how the law should be implemented and dealt with. We simply think that the things that I have talked about, Mr. Chairman, and the things that your other witnesses will talk about later on should be prohibited under the law and we are willing to figure out a good way to do it but that is the object, to have these acts prohibited under the law.

[The prepared statement of Mr. Kostmayer appears at the conclusion of the hearing.]

Mr. ROSE. Peter Kostmayer, thank you very much for being here today and for your testimony. Are there questions of our colleague by members of the panel?

Mr. VOLKMER. I don't have a question, but I would like to just go on the record, since I am leaving, in opposition to Peter's legislation, feeling that it is duplicative and unnecessary and I just want to let Peter know before I leave that I just don't think it is necessary.

Mr. ROSE. All right. Other comments by members of the panel.

Mr. BILBRAY. Mr. Chairman, I would like to make a point that I support your legislation, Mr. Kostmayer. I think it is a good piece of legislation, long overdue and long needed.

Mr. KOSTMAYER. I thank you, Mr. Volkmer, and Mr. Bilbray. I look forward to having you come before my committee with one of your bills. Thank you very much.

Mr. ROSE. Mr. Kostmayer, we will excuse you now and thank you for coming. Our next witness is Mr. Bob Barker, the host of the television program, "The Price is Right," from Hollywood, California. Mr. Barker, we appreciate you being here and would make special note of the fact that you come a very long way to testify at our hearing and we thank you for that.

STATEMENT OF BOB BARKER, HOST, "THE PRICE IS RIGHT"

Mr. BARKER. Thank you, Mr. Chairman. Chairman Rose and members of this subcommittee, I am pleased to have this opportunity to testify before you. In his letter of invitation, Chairman Rose wrote, "We would like you to testify specifically about your first-hand-knowledge of the movie industry."

Allow me to begin my response to Chairman Rose's request by describing a sequence of events that received widespread national

media attention and has become known to many of us who were involved as the "Project X" scandal.

"Project X" was a 20th Century Fox movie produced by Walter Parkes and Lawrence Lasker, directed by Jonathan Kaplan, and the star of the picture was Mathew Borderick.

In the latter part of 1986, Nancy Burnet, founder and director of United Activists for Animal Rights, and I began to hear rumors that chimpanzees featured in "Project X" were badly mistreated. At the conclusion of the movie, five of the chimpanzees were retired to Primarily Primates, an animal refuge in San Antonio, Texas.

In January 1987, Wallace Swett, director of Primarily Primates, told me that two animal trainers who had worked on "Project X" delivered the five chimpanzees to Texas, and, according to Mr. Swett, these trainers told him that they had, "knock-down drag-out fights with the chimps in order to establish their dominance over them." Mr. Swett said the chimpanzees displayed symptoms of both physical and psychological abuse. He said that they were so traumatized that they would have to go through a period of careful adjustment at Primarily Primates. I asked Mr. Swett if I might quote him to the media and he agreed. Also, Mr. Swett told me that I could learn more about the mistreatment of the "Project X" chimpanzees from Dr. Roger Fouts, a primatologist at Central Washington State University in Ellensburg, Washington.

In a telephone conversation, Dr. Fouts told me that the producers of "Project X" had contacted him before the picture went into production. After reading the script, Dr. Fouts said that he had advised the producers that chimpanzees could not be made to do what was required of them in the script without inhumane treatment. He said that he suggested to the producers that they use little people in chimpanzee costumes as had been done with great success in the movie "Greystoke." According to Dr. Fouts, the producers told him that live actors would be too expensive and they had a trainer who had assured them that he could make chimpanzees perform the action as scripted. Dr. Fouts said that he warned the producers of the, "2 by 4 training method," a name derived from the practice of beating movie animals with clubs. Dr. Fouts said that he visited the set after "Project X" went into production, but he was not allowed to watch the chimpanzees work. However, he said that people on the set indicated to him that the chimpanzees had been mistreated.

In 1987 I was terribly naive, so far as cruelty to animals in movies is concerned, but I was aware that it is the responsibility of the American Humane Association to protect animals used in the production of films. Therefore, I telephoned Carmelita Pope, who was the director of the Hollywood office of American Humane at the time and told her that I believed the "Project X" chimpanzees had been treated inhumanely. Ms. Pope became very defensive. She denied that the chimpanzees had been beaten. When I told her that I was determined to make further inquiries, she attempted to dissuade me, but a remark that Ms. Pope made convinced me that I should continue my efforts. I told Ms. Pope that I had been told that trainers carry blackjacks when they work with chimpanzees.

Ms. Pope replied, "Chimpanzees are wild animals and the trainers have to show them who is boss."

I decided that if Ms. Pope's words reflect the philosophy of the organization that is supposed to protect animals in movies, the poor creatures need all the help we can give them.

Ms. Burnet of United Activists for Animal Rights and I continued to accumulate evidence to support charges that the "Project X" chimpanzees had been beaten, and when we considered it to be sufficiently convincing, we turned to Gary Francione, a professor of law on the faculty of Rutgers University in New Jersey. Mr. Francione wrote a letter to Los Angeles County District Attorney Ira Reiner in which he presented the facts and requested that charges be filed against the "Project X" trainers responsible for the animal cruelty.

Mr. Reiner decided that the case was a city matter and he referred it to Los Angeles City attorney, James Hahn. Mr. Hahn directed the Los Angeles Department of Animal Regulation to conduct an investigation which it did. In fact, the 3 month investigation of "Project X" was the longest in the history of the Los Angeles Department of Animal Regulation. At the conclusion of the investigation, the department of animal regulation concurred that the "Project X" chimpanzees had been beaten and requested that charges be filed against six animal trainers for 18 violations.

Unfortunately, the statute of limitations had elapsed on animal cruelty which was the most appropriate charge that could have been filed, so the trainers escaped prosecution. In the parlance of the fight ring, the trainers were saved by the bell. But, the "Project X" scandal did not end here.

Under the Freedom of Information Act, Nancy Burnet and I secured the reports of Los Angeles Department of Animal Regulation officers who conducted the 3-month investigation of "Project X" and we were shocked by what we read. In an effort to make the movie industry aware of the animal suffering involved in the production of "Project X," Ms. Burnet's organization placed full page ads in the trade paper Variety quoting from the department of animal regulation reports.

Paul Mueller who worked in special effects on "Project X" said he had seen the chimpanzees beaten with, "clubs, fists, and black-jacks." Other eye witnesses supported Mr. Mueller's testimony. The eye witness accounts went on page after page.

In a press release, the American Humane Association had said, "American Humane field representatives never saw a blackjack or anything that resembled one on the set of 'Project X.'" In the department of animal regulation material secured under the Freedom of Information Act, there were photographs of trainers on the set with what officers identified as blackjacks protruding from their pockets. Also, there were photos of trainers armed with what officers described as a sawed off pool cue and a revolver.

In an effort to secure more adequate protection for animals that are forced to work in movies, Robert Rush, director of the Los Angeles Department of Animal Regulation and I met with Jack Valenti, president of the Motion Picture Association of America. After hearing our report on "Project X," Mr. Valenti told us that he would do his own investigation. About a week later he wrote to tell

me that he was going to recommend that AHA continue in its role with the movie industry. However, Mr. Valenti said, "You and others who care passionately about animals, their rights, their treatment and their care, have been a beneficent influence."

Nice words, but to Nancy Burnet and me, Jack Valenti's letter meant that animal suffering in the production of movies would continue unabated.

Robert Rush and I met with representatives of Screen Actors Guild, but nothing was accomplished. We requested a meeting with Nick Counter III, director of the Alliance of Motion Picture and Television Producers, but Mr. Counter declined.

At the height of the "Project X" scandal, Carmelita Pope, director of the American Humane Association office in Hollywood, resigned, as did her husband, Bill Wood, who was her assistant. In her place was appointed Betty Denny Smith.

Almost immediately, Ms. Smith became embroiled in a controversy involving a movie called "The Tender". I received a telephone call from a man who had seen the script of "The Tender" and was concerned that it included a dog fighting scene. I passed this information along to Nancy Burnet who filed a complaint with the Los Angeles Department of Animal Regulation. An investigation followed, and again Nancy Burnet and I obtained the officers' reports under the Freedom of Information Act.

City of Los Angeles investigators said, "Mears—trainer Alvin Mears—stated that Betty Denny Smith was present at some of the dog fight scenes while other American Humane Association representatives were present during some dog fight scenes. Mears stated that the American Humane Association representatives told him that the dog fights were no problem. Mears stated that he muzzled the dogs by twisting wire around the dogs' jaws. A small amount of tape was wrapped around the wire. The dogs were allowed to observe each other from across an arena, approximately 15 feet by 20 feet in size with a wooden border approximately 3 feet high. After the dogs became aggressive, they were released, allowed to charge each other, make contact, and then to fight. Mr. Mears stated that he allowed the dogs to fight several times on different occasions during the filming of "The Tender'."

Robert Rush, director of the Los Angeles Department of Animal Regulation said, "Although the American Humane Association may have no problem with these dog fights, the Los Angeles Department of Animal Regulation's interpretation of CPC 597.5—fighting dogs—is substantially different from that of the AHA. The department of animal regulation feels that the agitation and worrying of dogs to the point of ferocity, shutting their muzzles tightly with bailing wire and placing them in an arena to fight constitutes dog fighting.

This opinion is shared by both the Los Angeles City attorney and by the Los Angeles County district attorney as well. It is additionally felt that this was also a violation of CPC 597, cruelty to animals." In the case of "The Tender," no charges were filed because City Attorney James Hahn said that the city could not prove intent.

Now, today I have presented brief descriptions of animal abuse in two relatively recent movies, but please do not believe that these

are isolated instances. Animals have suffered in the production of television shows and movies for decades.

Tom Snyder, formerly of the "Tomorrow" television show, and now a national radio host, interrupted me when I began to describe animal abuse in entertainment. He said, "You don't have to tell me, Bob. I have seen it." He told me that when he came to Hollywood in the 1960's he visited the set of the old television show, "The Hathaways," where he saw trainers beat chimpanzees so unmercifully it brought tears to his eyes. Tom said he was so emotionally affected that he had to leave the set.

Now, gentlemen, I think we must continue to go public with the tragic plight of elephants, chimpanzees, dogs, cats, cattle, lions, tigers, domestic and wild animals alike that are exploited in movies for man's diversion. As moviegoers become more aware of the animal abuse in the production of movies, they will demand that it cease.

And I believe that this hearing today is an indication that public awareness has been increased to the point that we are at least talking about it now, and I strongly support legislation that will bring it to an end.

[The prepared statement of Mr. Barker appears at the conclusion of the hearing.]

Mr. ROSE. Thank you very much, Mr. Barker, and as you requested, your submissions will be made a part of the record. You gathered a great deal of what you have included in your report from the actual report filed by the Los Angeles Animal Regulation organization; is that correct?

Mr. BARKER. Yes, sir, that is correct.

Mr. ROSE. Los Angeles Department of Animal Regulation. Much of what you said about "Project X" came out of their investigative material?

Mr. BARKER. Yes, sir. I was able, along with Nancy Burnet of United Activists for Animal Rights, which spearheads the Coalition to Protect Animals in Entertainment, I was able to secure a certain amount of evidence, but I do not purport to be an expert. I am not an investigator, I am not necessarily an animal expert. I simply accumulated enough facts to get an attorney interested who was able to get the city attorney interested.

Mr. ROSE. I checked out the movie "Project X" and watched it last night. The movie is about how a brave young man saves chimpanzees from the cruelty of the U.S. Air Force, which is an interesting story, but it was apparent to me from looking at that movie that these chimpanzees had to have been rather severely manipulated to do the unusual things that they did.

What you have said in your report about their activities makes sense to me after watching the movie.

Mr. BARKER. Yes, sir, Mr. Chairman. One of the chimpanzees, according to the reports, was turning its head at a time when they were trying to get shots of it directly on, and throughout the picture its head was jerked back into position so violently that by the end of the picture this chimp had no hair on the back of its head where the trainer had been pulling it.

As I said, eye witnesses had seen, according to this testimony, had seen the chimpanzees beaten with clubs, fists and blackjacks,

and Mr. Swett told me that one of the chimpanzees that was taken down to him in San Antonio, when he would walk in, if he had on high rubber boots that they used for the washing down, that the chimp was terrified and he couldn't understand that. And he had talked with an animal trainer, he said oh, I understand that. According to Mr. Swett, the animal trainer told him that when he wore his boots and the chimp started to run, he would kick him and continue to kick him until he finally learned that he should not run and therefore he was afraid of these rubber boots, but these are just instances.

Mr. ROSE. We are going to have to go vote right now. The subcommittee will be in recess for about 5 minutes, we will go vote and then we will come right back. If you can stay with us longer, we may have some questions.

Mr. BARKER. I will be here as long as you wish.

Mr. ROSE. Thank you.

[Recess taken.]

Mr. ROSE. The subcommittee will please resume its sitting. Are there members present who have any comments or questions that they would like to address to Mr. Bob Barker? I think he covered the subject pretty clearly.

I don't know that there is room for many questions, but we will give you an opportunity if you have any. Mr. Smith.

Mr. SMITH. I thank you, Mr. Chairman. I just have a couple. Mr. Barker, at the chance that I will never be invited to "The Price is Right," I want to ask you a couple questions about your testimony. Were you actually physically there on the set when these alleged occurrences happened?

Mr. BARKER. No, sir. Before I answer your question, please let me extend an invitation to visit "The Price is Right" on your next trip west. I will see that you have the best seat in the house.

Mr. SMITH. Very nice of you, sir.

Mr. BARKER. But as my guest, you have no chance of winning a refrigerator. Now, to answer your question, sir, no, I was not on the set. I really did not become involved in even attempting to gather evidence, I don't believe, we would have to check the dates.

I think the picture had been completed before I became involved. That is why the statute of limitations had elapsed and the cruelty to animal charges could not be filed.

Mr. SMITH. I understand, sir, and you may know as well that there was a \$5,000 reward offered by the Society Against Vivisection for anyone who would come forward that would testify on animal abuse for "Project X."

Mr. BARKER. That is correct, sir.

Mr. SMITH. Was there any money ever collected? Did anybody come forward?

Mr. BARKER. Not immediately, no. People came forward, yes. This Paul Mueller, whom I quoted in my testimony, was the witness who eventually received the \$5,000 reward, and let me explain how this happened. Mr. Mueller came forward and said that he did not want a reward but he had seen the animals beaten and he wanted to testify, and he did.

And then the city went ahead and did its investigation and a long list of eye witnesses testified and supported Mr. Mueller's tes-

timony. In about 1, 1½, maybe as much as 2 years, Mr. Mueller was unable to get work. In the testimony, some of the eye witnesses had said that they were afraid of being blackballed within the industry if they testified as to what they had seen.

Mr. Mueller was courageous enough to risk being blackballed and testify, and he did, and he is now, as I understand it, living in Illinois, unable to work in Hollywood. When the Society Against Vivisection learned that he was in desperate straits financially, they insisted that he receive the \$5,000.

Mr. SMITH. So it was awarded to him more on the basis of his lack of work than it was on the basis of the evidence?

Mr. BARKER. That is correct, sir. He did not receive the money when he first came forward. He presented his evidence. It was after that was history. He was no longer able to work, and that is when he accepted it. Reluctantly accepted.

Mr. SMITH. As you know, sir, there are people who do not agree with your allegations. One of them is an assistant cameraman who I have a letter from, his name is Stephen A. Tate. There are two cameramen on the job on the "Project X." A lady by the name of Mary Vogt, and I will submit these for the record, Mr. Chairman.

[The letters follow:]

STEPHEN A. TATE

3670 Marz St
Simi Valley, CA 93063
(805) 626-2181.

May 4, 1987

Mr. Larry Lesker
20th Century Fox Studios
P.O. Box 900
Beverly Hills, CA 90213

Dear Larry,

It has been with much chagrin that I followed the allegations made by Bob Barker about physical abuse of the chimps during the filming of Project X. Bob Barker's allegations are total fiction. When I read that a \$5000 reward was being offered to anyone who would come forward with information about abuse of the chimps on our show, I could not remain silent. One news report said Barker hoped that maybe even someone that just "swept the floor" might come forward with information. Well, as one of the two full-time assistant cameramen on the show, I had to be on the set for every shot. You could say I made a pest of myself with the chimp trainers by hanging out with the chimps in the Green Room, the chimps home when they were off the set. I fell in love with Oko (Goofy) and Willie (Virgil). I even went so far as to inquire about buying Oko when filming was completed. The only thing that stopped me was the expense of maintenance. God knows I could use that \$5000 reward, but I'd have to lie to collect it. I know of no other crew member who spent more time with the chimps than me, except the trainers. If I had seen the chimps physically abused, I would have called Barker! But, this \$5000 "reward" comes across, in light of the facts, as more of a bribe (unfortunately).

Let's face it, people would be willing to lie for \$5000. Anyone who came forward with testimony to support Barker's allegations would have to lie. There are enough legitimate cases of animal abuse out there in the real world to be concerned about without trying to create a case where none exists. And thank God for animal rights groups like Barker's. Unfortunately, they are wasting time and energy on this one.

Sincerely,



Stephen A. Tate
Assistant Cameraman

Mr. Walter Parkes
 Mr. Lawrence Lasker
 Twentieth Century Fox
 10201 West Pico Blvd
 Los Angeles Ca 90035

Dear Walter and Larry,

I was very shocked to hear the allegations about the abuse of chimpanzees on "Project X". I was on the set every day the chimps worked and never witnessed an animal being struck with a billy club or any implement what so ever. The wardrobe trailer was always parked near the animal trailer and if any abuse was taking place I would have seen or heard it. If I can be any help clearing up these accusations please feel free to contact me.

Sincerely,

Mary Volt

Mary Volt.

WARRANTABLE DELPI.

LETTER TO: Animal Regulations
 FROM: Michael Milgrom
 Computer copy

Greg Martin

As promised I'd like to in writing lay out the procedures as regards my experience in dealing with props on the film PX. First off, I misunderstood what you meant by the word training. Training meant to me, the period of almost a year before I was hired in which the chimps were trained. IN film language rehearsal was the time after I was employed on the picture. These rehearsals were open and viewable. as I started employment six weeks before filming commenced I had no knowledge of the training period.

Also, there were many Saturdays I was requested to attend the chimp rehearsals because they were to be using props. I think this shows the great lengths the producers went to to ensure a safe set and well-rehearsed animals.

Further during rehearsals and actual filming, as far as I observed all the animals on PX were treated with great care and love. By what must have been the best trainers in all of my 16 years of experience that I have ever worked with.

Just so that this is now clear, all rehearsals that I attended over a period of 6 weeks were open sessions taking place on STg. 16. at 20th Century Fox to be specific the vivarium set.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection Service

VETERINARY SERVICES
3510 W. 104th STREET
LOS ANGELES, CA 95827

Subject: Inspections Involving "Project X" Chimps

To: James D. Roswurm
Area Veterinarian in Charge
Sacramento, CA

Date: September 16, 1987

Through: Michael K. McCann
Investigator
Los Angeles, CA

The following is a chronological summary of those occasions when I observed the chimpanzees connected with the film "Project X" during animal welfare inspections at three separate sites. Also included are those occasions when conversations took place relating to the use of these primates.

1. August 21, 1985, Ron Oxley's facility, Soledad Canyon - 6 chimpanzees were present. Mr. Oxley's older chimp, "Angel," was housed separately from the younger animals. This chimp appeared healthy. Mr. Oxley cautioned me not to approach too closely, and the chimp's aggressive display towards me reinforced this. Mr. Oxley had no problem approaching the chimp.

The 5 younger chimpanzees were housed in a new, specially-constructed barn with individual chain-link pens inside and a large enclosed outside area connected to the barn. Mr. Oxley stated that the barn had been constructed to meet California State Public Health quarantine requirements. Each chimp was with a separate trainer, and I observed socializing/handling such as hugging, playing with toys, feeding, and watering. No deficiencies were noted.

Records presented showed that the 5 chimps were newly imported from Europe and were actually owned by 20th Century Fox. After discussion with Mr. McCann, it was determined that the studio would need to be licensed, and Mr. Oxley gave me "Doc" Erickson's name and number as his studio contact.

2. January 6, 1986, Hubert Wells' facility (93C-54), Thousand Oaks - 8 chimps were present. After Mr. Oxley's death, the 20th Century chimps were moved to Mr. Wells' facility. Mr. Wells' own 3 chimps were also present. No chimps were being handled. Six (6) were outside in daytime housing; 2 were still inside, recovering from slight colds. No deficiencies were noted in connection with any primates.

3. February 24, 1986, 20th Century Fox Studio (93C-327), Los Angeles - This was a precensuring inspection, by appointment; 8 chimps were present (20th Century - 5; Wells - 3). I observed handling, rehearsal, housing, and transport arrangements. I saw discipline by loud vocal corrections, tugs on leashes, and by placing animals in their crates. I was with the chimps in their rest trailer, with the trainers, as well as outside and on the set (where I met the Humane Society observer). The only chimps that appeared upset were those in crates. Several of these were screaming and rocking their crates--behavior I have seen before in caged primates that are very used to attention. This behavior stopped when a trainer took them out of their crates. Deficiencies were noted in transport cages and one crate.
4. March 25, 1986, 20th Century Fox Studio, Los Angeles - This was a second precensuring inspection by appointment. The 20th Century chimps were present. Deficiencies had been corrected. The situation, in general, was the same as on February 24, 1986. A chimp and his trainer were roughhousing, and the chimp was obviously enjoying the play activity.
5. July 29, 1986, Hubert Wells, Thousand Oaks - 2 of Mr. Wells' chimps were present in their normal housing. Both appeared healthy and active.
6. January 28, 1987, Hubert Wells, Thousand Oaks - 4 chimps present--2 of Mr. Wells and 2 of 20th Century. Both were outside, sitting in chairs, with a trainer. I saw a chimp slapped firmly on the lower arm and told, "No." I did not see what prompted the discipline, but I did note the chimp's response. He was very quiet for several seconds than continued to drink from his cup. As per the VS Form 18-8, deficiencies were noted in the night housing in use at the time for the chimps.
7. May 7, 1987, Hubert Wells, Thousand Oaks - 2 chimps present--property of Mr. Wells. Previously noted deficiencies were primarily corrected. I again observed vocal corrections to prevent inappropriate behavior. (One (1) chimp was threatening to spray us with water as we walked by but retreated when Ms. Shawver yelled at him.)

During this inspection, I discussed the filming of Project X with Ms. Cheryl Shawver, who is both Mr. Wells' assistant and an exhibitor/owner in her own right. Ms. Shawver was my contact throughout the filming of the movie.

Ms. Shawver stated that 10 chimpanzees were used during the filming--5 belonging to 20th Century Fox, 3 belonging to Hubert Wells, 1 to Greg Little (Little's chimpanzee, 93C-700), ~~and 1 to Greg Little's chimpanzee, 93C-700.~~
~~Little's chimpanzee, 93C-700.~~ According to Ms. Shawver, the last 2 were used primarily in group and background shots. Originally, Mr. Oxley was going to use his older chimp, "Angel," in the film. After Mr. Oxley died, none of the other trainers were able to handle "Angel," as needed in the film.

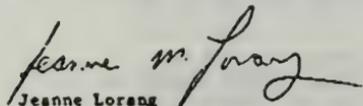
Eventually, a home was found for him at David Sabo's (Sabo Chimps, 21PG). The studio donated shipping costs, and the animal was transferred to New York. One of Mr. Wells' older chimps is housed at Sabo's, and that animal was shipped to Los Angeles for use in the film.

Ms. Shawver and I discussed discipline used during the filming. In addition to the vocal corrections and tugs I observed, she described punching the chimp in the muscles of the back, and slapping face and/or hands. According to Ms. Shawver, these same behaviors are used during play sessions, and it is the tone of voice used that sets the mood for discipline. (On March 25, 1986, I observed this kind of very rough play, enjoyed by the animal and the trainer.) Ms. Shawver stated that, during the entire project, they did not have one bite or injury to either humans or chimps; and the only recurring problem was explaining repeatedly that the animals in the rest trailer were screaming because they were crated (during lunch, etc.) and not because they were being physically abused. Two (2) of the chimps did come down with slight colds and did not work until they had recovered.

I asked Ms. Shawver directly if she felt any chimp had suffered any physical or psychological damage during the filming. Her answer was an emphatic, "No;" but she and the other trainers felt, from the beginning, 1 young chimp seemed extremely shy and withdrawn. This chimp learned to trust its trainer but did best in group scenes with the other chimps and was used principally in this way.

Ms. Shawver also stated that, recognizing the potential for complaints from animal rights groups, the animal trainers had requested that a Humane Society observer be on the set at all times from the beginning of studio work.

Ms. Shawver was very willing to spend the time to discuss this with me and offered to be available at any time for future discussion. I would also like to state that, during the period covered by this report, I was given free and complete access to all sites covered. The number of inspections was governed by my workload, not by any problem in obtaining access or cooperation.


 Jeanne Lorang
 Animal Health Technician

Mr. SMITH. I won't read from them except that I do think that this is kind of a cloudy issue, simply because we have people testifying on both sides. This cameraman said he was with the animals, he was with them as much as the trainer. He never saw any abuse to these animals and he was on the set every hour everyday.

I thank you for appearing.

Mr. BARKER. May I comment on that?

Mr. SMITH. Of course.

Mr. BARKER. That would be impossible. It would be impossible for him to be on the set every hour of every day and it would be impossible for him to be with the animals as much as the trainers. I know of this gentleman's testimony and it has been submitted, however, the department of animal regulation for the city of Los Angeles, with professional investigators, disagree with him.

Mr. SMITH. I just quote then, "I know of no other crew member who spent more time with the chimps than me, exempt the trainers."

Mr. BARKER. Except the trainers, yes.

Mr. SMITH. He said I was there. I saw as a photographer and saw no abuse. So anyway, I thank you.

Mr. BARKER. It is possible that he didn't see any abuse. It is possible that the abuse occurred when he was not there.

Mr. SMITH. I am sure that is possible. Thank you very much, Mr. Chairman.

Mr. ROSE. Thank you, Mr. Chairman. Mr. Barker, would it be possible for us to get a copy of the report?

Mr. BARKER. Absolutely. Yes, sir, yes, Mr. Chairman. I will have that sent to you.

Mr. ROSE. If you would have a copy, have it available, if you will send it to the subcommittee we would like to have a look at it.

Mr. BARKER. You shall have it, sir.

[The information follows; the hearing continues on p. 88.]

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: October 30, 1987

To: Robert I. Rush, General Manager
Elza A. Lee, Assistant General Manager

From: Kenneth R. Williams, District Supervisor II *KRW*
West Los Angeles District

Subject: WORK ASSIGNMENT NO. 132 - "Project X" CRIMINAL INVESTIGATION
RE: ALLEGATIONS OF CRUELTY TO ANIMALS DURING THE TWENTIETH
CENTURY FOX PRODUCTION OF THE MOTION PICTURE "PROJECT X -
RECOMMENDATION

SUMMARY REPORT

Pursuant to the instructions of your July 22, 1987 memorandum, a criminal investigation into the allegations that the chimpanzees used in the production of the motion picture "Project X" has been conducted.

This investigation revealed that fifteen chimpanzees were used during the production of "Project X" between November 1985 and May 1986. Six of the chimpanzees were owned by Twentieth Century Fox. At least six animal trainers employed by Twentieth Century Fox physically and/or mentally abused a number of chimpanzees during the production of this motion picture. The abuse of the chimpanzees occurred on Stages 15 and 16 at the Fox Studios at 10201 West Pico Boulevard, in Century City. Statements of witnesses along with other circumstantial evidence establishes that the following suspects violated California Penal Code, Section 597(a) by committing at least eighteen acts of cruelty upon chimpanzees during the production of this motion picture.

<u>SUSPECT NAME</u>	<u>CAPACITY</u>	<u>CRIMINAL COURTS</u>
1. Hubert Goza Wells	Animal Trainer- in charge	2
2. Cheryl Shawver	Animal Trainer	3
3. Marck E. Harden ✓	Animal Trainer	5
4. Thomas Collard	Animal Trainer	3
5. Wallace Ross	Animal Trainer	2
6. Julian Richard Sylvester	Animal Trainer	3

RECOMMENDATION

It is recommended that the Department request that the District Attorney file criminal complaints against the suspects on all counts for violation of the California State Penal Code (Cruelty To Animals) Section 597(a).

WATTN "BUNIS" D.U.M.

Robert I. Rush
Elza A. Lee

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October 30, 1987

NOTE:

There is additional information which has not yet been corroborated that during the pre-production or production of "Project X" a severe beating of a chimpanzee was witnessed at an animal compound located at 7433 Soledad Canyon Road in Acton, California. Information leads us to believe that this chimpanzee was named "Jed" and had been purchased by Fox. Jed was subsequently euthanized by a veterinarian due to permanent injuries. These injuries were caused by an unknown source. The head trainer of Jed and owner of this animal compound at the time was Ronald Oxley. Ronald Oxley died suddenly in December 1985 shortly after the euthanasia of the chimpanzee.

ADDITIONAL INFORMATION

The American Humane Association indicated in a May 20, 1987, press release that an in-depth investigation had been conducted into the allegations of cruel treatment to the chimpanzees during the production of "Project X." The AHA press release states in part that:

1. AHA conducted an in-depth investigation into the allegations of mistreatment of the chimpanzees in the "Project X" production.
2. AHA did not find a single instance of abuse to substantiate nor was there any evidence to support the allegations that the animals were abused in any way.
3. AHA found the charges of abuse have come from third parties who were not involved in the production or oversight of animal training in the movie business.
4. AHA's field representatives are California State Humane Officers.
5. After resumption of the production of Animal action in late January 1986, AHA's field representatives were on the set for 81 man days and documented that there was absolutely no abuse to the animals.
6. AHA's Humane field representatives never saw a blackjack or anything resembling a blackjack on the studio set.

Our investigation was not in any manner directed towards AHA. However, it was essential to contact that agency to obtain whatever information they would make available. Subsequently, from the information we obtained from AHA along with information and evidence gathered from other sources, we learned that the statements in AHA's May 20, 1987 press release are largely inaccurate. Contrary to AHA's press release our investigation revealed the following:

1. There was no in-depth investigation conducted by AHA into the allegation of mistreatment to the chimpanzees in the "Project X" production.

Robert I. Rush
Elza A. Lee

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October 30, 1987

2. There is information which is sufficient to substantiate some of the allegations of abuse to the chimpanzees.
3. The charges of abuse have, in several instances, come from other than third parties as implied by AHA.
4. Records show that the field representatives that were assigned to "Project X" by the AHA (listed below) are not current California State Humane Officers.

<u>Name</u>	<u>Date Appointed Humane Officer</u>	<u>Date Expired</u>
(a) Ed Hart	06-30-82	06-30-85
(b) Roy McGowan	06-30-82	06-30-85
(c) Sydney Kane	No record of appointment	
(d) Marcie Trella (Reference	No record of appointment County Clerk Office Record of Humane Officers)	

5. Contrary to AHA's 81 man days of documentation that there was absolutely no abuse to the animals, our investigation established from corroborated eye witnesses testimony and other circumstantial evidence that the alleged abuse of the animals to some degree did occur during the Twentieth Century Fox production of "Project X."

This investigation further revealed that there is uncorroborated statements that on at least one occasion AHA field representatives were present and did observe abuse to the animals during the production of "Project X." It is quite possible that further information may be forthcoming which would corroborate these statements. If so, the filing of criminal charges (including but not limited to aiding and abetting in the cruel treatment of animals) against a member(s) of the American Humane Association may be necessary.

The Humane Society of the United States assigned a special investigator to investigate the "Project X" allegations. During our investigation we became aware that HSUS had investigated the matter. Thereafter we requested a copy of their investigation report. HSUS provided a compilation of their special investigators report requesting that it be kept confidential. The HSUS report did not contain any significant information.

COMMENTS

Of particular interest in this case is the fact that an extreme period of time passed (at least 18 months) before anyone notified this Department of the cruel treatment of the chimpanzees on "Project X." HSUS' and AHA's receipt of the allegations and their subsequent investigations were conducted at a time closer to the actual alleged offenses and apparently with the one-year statute of limitations relating to misdemeanor offenses. Information and witness recall was obviously much fresher during the time

Robert I. Rush
Elza A. Lee

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October 30, 1987

of their investigations, yet, neither agency notified this Department of the allegations or the findings of their investigation.

The Department of Animal Regulation did not receive any report on the allegations of animal cruelty on "Project X" until July 21, 1987. This report came as a referral from the District Attorney's Office through the City Attorney's Office and finally to the office of the General Manager. The extreme delay in receiving a report drastically impaired the effectiveness of our investigators. Additionally, a considerable amount of witness testimony and other evidence may now be lost forever. Many of the alleged violations were misdemeanors, consequently, the statute of limitations expired before we had the opportunity to investigate.

More interestingly we found that many of the persons contacted consistently denied that cruelty of animals occurred. They denied the existence of any and all implements such as blackjacks which the trainers were alleged to have carried. The attorneys and certain management personnel who represented Twentieth Century Fox, the animal trainers, and the American Humane Association consistently held that all the allegations were unfounded. Several witnesses refused to cooperate because of pervasive fear of being black-balled by the industry. Some witnesses openly discussed their fear of black-balling with our investigators.

Considering that fear may be the cause of this lack of cooperation, it is conceivable that certain witnesses may have additional incriminating evidence relating to this matter. Should the fear of black-balling be removed, or should these persons be required to testify under oath at a criminal hearing or trial, a substantial insight into the cruelty of animals in the production of "Project X" and possibly other motion pictures may be revealed.

STATISTICAL SUMMARY

Approximately three months was devoted to this investigation. District Supervisor Kenneth Williams was placed in charge of the investigation and two Senior Animal Control Officers, Richard Felosky and Jim Connelly were assigned as investigators. More than fifty witnesses were interviewed and over one hundred hours of witness statements were recorded on tape and a vast accumulation of documents were reviewed and classified as exhibits. In addition to regular hours allotted to the investigation, approximately 300 hours of overtime was expended. Other expenses for film, tapes, etc. amounted to approximately \$300 dollars. An accurate report relating to personnel assignments expenses and overtime is forthcoming.

KRW:mea

Attachments: AHA Press Release May 20, 1987
Ed Hart, Humane Officer Registration - County Clerk
Ray McGowan, Humane Officer Registration - County Clerk
Computer Readout from County Clerk
Re: Ed Hart, Ray McGowan, Sydney Kane and Marcie Trella
HSUS "Project X" Report
Letter District Attorney office to City Attorney
R. Dunn July 14, 1987
General Manager memorandum to K. Williams July 22, 1987

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
REQUEST FOR COMPLAINT

CASE NO.

DATE FILED

COURT/HEARING DATE

CODE SECTION VIOLATED
(2)counts 597(a)P.C

Suspect No. 1 Hubert Geza Wells							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE Same
D.L. # [REDACTED]	SEX M	HAIR Bln	EYES Hzl	HEIGHT 6'0"	WEIGHT 165	D.O.B. 8-8-34	
ADDRESS							HOME PHONE
ADDRESS							WORK PHONE
D.L. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
CHARGE (SECTION, CODE AND DEFINITION) 597(a) California Penal Code (Cruelty to Animals Defined)							
(2) Counts							
DISTRICT SUBMITTING REQUEST West Los Angeles						PHONE (213) 820-2691	
ADDRESS 11950 Missouri Ave. West Los Angeles, CA 90025							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. Richard J. Felosky							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. James T. Connelly							
DEPARTMENT REPRESENTATIVE TO TESTIFY							
WITNESS NO. 1 Robert G. Willard							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (805) 497-0034
WITNESS NO. 2 Wallace Ross							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (805) 495-2922
WITNESS NO. 3 Bobby Porter							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE
SUBJECT MATTER							
Evidence will show that the suspect did punish and coerce by force, and there-							
by torture, a living animal (chimpanzee) which was not the property of the suspect							
but the property of persons listed in exhibit C.							
Count No. 1: Witness No. 1 (Robert G. Willard) will testify that during the							
"last two weeks of filming" of the motion picture Project X (May of 1986) he did							
observe the suspect punch a chimpanzee named Willie "really hard" with his fists							

CITY OF LOS ANGELES
 DEPARTMENT OF ANIMAL REGULATION
 (CONTINUATION SHEET)

"about a dozen time." Witness No. 1 will testify that this incident occurred on 20th Century Fox studio property at 10201 West Pico Blvd, Century City, Los Angeles California, 90035. (Exhibit A and B). Department of Animal Regulation Investigators Richard J. Felosky and James T. Connelly will supply documents showing that the chimpanzee Willie was owned by 20th Century Fox Corp. at the time of this incident. (Exhibit C).

Count No. 2: Witnesses No. 2 and No. 3 (Wallace Ross and Bobby Porter) will testify that they observed the suspect "lightly" strike a chimpanzee named Karanja on its head with a wooden stick during the filming of the motion picture Project X. Witnesses No. 2 and No. 3 will testify that this incident occurred on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035. (Exhibit D, E, F, and G.) Department of Animal Regulation investigators Richard J. Felosky and James T. Connelly will supply evidence showing that the chimpanzee Karanja was owned by a Mr. David Sabo at the time of this incident. (Exhibit C).

Department of Animal Regulation investigators Richard J. Felosky and James T. Connelly will provide their written statements of interviews with chimpanzee experts. The opinions of these experts are that the acts of the suspect were unacceptable. (Exhibit H) The Department of Animal Regulation determines that the acts were unnecessary cruelty to an animal and in violation of CPC 597 (a).

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
REQUEST FOR COMPLAINT

CASE NO. _____
DATE FILED _____
COURT/HEARING DATE _____
CODE SECTION VIOLATED
(3) Counts 597(a)F

Suspect No. 1 Thomas Collard							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE [REDACTED]
D.L. # [REDACTED]	SEX [REDACTED]	HAIR [REDACTED]	EYES [REDACTED]	HEIGHT [REDACTED]	WEIGHT [REDACTED]	D.O.B. [REDACTED]	
ADDRESS							HOME PHONE [REDACTED]
ADDRESS							WORK PHONE [REDACTED]
D.L. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
CHARGE (SECTION, CODE AND DEFINITION) 597 (a) CA Penal Code (Cruelty to Animals Defined) (3) Counts							
DISTRICT SUBMITTING REQUEST West Los Angeles							PHONE (213) 820-2691
ADDRESS 11950 Missouri Ave. West Los Angeles, CA 90025							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. Richard J. Felosky							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. James T. Connelly							
DEPARTMENT REPRESENTATIVE TO TESTIFY							
WITNESS NO. 1 Paul Mueller							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (213) 468-5414
WITNESS NO. 2 Joe Montenegro							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE [REDACTED]
WITNESS NO. 3							HOME PHONE [REDACTED]
ADDRESS							WORK PHONE [REDACTED]
SUBJECT MATTER Evidence will show that the suspect did punish and coerce by force, and thereby torture, a living animal (chimpanzee) which was not the property of the suspect but the property of persons listed in Exhibit G.							
Count No. 1: Witness No. 1 (Paul Mueller) will testify that in January or February of 1986 he did observe the suspect punch with his fists a chimpanzee in							

DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

its chest area "hard enough to cause bruises on a human." Witness No. 1 will testify that this action occurred inside an enclosed room on stage (16) during the production of the motion picture Project X on 20th Century Fox studio property at 10201 West Pico Blvd. Century City, Los Angeles California, 90035. (Exhibit A, B, C, and D)

Count No. 2: Witness No. 1 (Paul Mueller) will testify that in January or February of 1986 he did observe the subject smacking a chimpanzee with an open hand in the chimpanzee's head area, including the mouth and face area. Witness No. 1 will testify that this "smacking" was an approximate eighteen inch swing that "would have raised a red welt on a human", and that it occurred inside an enclosed room on stage (16). During the production of the motion picture Project X on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035. (Exhibit A, B, C, and D)

Count No. 3: Witness No. 2 (Joe Monterago) will testify that in December of 1985 he did observe the suspect repeatedly and forcibly jerk a chimpanzee's head by aggressively pulling on the chimpanzee's ears and head hair. Witness No. 2 will testify that this incident took place inside a walled enclosure on stage (16). During the production of the motion picture PROJECT X on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035. (Exhibit E and F)

Department of Animal Regulation investigators Richard J. Felosky and James T. Connelly will provide evidence showing that none of the chimpanzees used in the production of the motion picture Project X belonged to the suspect (Exhibit G).

LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

Department of Animal Regulation Investigators will present their written statements of interviews with persons considered chimpanzee experts. The opinions of these experts are that the acts of the suspect were unacceptable. (Exhibit H). The Department of Animal Regulation determines that the acts of the suspect were unnecessary cruelty to an animal and in violation of CPC 597 (a).

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
REQUEST FOR COMPLAINT

CASE NO.
DATE FILED
COURT/HEARING DATE
CODE SECTION VIOLATED (3)Counts 597(a)PC

DEFENDANT NO. 1 Cheryl Shawver							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (805) 495-2122
D.I. # [REDACTED]	SEX Fe.	HAIR Bln.	EYES Brn.	HEIGHT 5'2"	WEIGHT 145	D.O.B. 7-27-48	
DEFENDANT NO. 2							HOME PHONE
ADDRESS							WORK PHONE
D.I. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
CHARGE (SECTION, CODE AND DEFINITION) 597(a) California Penal Code (Cruelty to animals defined) (three counts)							
DISTRICT SUBMITTING REQUEST West Los Angeles							PHONE (213) 820-2691
ADDRESS 11950 Missouri Ave. West Los Angeles, CA. 90025							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. Richard J. Felosky							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. James T. Connelly							
DEPARTMENT REPRESENTATIVE TO TESTIFY							
WITNESS NO. 1 Paul Mueller							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (213) 468-5414
WITNESS NO. 2							HOME PHONE
ADDRESS							WORK PHONE
WITNESS NO. 3							HOME PHONE
ADDRESS							WORK PHONE
SUBJECT MATTER Evidence will show that the suspect did punish and coerce by force, and thereby torture, a living animal (chimpanzee) which was not the property of the suspect but the property of persons listed in Exhibit E.							
Witness No. 1 (Paul Mueller) will testify that in January or February of 1986 he did observe the suspect training chimpanzees during the production							

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

of the motion picture Project X on stage (16) on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035 and that in the process of that training the suspect:

Count No. 1 - Smacked a chimpanzee with an open hand in the chimpanzee's head area, including the mouth and face area. Witness No. 1 will testify that this "smacking" was an approximately eighteen inch swing that "would have raised a red welt on a human," and.

Count No. 2 - Hit a chimpanzee with a twenty inch "rod" across the chimpanzee back and shoulders with a force "hard enough to give red welts to a human," and...

Count No. 3 - Hit a chimpanzee in the chest area with a "blackjack," which was described by Witness No. 1 to be a black leather case with a strap handle which appeared to be filled with lead. (Exhibit A, B, C, and D).

Department of Animal Regulation Investigators Richard J. Felosky and James T. Connelly will provide evidence showing that none of the chimpanzees used in the production of the motion picture Project X belonged to the suspect. (Exhibit E).

Department of Animal Regulation Investigators will provide a written report and a tape recording of a September 9, 1987 interview with the suspect in which she stated she had on one occasion during the filming of the motion picture Project X hit a chimpanzee named Arthur on its back with a "section of P.V.C. pipe." (Exhibit F and G).

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

Department of Animal Regulation investigators will provide their written statements of interviews from persons considered chimpanzee experts. The opinions of these experts are that the acts of the suspect were unacceptable (Exhibit H). The Department of Animal Regulation determines that the acts of the suspect were unnecessary cruelty to an animal and in violation of CPC 597 (a).

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
REQUEST FOR COMPLAINT

CASE NO.
DATE FILED
COURT/HEARING DATE
CODE SECTION VIOLATED (3)Counts 597(a) PC

Suspect No. 1 Julian Richard Sylvester							HOME PHONE
ADDRESS							WORK PHONE (805) 495-2122
DL #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
	M	Bln.	Hzl.	6'2"	165	11-13-50	
ADDRESS							HOME PHONE
ADDRESS							WORK PHONE
D.L. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
CHARGE (SECTION, CODE AND DEFINITION) 597 (a) California Penal Code (Cruelty to animals defined) three counts							
DISTRICT SUBMITTING REQUEST West Los Angeles						PHONE (213) 820-2691	
ADDRESS 11950 Missouri Ave., West Los Angeles, CA. 90025							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. Richard J. Felosky							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. James T. Connelly							
DEPARTMENT REPRESENTATIVE TO TESTIFY							
WITNESS NO. 1							HOME PHONE
Paul Mueller							
ADDRESS							WORK PHONE (213) 468-5414
WITNESS NO. 2							HOME PHONE
Joe Montenegro							
ADDRESS							WORK PHONE
WITNESS NO. 3							HOME PHONE
ADDRESS							WORK PHONE
SUBJECT MATTER Evidence will show that the suspect did punish and coerce by force, and thereby torture a living animal (chimpanzee) which was not the property of the suspect but the property of persons listed in Exhibit I.							
Witness No. 1 (Paul Mueller) will testify that in January or February of 1986 he did observe the suspect training chimpanzees during the production							

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

of the motion picture Project X on stage (16) on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035 and that in the process of that training the suspect:

Count No. 1 - Pulled a chimpanzee's head upward by its head hair on numerous occasions with such a force that it caused a handful of the chimpanzee's hair to come out, and...

Count No. 2 - Smacked a chimpanzee with an open hand in the chimpanzee's head area, including the mouth and face area. Witness No. 1 will testify that this "smacking" was an approximate eighteen inch swing that "would have raised a red welt on a human."
(Exhibit A, B, C, and D).

Count No. 3: Witness No. 2 (Joe Montenegro) will testify that in December of 1985 he did observe the suspect repeatedly and forcibly jerk a chimpanzee's head by aggressively pulling on the chimpanzee's ears and head hair. Witness No. 2 will testify that this incident took place inside a walled enclosure on stage (16) during the production of the motion picture Project X on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035 (Exhibit E and F).

Department of Animal Regulation Investigators Richard J. Felosky and James T. Connelly will provide a written report and a tape recording of a September 8, 1987 interview with the suspect in which the suspect stated that he had "lightly cuffed" a chimpanzee with an open hand on the back of the chimpanzee's head on stage (16) on 20th Century Fox studio property during pre-production training for the motion picture Project X. (Exhibit G and H).

Department of Animal Regulation Investigators Richard J. Felosky and James

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

T. Connelly will provide evidence showing that none of the chimpanzees used in the production of the motion picture Project X belonged to the suspect (Exhibit I).

Department of Animal Regulation Investigators will provide written statements from persons considered chimpanzee experts. The opinions of these experts are that the act perpetrated on the chimpanzees by the suspect are unacceptable. The Department of Animal Regulation determines that the acts of the suspect were unnecessary cruelty to an animal in violation of CPC 597 (a). (Exhibit J).

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
REQUEST FOR COMPLAINT

CASE NO.
DATE FILED
COURT/HEARING DATE
CODE SECTION VIOLATED
(2) Counts 597(a)P.C

Suspect No. 1 Wallace Ross							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							(805) 495-2122
D.L. # [REDACTED]	SEX M	HAIR Bln	EYES Blu	HEIGHT 6'0	WEIGHT 245	D.O.B. 3-27-28	HOME PHONE
ADDRESS							WORK PHONE
D.L. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
CHARGE (SECTION, CODE AND DEFINITION) 597 (a) California Penal Code (Cruelty to Animals Defined)							
(two counts)							
DISTRICT SUBMITTING REQUEST West Los Angeles							PHONE (213) 820-2691
ADDRESS 11950 Missouri Ave, West Los Angeles, CA 90025							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lieutenant Richard J. Felosky							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lieutenant James T. Connelly							
DEPARTMENT REPRESENTATIVE TO TESTIFY							
WITNESS NO. 1 Paul Mueller							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (818) 468-5414
WITNESS NO. 2							HOME PHONE
ADDRESS							WORK PHONE
WITNESS NO. 3							HOME PHONE
ADDRESS							WORK PHONE
SUBJECT MATTER Evidence will show that the suspect did punish and coerce by force, and thereby torture, a living animal (chimpanzee) which was not the property of the suspect but the property of persons listed in Exhibit E.							

CITY OF LOS ANGELES
 DEPARTMENT OF ANIMAL REGULATION
 (CONTINUATION SHEET)

Witness No. 1 (Paul Mueller) will testify that in January or February of 1986, he did observe the suspect training chimpanzees during the production of the motion picture on stage (16) on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles, California 90035 and in the process of that training the suspect:

Count No. 1 - Hit chimpanzee on its shoulders with a "blackjack," which was described by witness No. 1 as a black leather case with a strap handle and which appeared to be filled with lead, and...

Count No. 2 - Smacked a chimpanzee with an open hand in the head area, including the face and mouth area. Witness No. 1 will testify that this "smacking" was an approximate eighteen inch swing that "would have raised a red welt on a human." (Exhibit A, B, C, and D)

Department of Animal Regulation investigators Richard J. Felosky and James T. Connelly will supply evidence showing that the chimpanzees used in the production of the motion picture Project X belonged to persons other than the suspect (Exhibit E.)

Department of Animal Regulation investigators Richard J. Felosky and James T. Connelly will provide a written statement and a tape recording of a September 9, 1987 interview with the suspect in which he stated he (Ross) "may have slapped the chimp Ciafu in the Head" during the production of the motion picture Project X. (Exhibit F, G)



CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

Department of Animal Regulation investigators will provide written statements from persons considered chimpanzee experts. The opinions of these experts are that the acts of the suspect were unacceptable. (Exhibit H). The Department of Animal Regulation determines that the acts of the suspect were unnecessary cruelty to an animal in violation of CPC 597 (a).

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
REQUEST FOR COMPLAINT

CASE NO.
DATE FILED
COURT/HEARING DATE
CODE SECTION VIOLATED 597 (a) PC (5) Counts

Suspect No. 1 Mark E. Harden							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (805) 495-2122
D.L. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
[REDACTED]	M	Bln.	• Brn.	5'9"	150	6-13-58	
ADDRESS							HOME PHONE
ADDRESS							WORK PHONE
D.L. #	SEX	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	
CHARGE (SECTION, CODE AND DEFINITION) 597 (a) California Penal Code (Cruelty to animals defined) (5) Counts							
DISTRICT SUBMITTING REQUEST West Los Angeles							PHONE (213) 820-2691
ADDRESS 11950 Missouri Ave., West Los Angeles, CA. 90025							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. Richard J. Felosky							
DEPARTMENT REPRESENTATIVE TO TESTIFY Lt. James T. Connelly							
DEPARTMENT REPRESENTATIVE TO TESTIFY							
WITNESS NO. 1 Joe Montenegro							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE
WITNESS NO. 2 Paul Mueller							HOME PHONE [REDACTED]
ADDRESS [REDACTED]							WORK PHONE (213) 468-5414
WITNESS NO. 3 Robert G. Willard							HOME PHONE [REDACTED]
ADDRESS Bill Ranch [REDACTED]							WORK PHONE (805) 497-0334
WITNESS NO. 4 Karl Mitchell							HOME PHONE [REDACTED]
[REDACTED]							(213) 592-4883
SUBJECT : Evidence will show that the suspect did punish and coerce by force, and thereby torture, a living animal (chimpanzee) which was not the property of the suspect but the property of persons listed in Exhibit J.							

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

Count No. 1: Witness No. 1 (Joe Montenegro) will testify that in February of 1986 he did observe the suspect repeatedly punch with his fists a chimpanzee named Virgil (A.K.A. Willie) with such force that it would have "caused lumps on a human." Witness No. 1 will testify that this incident occurred during the production of the motion picture Project X on stage (15) on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035 (Exhibit A and B).

Count No. 2: Witness No. 1 (Joe Montenegro) will testify that in December of 1985 he did observe the suspect repeatedly and forcibly jerk a chimpanzee's head by aggressively pulling on the chimpanzee's ears and head hair. Witness No. 1 will testify that this incident occurred during the production of the motion picture Project X inside a walled enclosure on stage (16) on 20th Century Fox studio property at 10201 West Pico Blvd, Century City, Los Angeles California, 90035 (Exhibit A and B).

Count No. 3: Witness No. 2 (Paul Mueller) will testify that in January of 1986 he did observe the suspect smack a chimpanzee with an open hand in the chimpanzee's head, including the mouth and face area. Witness No. 2 will testify that this "smacking" was an approximate eighteen inch swing that "would have raised a red welt on a human" and that it took place during the production of the motion picture Project X inside an enclosed room on stage (16) on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035 (Exhibit C, D, E, and F).

Count No. 4: Witness No. 3 (Robert G. Willard) will testify that "during the last two weeks of filming" of the motion picture Project X (May of 1986) he did observe the suspect hold and restrain the chimpanzee named Willie (A.K.A.

CITY OF LOS ANGELES
 DEPARTMENT OF ANIMAL REGULATION
 (CONTINUATION SHEET)

Virgil) while two additional animal trainers punched the chimpanzee "really hard" with their fists "about a dozen times." Witness No. 3 will testify that this incident occurred on 20th Century Fox studio property at 10201 West Pico Blvd., Century City, Los Angeles California, 90035 (Exhibit G and H).

Count No. 5: Witness No. 4 (Karl Mitchell) will testify that in November of 1985 he did observe the suspect standing nearby with a wooden stick in his hand while a chimpanzee was being beaten by another person with a rubber hose filled with what sounded like sand and/or rocks, causing the chimpanzee to urinate and defecate. Witness No. 4 will testify that the suspect appeared to be preventing the chimpanzee from running away, and thereby assisting in the beating. Witness No. 4 will testify that this incident occurred at an animal compound at 7433 Soledad Canyon Road in Acton,, California, 93510 (Exhibit I).

Department of Animal Regulation Investigators Richard J. Felosky and James T. Connelly will provide evidence showing that none of the chimpanzees used in the production of the motion picture Project X or at the animal compound at 7433 Soledad Canyon belonged to the suspect. (Exhibit J)

Department of Animal Regulation Investigators Richard J. Felosky and James T. Connelly will provide a written statement (Exhibit K) and a tape recording (Exhibit L) of a September 9, 1987 interview with the suspect in which he stated that at least on two occasions he beat with his hands a chimpanzee named Willie (A.K.A. Virgil) which was owned by another, on 20th Century Fox studio property at 10201 West Pico Blvd., Century City. Los Angeles California, 90035 during the production of the motion picture

CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL REGULATION
(CONTINUATION SHEET)

Project X

Department of Animal Regulation Investigators Richard J. Felosky and James T. Connelly will provide their written statements of interviews with persons known as chimpanzee experts. The opinions of these experts are that the acts of the suspect were unacceptable. (Exhibit M) The Department of Animal Regulation determines that the acts of the suspect were unnecessary cruelty to an animal and in violation of CPC 597 (a).

Statement of Paul Mueller

Date: 6-4-87

I, Paul Mueller, do hereby swear that the following statement is true and accurate in every detail:

(1) From October, 1985 to March, 1986, I worked in special effects on the movie, "Project X".

(2) "Project X" was filmed on stages #16 and #19 at Fox Studios in Century City.

(3) On stage #16 there was what was called a "training room" for the chimpanzees used in the film. There was a simulated flight machine in the "training room" which was used to familiarize the chimpanzees with the motion of the machine.

(4) One of my jobs was to operate the simulated flight machine in the "training room" on stage #16 and to operate the simulated flight machine during filming on stage #19.

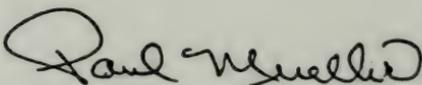
(5) I operated the simulated flight machine in the "training room" for at least a full week, and perhaps longer, and every day that I performed this task I saw trainers beat the chimpanzees with clubs, blackjacks and their fists.

(6) The trainers struck the chimpanzees across the back, shoulder area and chest area with clubs and blackjacks. On several occasions, one trainer hammered away repeatedly at his chimp in the chest and rib area with his closed fists.

On one particular day this trainer became so infuriated with his chimp that he appeared to have gone berserk. He beat the animal with his fists so severely that I stopped the motion of the machine. The trainer demanded that I start the machine again which I did. The chimpanzee still did not perform as the trainer wished and the trainer began to punch the chimp again. I was so concerned about the welfare of the chimp that I stopped the machine a second time. I said to the trainer, "This is ridiculous." The trainer took the chimpanzee and left the room.

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This page approved by:



(7) The chimpanzees were beaten so frequently that anytime a trainer made a sudden move with his hand or arm near a chimp, the animal would flinch.

(8) One trainer jerked his chimp around by the hair so forcibly while the animal was in the simulated flight machine, that before the film was completed the back of the chimp's head was bald.

(9) In one scene a chimpanzee was supposed to destroy a candy machine. This scene was shot on stage #16. The trainer demonstrated to the chimpanzee how it should hit the machine, but the chimp just tapped the machine. The trainer showed the chimp how he wanted it to hit the machine a couple of more times, but the chimp still did not hit the machine hard enough. At this point the chimpanzee began to screech and wave its arms, and the trainer hit it in the shoulder area with a blackjack.

(10) During the shooting of one scene, a chimp was not performing as the director, Jonathan Kaplan, wanted it to perform, and Kaplan said, "Can't you do something about that chimp?" The trainer replied, "I'll take him outside and have a talk with him." Kaplan and several others on the set snickered in a way that indicated to me that they knew the trainer was going to beat the chimp.

(11) Many people working on the set commented that they thought the chimpanzees were being mistreated. Among these people were members of the special effects department, laborers, carpenters and grip department. But, the response of the trainers to any criticism was that they were "professionals" and that they knew what they were doing.

(12) Although it has been said that there was a representative of the American Humane Association on the set for all 81 days of shooting, there were many instances when the AHA representative left the set and failed to return before the company had started shooting again. Since no one can enter when shooting is in progress, as indicated by the red light, the AHA representative was not on the set for certain "takes". The AHA representative was often loitering near the coffee and food while the animals were working in another area altogether. Therefore, the AHA representative could not possibly have seen any animal abuse that might have occurred during those times.

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This page approved by:

Paul Mueller

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 15, 1987
 TO: Project X File
 FROM: David M. Morgan, Lieutenant I *DM*^{B4}
 SUBJECT: Interview with Paul Mueller, of [REDACTED]
 Interview conducted by Lieutenants Felosky and Morgan on July 31, 1987.

Paul Mueller said that he worked for Twentieth Century Fox as a special effects man from October 1985 through March 1986. He was assigned to the film "Project X" during this time period. Mr. Mueller's main job was building special effects equipment for the movie. His first contact with the chimps was in December of 1985. Ron Oxley was the head trainer at that time. He does not know the names of the other trainers. Mr. Mueller indicated that he worked mainly on stage 19. A trailer was located adjacent to stage 16, to house the chimps. He could hear the chimps in the trailer, but he could not see the chimps. Occasionally the chimps were taken to stage 19. Shooting on the picture had already started on stage 16, in December of 1985.

On one occasion in December of 1985, Mueller reports that he observed Ron Oxley on stage 16 attempting to teach a chimp how to break into a candy machine. When the chimp did not do as Oxley wanted, Oxley yanked the chimp around by the neck, and hit the chimp on the head. The chimp wore a metal collar, that was encased in leather. The collar had a leash attached, that Oxley used to yank the chimp around. It was not a gentle yank, but a "jerking" yank. Oxley then started banging the chimp's hands against the candy machine, in an attempt to get the chimp to do the same thing. Oxley beat the chimp's hands against the candy machine so hard that the machine rocked on its legs. This abuse lasted for about thirty (30) minutes. It appeared to Mr. Mueller that "somewhat more force than necessary was used" to train the chimp. Mr. Mueller said that he discussed the matter with other special effects men that were on the set. Mr. Mueller stated that the American Humane Association (A.H.A.) did not do anything about the abuse, even though one (1) or two (2) of their officers were usually on the set. The A.H.A. officers did not pay attention to the animals. Mueller observed a young male officer and a young female officer on the set at times, but he

EXHIBIT C (1)

doesn't know their names. The set was fairly crowded with lighting technicians, camera men, etc., at the time of Oxley's abuse of the chimp. At times Oxley would take an errant chimp in to an enclosed room, on the stage, but not on the set. While Oxley and the chimp were in the room, you could hear the chimp screaming, outside the room. When Oxley and the chimp came out of the room, the chimp would be more subdued, than when it went in to the room. Ron Oxley died, in December of 1985.

In January and February of 1986, a flight simulator was installed on stage 16, for training purposes. Mueller would operate the simulator, while the chimps were being trained. If the chimps did not pay attention during training periods, on the simulator, the trainers would strike the chimp on the face, and on the top of the head, with an open hand. Mr. Mueller observed trainers that he described as the young, dark haired guy, the heavy set guy, and the woman trainer, strike the chimps in this manner. At one training session, Mueller observed a trainer that he describes as a young, dark, muscular, Caucasian guy, strike a chimp, with a closed fist. He hit the chimp several times, with hard jabs to the chest. The chimp screamed loudly, while it was being hit; but stopped screaming as soon as the hitting stopped. Mueller said that he stopped the simulator twice, when the trainer was punching the chimp. Upon stopping the simulator, the second time, Mueller commented to the trainer, "This is ridiculous". The trainer called off the rest of that training session. This striking of the chimp was punishment for not watching the monitor on the simulator, and for not holding the steering wheel. Mueller and four (4) other special effects men operated the flight simulator during these training sessions on stage 16. Mueller said that he operated the training simulator, for about one (1) hour each day, for one week (five (5) hours total). These sessions were to train the special effects men, as well as training the chimps. Mueller observed five (5) different trainers and five (5) different chimps, in these training sessions. The trainer described by Mueller as "The young guy", was the only trainer that he observed punching a chimp. The other trainers hit the chimps with rods of wood doweling. The rods were from twelve (12) to twenty (20) inches in length, and approximately three quarters (3/4) of an inch in diameter. The trainers struck the chimps on the back, and chest, with these rods. The older woman trainer used the rod, as well as a blackjack to strike the chimp, during the training session. Mr. Mueller described the blackjack as a leather case filled with lead. The case had a handle to hold, with a leather wrist strap attached to the handle. Another trainer, by the name of Mark Hardin, called the blackjack a sap.

EXHIBIT c (2)

After the death of Ron Oxley, Hubert Wells became the head trainer. Wells carried a blackjack, but Mueller never observed him use it. Mr. Mueller reiterated that he observed the older, heavy set, trainer and the woman trainer strike the chimps with blackjacks. A trainer from Australia also worked with the chimps on the flight simulator. Mr. Mueller described him as a tall blond guy. He believes that the trainers name is Julian Sylvester. The man believed to be Sylvester, would yank the hair on the chimps head, to bring the chimp to an upright position. Mr. Mueller said that the chimp was bald, on the back of its head, due to Sylvester yanking the hair. The chimp would scream, when it's hair was yanked. Mr. Mueller stated that the older, heavy set man, and the woman, were the most vicious trainers. The trainers (unidentified) would curse and shout at the chimps, as they beat them. Mr. Mueller said that he has seen chimps hit on the top of the head with blackjacks and dowel rods. He was not able to state which trainers hit the chimps on the head. Other unidentified trainers were reported to be in the training room and observed this abuse. Bob Willard, the head special effects man might have records showing who was in the training room at any given time. All of the alleged beatings that Mueller observed, took place on stage 16.

Mr. Mueller reports that he did not see anyone being bitten by a chimp. He heard that a chimp named Virgil, bit actor Matthew Broderick, while they were working on stage 15. Mueller reported that he heard that the trainers then jumped on Virgil, and struck him, several times. Another time while Mueller was working on one of the stages, the director complained to a trainer that a chimp was making too much noise. The trainer said that he would take the chimp outside and talk to him. At that point, most of the production people, including the director, laughed. Mr. Mueller said that it appeared that those present knew that the chimp would be hit. Mr. Mueller said that all of the abuse took place on stage 16.

Ron Oxley worked with the biggest chimp. According to Mr. Mueller, Oxley wanted to have the production staff give stool samples, and obtain vaccinations. This was to prevent the chimps from becoming sick. He also observed Oxley to be carrying a gun. Mr. Mueller said that he had worked at the Brookside Zoo in Chicago, in the maintenance department, for about six (6) months. During that period, he worked around primates a great deal. The chimps in the movie were nervous, and leery, unlike the chimps in the zoo. Mueller reported that he asked the trainers if it was necessary to hit the chimps. The trainers told him that it was necessary to hit the chimps, to establish dominance over the chimps. ~~pp~~

EXHIBIT C (3)

At no time, when Mueller was in the training room, did the A.H.A. officers come in to the room. Bob Willard, the head special effects man, or Rick Hill, the special effects foreman may have given a training schedule to the A.H.A. officers. Per Mr. Mueller, not enough training time was given, to have the chimps perform properly. There was a tight time schedule to keep, in both training sessions, and in shooting of the film. One flight simulator was taken to an animal compound near Thousand Oaks. Mr. Mueller believes that the compound is owned by Hubert Wells. A very rough version of the simulator was taken to Oxley's compound, in November of 1985. Mr. Mueller does not know who owns the chimps, but he believes that one, (1) or two, (2) of them belong to Hubert Wells. Mr. Mueller stated that someone (unidentified) told him that some of the chimps came from Thousand Oaks, and that the others came from zoo's. He said that he heard that a chimp had died at Oxley's compound, and that it was immediately cremated.

When asked if he felt that his layoff in March of 1986, had anything to do with his talking about the animal abuse, Mueller replied, that his layoff had nothing to do with his talking about the abuse. He was laid off in March of 1986, and did not become involved in the investigation until April, or May of 1987. Although he was never told by supervisory or management personnel, his fellow employees warned Mueller against talking about the abuse. They warned him to not get too loud, if he wants to continue working in the movie industry. Mueller stated that he has no hard feelings toward the people involved in "Project X", and does not have an ax to grind.

Mr. Mueller said that he, and the other personnel involved in the movie, were not contacted by the A.H.A., in their investigation of the reported animal abuse. During the training and shooting the A.H.A. officers were usually on the opposite side of the stage, from the animals. At times the officers were off of the stage when the shooting started. Nobody is allowed to enter or leave the stage when shooting is taking place. During the times when they were off of the set at the beginning of shooting, the officers were locked out until completion of the scene. Many times the officers were having coffee and donuts, when they should have been observing the treatment of the animals.

The trainers were never observed, with the saps, during the actual shooting, but carried and used them during training. When the chimps screamed in the training room, on stage 16, the screams could be heard, throughout the stage. If a stage door was open, the screams could be heard for up to one hundred (100) feet, away from the stage. When the trainers struck the chimps on the head, it was usually a back

EXHIBIT C (4)

hand hit. If the chimp was hit on the head, it was a hard enough hit, to knock the chimp's head violently backward. While the chimps were on the simulators, they have collars and leashes on them. Mr. Mueller said that he is willing to testify on this matter, in court.

EXHIBIT C (5)

Date: September 2, 1987

From: James T. Connelly, Senior Animal Control Officer I *JTC*
 Richard J. Felosky, Senior Animal Control Officer II *RJF*

To: Project X File

Subject: FOLLOW-UP INTERVIEW WITH PAUL MUELLER, SPECIAL EFFECTS
 CREW MEMBER ON PROJECT X

On September 2, 1987, Lieutenant(s) James Connelly and Richard Felosky re-interviewed Paul Mueller regarding his knowledge of animal abuse that may have occurred during the filming of the motion picture Project X.

Mr. Mueller was presented an 8" x 10" group photo of cast and crew members of the film. He identified six people in this photo as animal trainers and labeled them with numbers one through six (see photocopy attached-marked "Exhibit A").

Mr. Mueller then specified acts of inhumane treatment committed by these trainers during pre-production flight simulator training in an enclosed room on stage (16). (See attached "Exhibit B") These acts, and the trainers accused of the acts, included:

- A. Smacking chimps-with an open-hand in the head area, including mouth and face. (trainers #1, #2, #3, #4, #5, and #6)
- B. Punching a chimp in the chest area "hard enough to cause bruises on a human." (trainer #5)
- C. Hitting a chimp with a twenty inch "rod" across a chimp's back and shoulders "hard enough to give red welts" to a human (trainer #6)
- D. Hitting a chimp with a "blackjack"; described as a black leather case, possibly filled with lead and having a strap handle (trainer #6-in chimp's chest area, trainer #1 on chimp's shoulders)
- E. Pulling a chimp's head upward often with a force that cause a handful of the chimp's hair to come out (trainer #2)

Mr. Mueller stated he saw Animal Trainer Ron Oxley also strike a chimp in the head with a stick, but that this incident was not in the training room on Stage 16.

Animal Trainer Hubert Wells was also reported to have carried a blackjack during the filming of the movie, but Mr. Mueller never observed him (Wells) hitting a chimp with it.

EXHIBIT E (1)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 28, 1987
 TO: Project X - File
 FROM: James T. Connelly, Senior Animal Control Officer I *JTC*
 Richard J. Felosky, Senior Animal Control Officer II *RJF*
 SUBJECT: JOE MONTENEGRO-SPECIAL EFFECTS WORKER ON MOVIE PROJECT X.

On August 28, 1987, at 8:30 a.m. Mr. Joe Montenegro was interviewed by Lts. James Connelly and Richard Felosky regarding his knowledge of alleged animal abuse which may have occurred during the filming of the motion picture Project X. This interview was recorded with Mr. Montenegro's permission.

Mr. Montenegro stated he worked as a "special effects" technician from October 1985 through March of 1986 on the motion picture Project X.

Mr. Montenegro indicated he observed three different types of animal abuse involving the production of the film Project X.

The first type of abuse allegedly occurred inside a walled enclosure inside stage 15 on the 20th Century Fox Studio property in early December of 1985. According to Mr. Montenegro he was assigned to operate a flight simulator in this area while chimpanzees were being trained on the same simulator. Mr. Montenegro stated he was assigned to this task on three separate occasions and he observed a chimpanzee trainer twice hit a chimp on the hands with a one foot long black stick wrapped in tape. Mr. Montenegro stated he could not recall for sure which trainer struck the chimp.

Mr. Montenegro also stated he observed trainers identified as #2, #3, and #5 on the attached photocopy (see Exhibit "A") as the trainers in the room at the time that the chimp was hit with the stick. All three of these trainers aggressively pulled the chimps by the ears and hair in order to get the chimp to sit still on the simulator, according to Mr. Montenegro.

The second incident, according to Mr. Montenegro, occurred in February of 1986 in the "Flight Chamber" (see Exhibit "B" and "D"). He stated the chimp "Virgil" attempted to bite actor Matthew Broderick and as a result was beaten repeatedly with closed fists by three trainers. Mr. Montenegro stated he's sure one of the trainers he saw punching the chimps was #3 in Exhibit "A", but unsure of the other two ("maybe #5"). Mr. Montenegro stated that in his opinion the blows were of a severity that they would have caused "lumps" on a human.

The third occasion of possible animal abuse reported by Mr. Montenegro was reported to have occurred at various times during the actual filming of the movie. Mr. Montenegro stated that oftentimes when the chimps were not performing adequately in the "P.E.P." Room (see Exhibit "C" and "D"), the trainers would take the animal inside a "Training Room" adjacent to the "P.E.P." Room. At those times, said Mr. Montenegro, he could "hear the chimp screaming as if in pain." Mr. Montenegro stated he did not observe any abuse on those occasions and was only "assuming" the chimps were being beaten.

DOCUMENT 8 (A)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Continuation - Montenegro

Mr. Montenegro also stated he observed animal trainers Ron Oxley and Hubert Wells each carrying a gun during the filming of Project X. He also stated he observed a "Blackjack" in Hubert Well's pocket.

Mr. Montenegro submitted four photographs of Project X crew members for use by D.A.R. investigators.

Note: D.A.R. investigators have identified the trainers circled by Mr. Montenegro in Exhibit "A" as follows:

1. Wallace Ross
2. Julian Sylvester
3. Mark Harden
4. Hubert Wells
5. Thomas Collard
6. Cheryl Shawver

It should be noted that Mr. Montenegro mis-identified Wallace Ross as Hubert Wells.

4-23-87 8:00AM James T. Conelly #367

SEE ATTACHED LETTER IN WHICH MR. MONTENEGRO CORRECTLY
AMENDS PHOTO RECOGNITION.

DOCUMENT 8 (B)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: September 1, 1987
 TO: Project X - File
 FROM: James T. Connelly, Senior Animal Control Officer I *JK*
 Richard J. Felosky, Senior Animal Control Officer II *RJF*
 SUBJECT: INTERVIEW WITH BOB MUELLER, SPECIAL EFFECTS WORKER FOR THE
 MOTION PICTURE PROJECT X

On September 1, 1987 at 3:00 p.m., Lts. James Connelly and Richard Felosky interviewed Bob Mueller regarding his knowledge of any animal abuse which may have occurred during the production of the motion picture Project X. This interview was recorded with the permission of Mr. Mueller.

Mr. Mueller stated he worked for the special effects department of the motion picture Project X from October of 1985 through February of 1986. He said he was on stage 16 (See Exhibit A) in "early December of 1985" while the "candy machine" scene was being filmed. During this scene, according to Mr. Mueller, the chimpanzee being handled by animal trainer Ron Oxley was not performing a desired task. Mr. Mueller, from what he reported to be an unobstructed viewing point twenty feet away, saw Mr. Oxley strike the chimp in the head area with an open hand about five times. Mr. Mueller stated the blows were of such severity that if they had been inflicted upon a human, they would have "knocked him senseless." Mr. Mueller stated the chimp was "cowering down and screaming" during the beating and that "everyone on the set could see it." He stated Mr. Oxley then took the chimp into a walled enclosure on stage 16 from which he (Mueller) could hear the chimp screaming. Then, said Mr. Mueller, Ron Oxley returned the chimp, which was then acting very docile, to the set and the scene was completed.

Mr. Mueller stated he observed no other acts of animal abuse during the production of the film but he said he did see animal trainers carrying the following items:

- A). A gun - ~~from Oxley~~
- B). A blackjack with a leather strap (Mark Harden, Hubert Wells - See Exhibit B)
- C). A ten inch stick (Cheryl Shawver - See Exhibit B)

Mr. Mueller stated he failed to report the violations that he observed at the time they happened because he "assumed the uniformed people (A.H.A.) that were there were the enforcement agency that monitored abuse and they already knew what was going on." He also said he felt he "would have been fired if he tried to stop it."

Document 14

Date: September 2, 1987

From: James T. Connelly, Senior Animal Control I *etc.*
Richard J. Felosky, Senior Animal Control II *RF*

To: PROJECT X FILE

Subject: INTERVIEW WITH CY GUERRIER, SPECIAL EFFECTS CREW MEMBER
FOR PROJECT X

On September 2, 1987, at 8:30 a.m. Lieutenant(s) James T. Connelly and Richard J. Felosky interviewed Cy Guerrier regarding his knowledge of any animal abuse which may have occurred during the production of the motion picture Project X. This interview was recorded with the permission of Mr. Guerrier.

Mr. Guerrier stated that he observed chimps being beaten by animal trainers while the chimps were seated in the "flight simulators." He said these beatings would occur when the chimps became inattentive and that it was a "general practice" for all the trainers to discipline the chimps that way. The beatings, according to Mr. Guerrier, consisted of the chimps being punched with closed fists on the head and back area. He said the blows were severe enough that they would have harmed a human and that the chimps would scream throughout the beatings. Mr. Guerrier stated he could not remember the date or location of these beatings nor could he identify any of the trainers when shown a Project X group photograph.

Mr. Guerrier also reported that he had observed animal trainer Ron Oxley carrying a gun during the production of the film and other unidentified animal trainers "carrying rubber hoses". He said he never saw any animal being struck with any implement.

Mr. Guerrier stated he felt the motion picture industry "can't monitor itself and government agencies are needed." He said "nobody (the movie industry) wants anybody rocking the boat" and "I can't pick any particular person out (who abused an animal) because I'd be shot out of the saddle."

Document 8

Date: September 14, 1987
To: Project X-File
From: Richard J. Felosky, Senior Animal Control Officer II
Subject: CONVERSATION WITH 20th CENTURY FOX LABORER RICHARD MENDEZ REGARDING PROJECT X MOVIE

On September 11, 1987 at 10:30 a.m. Richard Felosky spoke with Richard Mendez who telephoned from 20th Century Fox where he works. Mr. Mendez relayed the following information.

About the third week in January 1986 he (Mendez) was working as a laborer at 20th Century Fox Studios. He was prop maker for Project X movie sets. He observed a tan van with a gray haired older man sitting on a front seat in the van. The van was parked next to a Fox Studio. The van was rocking violently from side to side with such force that the tires squeaked. Mr. Mendez observed the man reach into the van's glove compartment and brought out what appeared to be an air BB gun. The man pointed this gun at the rear of the van. Mr. Mendez heard a report from the gun and the van immediately stopped rocking and became quiet.

Mr. Mendez gave the name-Gary Deaton as the construction foreman for Project X. He thought Mr. Deaton had seen the same type activity and maybe more. The whereabouts of Mr. Gary Deaton are not known at this time by Mr. Mendez.

Mr. Mendez also stated that he was permitted to look inside the van. He observed Karanga inside a cage which was built into the rear of the van. Mr. Mendez also stated that he saw two different people carrying a gun during the movie.

Richard Mendez lives at 1557 1/2 W. 227th Street in Torrance. His home phone number is 533-8702. His work phone number is 203-2531 at Fox Studios.

DOCUMENT 12

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 24, 1987

TO: Project X - File

FROM: James T. Connelly, Senior Animal Control Officer I
Richard J. Felosky, Senior Animal Control Officer II

SUBJECT: INTERVIEW WITH KARL MITCHELL RE: HIS VISIT TO RON OXLEY'S ANIMAL COMPOUND IN NOVEMBER 1985

On August 24, 1987 at 6:00 p.m., Lieutenant James Connelly and Richard Felosky interviewed Karl Mitchell via telephone regarding allegations of animal abuse involving animals used in the motion picture Project X.

Mr. Mitchell stated he has been an animal trainer for fifteen years and that he visited the training compound of Ron Oxley in November of 1985 to "rent some space" for his animals.

Mr. Mitchell stated he observed Mr. Oxley, who was the primary animal trainer for Project X until his death in December of 1985, repeatedly strike a chimpanzee on its back with what appeared to be a rubber hose wrapped with electrical tape. Mr. Mitchell said he presumed from the sound of the blows that the hose was filled with sand and/or rocks. During this beating, according to Mr. Mitchell, the chimp was urinating and defecating, which Mr. Mitchell said is a chimpanzee sign of submission.

Mr. Mitchell stated he also observed Mark Harden, who he referred to as Mr. Oxley's assistant, aid in this abuse by standing by with a wooden stick he (Mitchell) called a "Tire Billy." Although Mr. Mitchell did not actually see Mr. Harden strike the chimp, he indicated that he felt Mr. Harden was there to prevent the chimp from fleeing.

Mr. Mitchell said he did not work on Project X nor was he aware of any animal abuse which may have occurred during the filming of Project X. He stated he contacted Mr. Bob Barker with his complaint about Mr. Ron Oxley only after he became aware of the American Humane Association's Press Conference in which they referred to Mr. Oxley as a humane animal trainer.

Mr. Mitchell stated he would appear in court as a witness and that he has not applied for nor has he received any reward for his testimony.

Mr. Mitchell stated that he no longer trains chimps because "when old chimps are used, the trainer must be in an aggressive mode." He also stated that based on his experience it would be very difficult to humanely train chimps for motion picture use because the studios "make unreasonable demands for time."

EXHIBIT I (1)

STATEMENT OF KARL MITCHELL

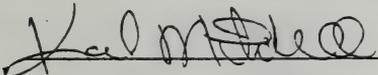
DATE JUNE 4, 1987

I, Karl Mitchell, do hereby swear that the following statement is true and accurate in every detail.

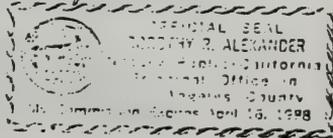
1. I am an animal trainer of 15 years experience. I served my 5 year apprenticeship at the Ray Berwick animal compound and Universal Studios. Currently, I own my own dog and cat rental company. In the past I have owned chimpanzees, but I no longer have chimps because of the cruelty that exists in training and correcting them.
2. In early November, 1985, I was at the animal compound of the late Ron Oxley in Soledad Canyon on business.
3. At that time Oxley was the head animal trainer on the movie "PROJECT X", and he had arranged a rough mock up of a simulated flight machine at the Oxley compound. The mock up was used to prepare chimpanzees for scenes in the film that required the chimps to sit in a simulated flight machine.
4. At the time that I was at his compound Oxley was working a chimpanzee that appeared to be about 5 years old in the mock up. The chimp would not remain seated, so Oxley beat it repeatedly with a rubber hose filled with sand and rocks. Oxley beat the chimpanzee so violently that the animal defecated and urinated. During this beating, Mark Harden, Oxley's top assistant, was standing by to prevent the chimp from running away. I became so disgusted that I left the compound.
5. In an American Humane Association press release Oxley was described as "well known for the care and concern he showed his animal performers." I disagree with this assesment of Oxley. In my opinion, even other animal trainers considered Oxley to be a brutal man.

This statement is totally true, and I so swear.

Subscribed and sworn to before me on June 4, 1987 at Los Angeles, California.



KARL MITCHELL

COPY

EXHIBIT I (2)

DATE: September 12, 1987

TO: Project X - File

FROM: James T. Connelly, Senior Animal Control Officer I
Richard J. Felosky, Senior Animal Control Officer II

SUBJECT: INTERVIEW WITH GENE PALENO, ROOMATE OF PROJECT X ANIMAL
TRAINER THOMAS COLLARD

On September 10, 1987 at 3:00 p.m., Lts. James Connelly and Richard Felosky interviewed Gene Paleno via telephone.

Mr. Paleno stated that Mr. Thomas Collard was his roommate during the entire production of the motion picture Project X. He (Paleno) said that he ~~was told by Mr. Collard that "in order to dominate the chimps, they sometimes had to break their arms and fingers."~~ Mr. Paleno stated Mr. Collard never made clear if the breaking of the chimp's bones was accidental or not. He (Paleno) also said he never asked or was told if any impliments were used to beat the chimps.

Mr. Paleno said that Mr. Collard "moved up north to Grass Valley (near Fresno) about nine months ago." Mr. Paleno had no knowledge of Mr. Collard's forwarding address nor did he have any phone numbers of any of Mr. Collard's family.

Note: Investigators have been unable to substantiate with any evidence the above statements that any chimpanzee suffered broken fingers or arms.

DOCUMENT 10

Statement of Wallace Swett

Date: June 7, 1977

I, Wallace Swett, do hereby swear that the following statement is true and accurate in every detail:

- (1) I have worked with and studied chimpanzees for twenty years, and for the last eight years I have been the Director of Primarily Primates, Inc., an animal refuge in San Antonio, Texas.
- (2) Five of the chimpanzees used in the movie "Project X" are retired at Primarily Primates.
- (3) Mark Hargis and Julian Sylvester, two of the animal trainers who worked on "Project X" told me that they had "knock down, drag out fights" with the chimpanzees in order to establish their dominance over them.
- (4) The five chimpanzees that were sent to Primarily Primates show signs of having been abused. If you move fast for any reason, they cover, which the other chimps do not do. If you raise your hand suddenly, they interpret it to mean that they are going to be hit. They flinch and cover, and they used to scream. One of the chimpanzees picks out his hair which is a sign of stress.
- (5) The adult teeth of the one chimpanzee, Luke, are missing on the left side, top and bottom. It would have required considerable physical trauma to have caused this condition.
- (6) When the five chimpanzees first arrived at Primarily Primates I was surprised that when given the opportunity the animals made no effort to run away. Julian Sylvester explained that when the chimps had tried to flee from him he had run after them kicking them until they learned that they should not run from him. As a result, two of the chimpanzees exhibit extreme fear of black rubber boots of the type that are worn in routine enclosure maintenance care.
- (7) It is my professional opinion that the chimpanzees from "Project X" that have been retired to Primarily Primates show signs of having been subjected to physical abuse and extreme stress.

This statement is totally true, and I so swear.

Wallace W. Swett

Wallace swett

SUBSCRIBED AND SWORN TO BEFORE ME by Wallace Swett, on this 9th day of June, 1977, which certify my hand and seal of office.



M. S. Rodriguez
 NOTARY PUBLIC in and For
 The State of Texas

MINEQUIA • SINGLIZ
 Notary Public of Texas
 My Commission Expires 7-30-88

DOCUMENT 7(A)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: August 3, 1987
 To: Project X-File
 From: David Morgan Senior Animal Control Officer *D. M. M.*
 Subject: Telephonic interview with Wallace Swett of Primarily Primates, San Antonio Texas, (512)755-4616

Mr. Swett said that he has had five (5) chimps from "Project X," in his facility for about one (1) year. He reported that all of the chimps were extremely fearful when they arrived at Primarily Primates. When a person would raise his arm, in any direction, the chimps would flinch and cower. The chimps would flee from people, rather than attempting to play with people. All of the chimps were of good weight, and had shiny coats. All of these chimps were owned by Twentieth Century Fox. The individual chimps are as follows: Okko came from the Arnhem Zoo, in the Netherlands. Okko was purchased for Fox, by an animal dealer named Veehlander, in Rome, New York. Okko was fearful of rubber boots.

Luke came from the Saint Louis Zoo, via an animal dealer named Earl Tatum, in Arkansas. Luke had numerous teeth missing upon arrival. This was apparently caused by a great deal of force. Arthur came from the Saint Louis Zoo, via an animal dealer named Earl Tatum, in Arkansas. Arthur plucked the hair on his shoulders to the point of baldness.

Harry (a.k.a. Eddie) Harry was sold by the Southwest Foundation for Biomedical Research, in San Antonio Texas, directly to Twentieth Century Fox. He plucked the hair from his head and was "naked of hair," on his head. He was covered with scars; from his plucking of his hair. Wallace Swett said that they used makeup on this chimp in the movie, to avoid showing his loss of hair.

Willie was sold by the Southwest Foundation for Biomedical Research, in San Antonio Texas, directly to Twentieth Century Fox. Willie was fearful of rubber boots.

Mr. Swett said that in his opinion, the producers did not know the training procedures that were used to train the chimps. He further stated that the training was done the only way that could be done, to get the chimps trained to do the things they had to do in the picture. He said that he believes that the worst abusers of the chimps were Hubert Wells, and "Hard Nose Sylvester."

DOCUMENT 7(8)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: August 27, 1987
 TO: Project X - File
 FROM: James T. Connelly, Senior Animal Control Officer I *jc*
 Richard J. Felosky, Senior Animal Control Officer II *RF*
 SUBJECT: INTERVIEW WITH ANIMAL TRAINER RAY BERWICK

On 8-27-87 at 11:00 a.m., Lts. James Connelly and Richard Felosky interviewed Ray Berwick, who is a self-employed animal trainer with (35) years experience owning, handling, and training animals.

Mr. Berwick stated he had owned and trained four chimpanzees himself but that he no longer used them for training purposes because "its almost impossible to successfully handle them without using excessive force." Mr. Berwick cited some examples of excessive force, including choking, punching, kicking, or clubbing the chimps. In Mr. Berwick's opinion, slapping a chimp with an open hand (other than in the head area) or pulling the chimp by a leash attached to its collar is a humane, acceptable method of controlling a chimp.

Mr. Berwick stated that use of chimpanzees older than four or five years old for training is especially futile because it is a genetic characteristic for chimps over five years old to frequently challenge the dominant member of their group (the trainer), and progressively severe discipline would be needed to control the chimps.

Mr. Berwick stated chimps have a high pain tolerance physically, but tend to easily be harmed emotionally if excessive force is used on them.

Mr. Berwick stated chimps can learn quickly using positive re-inforcement (rewards) but negative re-inforcement (punishment) is usually needed to control and discipline them.

Mr. Berwick stated he would be willing to testify in court to the above statements and that he would supply D.A.R. investigators with the names of two other persons he considers to be "experts" in chimp behavior and training.

Mr. Berwick said he was not involved in the motion picture Project X and had no knowledge of chimps being abused in the making of that film.

Date: October 7, 1987

To: Project X File

From: Lieutenant Richard J. Felosky
Lieutenant James T. Connelly *JTC*

Subject: FOLLOW-UP INTERVIEW WITH ANIMAL TRAINER RAY BERWICK

On October 6, 1987 at 11:30 a.m., Lieutenant(s) Richard J. Felosky and James T. Connelly conducted a tape recorded interview with Mr. Berwick.

Mr. Berwick stated he wanted to advise Department investigators that in the motion picture Out of Africa a cable was used to violently pull down a lion to simulate the lion being shot. Mr. Berwick stated that the animal training supervisor for Out of Africa was Hubert Wells. Mr. Berwick said that since Mr. Wells also monitored animal training for the motion picture Project X he (Berwick) assumed we would be interested in the methods of animal training Mr. Wells uses.

Mr. Berwick also stated that the chimp "Jed" that he sold to Ron Oxley in 1985 was in good health at the time of the sale and that he would submit documents which confirm that. He said that at the time of the sale Mr. Oxley asked him "has 'Jed' ever shown the capacity to take the discipline need to show him who the master is?" Mr. Berwick said he told Mr. Oxley that "Jed" would work well using a response/reward system and didn't need to be beaten. Mr. Berwick stated that in retrospect, he felt he made a mistake selling "Jed" to Mr. Oxley and that he felt "Jed's" euthanasia was the result of "forceful maltreatment."

DOCUMENT 16

Statement of Roger S. Fouts, Ph.D.
June 3, 1987

I Roger S. Fouts do hereby swear that the following statement is true and accurate in every detail:

I am writing in regard to my experience with the recently released film Project X and the treatment of the chimpanzees involved in that film.

Very early in its pre-production beginnings I was contacted and asked to consult on the film and did so with the writer, Stanley Wiser, and with the two producers, Walter Parks and Larry Lasker. I did much of my consulting on the script and about chimpanzees over the phone. However, the writer and both producers did visit our laboratory in order to gain a better understanding of sign language using chimpanzees. At a later time they sent Ms. Helen Hunt to our laboratory for a few days for the same reason.

Because the writer contacted me through the International Primate Protection League I assumed that the producers were sensitive to the treatment and conditions of captive primates. When I first met the producers on their visit to Ellensburg they personally assured me that they had the best of intentions for this film and that they had a proven track record as their previous film War Games made a socially relevant statement. I informed them at that time that the most humane way to make this film would be to use costumes and actors to play the chimpanzee roles. I pointed out that the film Greystoke had demonstrated the sophistication and excellent quality and realism possible in costume design using today's special effects techniques. I also pointed out to the two producers that the vast majority of the animal trainers for films follow the circus tradition in training their animals. In this regard I told them that the traditional circus method of training chimpanzees has been referred to as the "two-by-four technique", meaning that the animal is beaten into capitulation. I also explained a common method is to keep the young chimpanzee in a small box and only take them out for the act or for training. If the chimpanzee disobeys then it is beaten and put back in its box. I told them that common practice is to beat the baby chimpanzees to establish dominance over them early in the training. If the babies are in constant fear of their trainers they will be afraid to take their eyes off their trainers and it is thought to make them more responsive to any "off-camera" cue the trainer might make. The point of the above is that the producers were thoroughly informed as to the risks any chimpanzee might face in their movie should they pick the wrong persons to train the them. My concern over this was so great that I offered to assist them in their selection of trainers should they decide to use real chimpanzees rather than costumes. I also suggested that they

Document 8(A)

might consider using chimpanzees who were being raised as children because I thought that their human parents would be less likely to abuse their surrogate children.

The producers chose to perform the task of selecting a trainer without my expertise or advice. They contacted me by phone to inform me that they had selected a trainer and he was quite competent and would give them what they wanted for the film; but that his philosophy about the treatment of chimpanzees was different than mine. They informed me that their trainer, Ron Oxley, felt that it was necessary to "knock the chimpanzees around". Needless to say hearing this upset me a great deal. I asked them if they had checked into using costumes and they said that Rick Baker (the person who made the costumes for Greystoke) and Carlo Rimbaldi (the person who made the King Kong costume) were both too expensive. I opined that there had to be other less renown people who would certainly not charge as much. Next, I asked if they would be using chimpanzees with the human parents present and they said that Oxley did not like to work with chimpanzees with the owners present because the human parents wouldn't understand why their chimpanzees had to be disciplined. At this point I told them that I thought they were making a great mistake and told them what Helen Hunt told me during her earlier visit. Namely, that she had checked with some trainers she knew in Hollywood and that the word was out that these producers (Parks and Lasker) didn't know anything about chimps and could be easily exploited. This information that their naivete was being taken advantage of did not phase them at all. I told them that Oxley was definitely wrong about chimpanzees and that chimpanzees did not have to be "knocked around" in order to control them. I pointed out to them that some men used to say the same thing about women and children. The conversation ended with them telling me that their biggest problem would be to keep Ron Oxley and me separated.

My next contact came when the producers called me to see if I would be willing come down to 20th Century Fox to consult with a actor by the name of Bobby Porter. Apparently Ron Oxley had died of a heart attack and the insurance company wanted the producers to have a back-up costume for one of the older chimpanzees should something go wrong during shooting. Their plan was to put Bobby Porter in the costume and to have me spend a day with him teaching him about chimpanzee movement and behavior. I agreed to do so. When I arrived they were not shooting chimpanzee scenes. I spent the day with Bobby Porter and showed him a film of chimpanzee behaviors that I had brought. During our discussions he confirmed my worst suspicions about the treatment of the chimpanzees. He told me that he had seen the chimpanzees being physically abused by Ron Oxley. In this same regard the director, Jonathan Kaplan, commented to me about the "irony" of making a film about exploitation and abuse of

chimpanzees, and about the way these chimpanzees were being treated on the set. He also commented on the unnerving aspect of all the screaming that was occurring on the set.

Bobby and I informed the producers that we needed to see the chimpanzee that Bobby was supposed to double for in order to get measurements for Bobby's costume. We were able to get permission to drive out to Hubert Wells' compound to see his chimpanzee Karange. Karange appeared to be in his teens, and had a very subservient demeanor. When Wells took him out to show him to us he put a strong chain around Karange's neck. Karange walked in an unnatural locomotor pattern of bipedalism. Wells told us that they had brought him out of a "retirement home" back east. I noted that in addition to his stooped posture and unnatural locomotor pattern he had picked off all the hair on both of his lower calves. This over-grooming is often evinced in chimpanzees who experience conditions of deprivation. In addition I noted that the relationship between Wells and Karange was not the relaxed relationship you would expect to see between old friends. Wells seemed tense and nervous and his movements had a dissynchronous quality to them as if he were afraid of Karange. He did order Karange to do certain simple behaviors and Karange obeyed these orders without ever making eye-contact with Wells. This lack of eye-contact is typical of a chimpanzee who afraid of another chimpanzee or human. There was a noticeable absence of spontaneous greeting behavior between Wells and Karange.

The producers again did not seem to want to hear any of my advice. They did assure me that Hubert Wells seemed like a much nicer person than was Ron Oxley. I agreed that he was polite to humans but that fact did not necessarily mean that he would treat his chimpanzees kindly and with care and respect. They told me that he was well-known as a falconer and I pointed out that that did not make him an expert on primate behavior.

My next significant contact came when the film was finished. The producers asked me how I wanted to be credited on the film. I said that I did not want to be associated in any way with the training of chimpanzees because they certainly did not take any of my advice in this regard. I told them that if they wanted to give me credit they could put my name down as a consultant on the script but I wanted nothing to do with the production of the film because I did not approve of how the chimpanzees were treated. In this regard I again gave Walter Parkes another lecture about the abuse of chimpanzees and the irony of the fact that they had to abuse chimpanzees in order to make a film on chimpanzee abuse. Parkes insisted that the message was worth all that and that "the ends justified the means". I was shocked to hear that statement and shocked that anyone would admit such an opinion. Later the director Jonathan Kaplan called to to say

that he really did want my name on the credits. I told him my reservations again about the treatment of the chimpanzees and he understood. I told him that I helped with the script and that I agreed completely with the message of the film but not with the means in which it was done. I said I would only approve a credit that made it explicit that I would in no way condon the training techniques used on the film. He suggested a pre-production credit. As it turned out I was pleased to not have my name associated with the film on its credits.

Several times during this period I spoke to Dr. Donald Barnes of the National Anti-Vivisection Society to express my concerns about the treatment of the chimpanzees on the film. I first expressed my fear that the chimpanzees on the film were being abused by their trainers when Dr. Barnes and I met at the meetings of the Animal Protection Institute in Chicago in October of 1985. We also had several phone conversations concerning this problem after that time.

My final contact with the producers of this film came after the charges of abuse had been presented in the press. One of the producers, Larry Lasker, called me to express his concern over the resulting publicity. His justification for what I considered abusive treatment was that chimpanzees are strong and can be very dangerous. I pointed out that most of the chimpanzees used were very young. Especially when one considers that chimps can live to be 60 and generally don't have their first offspring in the wild until they are about 13. And when one also considers that some of the chimps they used were only five years old and younger. I also said that if they believed they were going have to use such extreme measures of abuse to control the chimpanzees and to supposedly protect the actors they should have realized that something was terribly wrong. Namely, that subjecting human actors to such a hypothetical danger not to mention the physical abuse the chimpanzees would suffer was not worth the risk or suffering. I asked him if he witnessed any physical abuse. And he told me what I meant by physical abuse was the not same thing that he meant. He told me that he had only witnessed the chimpanzees being "thumped" a few times. I asked him what he meant by "thumped" and he merely repeated the word saying that it was done to the chimpanzee if the trainer thought the chimpanzee might do something wrong. So I asked him if the trainer used a closed fist when he "thumped" the chimpanzee. Lasker replied that the trainer did. I then asked him where the trainer usually "thumped" the chimpanzee and he said "usually on the back". I told him that he was playing semantic games and that the trainers were beating the chimpanzees, he again said that I didn't understand training techniques. Finally, at the end of the conversation I implored him to be candid about the treatment of chimpanzees and he did admit that he would not want to have experienced what those chimpanzees experienced.

I have recently read an article published in the American Humane Association's publication Advocate, Spring 1987, Volume 5, Number 2, entitled "Monkeys shine on Project X", which demonstrated to me that Ron Oxley was giving out incorrect information about chimpanzees. For example the article states: "Oxley noted that chimpanzees make approximately nineteen sounds - the most common is screaming. Chimps scream when they are happy, mad, hungry, jealous, confused, excited, surprised, afraid, when they want something, or merely because another chimp screamed. This tidbit of information helped frazzled nerves!" (p. 9). Contrast the above information with what Goodall (1987), in her book entitled The Chimpanzees of Gombe, states herself with regard to chimpanzee calls. First she lists 34 calls by context that are in a graded system. Goodall goes on to make the following statement specifically about chimpanzee screams; namely that they are:

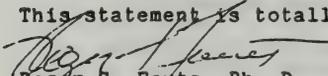
Heard in contexts of aggression and general social excitement, they are uttered by highly stressed, fearful, frustrated, or excited individuals. Based on our interpretation of the underlying emotional state of the screaming individual, the context in which he screams, and differences in the pitch, timbre, duration, timing, and intensity of the call (as distinguished by the human ear), four kinds of scream have been tentatively identified: the victim scream, the tantrum scream, the SOS scream, and the copulation scream (or squeal). (p. 129)

This paints a very different picture of the nature of chimpanzee screams than that presented in the American Humane Association's publication. I would have to ask the question as to why did the American Humane Association and their representative on set accept Ron Oxley's explanation of chimpanzee screams without verifying it with a chimpanzee expert? Why did they not have a person on set who knew chimpanzee behavior well enough to discriminate between the four types of screams that Goodall mentions?

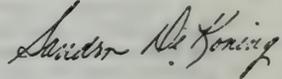
Another question I would like to address to the American Humane Association is: did Ron Oxley also tell them and their representative on set that chimpanzees need to be "knocked around"? I raise this question because the AHA article explicitly states that: "Regardless of training, chimpanzees are wild animals and can be potentially dangerous. The actors and the crew on the Project X set trusted the trainers." (p. 15). Does this mean that they trusted the trainers to protect them from these "wild animals" who can be "potentially dangerous"? Did this trust of the trainers implicitly mean that "knocking chimpanzees around" was accepted as the proper thing to do if it was explained away as being done to protect the actors? I must take exception with the statement from the AHA publication referring to these chimpanzees as wild animals. The definition of tame in regard to animals is when the personal space required by the

animal from a human is reduced to zero. From the picture in the AHA publication of AHA Field Representative Ed Hart and some of the chimps for Project X I would have to say these animals were tame and by no means wild. Secondly, saying that chimpanzees are potentially dangerous is the same thing as saying that humans are potentially dangerous, dogs are potentially dangerous, and so on. In other words a dangerous human or chimpanzee is strictly a function of the individual and not the species as a whole. For example in the 26 years that Jane Goodall, her staff, and students have been living among the "wild chimpanzees" there has been no reports of human injury. However, I can state that if a chimpanzee is highly stressed, fearful, or frustrated they, like humans, can be potentially dangerous.

This statement is totally true, and I so swear


Roger S. Fouts, Ph. D.

Subscribed and sworn to before me this 9th day of June, 1987.



Statement of Harry Maret

Date 6/8/87

I, Harry Maret, do hereby swear that the following statement is true and accurate in every detail:

(1) I am a makeup artist of 47 years of experience in motion pictures and television in Hollywood.

(2) Daniel Striepeke, a man I have known for about fifteen years, was a makeup artist on the movie, "Project X".

(3) At the request of Bob Barker, I called Striepeke and told him that Barker had received reports that the chimpanzees used on "Project X" were beaten with blackjacks by their trainers. Striepeke said the reports were absolutely true. He said that ~~he had seen the trainers beat chimpanzees with blackjacks.~~ According to Striepeke, when the chimps stopped paying attention to their trainers, when they lost their concentration, the ~~trainers~~ took them into a special room ~~on the stage and beat them with blackjacks.~~ Striepeke said that ~~he had watched the trainers do it.~~ Striepeke said that he asked a trainer why they beat the chimps, and the trainer said that they had to do it to "reestablish their dominance" over the animals. He said the trainer told him that with chimps everything was based on dominance, and the trainers had to dominate the chimps to make them perform.

(4) When I told Bob Barker about my conversation with Striepeke, Barker said that he wanted to talk with him. With me sitting in his CBS dressing room with him, Barker was able to reach Striepeke by telephone about six hours later, and Striepeke denied having seen the chimpanzees beaten. Barker thanked Striepeke and hung up the telephone.

(5) Two days later I called Striepeke alone from my home, and I asked him why he had changed his story. He said that if he told that he had seen the trainers beat the chimpanzees on "Project X", he "would never work in this business again." Striepeke said, "Get me another job that pays \$75,000 a year and I'll tell everything I saw."

I told him that I was disappointed in him and terminated the conversation.

This statement is totally true, and I so swear.

Harry Maret
Harry Maret

DOCUMENT 6 (A)

Mr. ROSE. Any other comments or questions of our witness? If not, we want to thank you very much for being our lead witness today and for coming all the way from California to make this testimony available. You are welcome to stay as long as you would like and hear the rest of the testimony.

Mr. BARKER. Thank you, Mr. Chairman, and thank you for the invitation and, believe me, this was no imposition on me. I would go to Timbuktu for this testimony.

Mr. ROSE. Thank you, sir. We will now go to a video testimony from Ms. Kim Basinger, actress, Studio City, California.

[Video shown.]

[The prepared statement of Ms. Basinger follows:]

Testimony given by Kim Basinger to the U.S. House of Representatives,
Committee on Agriculture

My name is Kim Basinger and I have been asked to testify by People For The Ethical Treatment of Animals and the Honorable Charles Rose, representative of N. Carolina and Chairman of the House Subcommittee on Department of Agriculture operations. I am not here today as an actress or celebrity. I am here as a fellow member of humanity.

First of all, I would like to thank all of the members of Congress and especially the members of this Sub-Committee for allowing me to present myself by way of video tape.

You've heard of Roosevelt's fireside chats; well at least four times a week the two people that work in my office are subjected to Kim's kitchen stool discussions on life. More times than not these discussions center around the issue of animal protection. I'll spare you that usual agony and get to what we are all here for.

Everything is timing.

Any issue dealing with the preservation of life is always an emotional one and this case today is no exception. We are speaking for those who cannot speak for themselves. Those with no voice. We are talking about the mistreatment of animals. This is a deep rooted tear in the heart of society and the time has come for this misery to end once and for all.

In the summer of 1985 I traveled to Florida to visit my family who had rented a house on the beach. I hadn't seen them in some time and I was looking forward to all of us being together. From the airport I had to travel by car for 45 minutes to get to the shore. Little did I know that ahead of me was an experience that I would be sharing with you today, in a plea for help.

It was during this ride that I had my first encounter with what became known to me as a roadside zoo. I insisted that the driver pull over as the signs promised exotic animals in a tropical paradise. I got out of the car and paid twenty five cents to enter into what I can only describe as a living hell. I wished I had had my camera at the time but the pictures would never do justice to the deplorable nightmare I saw which will be indelible in my mind forever. An elephant that was so severely dehydrated and malnourished that to meet eye to eye with this big and great creature made me ashamed to be a human being. In fact every animal I saw was starving to death; from giant sea turtles and alligators to a male lion that had lost its mane for some reason and was covered with some kind of skin disease. In extremely hot and humid conditions there was very little

water to be seen anywhere, even for those animals whose natural habitat was water. The water that was there was filthy and stagnate. The extremely small pens, which were only made of netting and plywood, were covered with excrement. The animals could have easily broken out of these makeshift enclosures, making public safety yet another issue. But they were so physically weak, they didn't even have the energy to confront the human spectators. There was no staff of any kind except for a ticket taker who I asked if the owner was available. She replied that he was not there and she did not know who he was.

On the same drive and this time against the advice of my driver I stopped at yet another roadside zoo. The same conditions existed there. Now it became my quest, during that week in Florida, to search out and find as many of these places as I could. During this very short and painfully informative time I found and visited seven roadside zoos. They were all animal prisons. Some were collections of exotic animals used to lure customers into a gas station, a fruit stand or an amusement park, if you could call it that. Some were just collections of dying animals. In my opinion all roadside zoos should be banned. Amazing what man is capable of doing, especially for profit.

I could go on and on discussing the mis-use of animals in many other areas of entertainment and the needs that are not being met. It's simple, we do not have the right to use other living creatures for pleasure or profit; but that is not the root of the problem. The problem is us. The way society has been desensitized and allowed to devalue life, all life.

We are all big talkers. We talk protection of the environment. The environment is not an issue, it is all we have. Once it is gone, we are gone. Animals **are** the environment.

Intelligence of the heart is the key. We need to stop those who continue to demoralize and bring us down as a society, as a nation and as a species.

As Mark Twain said and I quote, "The fact that man knows right from wrong proves his intellectual superiority to the other creatures; but the fact that he can do wrong proves his moral inferiority to any creature that cannot."

The fact that this bill even has to be part of your agenda is sad. But we now turn to you. I don't know who else we can depend on if we cannot turn to you in government. Those in positions whom the American people trust. You are the leaders that can change a new generation of minds and help educate all of us. You have the power to appoint a human voice to speak for the voiceless. You have the power to strengthen the Animal Welfare Act in the areas of cruelty, abuse and exploitative treatment. You have the power to make sure that all of these laws are enforced on a regular basis and that violators of these laws will face severe penalty. Hopefully then we can take a major step in becoming a cruelty free society.

Please help us regain our lost values and gain values we've never had. Please bring us all together and help redefine the definition of the word animal.

"Until he extends the circle of his compassion to all living things, man will not himself find peace."

Albert Schweitzer

Please help us find peace. And from the bottom of my heart I thank you all.

Mr. ROSE. Our next witness is Dr. Joan M. Arnoldi, Deputy Administrator, Regulatory Enforcement and Animal Care, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C.

Doctor, we are glad to have you here and you may proceed.

STATEMENT OF JOAN M. ARNOLDI, DEPUTY ADMINISTRATOR, REGULATORY ENFORCEMENT AND ANIMAL CARE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY RICHARD L. CRAWFORD, DIRECTOR, ANIMAL CARE STAFF, AND ALAN R. CHRISTIAN, DIRECTOR, REGULATORY ENFORCEMENT STAFF

Ms. ARNOLDI. Thank you. Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to discuss the authorities and activities concerning the treatment of animals that are exhibited. I would like to introduce two members of my staff who are here with me. Mr. Alan Christian, who is Director of our Regulatory Enforcement staff and Dr. Richard Crawford who is the Director of our Animal Care staff.

I would like to request that my full written testimony be entered into the record and I will shorten my remarks to keep within the time allotment, if that is all right.

Mr. ROSE. Doctor, that will be done, but we want you to cover this as fully as you would like.

Ms. ARNOLDI. Thank you, I appreciate that. APHIS has testified before this subcommittee on several other occasions regarding our general authorities and activities, so I will try to limit my remarks and concentrate on our efforts to ensure the humane care of exhibition animals in particular.

The Animal Welfare Act authorizes activities to ensure that animals used in research facilities, for exhibition purposes or for use as pets are provided humane care and treatment. However, the act specifically excludes horses not used for research and other farm animals such as livestock and poultry.

Under the act, exhibitors are people who exhibit to the public any animals that have been involved in or may affect commerce and it can include carnivals, circuses, zoos, that exhibit regulated animals whether they are operated for profit or not. The term does exclude, however, retail pet stores and persons and organizations that sponsor State and county fairs, livestock shows, dog and cat shows, any other fairs or exhibitions that are meant to advance agricultural arts and sciences.

All exhibitors must comply with the standards of care developed under the Animal Welfare Act. Our primary goal, therefore, is to ensure the health and well-being of these animals, and we work to bring those exhibitors with problems into compliance. Currently there are 1,486 licensed exhibitors in the United States and about 50 registered exhibitors.

Mr. ROSE. May I stop you and ask a question.

Ms. ARNOLDI. Yes, sir.

Mr. ROSE. Would a roadside zoo have to register as an exhibitor?

Ms. ARNOLDI. Yes, sir.

Mr. ROSE. So that the locations that Ms. Basinger spoke about in her taped testimony would, in all likelihood, be included in this number of licensed exhibitors?

Ms. ARNOLDI. Yes, sir.

Mr. ROSE. Thank you. Go ahead.

Ms. ARNOLDI. The licensed exhibitors, as I said, are those who exhibit for compensation. The registered exhibitors are those who do not collect compensation. They don't sell or transport animals, they just have animals on display.

Mr. ROSE. Could you expand on that? I am not clear as to what the difference between a licensed exhibitor and a registered exhibitor is.

Ms. ARNOLDI. All right, sir. The licensed exhibitors are those entities that either obtain or dispose of animals in commerce and exhibit them for compensation. However, the registered exhibitors do not buy, sell, transport or collect compensation. They just have animals, their own animals there on display.

Mr. ROSE. Could you give us a specific example?

Ms. ARNOLDI. Yes. In Wisconsin, the department of natural resources, has a display of native animals in Wisconsin that people may look at, but they are not involved in commerce nor do they accept any compensation from people who may stop to observe the animals.

Mr. ROSE. How about the National Zoo?

Ms. ARNOLDI. The National Zoo is a Federal facility, part of the Smithsonian is my understanding, and so they aren't licensed.

Mr. CRAWFORD. We do not have them licensed, sir, because they are a Federal agency, however, we do regulate them.

Mr. ROSE. How do you regulate them if you don't license them?

Ms. ARNOLDI. We inspect them, sir, and bring them into compliance.

Mr. ROSE. I am sorry. I won't interrupt you again. Go ahead.

Ms. ARNOLDI. No problem. I thought I would explain a little bit about our organization because I think there is some confusion about our organization. Within APHIS, the Animal and Plant Health Inspection Service is a relatively new unit since the reorganization of 1989 called Regulatory Enforcement and Animal Care, fondly known as REAC. REAC is actually a divided organization. The regulatory enforcement side provides investigatory and enforcement services for all of the regulatory activities within APHIS, be that plant, animal, or biologics, as well as animal welfare.

On the animal care side, we have some 87 inspectors who are charged with the enforcement of the Animal Welfare Act. I just wanted to make that distinction so that there is an understanding of the numbers that are in the report.

Mr. ROSE. Let me stop you again.

Ms. ARNOLDI. Yes, sir.

Mr. ROSE. So you have how many people that work with the Animal Welfare Act?

Ms. ARNOLDI. We have 87 inspectors. About 50 of those are veterinary medical officers. The others are trained technicians.

Mr. ROSE. Your testimony says, the REAC program has 73 investigators, 38 animal care inspectors, 49 veterinary medical officers, and 9 veterinary animal care specialists.

Ms. ARNOLDI. Yes, sir. Those animal care specialists are not actually inspectors. They are located in our sector office and they provide quality control and advice to the inspectors.

Mr. ROSE. But I think the number you said was 89.

Ms. ARNOLDI. I said 87, sir, there may be some difference in the numbers that are here. It fluctuates a little bit. Let me clear up the numbers for you.

Mr. ROSE. Go ahead.

Ms. ARNOLDI. These inspectors, these 87 people, are strategically located throughout the United States and conduct inspections and other activities related to enforcing the Animal Welfare Act. These same 87 inspectors are responsible for the regulation of 4,400 animal dealers, some 1,470 research facilities, as well as intermediate handlers, carriers and over 1,486 exhibitors.

These same employees also enforce the Horse Protection Act, so that gives you a spectrum of what their duties are.

Mr. ROSE. So do you have a total, roughly, how many places are these 87 people responsible for inspecting?

Ms. ARNOLDI. Total number of sites that we inspect?

Mr. ROSE. I am not asking you how many you do actually inspect. You have that in here, but what is the global extent of your responsibility in terms of numbers? Would you be adding all those numbers up, wouldn't you?

Ms. ARNOLDI. Yes. Actually a research facility for instance, may include several sites and that is what the discussion here is about. So if we talk about total sites that we visit, it is close to 8,000.

Mr. ROSE. Go ahead.

Ms. ARNOLDI. All right, sir. In fiscal year 1991, we continued our efforts to increase the quality of our inspections by presenting seven training courses and we added 10 more inspectors to our field force.

In 1992, we are continuing our ongoing training for our inspectors and have increased the number of inspectors in high volume areas. In addition, we cooperate with other Federal and State agencies, however, we are the primary inspecting agency for compliance with the Animal Welfare Act. To increase interaction and cooperation, we attend and participate in meetings, the American Association of Zoological Parks and Aquariums, U.S. Animal Health Association, American Association of Laboratory Science, and several animal protection organizations.

We work very cooperatively with those groups that have concern for the humane care and treatment of animals. We listen to and value their comments and we meet with these people and groups to benefit from their expertise. They provide a very valuable service to us. They bring possible infractions to our notice and we investigate those, so they serve as other eyes and ears for us. That is an extremely valuable service for us.

Let me briefly explain how we conduct inspections and what we look for. All of our inspections are unannounced. Our trained professionals check the condition of the animals and they check the facilities. They look at numerous items within a facility. We also

check to see if the animals are protected from predators and from the public and conversely that the public is protected from the animals.

We look at provisions for exercise, for socialization, and all of the various husbandry aspects such as food, water, sanitation and so forth. We check to see that the employees who handle the animals have adequate training for that species. We also check on identification of animals, provisions for veterinary care, and any other items that may come to our attention.

During the inspection, the inspector will point out to the exhibitor all of the problems that need correction. The inspector will write a noncompliance report, inform the person what changes need to be made to come into compliance and set a deadline for completion of those changes. The inspector returns for another unannounced inspection after the deadline has expired.

Now, if significant progress has been made, we will continue to work with that exhibitor to achieve full compliance. However, if no progress is being made and there is resistance to making progress, we will begin to build a case. We may confiscate animals if the life and health of those animals is indeed threatened. Inspections for exhibitors who are in compliance are made once or twice a year or as often as necessary for those who are not in compliance.

When an inspector finds no progress on the cited problems, he provides a report to the enforcement person who will compile the evidence and submit the report to our enforcement staff. If, after review, a case appears to warrant prosecution, it is submitted to our Office of General Counsel which reviews the case and pursues the prosecution through administrative procedures.

Cases may be settled in several ways. They may be closed with an official notice of warning, which we issue. We have recently adopted a system of consent decisions called stipulations for use to settle cases with facilities that have possibly been previously served with an official warning. These stipulations may involve a monetary fine or they may involve a fine and a suspension. These stipulations have allowed us to settle many cases in a much more cost-effective and timely manner than previously.

And the third way of course is for more serious cases, they may receive license suspension, revocation, cease and desist orders, civil penalties or any combination of those administrative procedures. APHIS does have the authority, as I mentioned before, to remove an animal from a serious situation. However, we only confiscate animals if the situation is going to affect the life or the health of the animal, for example, their health or life is in immediate jeopardy.

I would like to share with you a couple recent examples of our confiscation procedures. In May of this year we confiscated a leopard in need of veterinary care from Mr. Berosini, an exhibitor in Nevada. On July 1, we confiscated two Syrian brown bears from a dealer who had failed to provide proper adequate care for those animals. So we do take those actions when necessary.

I would like to briefly go over some of our accomplishments with you. In the past 3 years we have proposed and finalized a complete new set of regulations that dealt with some 23,000 comments relative to those new regulations. We have trained our inspectors how

to enforce these new regulations and have brought the regulated communities—knowledge of the new regulations and checked them for compliance.

In fiscal year 1990, we received an increase in our appropriation, close to 20 percent and we were able to increase our inspections some 18 percent. In fiscal year 1991, we received another increase in our appropriation and we were able to increase our overall inspections by a factor of 16 percent. At that same time we increased prelicensing inspections by some 40 percent.

Prelicensing are the inspections we make prior to granting an original license. Exhibitor inspections also increased in 1991 by 8.64 percent. Currently we have 39 exhibitor cases pending in the USDA's Office of General Counsel. We believe we have sufficient authority under the Animal Welfare Act to protect exhibition animals and are not seeking additional authority at this time.

Our work to enforce the Animal Welfare Act has resulted in numerous successful examples of bringing facilities into compliance as well as successfully prosecuting those who refuse. A couple of examples: Goodwin Gatorland Zoo was fined \$2,000 in January of this year; Oscanian Brothers Circus received a 90-day suspension and a \$5,000 fine, some of which was suspended if the circus remains in compliance.

On January 28, Everglades Wonder Garden received a 30-day suspension and a \$1,000 fine. On June 6, Ocean World received a 14-day suspension and a \$20,000 fine. Malokai Ranch Wildlife Park in Hawaii received a \$20,000 fine in fiscal year 1991.

I would like to share with you that we have a very dedicated cadre of professional inspectors who are well trained and that all of us are committed to insuring the safety and well-being of these animals and will continue our efforts to do so, Mr. Chairman, and this concludes my prepared remarks.

[The prepared statement of Ms. Arnoldi appears at the conclusion of the hearing.]

Mr. ROSE. Thank you very much. You heard Mr. Barker testify about the Los Angeles Department of Animal Regulation.

Ms. ARNOLDI. Yes, sir.

Mr. ROSE. How would you interface with them or how would you deal with animals in a movie set environment?

Ms. ARNOLDI. Many local jurisdictions have animal cruelty laws and ordinances that they do impose. We try to work very closely with those organizations. They may call us in if there is a case such as that or we may involve them if we think that they may take action quicker than we might be able to.

This particular case I am not familiar with. However, as to movie sets and the animals involved in that industry, we do license the trainers as dealers are, exhibitors that have the animals, we do inspect their home facilities and we do, on occasion, have people on the movie sets. American Humane Association, as you have heard earlier today, spends a great deal of time on movie sets monitoring those and if they were to find violations, they may bring those to our attention, I am certain.

Mr. ROSE. I have been told that USDA has taken the position that it may not consider previous violations of the Animal Welfare

Act by an applicant who is applying for a reapplication or a renewal. Is that the case?

Ms. ARNOLDI. If a person already has a license? Is that what you are referring to, sir?

Mr. ROSE. Yes. If a person has been suspended for some reason or is up for an ordinary renewal of their license, that you all have taken the position that previous violations cannot be considered. Is that—

Ms. ARNOLDI. Well, sir, if the license is suspended that would not be true. They would not be in business if the license were suspended. However, you may be asking the question as to a person who has a license and has some action pending and is then granted a license while that activity is pending. That is a legal question having to do with due process for that individual.

It is our belief that a person who obtains a license has an expectation that that license will be renewed and they will continue in business. However, if we have an action ongoing, the fact that that person receives that piece of paper does not stop that action. For instance, you could get your license back today and have an action taken by us the following day. So that does not change whatever actions we are going to take, the fact is that the paper—the license goes on until we suspend or revoke that license, sir.

Mr. ROSE. How much do you rely on outsider information? You basically would require that the USDA inspector would have to see the violation for themselves, wouldn't you?

Ms. ARNOLDI. That is true. We have a lot of, as I indicated earlier, a lot of valuable information that comes to us from animal protection organizations and others who have an interest. It is then our responsibility to inspect that situation and if necessary, to investigate it and complete the procedure.

Mr. ROSE. But if you receive a report of a violation, don't you have the authority to conduct an investigation as a result of third party information?

Ms. ARNOLDI. I believe we could, sir, but part of that investigation is the inspection process also. So we look upon that as one process.

Mr. ROSE. We may have some written questions to submit for the record and I won't go into too many more of them right now. If we do, please respond to them for the record.

Ms. ARNOLDI. All right. I would be happy to do that, sir.

Mr. ROSE. A few more technical questions. Don't your regulations require that handling of animals must be done with minimal risk of harm to the animal and the public with sufficient distance and barriers between animals and the general viewing public? What I am leading to is, where would the situation of humans riding dolphins or elephants come into that? Is that a violation of your regulations or is that covered by some other part of your regulation?

Ms. ARNOLDI. We do not believe that is a violation of our regulations in that no direct harm is being done to the animal, if those procedures are carried out properly. Now, they can be done improperly of course and in those cases where physical harm to the animal would occur, we would take action.

Mr. ROSE. I appreciate your very forthright testimony and thank you for being here. As you can tell, there is a tremendous interest

in this subject area and if you don't feel like you have adequate funding for this area, I think you should make your needs known to the Department and to Congress, but I am not going to go into that in detail now.

Questions on this side.

Mr. KOPETSKI. Thank you, Mr. Chairman. I have a statement that I want to ask unanimous consent be included in the record.

Mr. ROSE. Without objection, so order.

Mr. KOPETSKI. Essentially what it comes from is coming from Oregon, one of the great rodeo towns in America, that there is a difference between what professional groups such as PRCA do in terms of going beyond the standards and regulations of providing decent treatment, humane treatment for animals, versus non-professional organizations of people that clearly abuse animals.

I have a couple of questions. One, Dr. Arnoldi, in your testimony you have referred to a series of instances where you did levy fines against individuals or facilities, and in one of them you state that the fine was for \$5,000 and \$3,500 of that was suspended. Why was that suspended?

Ms. ARNOLDI. I don't have total recall of that case, sir, but I would propose for you that it was suspended because of the cooperative attitude of the people and their willingness to come into compliance immediately, and there was a trailer to that that said if they do not stay in compliance, the rest of the fine comes into being.

Mr. KOPETSKI. In one instance there was a \$20,000—in two instances there was a \$20,000 fine levied. Were either of these amounts reduced?

Ms. ARNOLDI. No, they were not, sir. Those were actual dollars.

Mr. KOPETSKI. So the moneys were collected.

Ms. ARNOLDI. Yes.

Mr. KOPETSKI. Is that the case in the other fines levied as well as in your testimony?

Ms. ARNOLDI. Yes. There was only the one that I mentioned.

Mr. KOPETSKI. Your office has not asked for any additional authority or legislation, you feel you have all the authority you need?

Ms. ARNOLDI. Yes, sir, that is our position.

Mr. KOPETSKI. And I am curious about the housing situation of animals. How do you regard the situation where an animal spends a lot of time on the road traveling and therefore many believe that their housing is that truck or cage? Is that your attitude towards these facilities?

Ms. ARNOLDI. Well, let me ask Dr. Crawford to answer that for you. He is more of an expert.

Mr. CRAWFORD. When shows are traveling, we allow them to use their traveling cages while they are on the road. When they stop for a presentation or show, then they are either to set up exercise cages, training cages, or hook a number of these cages together to allow the animals more room.

Because the animals usually are performing animals, they are quite often out two or three times a day to perform and they receive a great deal of exercise in that way too.

Mr. KOPETSKI. Let us suppose that you have a traveling show where they are at a site for 1 or 2 days at a time, but then they are

on the road for 1 week traveling or for 5 days traveling. Which do you consider the primary residence, if you will?

Mr. CRAWFORD. Primary residence of the show?

Mr. KOPETSKI. Transport vehicle or when they are stationed?

Mr. CRAWFORD. When they are traveling, their primary inspection would be their transportation standards. When they are stopped and can set up, then they would be expected to put out or join together cages to provide additional space.

Mr. KOPETSKI. And so you don't regard that when they are in transit that that is their permanent home?

Mr. CRAWFORD. They are on the road most of the year, both traveling and stopping. Many of them have winter quarters they go to for a short period of time.

Mr. BILBRAY. Will the gentleman yield on that. Do you actually physically inspect those traveling facilities? Does somebody—because you only have a few inspectors—are they there at the end of the route to find out if they actually have an exercise area, do they actually have the extra pen area or do you just feel that it kind of slips within the cracks?

Mr. CRAWFORD. We make a point of inspecting them at their home facility at least once a year. Then while they are on the road, our inspectors will inspect some of them. We of course don't hit all of them, but we do inspect some of them along the road when they come to our inspector's attention. They see them when they are transferring. They see an ad in the paper. They make a point to get out there and take a look.

Mr. KOPETSKI. As a follow-up to the gentleman from Nevada, then your testimony is that when they are in transit, you have a different standard, and that is a lower standard, and you never consider that their permanent home?

Mr. CRAWFORD. No. While they are in transit in trucks or railroad cars, they are restricted by the Department of Transportation space requirements for width and height and so forth, and they are restricted in the size cages, so we allow them to use their transportation cages, which are smaller than a normal housing cage would be.

Mr. KOPETSKI. Do you have the authority under current law to rule in some instances that this is their permanent home, that the transit vehicle is their permanent home?

Mr. CRAWFORD. A transit vehicle would not be a permanent home.

Mr. KOPETSKI. And you would never recognize it as such, is that what you are saying?

Mr. CRAWFORD. It should not be.

Mr. KOPETSKI. My time is expired, Mr. Chairman. I will have another question later.

Mr. ROSE. Mr. Roberts.

Mr. ROBERTS. Yes, thank you, Mr. Chairman. I apologize to the witnesses for being late and to my colleagues and that there was other business that I had to attend to. Doctor, I would like to know how the stipulation system works. In essence, has this been a successful program, Dr. Arnoldi?

Ms. ARNOLDI. Well, it is our view that it is successful, however, it is relatively new. We want time to evaluate it. It has been in effect

since October. Right now we have about an 80 percent pay rate of people who are settling through the stipulation process. The follow-up question to that is do they remain in compliance after that and that is something that we are evaluating and hopefully it is going to be successful because it does give us the opportunity to be much more timely and to not clog the administrative law system with what may be somewhat minor infractions.

Mr. ROBERTS. Give me a timeframe on the compliance evaluation that you talked about. When will you be able to tell us if you have the 80 percent figure, will you be able to have some facts and figures for us?

Ms. ARNOLDI. I think what we looked at was trying to collect a year's worth of data so it would be probably the beginning of the next fiscal year that we will try and put that information together.

Mr. ROBERTS. That is OIG?

Ms. ARNOLDI. Yes, sir. We have something in our OIG audit relative to that and I don't remember that exact date, sir, but it is in the audit.

Mr. ROBERTS. Virtually all the Members of Congress and every American within the Republic hopes that Congress adjourns by October, but we have appropriate staff and it would be very helpful, I think, in that we are going to have strong oversight responsibility in this area and if you could share that with us, the chairman and I would very much appreciate it.

Ms. ARNOLDI. Yes, sir.

Mr. ROBERTS. You have been criticized here by the Office of Inspector General for renewing the license of facilities, and I apologize if I am touching on some of the comments by some of my colleagues, but you have been on the receiving end of some criticism for the license of facilities not in compliance with APHIS regs. Tell us about that OIG criticism.

Ms. ARNOLDI. Yes. The criticism revolved around people who may have some action pending, may not be totally in compliance and yet they are given their license. It is our belief that a person or an entity that is licensed in a business has the expectation that they will continue in that business and that they will be granted licenses on a continuing basis.

So, yes, indeed those people do receive that piece of paper, that license whether or not we have an action pending and whether or not they are in compliance. However, that does not affect in any way the action we are in the process of taking, and I gave the example earlier that you may receive your license today and tomorrow you may receive a complaint from us that legal action is being taken. So it in no way interferes with that process. It actually becomes a due process question.

Those people have a right to a hearing on the record and total due process within the administrative law.

Mr. ROBERTS. In the March report by the OIG you were also criticized for not prioritizing your inspections, and I would like to ask what actions you have taken since that time. That is March. We are into July. What have you been doing with respect to that?

Ms. ARNOLDI. I think there is some misunderstanding on the OIG's part. We do prioritize, have always prioritized those very serious things that affect the animal's well-being, their health and

well-being, as opposed to facility problems that can be taken care of. So in that respect, we do prioritize.

Mr. ROBERTS. I am talking about the severity of actions.

Ms. ARNOLDI. Yes.

Mr. ROBERTS. The severity of the violations.

Ms. ARNOLDI. Yes.

Mr. ROBERTS. Then whatever actions you take.

Ms. ARNOLDI. What we have done, OIG wanted us to formalize this process in some way, so we have taken action, we have already issued guidelines to our inspectors and will be following that up with a written policy that gives very definite timeframes. We will get more into the prioritizing in a more routine fashion than perhaps we have in the past, but we have always prioritized the activities that we have.

Mr. ROBERTS. Are you telling me this is now going to satisfy the OIG inspectors because you have been doing this to date and this is merely sort of—what, a guideline thing to make them understand that you have been doing this all along or what?

Ms. ARNOLDI. No, sir. The OIG wanted a formalized process. They wanted either a regulation or a strongly worded policy so that every inspector all over the country would follow the exact same procedure and that is what we have done and are continuing to do. I think that is good. I have no objection to that, sir.

Mr. ROBERTS. You think that is going to improve the current situation?

Ms. ARNOLDI. Yes, I think it possibly will.

Mr. ROBERTS. Thank you very much. I appreciate and thank you, Mr. Chairman.

Mr. ROSE. Any other questions? Mr. Stenholm.

Mr. STENHOLM. Mr. Chairman, thank you. I have a statement that I would like to have included in the record at the appropriate place.

Mr. ROSE. No objection, so ordered.

Mr. STENHOLM. Just a couple of questions in general. Dr. Arnoldi, on the whole, as you perceive exhibition animal care and handling, is it better, worse, or about the same today than it was 20 years ago?

Ms. ARNOLDI. Sir, I wasn't here 20 years ago. I have been in place about 4 years.

Mr. STENHOLM. Your agency, APHIS.

Ms. ARNOLDI. I believe the situation has improved a great deal since the act came into being and since exhibition animals were included under the act and each time the regulations are changed. I believe there has been a considerable improvement, particularly with the regulations that were put in place the last couple of years.

So, yes, I believe there has been considerable improvement, and there continues to be improvement.

Mr. STENHOLM. But certainly not a perfect world.

Ms. ARNOLDI. Absolutely not, and I would be the first to admit that.

Mr. STENHOLM. How many calls did your agency receive last year indicating that there was a problem in such and such, whether it be a movie or whatever? Approximately, how many calls did you

get to your office last year indicating that there was a problem that you ought to look at?

Ms. ARNOLDI. That is a hard number to come up with, Mr. Stenholm. Excuse me just a moment.

Mr. STENHOLM. While you are looking up that number, let me go ahead. Do you have the authority to go on to a movie set to evaluate the treatment of animals as actors?

Ms. ARNOLDI. Yes, we do.

Mr. STENHOLM. Do you have the authority to back up the American Humane Association findings or start your own investigation?

Ms. ARNOLDI. Yes, sir.

Mr. STENHOLM. How often have you done that?

Ms. ARNOLDI. I do not have those figures before me, Mr. Stenholm.

Mr. STENHOLM. If you could supply those for the record, I would appreciate that.

Ms. ARNOLDI. Yes, sir, I will.

[The information follows:]

Number of cases involving movies:

Our authority is over the animal trainer/handler, so no cases or actions have been taken against specific movies or movie companies.

One movie animal trainer was fined \$40,000 and had his license revoked as a result of animal abuse and/or lack of adequate veterinary care for animals used in at least two different movies.

Mr. STENHOLM. In your opinion, does the relationship of the American Humane Association, which we will hear from later this morning, to the motion picture industry pertaining to the prevention of animal cruelties during movie making, does it work? Does that concept work?

Ms. ARNOLDI. To my knowledge, I believe it does. I think they have been effective in the work that they are doing.

Mr. STENHOLM. Do you have a good working relationship with them?

Ms. ARNOLDI. Yes, we do, sir. I can answer your question relative to complaints that we have received in the past year. That number is some 771 complaints.

Mr. STENHOLM. How many of those did you investigate?

Ms. ARNOLDI. I would assume that if they came in as a complaint, we investigated all of them essentially, yes.

Mr. STENHOLM. In how many of those instances did you find something that would warrant what you believe to be corrective action?

Ms. ARNOLDI. I would have to supply that information to you later, sir.

Mr. STENHOLM. I would appreciate that.

Ms. ARNOLDI. All right.

[The information follows:]

Complaints on Exhibitors

Number of Complaints Investigated:	538
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Number Requiring Action:	202
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Type of Action Taken:

Resulted in Prelicense/license Status:	64
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Resulted in Warning:	54
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Stopped Activity:	04
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To RE for Case Investigation:	44
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Stipulation Settlement:	04
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Handled by Normal Inspection Process (deadline):	20
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Referred to Another Agency:	09
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Mr. STENHOLM. I guess the question I would ask, in your opinion, do you have the budgetary capacity to carry out the existing charge of the Animal Welfare Act?

Ms. ARNOLDI. Yes, sir, I believe that we do, that which currently exists within the act and the regulations.

Mr. STENHOLM. No further questions. Thank you.

Ms. ARNOLDI. You are welcome.

Mr. ROSE. Mr. Kopetski, I believe you had a follow-up question.

Mr. KOPETSKI. Thank you, Mr. Chairman. Doctor, could you please provide for the last 3 years the amount of fines levied, amounts suspended, and the amount actually collected? Is it possible to provide that to the subcommittee?

Ms. ARNOLDI. Yes, it is. We have that.

[The information follows:]

**Animal Welfare Exhibitors
Violation Case Data
(FY90 - FY92+)**

Fiscal Year	INVESTIGATIONS			CASES RESOLVED			SANCTIONS IMPOSED		
	No. of Invest.	No. to Staff	No. to OGC	Warn-ings	Stipulation Agreement	ALJ Decision	Civil Penalties	Suspensions Revocations	Cease & Desist
1990	145	31	19	68	#	1	\$10,000	0	0
1991	128	28	23	134	#	12	\$22,400	2	8
1992+	180	31	28	87	21	20	\$79,800*	6	12
Total	453	90	70	289	21	33	\$112,200	8	20

CIVIL PENALTIES ASSESSED & COLLECTED				
Fiscal Year	Amount Levied	Amount Suspended	Amount Collected	Amount Due **
1990	\$10,000	0	0	\$10,000
1991	\$22,400	\$13,000	\$7,650	\$1,750
1992+	\$79,800	\$3,500	\$66,300	\$10,000
Total	\$112,200	\$16,500	\$73,950	\$21,750

Stipulation procedures were begun in FY92

* The fines listed under sanctions imposed for FY92 resulted from:
ALJ Decisions - \$68,500
Stipulations - \$11,300

+ Covers the period from October 1, 1991 to July 1, 1992

** The unpaid fines are in the collection process which includes demand letters, requests for administrative offset, and referrals to the Justice Department.

Mr. KOPETSKI. When a complaint is filed and under investigation, is it normal to receive letters or testimonials either from outside individuals or entities testifying to the character of the entity?

Ms. ARNOLDI. I would say that it is not usual. It happens on occasion.

Mr. KOPETSKI. Do you ever hear from politicians?

Ms. ARNOLDI. I suppose we do, but it is not a very common occurrence.

Mr. KOPETSKI. And it is my understanding that the Inspector General contends that Congress intended, though it is not specifically in the legislation, that license renewals should be withheld where licensees have been suspended. Is that a fair characterization of the Inspector General's position?

Ms. ARNOLDI. I believe that is correct, sir.

Mr. KOPETSKI. And though that office has issued an opinion supporting your present contention, hasn't the Inspector General's office recommended that you seek legislation to obtain the necessary authority?

Ms. ARNOLDI. It did make that recommendation. What we have done, however, is to seek a legal opinion as to how we are currently handling that situation and when we have that legal opinion, we will know whether to go forward or not and propose a different regulation.

Mr. KOPETSKI. So it is your testimony then that you would like to have the authority, you are questioning whether you have the authority, and if you don't have the authority, you will seek remedial legislation?

Ms. ARNOLDI. I am not saying that I want the authority or we need the authority. I think the current system is working quite well. If the legal opinion is such that that is possible, then we would seek to do that.

Mr. KOPETSKI. I think we will hear testimony on that issue later. My final area of questioning has to do with your inspectors and evidence necessary to go forward with a complaint. Is it true that you only move forward on complaints if one of your inspectors actually sees an abuse situation?

Ms. ARNOLDI. Well, that wouldn't be entirely true, sir. If we are on a site and we gather evidence to show that there have been past infractions, then we would move forward with that information. Certainly, if we are there and we see the actual infraction, that makes a big difference, but there are other ways of gathering evidence in a case that might cause us to move forward also.

Mr. KOPETSKI. And is one of those other ways third-party complaints?

Ms. ARNOLDI. We may take an affidavit from a third party that might be involved or might have knowledge.

Mr. KOPETSKI. Do you do that on a regular basis from local humane societies?

Ms. ARNOLDI. If they have some involvement and knowledge, we will take an affidavit from whomever, yes.

Mr. KOPETSKI. And what weight do you give a bona fide local humane society's complaint? Is it high credibility, medium credibility, low credibility?

Ms. ARNOLDI. Same credibility as any other person, sir, if they have knowledge of the case.

Mr. KOPETSKI. Thank you. Thank you, Mr. Chairman.

Mr. ROSE. Thank you very much. Dr. Arnoldi, would you supply for the record a breakdown of the 700 and some complaints that you received last year and indicate how they were handled? Was someone sent to make an inspection in each and every case or was just a letter sent or how were they handled?

Ms. ARNOLDI. Be happy to do that.

Mr. ROSE. I am not asking for details of who, where, and when, just the procedure.

[The information follows:]

**Animal Welfare Exhibitors
Violation Case Data
(FY90 - FY92+)**

Fiscal Year	INVESTIGATIONS			CASES RESOLVED			SANCTIONS IMPOSED		
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Mr. ROSE. I saw a video tape of an animal roadside exhibition where a mule was prodded up a very long stairway to about I don't know how many feet above a tank of water and prodded to jump into the tank. Now, because the mule is a farm animal, does APHIS have any jurisdiction? Does animal welfare apply to that kind of situation?

Mr. CRAWFORD. Under the Animal Welfare Act, the equines are exempt, horses are exempt from coverage unless they are used for research.

Mr. ROSE. How about a mule?

Mr. CRAWFORD. A mule is an equine, so we don't regulate them.

Mr. ROSE. Doctor, either one of you, do you think those animals, which are used in an exhibition like that, should be covered by the Animal Welfare Act?

Ms. ARNOLDI. Certainly there are some abuses to those animals, sir, as we are all aware, and there should be some form of protection for animals that receive abuse of that kind.

Mr. ROSE. Are you saying that you think that the law should protect all animals in exhibitions equally?

Ms. ARNOLDI. I think that would be helpful, sir.

Mr. ROSE. Mr. Allard, do you have any questions of this witness?

Mr. ALLARD. No, Mr. Chairman, I don't. I would like to apologize to the witnesses for not being here for your full testimony. I have another committee meeting ahead with a full vote there, so sorry.

Mr. ROSE. Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman, I just have one or two questions. The office of Inspector General—I have a resume of their findings, finally concluded that APHIS seemed to lack resources. And rather than negligence on your part, they concluded you lacked resources, yet you testified you don't lack resources.

In that respect, I want to ask you again, how do you interface with States that I assume all have animal welfare offices, counties have animal welfare offices, many of them. There are humane societies operating practically in every city that I am familiar with.

How do you interface with those 87 inspectors, and do you think that there is adequate reporting of animal welfare abuse throughout the country?

Ms. ARNOLDI. I could answer that from two perspectives, sir. As a former State livestock official, we had an excellent working relationship with the APHIS people and worked jointly on cases involving animal cruelty and abuse. I think that is true in many States, that we interface and they are a great help to us. We try to help them with their programs, although most of the State programs, however, are tilted more toward cruelty laws than our regulations are so there is not a direct relationship. As far as the question of others providing information to us, that is, as I have indicated before, an extremely valuable service.

The complaints that come to us from citizens or humane groups or animal protection groups are all extremely valuable given the number of people that we have to see these infractions when they take place. That is why we try and I believe do follow-up on all justifiable complaints that come to our attention.

Mr. SMITH. Take the case of the charge of Ms. Basinger, 1985. She witnessed seven roadside zoos. This is 7 years later. Have you corrected that?

Ms. ARNOLDI. I hope so. I can't answer because I don't know what zoos she is talking about. These are businesses that come and go very rapidly as you might imagine and sometimes they have come and gone before we even know they are there.

But as soon as we have information, we do license those people and bring them into compliance or conversely, if they have problems, we do take action.

Mr. SMITH. How many roadside zoos have you closed?

Ms. ARNOLDI. Can't answer that, sir.

Mr. SMITH. Do you keep a record of your inspections and the stipulations and the closures and to equate with the charges that people bring?

Ms. ARNOLDI. We would not break out roadside zoos per se. We do have a record, however, of exhibitors, for instance, in the past. [The information follows:]

Since 1990, our records show that a total of 8 licensed exhibitors have had their licenses suspended or revoked, putting them out of business for varying lengths of time. However, there are additional exhibitors who have voluntarily relinquished their licenses or who have voluntarily gone out of business because of unfavorable USDA inspection reports and their inability to achieve compliance. Others have lost their license for failure to submit their annual renewal and will have to achieve full compliance before they can be issued a new license. Thus, all of these exhibitors are "out of business."

Mr. SMITH. Is there any way that you can identify the worst offenders in the area of animal welfare? Are the roadside zoos the worst? Are rodeos the worst? Are traveling circuses the worst?

Ms. ARNOLDI. I would have difficulty characterizing which are the worst. There are abuses in every segment where animals are used.

Mr. SMITH. I imagine there is child abuse at home. There is probably animal abuse at home as well.

Ms. ARNOLDI. I would agree with that, sir.

Mr. SMITH. So you don't have any idea of—are we talking about a large problem or a small problem?

Ms. ARNOLDI. I think we are talking about a large problem, I think that is why we are all here.

Mr. SMITH. Do you have enough manpower to take care of the large problem?

Ms. ARNOLDI. You always do more with more resources, sir. That is the best way I can explain it.

Mr. SMITH. I understand the Office of Management and Budget tells you what to do but the chairman is asking, we are all asking, if you need more resources. I think you mentioned that, you know, that ought to be identified. So I guess the question is to me, this is a broad-sided effort, this legislation.

Ms. ARNOLDI. Yes, sir.

Mr. SMITH. Attempting to cover everything known to mankind and humane in animal welfare, I am trying to determine whether or not this is a narrow issue and we are trying to include everybody in it, even those who are not offenders, i.e., in my opinion, rodeos, professional rodeos, or are we trying to get at a specific sit-

uation, as Ms. Basinger has identified, i.e., roadside zoos, which she thinks are the worst, ought to be eliminated? Do you have a comment?

Ms. ARNOLDI. My only comment, sir, is that I feel there are abuses in all forms of usage of animals, and whether there would ever be enough resources or whether there would ever be enough resources to deal with all child abuse is an open-ended question. The Department of Agriculture has not been asked nor have they taken a position on this current legislation, and so I am not in a position to do that here today.

Mr. SMITH. Thank you.

Mr. ROSE. Mr. Bilbray.

Mr. BILBRAY. Thank you, Mr. Chairman and I thank you for allowing me to sit in on this subcommittee. I would like to talk to the Doctor and tell her if she was before the Armed Services Committee, we are a hostile committee with witnesses, you would be very tentative on giving answers. They would have eaten you alive in the Armed Services Committee for your answers. Starting with that good flavor, we will go from there.

You have 87 inspectors. First of all, when you answered Mr. Smith's question I was curious. I asked you how many roadside circuses or exhibits you had closed up. Have you closed up any in the last year?

Ms. ARNOLDI. Not to my knowledge.

Mr. BILBRAY. We will probably find in the last 4 or 5 years if there has been any—it has been a minor amount of those exhibits that have been closed up.

Ms. ARNOLDI. Closed up versus taking action are two different questions, sir. We may well have given them a stipulation, issued a warning notice, we may have cases pending against them. There are several actions that may have been taken.

Mr. BILBRAY. You are going to supply the committee with that information, I presume, of how many citations you have done, how many you have closed up in the last 5-year period and so forth.

Ms. ARNOLDI. Of exhibitors, yes, sir.

Mr. BILBRAY. You have 87 inspectors and you have 1,486 licensed exhibitors, you have 50 registered exhibitors and I understand there is somewhere between 8,000 and 10,000 people that keep animals in some form or another that you have authority over.

Ms. ARNOLDI. Yes, sir.

Mr. BILBRAY. With 87 inspectors, how can you even come close to even—first of all, you made a statement a minute ago you think your budget is fine and you really don't need anybody else. That is kind of an erroneous statement. You probably need five times as many inspectors to cover all these areas, don't you?

Ms. ARNOLDI. That is an opinion, sir, I can't venture an opinion.

Mr. BILBRAY. Can you give me a yes or no in your own opinion then?

Ms. ARNOLDI. Do I think we need five times as many, no, no, I don't believe so. If we had more inspectors, we could do more, sir.

Mr. BILBRAY. In my district, people claim they call your Department and they complain, they go out and see areas where people have kept animals that are starving, they are dehydrated and they are dying and you list five examples this last year of what you

have done, and I will tell you on a certain situation, you took the leopard and I understand it had to be destroyed.

Finally we get your Department in to look when they are dying. It is too late to save them. They are gone, and every day in my district there is animal abuse going on, not just by people that live at their house with their dog or their cat but by people that are keeping menageries of animals, and we can't get support out of your department.

It takes letters from me threatening everything I can think of to your Department to finally get somebody to go out and look at some of these things. That is why these people are so frustrated. They can see it—they walk my staff over and look over a fence and see animals dying and see them dehydrated and in terrible filthy conditions, and yet they can't get people to come out, and if they do it is 3 months, 4 months, and then they wait and wait and when they do have somebody come out, nothing happens and that is why the frustration is here.

We want you to be an advocate for this reform, not be apprehensive. I don't know, Doctor, why you are apprehensive about saying you need more people and need stronger laws? The chairman had to strangle you almost to bring it out that horses and mules and donkeys should be covered under the law.

You were apprehensive to bring it out. There is somebody above you. The Secretary of Agriculture will say when you go in front of Congress, don't say anything, say as little as you can. We have had those kinds of witnesses before and we understand the pressure you are under, but we need you there and we need you to advocate these kind of things and I think it is very important.

So if you just say, hey, I need more inspectors, I will come back, I need three times, four times, five times, I need to work with volunteer organizations and to say that a group like the Humane Society or these other groups weigh the same as some private affidavit from private citizens, these people are dedicated to this cause.

I would think that an affidavit from a group like the Humane Society would certainly weigh more with your reaction than some private citizen, a little bit at least, but I am saying you are supposed to look at everybody.

Ms. ARNOLDI. Yes.

Mr. BILBRAY. But we don't get response in our district. We need an inspector in southern Nevada and I am sure most of these areas need people to go out there because what happens is the people that take care of their animals, protect them and look after them like Representative Smith said, get burnt by the people that don't, and if we don't have help in this sort of situation, we are not going to be able to correct the situation, and I will tell you right now, there is a lot of abuse going on out there and we need the help of the Department to correct this and we need more inspectors to make sure this is done.

Mr. ROSE. Mr. Jontz.

Mr. JONTZ. Thank you, Mr. Chairman. Doctor, the Animal Welfare Act gives you the authority to suspend exhibitors.

Ms. ARNOLDI. Yes, sir.

Mr. JONTZ. All right, and to fine them.

Ms. ARNOLDI. Yes.

Mr. JONTZ. And it also gives you the authority to shut them down.

Ms. ARNOLDI. Yes.

Mr. JONTZ. That is correct?

Ms. ARNOLDI. Yes, sir.

Mr. JONTZ. I wanted to make sure that I understood the law, and you are going to provide the subcommittee with the record of the number of occasions on which the authority that you have in the law to shut down an exhibitor has been used over the last few years.

Ms. ARNOLDI. Yes, sir.

Mr. JONTZ. Would you also be willing to provide my office or for the record, some account of any or all actions, be they fines or enforcement, actions of some other nature, against the seven roadside zoos that were referenced in the video? Don't you believe that would be a good thing to clear up the record on that matter?

Ms. ARNOLDI. Yes, if I knew the names of those facilities, we could get that information for you.

Mr. JONTZ. I am sure that the names of those facilities, if they have not been communicated to you, can be and were you to receive those, you would be able then to check the records on those seven?

Ms. ARNOLDI. Yes, sir.

Mr. JONTZ. Now, reference was made earlier to the cooperative relationship which you have with the States.

Ms. ARNOLDI. Yes, sir.

Mr. JONTZ. But I want to inquire further, your answer indicated that most of the States' programs—you used the word programs, relate to cruelty. Do most of the States have a program or do most of the States have simply criminal laws against inhumane treatment of animals?

Ms. ARNOLDI. I can't answer that, sir. I am not familiar with all the various States.

Mr. JONTZ. Let's just take the case of Florida. Does Florida have a State program to inspect or license any of these sorts of exhibitors that we have been talking about?

Mr. CRAWFORD. Yes. Florida through their department of natural resources, I believe, regulates—I know marine mammals and I believe the other wild animals as well.

Mr. JONTZ. Can you tell me, Dr. Crawford, can you give me a summary of how many States have these programs?

Mr. CRAWFORD. It is very spotty. Florida has some, California has some regulation for research facilities. Can't tell you whether they do or not.

Mr. JONTZ. So most States have criminal statutes against inhumane treatment of animals but most States do not have a program in the sense of some agency of State government with responsibility to go inspect and license and do anything comparable to what your responsibilities are; is that correct?

Mr. CRAWFORD. Correct. Missouri and Kansas are in the process of developing such regulations for puppy breeders in the wholesale pet breeder business at the present time.

Mr. JONTZ. In terms of responsibilities across the board, as broad as the Animal Welfare Act gives you, very few if any States have that sort of responsibility?

Mr. CRAWFORD. I would estimate probably none have that.

Mr. JONTZ. Probably none and would you say that by and large the States have adequate resources or inadequate resources or could you make any characterization about even where you have limited statutes—limited programs on the book what kind of resources are there available in the States?

Mr. CRAWFORD. I wouldn't have any idea as to the State's resources.

Mr. JONTZ. You have a good cooperative relationship with them so you should know.

Mr. CRAWFORD. California is in trouble and I think some of the other ones are in trouble. I would on my own doubt they have the resources to do it.

Mr. JONTZ. I am sure that there is grounds to debate what the relative responsibility of the States and the Federal Government is in this regard, and perhaps we should be requesting the States to do much more, but I want to get into the record some indication of the extent to which the problem is being adequately dealt with by the States and I would have to say that the problem is not adequately dealt with by the States except in very limited circumstances, is that true?

So you have a cooperative relationship with the States where the States have programs but by and large there is not much there to cooperate with and that is why your responsibilities are so important, because the States are, for whatever reason, not providing the sort of comprehensive—they don't have the comprehensive legal responsibility that you do by and large?

Ms. ARNOLDI. Yes.

Mr. JONTZ. I wanted to get that into the record and I am not sure any purpose would be served in putting detailed information in the record about the programs of the States because there wouldn't, I guess, be all that much to put in and so I will thank the chairman for the time and yield back the balance of my time.

Mr. ROSE. Thank you. Mr. Stenholm has a follow-up question.

Mr. STENHOLM. Yes. That was an interesting exchange from my colleague from Indiana. I know in my district there was a gentleman sentenced to 3 years in jail about 2 years ago and served probably more of that term than many drug dealers.

I happen to know the fellow and he had 50 plus horses penned up and didn't feed them and the law of Texas worked in this case because this fellow went to jail. Mr. Chairman, I think this committee ought to look at various State laws because in Texas, you have got to convince me that we do not have an adequate law to protect animals.

You have got to convince the wife of this gentleman that went to jail and their children that the law of Texas regarding animal abuse is not adequate. Perhaps it is not.

Mr. JONTZ. Would the gentleman yield?

Mr. STENHOLM. Be happy to yield.

Mr. JONTZ. I appreciate the gentleman's point and I was careful in my question to distinguish between criminal statutes under

which individuals can be prosecuted for violation of the law and programs which include inspection and what-have-you. Obviously, I think criminal statutes serve a purpose and my bet is criminal statutes are in effect in all of the jurisdictions in the United States. My bet is there are some prosecutors that are more interested in prosecuting under those statutes than others. I bet we could spend all day taking testimony about the enthusiasm or lack thereof depending on the particular prosecutor of actions under the criminal statutes. I appreciate the gentleman yielding because I want to distinguish between the criminal statutes and the inspection programs and frankly I think all of us would sooner see a system in place that resulted in inspections and prevention rather than problems occur to the point where a prosecutor would be compelled to take the time of the courts to pursue some sort of criminal remedy.

I believe all of us would sooner not see the problems come to that point.

So I thank the gentleman for yielding and I appreciate there are criminal statutes but my concern is that when a criminal statute has to be used, I think things have probably gotten out of hand and we ought to try to prevent the problem before they get to that point.

Mr. STENHOLM. I don't want to belabor that. We have a witness now. There is obviously a difference of opinion between us regarding what a program ought to look like and what it ought not to look like. I happen to believe, in this case, where you have people abusing animals as badly as we hear, then criminal charges are appropriate.

With due respect to my colleague from the Armed Services Committee, one of the reasons we are different here is we do not have quite as much money to kick around as you do over there. We have got to take our pennies and make them work, and that is where I get nervous about people saying we need 100, 350, or 500 more inspectors, et cetera.

There has got to be better ways to do it. We all agree that the animals need to be protected.

Mr. BILBRAY. Would the gentleman yield on that for one second?

Mr. STENHOLM. Sure.

Mr. BILBRAY. One thing you could do is increase the fines and take the money and hire more inspectors. That is how the highway patrol works out on the highways.

Mr. STENHOLM. Every once in awhile a good rope works well too. But anyway, we will drop it for right now.

Mr. ROSE. We are getting way behind on our schedule. We will be here until 9 o'clock tonight. Mr. Allard.

Mr. ALLARD. Thank you, Mr. Chairman, for recognizing me for just a moment. I wanted to make a point that from my perspective and from the State that I represent, the local rules and regulations on the care and handling of the animals are really quite responsible, and I think that they rely on citizens taking the initiative to report instances of animal abuse, and I agree with my colleague, Mr. Stenholm, I hate to see a bureaucracy set up to try and do all that inspection, I don't think we can afford it. I don't think it would be that effective.

I think a lot of people care about the proper handling of animals and they do report those instances of abuse. Animal abuse does fall in the criminal statutes in the State of Colorado, and I hate to see the Federal Government get involved and preempt the State's rights in a program that is working OK at the State level.

We don't need to go any further. I would assume that you find you can work with States on these issues?

Ms. ARNOLDI. Yes, we do. We have good cooperative efforts with all the States.

Mr. ALLARD. And do you think it is working?

Ms. ARNOLDI. Yes, sir.

Mr. ALLARD. Thank you, Mr. Chairman.

Mr. ROSE. I am glad to have the gentleman on the record on preemption and I am sure that applies to FIFRA as well.

Mr. ALLARD. Sure does, Mr. Chairman.

Mr. ROSE. All right, and with that, ladies and gentlemen of the panel, thank you very much for being with us. We hope you will have some people from your office stay around to hear the rest of this testimony so you can get a little bit of a flavor of what we are facing in this subcommittee.

Thank you.

Ms. ARNOLDI. Appreciate it.

Mr. ROSE. Thank you very much. We are very happy to have as our next witness, Mr. Richard Kiley, actor, Warwick, New York.

STATEMENT OF RICHARD KILEY, ACTOR, WARWICK, NY

Mr. KILEY. Mr. Chairman, members of the subcommittee, thank you for the opportunity to talk with you this morning about some of the least known members of my profession, the animals who are used for exhibition or for entertainment purposes.

Performing animals share many of the same needs as the human members of my profession. They need a work environment that protects them from injury, disease, hunger, thirst and the extremes of heat and cold. Instead of being protected by a union, these animals have nothing to safeguard their interests except the Animal Welfare Act. And that act, as it now stands, prohibits neither cruel, exploitive nor abusive treatment.

As an actor and as a family man, I cannot understand how society and its children can benefit from these violent so-called entertainments featuring captive animals. Horses and mules are forced to dive off platforms. Bears, pigs and kangaroos have to defend themselves in combat activities such as wrestling and boxing with humans.

And if, in the heat of fear, the animal reacts naturally—the way nature intended that it should—to defend itself, it can hurt its human opponent, and then be punished or even killed for doing so. I ask you to institute a complete ban on these activities, and I applaud Congressman Pete Kostmayer for including this specific point in H.R. 3252.

All life must feed off other life to survive on this Earth, but what gives man the right to imprison, frighten and torture other creatures simply to amuse himself. Congress should also consider banning the use of wild animals in entertainment, whether they be

wild horses, birds, penguins, monkeys, or big cats. Although the people in charge at the location may treat them well and with the best of intentions, I know these animals often are put under great stress during the transport away from their natural environment and, again, once they find themselves amid the lights, noises and crowds at a production site.

Finally, I must ask you to enact a reasonable and meaningful standard for the handling of these animals. Respectfully, I urge this subcommittee to raise the existing standards for handling animals in entertainment to the level of a statute. This would eliminate the USDA's discretionary powers which simply are not doing the job. The USDA hasn't got the time or the interest or the manpower to activate their oversight function in this matter.

To date, the USDA has avoided, even disregarded the few regulations they themselves have put into place. I hope that you give animals in entertainment a true measure of protection, a protection against cruelty, neglect and abuse that is long overdue. The American public depends on Congress to ensure that movies, circuses and other types of family entertainment do not promote violence and insensitivity toward life.

I appreciate the courtesy you have extended to me today. I wish you all well. Thank you very much.

[The prepared statement of Mr. Kiley appears at the conclusion of the hearing.]

Mr. ROSE. Thank you very much and thank you for traveling from New York to Washington to give us your statement.

Mr. KILEY. It is a great pleasure, Mr. Chairman, thank you.

Mr. ROSE. Are there comments or questions from members of the panel? Any side? I think you covered it rather strongly and we appreciate your forthright necessary.

Mr. KILEY. Thank you, very much, indeed.

Mr. ROSE. Our next witnesses will form a panel. The panel will be composed of Mr. Roger Caras, president of the American Society for the Prevention of Cruelty to Animals, from New York City, Dr. John Grandy, the vice president of wildlife and habitat protection of the Humane Society of the United States, Washington D.C., and Ms. Adele Douglass, director of the Washington office of the American Humane Society in Washington.

Before you begin your testimony, I would like to recognize the presence in our audience of a guest, the Honorable Neal Wells, who is director with the Royal New Zealand Society for the Prevention of Cruelty to Animals, Mr. Wells, we are delighted to have you here. Thank you.

You may proceed, panel members, in the order in which I recognized you. Thank you.

STATEMENT OF ROGER A. CARAS, PRESIDENT, AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Mr. CARAS. My name is Roger Caras, on behalf of the American Society for the Prevention of Cruelty to Animals, the first humane society in the western hemisphere, I want to thank you for the opportunity to testify today regarding the plight of animals used or more often misused for exhibition purposes. I want to thank Con-

gressman Charlie Rose and Congressman Pat Roberts for conducting this hearing and Congressman Peter Kostmayer for sponsoring legislation to address the mistreatment of animals in entertainment and for the effort he has devoted to this issue.

As we see it at the ASPCA there are two major problems that should be addressed, the need of a specific and comprehensive law to regulate the use, handling, care and disposition of animals used for exhibition purposes, and, second, the need for far, far better enforcement of existing laws to protect animals and those new laws which ultimately may be enacted to regulate the care of these animals.

As long as existing laws do not specifically prohibit trainers of animals from beating the animals in their care, as long as animals are being injured and killed for making films, not necessarily on the set or location where things are sanitized for the press, but in the preparation of those animals for their hour of glory, as long as the existing laws do not prohibit exhibitors from selling animals they no longer want to be shot at and killed by so-called sportsmen, as long as existing laws do not serve to prohibit substandard zoos from keeping their animals incarcerated in prison-type structures and as long as the Animal Plant Health Inspection Service of the U.S. Department of Agriculture continues to fail to enforce the Animal Welfare Act, which it does fail, and it is clearly specified regulations are promptly and effectively, immediate additional action needs to be taken to remedy this situation.

The Animal Welfare Act in the hands of APHIS is simply not enough given the overall mandate of the U.S. Department of Agriculture, ladies and gentlemen, we have made the goat the gardener. One needs only to look at the Animal Welfare Act and the regulations as they pertain to the handling of exhibition animals to see why they are inadequate to prevent abuse.

APHIS has a record of not properly enforcing clear standards. When the regulations themselves are not specific, APHIS does even less. In fact, it does virtually nothing.

For example, the regulations promulgated under the Animal Welfare Act state that physical abuse shall not be used to train, work or otherwise handle animals. What does physical abuse mean? Does the elephant trainer who strikes the elephants in his care with hooks, clubs or axe handles think that he is not acting abusively? Does the bear trainer who hits a bear in his care on the nose, a particularly sensitive part of the bear's body, or strike bears with pipes think that this type of manipulation is justifiable, appropriate and nonabusive?

I haven't made these examples up. They have all happened in the circuses and zoos of this country regularly, routinely in many places. Probably the most notorious case recently come to light of abusive training was that of Dunda, an elephant in the highly renowned San Diego Zoo, the last place you would go to find cruelty. She apparently didn't follow her keeper's commands so in order to make her tractable, her legs were chained and pulled apart. She was brought down with block and tackle and then she was beaten on her head with axe handles by five keepers. All of this demonstrated—actually as incredulous as it may seem, the zoo purportedly claimed this could be a standard practice. The zoos' chief ele-

phant keeper has been quoted as saying, she needed to be disciplined for her own welfare.

Not at all surprisingly, the USDA, APHIS, did not take action against the zoo. The reasons for that fact are complex, bewildering, and if nothing else, disgraceful. The causing of pain and suffering of animals in order to train them to perform or be obedient has also occurred as you have heard in the making of films. Although the Motion Picture Association of America has been widely quoted as abhorring cruelty to animals in motion pictures, this attitude has not served to stop some directors from purposely having animals harmed for the making of a film.

It has been reported that at least five horses were killed during the filming of "Heaven's Gate," and about a dozen chickens were decapitated and their blood used in some of the scenes in the movie. The orangutan who performed in "Any Which Way You Can" was reportedly beaten with a pipe. For the making of "Killing Fields," a live ox was reportedly bled at the neck, in "Apocalypse Now," a water buffalo was allegedly hatched to death.

Clearly, Mr. Chairman, the existing prohibitions in the Animal Welfare Act regulations against physical abuse is not enough. There must also be specific language in the law to ban the striking, tripping and kicking of animals and any act which would tend to injure or cause pain or suffering to animals as part of their training or other handling at circuses, zoos, animal shows, rodeos, aquariums and for the makings of films, television shows or commercials and more and more for special interest VCR tapes.

For that latter large and still rapidly growing field, the how to hunting tapes, thousands of animals have been killed, specifically for the making of those types with rifle, pistol and bow. And since many American films are made in other countries it is important for legislation to limit or eliminate animal abuse for the making of American films regardless of where these films are actually produced. No more running away to Mexico.

Before going any further I want to emphasize that my intention here today is not to imply that zoos or movie directors are villains. Some are, as indicated, but I do not intend to paint a picture with a big wide brush. There are a great many zoos firmly dedicated to preserving endangered and threatened species and which provide a worthwhile educational experience for human beings.

At the same time they provide the animals in their care with the surroundings that truly are appropriate for the animal's physical, social and psychological well-being. I feel, though, only a small percent of zoos will be accredited with the American Association for Zoological Parks and Aquariums. Movies have been produced using large numbers of animals where concerted efforts have been made so that the animals would not be harmed, for example, \$250,000 was spent to construct 23 mechanical buffalos for "Dances with Wolves."

It can be done, but unless there are clear and specific standards in the law, the zoos, menageries, circuses and movie directors that are not concerned about the animals in their care will continue to mistreat animals any time they think they can get away with it, anywhere they can. People without consideration or compassion should not have access to feeding and handling animals.

Clearly that is so. The mistreatment of animals at rodeos also cannot go unmentioned here today. The use of an electrical prod and bucking straps can and do cause pain and stress and for what purpose? Amusement. Well, we are not amused.

Surely activities designed for entertainment but which are likely to harm animals or cause fear should not be condoned. If animals used at rodeos are not given any protection at all under the Animal Welfare Act as you know APHIS doesn't go near them. The rodeos have big bucks and that buys them big banks. The animals be hanged.

Thus far I have emphasized that aspect of animal mistreatment which is largely physical in nature, the striking, the beating, the shocking. Equally important to any discussion is the handling of animals in a circus, zoos, aquariums, rodeos and for the making of films as the environment in which the animals live. Some animals have indeed done remarkable things in order to replicate an animal's natural habitat as well as they can.

Other zoos unfortunately, including Ms. Basinger's roadside menageries and even some municipal zoos, continue to be nothing more than prisons with zero educational value. Yes, the Animal Welfare Act contains provisions regarding housing for animals but animals need more than just space to turn around in. There needs to be legislation to require exhibitors to provide the appropriate environment for their animals which is responsive to the animal's physical and psychological needs.

The exhibitors that do not accomplish this within a particular time frame should have their licenses revoked permanently. Displaying animals in settings that do not foster the animal's well-being is not only not educational, it is cruel and serves absolutely no beneficial purpose except to the exhibitor who is making money by the mishandling of his animals.

Also very important is the way that exhibitors handle animals they no longer need. Programs to limit over breeding of exhibition animals should be in effect, but this is not intended to interfere with breeding programs in legitimate ASPCA approved facilities.

An animal should receive protection under the law to prohibit them from ever ending up, ever, under any circumstances, as targets in a shooting gallery. A safari jacket and a big gun does not a sportsman make and neither does a check book. No law or regulation, however, will have any positive effect on the plight of animals for exhibition unless the agency empowered to enforce the law and regulations does its job.

The Animal Plant Health Inspection Service of the U.S. Department of Agriculture is totally inept and ineffective in this regard. It is, to almost everyone who deals with them in the field, a joke.

Just to give you an example, in the course of my 30-year career as a television correspondent I visited numerous commercial dog breeding facilities more commonly called puppy mills. The condition I observed in all of those 30 years never—never showed 1 inch of improvement. Animals were kept in filthy conditions. Sick and diseased animals were left unattended. Food and water was filthy. Yet these people continue to get their licenses from the USDA and continue their gross mistreatment of the animals in their care.

The inspectors were either blind or totally oblivious to the deplorable conditions they were supposed to be inspecting. I purposefully visited monstrous facilities with APHIS permits signed the day before. In at least one case an APHIS inspector ran her own patently substandard puppy mill in her own backyard. There in her front yard was a car with an emblem on the door that said, "Protecting American Agriculture, USDA." And there in the backyard was this filthy pigpen filled with suffering dogs.

When I personally took that to the APHIS regional office we met in Houston, Texas, and spoke with Dale Swinderman and Mr. Christiansen, whose first name I forgot. They looked at me and said, "We didn't know about her." I said, "Gentlemen, here is a complaint that was put on your desk 9 months ago and coincidentally here is another one put on your desk 9 years ago. You have known about her for nearly a decade. She still runs a puppy mill and still has a USDA car in the front yard, paid for by the taxpayers."

A new bureau dedicated solely to enforcing standards for the care of animals used for exhibition and other purposes as well needs to be established, not APHIS. A bureau with knowledgeable, people who will see what is in front of them for what it is and take the necessary action to improve conditions. APHIS enforcement efforts have been so abysmal over such a long period of time that it is clear that drastic change is needed. They had their chance. You can't make a dead man well, nor can a total failure improve by fiat or edict.

The ASPCA is hopeful that after today's hearing you will recognize that the care, handling, use and disposition of animals used to entertain us must be addressed by legislation. We pride ourselves, after all, on being a civilized society. We need to see an end to the beating of animals; we need to take animals out of prison-like confinements and give them some quality of life. That will only happen if you act.

The ASPCA and the millions of animals for whom it speaks pray that you will. Only then can we boast a higher status for our own species. We are, after all, only one among many—and at times we behave worse than most.

I don't think any one can argue with the fact that we arrived at our present station of life on the back of animals. Horses, as well as ships, proved that the Earth was round, not flat. This country was unexplorable without horses. In other countries they use reindeer, camels and yaks, but we got here on the backs of animals. The manipulation of livestock would have been totally impossible without dogs. Ask them in Australia. They are still absolutely essential down there. We eat them. We wear them. They entertain us they keep our blood pressure down as pets. They are our hobbies. They are our passions. For goodness sakes, let's pay some of the debt back. Let's get APHIS out of it. Thank you very much, sir.

[The prepared statement of Mr. Caras appears at the conclusion of the hearing.]

Mr. ROSE. Thank you, Mr. Caras.

Dr. Grandy.

STATEMENT OF JOHN W. GRANDY, VICE PRESIDENT, WILDLIFE AND HABITAT PROTECTION, HUMANE SOCIETY OF THE UNITED STATES

Mr. GRANDY. Thank you, Mr. Chairman.

My name is John Grandy. I am vice president for wildlife and habitat protection of the Humane Society of the United States. Mr. Chairman, I am pleased to appear today on behalf of more than 1.5 million members and constituents to present our concerns about animals used in exhibition and the Federal Government's failure to protect them under the Animal Welfare Act.

The HSUS is this Nation's largest animal protection organization with more than 1.5 million members, 10 regional offices, an educational division, a team of investigators, legislative experts, animal control academy and programs focusing on the humane stewardship of all animals, including those we are considering today.

Initially, I would like to thank you, Mr. Chairman, and this subcommittee for your leadership on and continued sensitivity on issues relevant to animal protection. This is a historic hearing and you deserve praise for having called it.

The HSUS firmly believes that under most circumstances wild animals should exist undisturbed in their natural environments and that the exhibition of wild animals frequently results in animal abuse, neglect, suffering and death. However, despite our ethical concerns about animals in exhibitions, exhibitions do exist and continue. The animals incarcerated in them deserve proper care.

This paradox is the ultimate dilemma for the HSUS. While we believe the great majority of these animal exhibitions should be closed, as does Mr. Caras and others who you have heard from today, we are committed to doing everything we can to insure the humane treatment of animals maintained in them.

The Animal Welfare Act is the Nation's most comprehensive Federal legislation protecting animals. And its spirit and intent were presumably designed to safeguard many species used in potentially abusive situations. The Congress made a firm commitment when the Animal Welfare Act was amended in 1970 to protect these animals. And although the regulations have been subject to further amendments, we are called here today to address the continued suffering and egregious exploitation of animals in exhibition.

The HSUS believes strongly that this ongoing tragedy is significantly due to the Animal Welfare Acts nebulous regulations and APHIS' lax approach to enforcement and implementation.

Indeed, the spirit and intent of the Animal Welfare Act provides a sound basis for humane treatment and ethical care of exhibition animals. However, it has not been effective because it has not been enforced. This lack of effective enforcement is due in large, if not total part, to APHIS' remiss attitude toward protecting animals.

In a recently released report that you mentioned in your opening statement, the USDA's Office of Inspector General discussed its audit of APHIS' enforcement and confirmed our long-standing suspicions. The act is simply not being enforced, and violators who are

uncovered are treated with kid gloves. We attach to our testimony, which I am summarizing for you, a detailed copy of the OIG report.

Mr. Chairman, I will not repeat the egregious conclusions of that report which you repeated in your opening statement. Suffice it to say, however, that those factors and those findings which you mentioned so well prove conclusively that APHIS simply does not have the desire or the will to enforce this law.

It is one thing to come before this subcommittee and talk about money and lack of personnel and those are important things that should be addressed.

However, at the core of the agency's failure, as emphasized by Roger Caras and by others, is the lack of the will of this agency and this administration to enforce this.

There are problems with regulations and standards. These problems actually compound the negative attitude of the agency toward enforcements. I provided a great deal of detail in my statement on these matters; licensing regulations are faulty, handling, veterinarian care, employee training, space requirements and transportation.

For the sake of brevity I will discuss two specific Animal Welfare Act regulations, that is licensing and handling, which have proven to be grossly ineffective in protecting animals.

Licensing: The regulations governing the licensing of exhibitors state that the applicant, "Must demonstrate compliance with the regulations and standards and be available for inspection."

However, this regulation is poorly worded. It does not implicitly require an applicant to fully comply with all regulations. In fact, the exotic animal exhibitor, TIGERS, actually received numerous licenses despite a long history of violations and an APHIS inspector's strong recommendations against licensing.

Equally startling, the USDA Office of General Counsel actually had pending actions against this exhibitor when the licenses were issued.

Handling regulations: These regulations require exhibitors to handle animals, ". . . expeditiously and carefully so as not to cause trauma, overheating, excessive cooling, behavioral stress, physical harm or unnecessary discomfort," and state that, "Physical abuse shall not be used to train, work, or otherwise handle."

We believe it is incomprehensible APHIS considers training techniques such as the use of whips, electric prods and hooks as standard animal handling and training procedures.

We are distressed that this has contributed to the number of instances involved in physical abuse in exhibition animals.

Mr. ROSE. Let me ask you to hold up there so we can go vote. The subcommittee will be in recess for a few minutes and then we will come back and continue.

[Recess taken.]

Mr. ROSE. The subcommittee will please come to order. When we broke for the vote on the floor, Dr. Grandy was in the middle of his presentation. Doctor, you may proceed.

Mr. GRANDY. Thank you. I will try to summarize this as quickly as possible for you.

At that point I was talking about the problems with handling animals and training them and the use of whips and electric prods

and so forth. The point I wanted to make there is first of all APHIS routinely allows those things. Either their regs are so lax those things aren't considered the cruel and inhumane treatment that we all know them to be, or the agency is so lax about enforcement that it simply ignores them.

Roger Caras brought up the problem with Dunda, the elephant. There are dozens of other elephants around this country. Lota, an elephant formerly of the Milwaukee Zoo, a case that we are in court on, was subject to terribly abusive equipment. APHIS was given films of that. They found no problems at all, even though the animal took 3 hours to be loaded into a van and was very seriously injured.

Mr. ROSE. Let me interrupt you and ask you a question.

Do you think what is defective is the Animal Welfare Act itself or the enforcement of it? Have you studied the act to have an opinion as to whether or not the Department could be more aggressive in its enforcement based upon the legislation?

Mr. GRANDY. The Department certainly could be more aggressive than it is. That is without question. The Department's attitude, I think, is best summarized by an event most people in this room know about very well, which is the Department's continued opposition to covering birds and other animals under the Animal Welfare Act. That speaks of an absolute attitude on the part of the administration to let the status quo remain and do as little as possible. You can fix some things in the act—and I have a series of suggestions which I will get to in a minute. The problem Roger Caras brought up about this agency and the people in it is the key to this.

The HSUS is also concerned that APHIS only seriously responds to violations when situations reach a crisis such as the injury or death of an animal or a person. For example, in response to a complaint filed by the HSUS regarding bear wrestling APHIS stated, "Unless we can prove that the animal was actually harmed, we can take no legal actions against the licensee. Unfortunately, this means taking action after the fact has happened." Moreover, when penalties are assessed they are often so minimal there is no assurance of compliance.

In summary, Mr. Chairman, we have the following specific suggestions based on our long 25-year investigatory history of this issue and our lengthy history with the Animal Welfare Act in APHIS.

First of all, we want to begin by commending the start that has been made with H.R. 3252. This bill is a good step forward. It needs to be refined. It needs to be strengthened, but the people who introduced it deserve all of our commendations and support.

Second, I want to endorse the suggestion made by Roger Caras earlier. As a practical matter I normally take the position, as does the HSUS, that it is not our job to tell Government which agency to rest responsibility in, but it is our job and the Congress' job to tell Government what should be done.

In this case APHIS, as I said a moment ago, has such an awful history of enforcement, I think strong consideration should be given to removing this particular responsibility from APHIS and putting it into another agency within or without USDA. What these animals need is an advocate. They do not need an apologist.

We recommend the establishment of a permanent blue ribbon advisory committee which contains substantial representation from the animal protection community. This committee can serve as the mechanism to review and develop improvements in regulation.

The standards for licensing must be made far more stringent. After being cited for a violation, the permittee should have no more than 60 days to comply and be subject to a mandatory reinspection. A second violation would carry a 2-year minimum revocation of a permit. A third violation, the revocation would be permanent.

These measures sound Draconian, Mr. Chairman, but case, after case, after case has shown that what happens is time after time, after time—and these things are attached to my testimony—the agency does nothing more than go back and find new violations. They tell the zoo or whatever it is to clean them up. The zoo cleans them up, they come back a month later and there are four new violations. Each of those violations represents animal brutality, animal cruelty and animal suffering, and this act should prohibit it.

Specific definitions must be developed for critical sections of the standards such as veterinary care and employee training. Criteria establishing minimal standards should be developed and implemented.

We have cases cited in my testimony where what goes on. People who know nothing about elephants are put in charge of elephant management. As the Dunda case proves all too well, all too often that means clubbing with a 2 by 4 or a baseball bat.

There are three other specific suggestions which I will allude to.

In total, Mr. Chairman, I simply want to summarize by saying this situation, the situation that we have heard so much about today—and you will hear about more, is appalling. Historically the USDA has fought against greater animal protection. This is best exemplified, as I said earlier, by the administration and USDA's continued opposition to adding birds and other animals to protection under the Animal Welfare Act. Animals are brutalized and they are dying.

The safety of visitors is compromised. Enforcement is poor or nonexistent and regulations are no more than ambiguous loopholes. The agency does little more than apologize and blame Congress. Congressman Rose, this situation cries out for your leadership. You must insist that regulations and policies which are created to protect exhibition animals no longer be permissive of animal suffering and insure the recommendations we have made are implemented into an effective animal protection system. In doing so, Mr. Chairman, we believe that you can put real meaning into the promise of the Animal Welfare Act.

Thank you.

[The prepared statement of Mr. Grandy appears at the conclusion of the hearing.]

Mr. ROSE. Thank you very much.

Ms. Douglass.

**STATEMENT OF ADELE DOUGLASS, DIRECTOR, WASHINGTON
OFFICE, AMERICAN HUMANE ASSOCIATION**

Ms. DOUGLASS. Good afternoon. Mr. Chairman, members of the subcommittee, my name is Adele Douglass, and I am testifying here today on behalf of the American Humane Association. I would like to summarize my remarks and have my full statement included in the record.

Mr. ROSE. Without objection.

Ms. DOUGLASS. The American Humane Association with headquarters in Denver, Colorado, was founded in 1877 and is the only national association for the protection of both children and animals.

Our children's division has as its members child welfare agencies, State and county departments of social services, administrators, child advocates and concerned individuals.

Our animal protection division has as its members humane societies—local humane societies, SPCA's, and animal control agencies, as well as concerned individuals across the United States. It provides training and services to humane societies, establishes standards for local agencies to meet and provides emergency animal relief.

Our Washington, D.C. office provides advocacy for animals and children. Our Los Angeles office protects animals in film.

I would like to digress from my summary for just about 10 seconds to say that I think it is important for the subcommittee to realize that the American Humane Association is currently involved in litigation against Mr. Barker regarding statements similar to those he made here today. These statements are viewed by the American Humane Association as libelous and slanderous.

Now, our Los Angeles office was started in 1939 as a result of public outcry against animal abuse in the film industry. That year, during the filming of "Jesse James," a stunt man rode his horse off a 70-foot cliff and the horse was killed. The public was appalled. And the American Humane Association intervened, and spearheading the effort to protect animals in film. We opened the Hollywood office which we now call the Los Angeles office.

For the next 53 years we worked to prevent the injury, neglect, and abuse of animals in film. American Humane has done so with and without the cooperation of the industry.

In 1940, an agreement was reached with the Motion Picture Association of America that an authorized American Humane representative be consulted on all film-making connected with animals, and that the producers invite the American Humane Association representative to supervise animal action. This relationship worked well and there were few problems until 1966 when the Motion Picture Association's powerful Hayes office was abolished and the American Humane Association's authority was dissolved along with the Production Code.

After 1966, and until 1980, having no authority, American Humane continued to seek protection for animals used in film. We were often barred, sometimes at gunpoint from being on sets. This happened on "The Legend of the Lone Ranger" being filmed in Santa Fe. Unfortunately, there was cruelty in many other films

shot during these years. During that time we fought back demanding media attention for such atrocities.

In 1979 a horse was blown up in the making of the film "Heavens Gate." American Humane organized a national boycott of the film and the public outrage led to the reinstatement of American Humane's authority in the 1980 actors/producers collective bargaining agreement.

Today the Screen Actors Guild and the Alliance of Motion Picture and Television Producer's agreement states that American Humane must be sent a script when animals are being used and AHA should be allowed to be on the set. It is there and there alone the American Humane Association derives its authority to be on sets.

Each year we protect thousands of performing animals with the cooperation of the industry and the trainers. Field representatives travel tens of thousands of miles to several hundred production sites, supervising animal action. Last year we supervised over 300 movies, TV productions and commercials.

Our Los Angeles office receives lists of upcoming productions from the Screen Actors Guild. Additionally, from movie and TV productions we search trade magazines daily. A letter is sent to all productions for which we do not have a script, reminding them a script and shooting schedule should be sent to our office as early in the preproduction period as possible.

Last year over 2,500 letters were sent. A set of guidelines are sent to each production using animals. When the script is received it is read, animal action is marked, and a production work sheet is filled out. From then on American Humane is in constant contact with the production company to determine how scenes that American Humane questions will be shot. On days of filming the American Humane representative is on the set to make sure the scene is shot as agreed.

It is not unusual for an American Humane representative to be on the set 12 to 16 hours a day. Oftentimes they work weekends, especially on locations and night shoots. Not only does American Humane monitor how the shot was achieved, but how many takes were done and the kind of exercise and rest periods were provided to animals on the set. We make sure the animals have adequate water and protection from the elements and safety precautions are observed. If necessary, we now monitor training sessions and go on locations and preproduction to assure housing is being established to our requirements.

As you know, films are being made all over the United States. If the Los Angeles office deems it appropriate, we send field representatives from our Los Angeles office to these diverse locations. Sometimes we ask one of our local affiliates to represent us on the set. In those instances, after the preparatory work is done, a package of materials outlining the agreed upon animal actions and procedures, along with AHA guidelines and rep reports are sent to the affiliate, and the L.A. office reviews these terms with the affiliates prior to filming. These are local humane societies or SPCA's in the area.

When the filming is completed, American Humane screens the film before it is released to the public to make sure no animal

action was added that we were not aware of. We write a review and rate the film according to how the animals were treated on the set, not with how they are portrayed on the screen. This, unfortunately, causes confusion to the public as the making of movies is an illusion.

Our ratings are published in our national magazine, "The Advocate," which goes to over 3,500 affiliate humane organizations and to our individual members nationwide. We also send press releases to major newspapers and magazines in the United States.

I would like to submit a few of our press releases for the record, if you would like. Our ratings, by the way, are also sent to the British Classification Board who rate these films for the European market. American Humane operates and maintains a 24-hour, 7-day a week animal actors hotline, ensuring absolute confidentiality for callers who want to report abuse or potential abuse to animals.

Ninety-eight percent of what we do is preventative. Our preliminary work results in the prevention of cruelty to animals. If we were only citing production companies after the fact because of cruelty on the set, we would not be doing our job. When American Humane codified its guidelines in 1988, these standards were written for the protection of all animals, regardless of their prominence or insignificance to the production. They cover the comfort of the animals on the set and their protection during the filming. This includes all sentient creatures, including birds, fish, reptiles and insects. They exceed California State law which has one of the strictest anticruelty laws in the Nation. This is not the case in other countries where reality is still the name of the game.

Like in the movie, "The Ferryman," which was a Hungarian production made in Poland, kerosene was actually poured on the backs of sheep and ignited. Nor was it in the case in years past with American productions filmed overseas; "Apocalypse Now," filmed in 1979 in the Philippines, "Reds" filmed in Spain in the early 1980's, and "Patton" filmed in 1972 in Italy.

To address this problem American Humane has recently collaborated with Neal Wells, our esteemed guest today, representing the World Society for the Protection of Animals to produce written international guidelines. They are based on our American standards. These guidelines, the international code, will soon be distributed in 71 countries through local humane organizations. We are not saying that isolated incidents cannot and do not occur, they do. Like in the TV production, "Blue Grass," which was made in 1987, labor was induced in a horse and the foal died. What we do say is such incidents should not be misconstrued as rampant in the industry as over 300 films and TV productions using animals are made each year.

When something like this happens steps are taken to prevent these things from happening again. In this instance we included a guideline stating labor may not be induced for the making of a film.

Our American Humane's authority is consensual. It is derived from a contract. If the motion picture industry didn't allow us to be there, we couldn't be there.

In regard to the USDA's mandate, we respectfully disagree with the USDA when it says they don't need more resources. You don't

have to be a mathematical genius to figure that 90 inspectors can't do a good job reviewing 9,832 inspection sites.

Our position is clear. We oppose death, injury, pain or suffering of an animal for entertainment purposes. That is unacceptable. That has been the policy and mandate under which we have been working in Hollywood for the last 53 years. The issue as we see it before this subcommittee is not more regulation, but more resources for the appropriate agencies, because in terms of exhibition there is more than USDA. I believe the Fish and Wildlife Service is involved as well, but we need more resources for the appropriate agencies to enforce and implement existing regulations.

Any additional legislation being considered by the Congress without accompanying significant new resources to implement that legislation will not be of any benefit to animals.

Thank you very much.

[The prepared statement of Ms. Douglass appears at the conclusion of the hearing.]

Mr. ROSE. Thank you very much. I notice in the back of your testimony many, many pages about movies made in other States.

Ms. DOUGLASS. Yes.

Mr. ROSE. Take my own State of North Carolina, for example, a movie, "Young Indy," was made in Wilmington, North Carolina, which is in my district. What you would have done was relied on the New Hanover Humane Society to police the set, so to speak, according to guidelines and information you had sent them. Is that correct?

Ms. DOUGLASS. Yes. We would have contacted them, asked them if they would be able to go on the sets. It wasn't a movie—I think "Young Indy" was an ongoing television program. It was one of those and we would have talked to them over the phone—asked if they would be available, sent them the agreed upon description of how the scene is supposed to be done, what is expected and to have them go on the set and observe, participate, check out the animals and so forth and complete the rep report and contact us.

Mr. ROSE. All right. You realize that the likelihood of there being trained professionals in the New Hanover Humane Society is very slight.

Ms. DOUGLASS. If there was a scene—this is how it was explained to me—if you have a horse running across the pasture, what the person in the New Hanover Humane Society would do is to go out and walk the pasture and make sure there weren't any big holes or rocks that the horse would stumble on. It wouldn't be complex action. If it were, we would send one of our reps from Los Angeles.

Mr. ROSE. How many representatives do you have? How many American Humane Association reps do you have that can be sent?

Ms. DOUGLASS. Let me find my notes. I think there are six in Los Angeles. We have one permanently in New Mexico and one in Arizona.

Mr. ROSE. Less than 10?

Ms. DOUGLASS. Right.

Mr. ROSE. There are movies being made all around the country, every day. So if they involve animals, it sounds like you need more resources just like APHIS does.

Ms. DOUGLASS. No question about it.

Mr. ROSE. All right. Panel, thank you all very much.

Any questions, comments from Mr. Bilbray?

Mr. BILBRAY. Thank you, Mr. Chairman. I have a question for the representative of American Humane. Do you receive any funding from the motion picture industry directly or indirectly?

Ms. DOUGLASS. In years past. We haven't this year. In years past, I understand we had a contribution from the Motion Picture Association, and my understanding is that contribution comes to less than 1 percent of our annual budget and it is for both the childrens and the animal division. It is not for our Hollywood office.

Mr. BILBRAY. Most of your contributions are from private donors.

Ms. DOUGLASS. And foundations.

Mr. BILBRAY. Are any of those foundations connected with the motion picture industry?

Ms. DOUGLASS. No, other than the donation from NPAA, no.

Mr. BILBRAY. The question is for the other two witnesses, Mr. Grandy, Mr. Caras. How is your working relationship in regard to this with American Humane? Do you find they are cooperative and you work well together or do you have problems?

Mr. CARAS. Speaking for ASPCA, we have a very close relationship with them. We are located in New York State. Since the ASPCA has police authority in New York and the AHA doesn't, it is typical for films, commercials, or TV shows, made in New York to be supervised by our office, our head of law enforcement, Mr. Herman Cohens, here today. Typically he would go or one of our agents would go. They have police powers. They can stop it and indeed we have.

Mr. BILBRAY. Your relation has been very good.

Mr. CARAS. Yes. Two weeks ago—there are four organizations in this country, Mr. Congressman. Four of us are ASPCA, AHA, HSUS and MSPCA which is in Massachusetts which is a very strong State organization, probably is the strongest in the world for an area that small. Our four organizations meet four times a year, the presidents of each of the organizations, and one or two vice presidents and coordinate our activities for the year and our plans for the years ahead. And we jokingly refer to it as a summit or some other nonsense name. We meet four times a year and we work together.

Like you, I am concerned, having spent 20 years in the motion picture industry. I am deeply concerned about whether AHA actually can supervise when they are away from Hollywood. There is no criticism of them, but it does reach far and local agencies do not have the expertise—I know if I were making a film in North Carolina and I was going to do something nasty to a horse, I would put out two call sheets and I would shoot one unit one place and keep that clean and sanitary and I would do the nasty things when the local humane officer wasn't there. If you are not experienced you—you don't usually rob people on the street in broad daylight, you do it at night.

Mr. BILBRAY. Mr. Grandy.

Mr. GRANDY. Yes, the Humane Society of the United States has a strong working relationship with the AHA.

Mr. BILBRAY. The reason I ask that, Mr. Barker's testimony earlier I got the implication he felt American Humane and the industry

were pretty close in a working relationship. Maybe I read too much into his testimony.

Ms. DOUGLASS. May I respond?

Mr. BILBRAY. Yes.

Ms. DOUGLASS. We work cooperatively with the industry and the trainers and if we didn't have the cooperation of the industry and the trainers, we wouldn't be able to protect the animals. I mean we do this as a voluntary thing. We have been protecting animals since 1877, so I think it benefits animals to have the motion picture industry have us written into the contract saying all productions that had animals had to send us a script. I think that benefits animals. I don't understand why that would be a problem.

Mr. BILBRAY. I am not saying it is. I am saying I want to get to the bottom of it and understand what the relationship is.

Another question I have is we talk about 87—90 agents nationally. I understand OMB, that is kind of the standard they have set for the Department of Agriculture, how many agents they will give them. How many do you think are needed and could a voluntary organization like, for instance, the BLM up in my area like the Red Rock area and they have volunteers trained by the BLM and they work so many voluntary hours to help, provide voluntary agents that were sort of trained and deputized to work within the organization to maybe go out and find these problems?

Mr. CARAS. Specifically, sir, in entertainment or the broader spectrum?

Mr. BILBRAY. The broader spectrum.

Mr. CARAS. Eighty inspectors, when you have over 5,000 puppy mills, much less the other exhibitors, is a joke. I spent 2 nights at Kansas City National Airport, 2 Monday nights and that is when the puppies are all gathered from the puppy mills and shipped out on TWA. I think that is where 26 dogs were suffocated recently. And no one at Kansas City National Airport had ever seen an APHIS inspector. The animals are shipped between 2 and 6 in the morning. They had never seen an APHIS inspector at 2 o'clock in the morning. It got to the point TWA employees were on their own inspecting animals and refusing them. These are just baggage handlers, refusing to take the dogs. I said how often does APHIS come here? They said they never have.

Mr. GRANDY. There are other things as well. The comment was made during the questioning of Dr. Arnoldi, could you use five times as many inspectors. Frankly, it pains me to say this, but if the agency's attitude didn't improve, 10 times as many inspectors might not be very helpful. If Roger Caras can find this thing on two successive Monday nights, it doesn't take a rocket scientist to get an agent there.

There are two problems here: One is, yes, there is more budget needed. There is more authority needed in different places, but there is a different attitude that has got to precede that and be part of it or it is not going to work. We can't have an agency which spends lots of its budget fighting animal protection organizations who want to enforce the law. That is the situation we have today. So let's try five times as many agents to see if it works. Let's not let Congress or the American people get away without realizing that what fundamentally needs to change is the attitude of the

agency. It has to be an advocate for animals, not an apologist for cruelty.

Mr. BILBRAY. By the way, for the record, could you give us the name of the woman who is the inspector who has a puppy mill still going on?

Do you have that?

Maybe we could ask why that is still going on.

Mr. CARAS. Mr. Grandy just informed me—I have not been out there in a couple years—that she was fired or allowed to resign and that her puppy mill has been closed.

Mr. BILBRAY. Then I don't need it.

Mr. CARAS. By the way, I failed to mention, Mr. Chairman, that I would also like my comments included in the record.

Mr. ROSE. We will put all of your statements in the record together with your answer to the questions.

Mr. CARAS. Could I add one other point?

Mr. BILBRAY. I have run out of time. So it is up to the chairman.

Mr. CARAS. I don't claim to know everything there is about the Department of Agriculture, but it is my understanding that the mandate for the USDA is to take care of the farm, to make sure that America remains the cheapest and best overfed country in the world, and to maximize profits and speed up growth and all of the things that have to do with the human side of the equation.

All of a sudden, they are the animal advocates. That is why I said, "made the goat the gardener". It is in the wrong place.

The Animal Welfare Act should be strengthened, but it should be taken out of USDA. It does not belong there. Their mandate is on the other side of the fence, in my opinion, sir.

Mr. ROSE. Of the great many people that agree with that, USDA finds itself in several predicaments like this one. Many years ago we started a food surplus distribution system, which is now the Food Stamp Program, which is the lion's share of USDA's budget, and I think they would like to get rid of the Food Stamp Program as well as the Animal Welfare Act, and we are about to undergo some hearings in the Congress this year and next year about the reorganization of how we do our work, and I certainly intend to mention these two areas to the Hamilton-Gradison Committee as they look at the work of committees; but I think your point falls on perceptive ears.

I would yield at this time to the ranking minority member of the subcommittee, Mr. Roberts from Kansas.

Mr. ROBERTS. I thank the Chair.

Mr. Caras, where would you put the jurisdiction in regard to the Federal agencies that we have, or would you, perhaps, put it as a stand-alone agency?

Mr. CARAS. I am not sure I have the wisdom to answer that question. I would like to gain that wisdom and think about it.

I am not sure, sir, whether it is with health, whether it is with the Attorney General; I don't know. It depends how tough the laws are and—but not where it is, I am not that much of a scholar of Government to know exactly where it should go.

Mr. ROBERTS. I would like to ask Ms. Douglass, and it is my understanding the chairman has informed me, and I am sure he is right, that you will make available to the committee, or part of the

subcommittee, information and statistics on the frequency of unacceptable uses of animals in the TV and movie industry in recent years.

The information I have here, for instance, in 1988: 61 movies supervised; 53 TV productions; 21 commercials; 124 scripts; 42 movies screened; 301 reviews; 7 unacceptable; 1 in the United States. In other words, 1 out of 301, 1989.

Would you care to comment about that?

Ms. DOUGLASS. Year end 1988 or 1988?

Mr. ROBERTS. I think I just read the 1988. It is not that we need to go down each one, but this information is available.

Do you have any summary, commentary on the work that you are doing?

Ms. DOUGLASS. I would say, for example, if you wanted to put this in as part of the record, in 1988, we had seven movies that were rated unacceptable, six of which were made overseas. One was a docudrama filmed in New York City, the filming of live acts, and it was called "Mondo New York," and this horrible person bit the head off of a mouse and threw it in the audience, and we got calls on it, and we contacted the—

Mr. ROBERTS. Sounds like a NEA grant, but go ahead.

Ms. DOUGLASS. And the ASPCA successfully prosecuted the case. In 1989, there were two movies rated unacceptable.

One was overseas, one was a U.S. film and we were told that no animals would be used and they submerged some rats in liquid oxygen. The rats fortunately didn't die.

Now, this was an issue that rats are not currently covered under the Animal Welfare Act and all we could do would be to publicize it, rate it unacceptable and publicize it.

In 1990, there were three movies rated unacceptable, which were all made overseas. In 1991, there were two movies rated unacceptable, one because some insects were killed, which is against our guidelines, and another was footage of rodeo mishaps where they filmed animals actually being hurt in rodeo, and we rated that unacceptable even though it was sort of a documentary.

Mr. ROSE. Let me interrupt one minute. I am going to turn the gavel over to Mr. Roberts for about 5 minutes. I will be right back, and when you all have finished, he will call the next panel.

Mr. ROBERTS. Do I have all the powers of the majority in those 5 minutes?

Mr. ROSE. Absolutely. Any law you want to pass.

Mr. ROBERTS [presiding]. You have seen the millennium. That is the kind of information that I wanted to make sure was in the record, and I think we are probably reading from the same kind of information that you have provided.

Ms. DOUGLASS. I was going to say I have it typed up. If you want to put this in the record, here it is.

Mr. ROBERTS. We will do that.

And if you will provide that to the subcommittee, we would appreciate it.

[The information follows:]

American Humane Association

1988

61 movies supervised
 53 TV productions
 21 commercials
 124 scripts
 42 movies screened

7 movies rated unacceptable
 6 made overseas

1 docu-drama filming in New York City of live acts - "Mondo, New York" - although this was not something we would have been notified of, we investigated and sent our reports to the ASPCA who successfully prosecuted.

1989

88 movies supervised
 126 TV productions
 67 commercials
 260 scripts
 109 movies screened

2 movies rated unacceptable
 1 overseas

1 U.S. film - AHA was told no animals would be used - rates were submerged in liquid oxygen and fortunately did not die.

1990

92 movies supervised
 108 TV productions
 55 commercials
 349 scripts
 74 movies screened

3 movies rated unacceptable - made overseas

1991

112 movies supervised
 118 TV productions
 46 commercials
 6 videos
 622 scripts read
 91 movies screened

2 movies rated unacceptable:

- 1 - because roaches were killed
- 1 - was footage of rodeo mishaps where animals were hurt.

Mr. ROBERTS. I want to thank the witnesses.

We will call the next panel.

Mr. BILBRAY. Mr. Chairman, as they are doing that, I can say in defense of the NEA, as a supporter of the NEA, that we would never grant a grant like that.

Mr. ROBERTS. I am talking about the National Education Association.

Our next panel is Dr. Charles Sedgwick, school of veterinary medicine from Tufts University; Mr. Sydney Butler, the executive director of the American Association of Zoological Parks and Aquariums from Bethesda; Ms. Lucille Kaplan, the legal counsel for PETA; Mr. Pat Derby, president of the Performing Animal Welfare Society in Sacramento, California.

I would like to welcome the panel.

If you would have a seat, we will begin.

We will start with Dr. Sedgwick.

Let me say first, Doctor, we want to welcome you.

In 12 years I have waited to say this. We in the Congress, some of us, at least, are literate and we can read these statements, and in the interest of time, if we can hold it to 5 minutes, all of your pertinent testimony will be made part of the record. We do appreciate your coming.

We ask you to try to summarize.

If you do not, you will be sent immediately to Dodge City, Kansas, where you will be hung by the neck until you are dead.

You may proceed, Doctor.

Thank you.

STATEMENT OF CHARLES SEDGWICK, SCHOOL OF VETERINARY MEDICINE, TUFTS UNIVERSITY, ON BEHALF OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION

Mr. SEDGWICK. Mr. Chairman, I am a specialist in veterinary medicine that addresses the problems of zoological medicine. I am certified in this specialty.

I am experienced as the animal welfare director for the vice presidency of Morris Animal Foundation. I have lectured to inspectors for the USDA on this subject.

I have lectured to programs provided by HUSIS, by the Society for Prevention of Cruelty to Animals in San Diego and in Massachusetts, and I would like to take a slightly different tack with my summary and suggest that training on some levels does have value and that the animal welfare inspectors, their job is facilitated, to some extent, by the ability of captive animals to be trained.

The type of training I have maybe doesn't fit the characterization that has been made previously here today. For example, we train, in a manner of speaking, baby bald eagles destined to be released. This program has been going on for 10 years.

These are not exhibit animals, but the desired purpose has resulted from this training. These animals have nested for the first time in the New England States from a period of 50 or 60 years when these animals did not nest in these areas.

For the past 5 years we have had nests. We feel that the animal keeper/inspector relationship is a give and take relationship, and

in its ideal form, that is the way I have seen it. The animal keeper provides in each institution peculiarities of that animal care facility, whether it is a zoo, an animal compound of different sorts, provides the inspector with information that is peculiar to that institution.

It is not available—it cannot be written up in comprehensive guidelines, and so forth. We feel that the animal inspectors of the USDA, APHIS, supporting the Animal Welfare Act, are grossly underfunded.

This is the general opinion of people in my association, the American Veterinary Medical Association. We feel from talk and from descriptions of the activities of this agency, the APHIS, that they are perhaps one-fifth to one-tenth funded for the job that they are expected to do.

Instead of \$10 million, they should have \$50 million or \$100 million, perhaps, to do the vast job that faces them.

I have worked with these people. I have had these people call us for specialized information within my field of expertise, and I feel that they are highly motivated people, and I feel that if they wish, they can take the current Animal Welfare Act and implement it to the extent that animals could in captive situations and exhibit situations, could derive a much better situation.

Let me describe some of the training that is necessary for all animals, for any animal on this Earth that is kept in a captive situation. If we have the large carnivores, the great cats, the great leopards, and so forth, in an exhibit, they need to be trained at least to retire so that their facilities can be cleaned, so that their food can be placed in an appropriate area.

If we are talking about elephants, we need to have animals that understand a certain number of commands for their own good. I will give an example: The Los Angeles Zoo 20 years ago, when I was a veterinarian there, we had an elephant with a scrofulous lesion, a tubulus lesion of the hip. It was caused by human tuberculosis.

The practice of feeding zoo animals in those days brought TB. The public obviously brought this in. The animal went down, fell down, balked and went down on her side in a narrow passageway.

Her partner elephant, an elephant that was just trained to tail-up with this animal, just to follow by grasping her tail, was brought out, and the keeper, without having any commands for this animal, brought her into position. She put her head and her trunk and her front feet in the position and lifted that animal to its feet. It was an example of how training can benefit animals and it was a religious experience, frankly. There was not a dry eye anywhere in the area.

So I think that the current trend in training is to train these animals to do normal procedures, normal behaviors, such that they can be handled. If you need a blood sample for a diagnostic test from the ear of an elephant, an elephant is a dangerous animal, it can be trained and they are being trained in this day and age to present the ear at a cubby hole protective wall so that the veterinarians, and so forth, can take samples.

The same is being done with marine mammals. I worked with Benny Kirkbride for the 7 years, from 1970 to 1975 that I was at

the San Diego Zoo, before the elephant incident incidentally, and this keeper, this trainer was so good with his animals that he could open their mouths and I could inspect their teeth.

If I opened the mouths, I lost a hand. He could hold an animal's flipper and I could take a blood sample from this animal to do a count to see if there was an infection of any kind.

I think that this kind of positive training is beneficial and most, most compelling to animal people. It is the highest form.

I would like to caution that this legislation is wonderful in its concept. It is obviously needed, but be careful not to restrict such things as medical treatment.

If I have an antelope with a broken leg and I repair that leg with various appliances, perhaps steel pins and so forth, I must keep that animal in a very confined place, because by doing so, he is quiet; he is in the dark. It has to be properly ventilated. It has to have a passageway so the animal can be quietly moved to the next crate so that the former crate can be cleaned. But if I turn this animal out into a luxurious grassy knoll, he is going to dash that orthopedic repair to pieces.

We have to have legislation that allows this flexibility and allows the well-meaning, the well-trained and the important people on the ground at the site to make decisions about these animals that don't necessarily fit the stereotype of a wonderful open, free existence.

I don't believe, after 30 years of experience in zoological medicine, that there are any experts totally in this field.

I would love to challenge anybody in this situation. I don't know whether this committee could convene 5 people, 10 people, or 100 people who could be an effective, totally knowledgeable oversight committee. The knowledge of zoological medicine, the zoological keeping, is something that is being generated day by day, moment by moment, and animal experience by animal experience.

Mr. ROBERTS. Doctor, I want to thank you for your very pertinent testimony.

In the interest of time I am not going to have you read your last paragraph on page 6 of your statement, but it makes more sense to me than almost anything else that I have read or tried to do my home work on.

I want to thank you for your statement.

[The prepared statement of Mr. Sedgwick appears at the conclusion of the hearing.]

Mr. ROBERTS. I want to apologize to Ms. Pat Derby. We had a typo in the committee witness list, and, obviously, you are not Mr. Pat Derby, so my apologies to you.

We will move now to Mr. Sydney Butler. The chairman has taken control. We are back in business as usual.

I would say, Mr. Chairman, we have 158 subcommittees and committees in this institution. We are supposed to be in two places at the same time over half the time.

So while you are back, I am going to have to take a temporary leave of absence for the time you requested. Thank you for relinquishing the gavel. We try to emulate your fairness.

Mr. ROSE [presiding]. Thank you very much.

I hope that follows through all day today.

Mr. ROBERTS. I reserve the right to object, Mr. Chairman.

Mr. ROSE. Thank you, Pat Roberts.
Mr. Sydney Butler.

**STATEMENT OF SYDNEY J. BUTLER, EXECUTIVE DIRECTOR,
AMERICAN ASSOCIATION OF ZOOLOGICAL PARKS AND AQUARIUMS**

Mr. BUTLER. Mr. Chairman, thank you for asking me here today. I have a written statement which I have submitted for the record and I will move through it quickly in the interest of time.

My name is Sydney Butler. I am executive director of the American Association of Zoological Parks and Aquariums, AAZPA. We represent 162 accredited zoological parks and aquariums and almost 6,000 individual members.

The highest priority of our association is conservation, which AAZPA and its member institutions pursue through species survival plans, habitat protection, animal rescue and rehabilitation, and education programs.

Mr. Chairman, I don't need to remind this subcommittee or others in this room of the extreme threat to the species in this world. Current estimates suggest that from 1 to 5 million species of animals and plants could become extinct in the next few decades, primarily due to habitat loss.

For those species that are threatened with extinction, AAZPA has developed a world-renowned program of genetic management. This species survival plan, known as SSP, is a program originated in 1981 to secure the survival of at least some of the most vulnerable and most significant of endangered species through a captive breeding process.

The goal of many SSP's is to someday reestablish self-sustained populations in their former ranges, and through research, to develop methodologies that can assist field conservation efforts.

At the present time, there are SSP's in our program for 26 species, and we hope to cover 200 species by the year 2000. Following our lead, similar programs are being organized in Europe, Japan, and many other countries. We can already count our captive breeding successes, such animals as the Asiatic wild horse, Pere David's deer, black-footed ferret, the red wolf, the Arabian oryx, and the California condor.

All would be extinct today without successful captive breeding programs. AAZPA member institutions are developing also a strategic collection planning process to select species based on their conservation, educational and research value.

This program is expensive. Zoo and aquarium professionals spent over 50,000 hours and an estimated \$2.5 million in 1991 on SSP management alone for habitat protection. And none of us in the zoological community believe that SSP's alone can save species from extinction. Therefore, our commitment does not stop with the SSP programs.

The AAZPA and its members realize that SSP's cannot save endangered species and, therefore, have begun captive breeding programs which must be implemented as part of a more holistic and more comprehensive effort to preserve species in their natural habitat.

In 1990, 1991, 69 AAZPA institutions initiated or supported almost 400 conservation and scientific projects in nations worldwide. The New York Zoological Society alone, through the Wildlife Conservation International, spends almost \$4 million annually on international conservation efforts.

AAZPA institutions also sponsor in an international field research and conservation programs. For example, the Minnesota Zoo has adopted a national park on the island of Java in Indonesia to protect habitat for the highly endangered Javan rhino. Similarly, the National Zoo here in Washington is heavily involved in the Golden lion tamarin reintroduction program in the Amazon area of Brazil.

Animal Rescue: In addition to the SSP and international conservation efforts, Mr. Chairman, many AAZPA members participate in the marine mammal stranding network, a voluntary, regional network for stranded marine mammals.

An average of 2,000 marine mammals are reported annually as stranded on the coasts of the United States. One stranding network, Sea World, spent almost \$3.4 million over the last 5 years rescuing almost 2,800 animals, and of those animals, 1,300 were rehabilitated and over 1,000 were released back to the wild.

The New England Aquarium in Boston also currently responds to over 500 strandings each year. It has also assisted more than 50 seals of five different species, and has returned 20 to the wild. Direct costs of this effort for the New England Aquarium are estimated to be \$100,000 each year.

There are many other examples of conservation rescue efforts this year, including a west coast sea otter, sea turtles and other migratory birds, raptors and avian species.

AAZPA also fulfills its commitment to conservation through education, both at home and overseas.

At home zoological parks and aquariums serve as learning centers for 105 million people who visit our facilities every year. An estimated 10 million children visit our zoos and aquariums, and each year, 35,000 teachers are given in-service training by zoos and aquariums.

All in all, each year AAZPA institutes spend an estimated \$27 million on formal and informal educational programs.

AAZPA monitors the activities of its members through an accreditation program. One of the foremost objectives of the AAZPA is to maintain high professional standards and to influence continuing growth of superior zoos and aquariums. In developing and updating our accreditation program, which we do constantly, AAZPA is especially concerned with the need for the high standards of animal management and husbandry.

This accreditation process provides an opportunity for the applicant institution to undertake a rigorous self-examination, including 2 to 3 day on-site inspections by the visiting committee of professionals. The accreditation certifies that an institution is currently meeting standards established by the association.

Zoological parks and aquariums must qualify for accreditation at least once every 5 years. In addition, Mr. Chairman, AAZPA institutions are guided by a code of professional ethics.

Both individual and institutional members are bound by this code. It is the standard by which we measure proper and professional conduct.

The AAZPA and its board, which is composed of five professional members of AAZPA and elected by the voting membership, is responsible for developing and maintaining this code. Anyone can bring an ethics charge against an AAZPA institution.

Based on the results of these investigations, the ethics board may make recommendations for appropriate action to the full AAZPA board of directors.

An example of a recent issue involving ethics concerns of AAZPA members is the disposition of surplus animals. Zoos and aquariums are breeding more species than ever before due to the advancement of reproductive technology and improved husbandry techniques. In fact, almost 90 percent of the mammals and 70 percent of the birds exhibited in North America are captive born.

However, zoological facilities must face the problem of animals which are diseased, abnormal, aged or those for which there are too many of 1 sex, age or genetic line, animals that would have been lost in a wild population through predation, disease or other natural misfortune. We have developed guidelines for its members regarding disposition of surplus animals. The manner of disposition of living specimens should be in the best interest of the specimens, the species, the zoological facility and the public it serves.

AAZPA members are also required by the code of ethics to, "Make every effort to insure that animals do not fall into the hands of individuals not qualified to care for them properly." That statement is the bedrock of our code of ethics.

The placing of animals on sale at an exotic animal auction which is attended by the general public is a direct violation of the AAZPA code of professional ethics. AAZPA also strongly opposes the disposal of exotic wildlife through organizations or individuals for the purpose of hunting.

We are constantly revising and refining our disposition and ethics guidelines. For example, last spring AAZPA Georgia Tech University convened a conference to consider ethical issues facing the species survival plants.

Funded by a grant from the National Science Foundation, the conference brought together nearly 50 experts on animal welfare and other related fields. Progress was made and the results will be published by the American Association for the Advancement of Science.

Finally, Mr. Chairman, with regard to the Animal Welfare Act, AAZPA and its member institutions carefully adhere to all relevant statutes and regulation that apply to their facilities.

Zoological facilities are regulated by the Federal Government according to the Animal Welfare Act, as you know, though most facilities already exceed the standards developed under law. Also, as you know, the Welfare Act was enacted in 1966 to regulate the use of animals for research facilities, exhibition purposes, for pets to assure they are provided humane care and treatment.

The AWA regulates other aspects of transportation, purchase, sale, housing and care for animals. Under the AWA, zoological

parks and aquariums must be licensed as exhibitors. The facility must be inspected at least twice annually.

AAZPA is also working with APHIS closely. For example, on developing space and care standards for mammals, for the maintenance of birds in captivity and for the standards for marine animals.

While AAZPA is working with APHIS to investigate any group, any regular group regulations, we do not believe that new legislation is further needed to regulate.

APHIS, we believe, has full authority under the Animal Welfare Act. And AAZPA institutions have their own standards, which are in most cases, more stringent.

We do believe, however, that APHIS requires increased financial support to administer all its responsibilities. During 1989 alone, APHIS conducted 11,056 inspections of dealers, research facilities, exhibitors and carriers. It is important to us that APHIS has sufficient funds to conduct these inspections as required by the AWA.

In summary, Mr. Chairman, we believe the AAZPA accredited zoological parks and aquariums are making a vital contribution to the protection of wildlife through our species survival plans, habitat protection, animal rescue and rehabilitation efforts and our domestic and international educational programs.

We also believe that while additional funds are needed for APHIS to carry out the responsibilities, existing laws are sufficient and provide protection for the wildlife under our organization's care.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Butler appears at the conclusion of the hearing.]

Mr. ROSE. Thank you very much.

Lucille Kaplan, legal counsel, People for the Ethical Treatment of Animals.

STATEMENT OF LUCILLE KAPLAN, LEGAL COUNSEL, RESEARCH AND INVESTIGATIONS DEPARTMENT, PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS

Ms. KAPLAN. Mr. Chairman, members of the subcommittee, my name is Lucille Kaplan, and I am legal counsel to PETA's research and investigations department.

Thank you for the opportunity to share with you today the serious concerns we have regarding the treatment of animals used in exhibitions and the manner in which USDA handles its responsibilities in relation to these animals.

Many Americans, among them PETA's 350,000 members, look forward to a day when pleasure will no longer be taken in the infliction of indignity on animals who never chose to become performers or living specimens.

For the present, however, Americans who hold this vision, and others who simply prize compassion, share a commitment to ensuring that while animals continue to be exhibited as curiosities, and to be worked in entertainment settings, they be handled humanely and be afforded environments in which the punishment of their unnatural daily lives is minimized.

In October 1989, APHIS-REAC extended implementation of the Animal Welfare Act's minimum requirements for the humane handling of exhibited animals to all species of animals covered by the act. It also amplified the protections intended by the act for exhibited animals. REAC did so, however, in theory, only.

Since the new handling standard was implemented, REAC's record has reflected an almost cynical disregard for its duties to the public, to Congress, and to the animals. In the course of referring dozens of reports of mistreated exhibited animals annually to REAC for action, PETA has steadily encountered entrenched resistance, taking the form of blunt refusals to act in some cases, and indirect circumventions of duty, in others.

When REAC has opted to circumvent, rather than stonewall, its devices of choice have been reliance on truly implausible interpretations of Animal Welfare Act regulations, and the refusal to credit probative circumstantial evidence of violations. The case studies presented in our written testimony illustrate this state of affairs painfully.

Take the case of Mr. Jiggs, a female chimpanzee taken 27 years ago from the Congo. Trained by electric shock, she is now used in an act in which she is dressed in a tuxedo and made to serve cocktails while on roller skates. When National Geographic Magazine featured her plight, and observed that she wore an electric shock device on her back and had her jaws clamped shut during performances, troubled members of the public contacted PETA. We asked REAC to investigate.

REAC confirmed that Mr. Jiggs' exhibitor maintains two working electric shock devices, one of which he triggered during REAC's inspection. In its closing letter on the case, REAC also acknowledged that it has a directive banning the use of electric shock as a method of controlling primates. REAC refused, nonetheless, to take enforcement action in relation to Mr. Jiggs' electric shock device. Why? Because the device had not actually been discharged on Mr. Jiggs during REAC's inspection. Believe it or not, Mr. Chairman, REAC's closing letter stated, for good measure, that since, "Agency policy currently prohibits the use of electrical shock to train or handle primates . . . [if the exhibitor] wishes to use this device, [he] will have to request permission to do so."

As for Mr. Jiggs' jaw clamp, REAC confirmed its use, but made no recommendation whatsoever regarding it.

In early 1990, REAC became aware of 15 Japanese snow monkeys who had escaped the confines of a small, private zoo in Missouri. Between February 14, 1990 and March 18 of this year, REAC inspectors visited the zoo at least five times. On almost all of these occasions, violations signified by the zoo operator's continued failure to contain and shelter the monkeys were noted, as were a large assortment of other violations.

Throughout this period, no enforcement action was taken and no attempt was made by REAC to suspend the exhibitor's license. Ultimately, the Missouri Health Department was compelled to shut the zoo down, simply in order to force the exhibitor to recapture the monkeys. One of the first monkeys caught and killed tested positive for simian herpes, a disease communicable to humans, and considered to be potentially fatal. Mr. Chairman, we will never

know how many children and companion animals may have been put at risk as a result of REAC's prolonged inaction in this case.

Another prime example of the lengths to which REAC seems willing to go in order to avoid enforcing standards is the sad case of Terrible Ted, a wrestling bear. In 1988, Ted's exhibitor was charged with animal cruelty and animal baiting during a stint in a Greensboro, North Carolina bar. In late 1990, newspapers reported severe injuries suffered by drunken Missouri bar patrons who had engaged Terrible Ted in combat. At that point, REAC began an investigation.

In July 1991, REAC Sector Supervisor Dr. Joseph Walker recommended aggressive enforcement action and the assessment of dollar penalties against Ted's exhibitor. In August, 1991, however, with an urgency seldom exerted on behalf of animals, REAC headquarters summarily overrode this recommendation. It asserted that while the applicable handling regulation requires distance or barriers between performing animals and the general viewing public, it does not apply to exhibitions in which members of the public actually participate in the exhibition.

The result of this nonsensical ruling? Humans and animals have less protection in situations involving direct physical contact than in situations involving no physical contact.

Another result of this ruling? The trashing of the handling regulation that specifically requires that publicly exhibited bears and other dangerous animals always be maintained under the direct control of a handler.

In the meantime, Terrible Ted's exhibitor has been charged with cruelty once again, this time in Illinois, in February of this year.

REAC's failure to enforce in cases like these cannot be defended on grounds of budgetary constraint, because in these cases, substantial REAC resources were not only spent, but wasted.

Keeping noncompliant exhibitors on the rolls is a costly proposition. How much might taxpayers be spared if REAC ceased engaging in needless license renewal reviews, needless and ineffectual repeat inspections of noncompliance sites, needless intra-agency disputes between enforcement-oriented sector staff and headquarters officials committed to inaction, and needless public relations mop-ups designed to defuse criticism from citizens and charitable organizations.

The impetus for change in REAC is clearly not going to come from within REAC or APHIS. If REAC is to do the job it was directed to do by Congress, and if REAC is to uphold the public trust, Congress will have to strengthen existing legislation and maintain ongoing oversight.

With regard to animals in exhibitions, specifically overdue are legislative provisions that would impose a time limit on the operation of noncompliant exhibitions after which enforcement action will be commenced, direct REAC that it is not free to ignore probative circumstantial evidence of violations, ban exhibitions, such as bear wrestling and mule diving, that are so inherently harmful to animals and/or the public that they are incapable of being conducted in accordance with human handling requirements, and on this point I would beg to differ very strenuously with REAC's interpretation, this morning, of the definition of animals as not including

mules engaged in mule diving exhibitions, and, finally, provisions that would bring within the scope of the Animal Welfare Act exhibition forms, such as rodeos, previously exempted for reasons that fail to reflect the harm to animals that they inherently entail.

In addition, PETA will support any efforts aimed at the development of housing, husbandry and transportation standards that, for the first time, would take into account the unique needs of animals, who, as performers, travel and experience venue changes constantly, or as specimens, spend the majority of their lives in confined and unchanging settings.

I thank the Chair and every member of this subcommittee for your courtesy today, and look forward to your action.

[The prepared statement of Ms. Kaplan appears at the conclusion of the hearing:]

Mr. ROSE. Thank you very much.

Ms. Pat Derby, president of the Performing Animal Welfare Society of Sacramento, California.

**STATEMENT OF PAT DERBY, PRESIDENT AND FOUNDER,
PERFORMING ANIMAL WELFARE SOCIETY**

Ms. DERBY. Good morning, Mr. Chairman, and members of the subcommittee. I am Pat Derby, the president and founder of the Performing Animal Welfare Society, and we are actually based in Galt, California. And I am sure you all know where Galt is.

I am very pleased to have this opportunity to testify before you today regarding the use of animals in entertainment. I feel eminently well qualified to do this, as I spent 22 years as a Hollywood animal trainer.

I would quickly add that I am categorized as a "failed animal trainer" to quote those who oppose my efforts to protect performing animals. However, I will say that I worked with Dr. Sedgwick at the San Diego Zoo in 1972.

I was the spokesperson for Lincoln-Mercury for over 15 years, and the official Lincoln-Mercury cougar, Christopher, is now 19 and retired, but he still shares my life, along with elephants, bears, tigers and various other abused and abandoned animals.

In 1985, I formed PAWS and established a sanctuary for these animals who were abandoned after they were used by trainers. My experiences as a trainer led me to the realization that more must be done to protect performing animals, and I became very active in policymaking in the California Legislature. And again, I must apologize to Mr. Bilbray: I helped write the regulations in California, and most of the problems you have in Nevada moved from California to Nevada. Since the animal protection community is regularly accused of caring more for animals than people, I note I am a proud member of Rotary International, a service organization that has helped eradicate polio in three-quarters of the world, and this year I am the first female president of the Galt Rotary Club. And it sometimes is a rodeo. And I am often called Mr. Pat Derby.

When the father of affection training, Ralph Helfer, was charged by the USDA with countless violations of the Animal Welfare Act, Joe Camp, one of his former trainers, testified regarding the treatment of Clyde, a orangutan who starred in a Clint Eastwood movie.

Joe said Clyde had undergone years of neglect: "I believe that his whole life is what killed him. His diet, his terrible environment, and the neglect." Clyde's owner made millions as the largest supplier of animals to movies and television, yet his star orangutan died in squalor, and this is not the exception.

I can tell you most performing animals live in cramped quarters, with no mental or physical stimulation. They are robots trained to amuse and entertain, and they are inspected by the USDA frequently.

I will not belabor the issue. We have heard a lot of horror stories about training. My case files in your records have documentation of abusive treatment of animals, animals that have been choked, strangled, beaten, every kind of abuse there is. It is well documented in there.

We frequently file charges with the USDA and APHIS and complain, and many of these people are doing business as usual, ad infinitum. So I won't continue with that.

I would like to address the issue that APHIS certainly can do something about and that is the care and the housing of these animals and what happens to them when they are no longer useful to their trainers.

The training is bad enough, but the way they live is terrible. And when they are no longer useful—I will give you an example: 14 mountain lions appeared in a movie called "Benji the Hunted." When the movie was over, their trainer, Steve Martin, inserted an ad in a magazine for surplus animals. The ad read, "14 cougar cubs. Will accept any reasonable offer, Steve Martin" and his phone number.

Another orangutan from a Clint Eastwood movie was rescued just recently, taken to the Dallas Zoo in terrible condition. After extensive veterinary treatment, the animal was placed in Primarily Primates, a primate sanctuary in Texas.

Also the circus, circus animals, traveling animal shows create another nightmare of animals living in limited space. They are packed in trucks or railroad cars. They travel long hours in extreme of heat or cold. An example: When the Ringling Brothers Circus arrived in Sacramento, California, in 95 degree heat, with 10 elephants chained to the walls of an overcrowded railroad car, representatives from five humane societies asked the USDA inspector to check the temperature in the car after the elephants were off loaded.

The inspector, who wanted Gunther Gebel-Williams' autograph, responded, "They look fine to me." The elephants were videotaped by my staff standing in urine and feces, rocking and swaying in stereotypic fashion.

I would also like to respond to Dr. Crawford's answer earlier. There was an animal trainer named Helen Carpenter who was stranded in Micronesia with elephants, bears, lions, tigers, every kind of wild animal. She came back. We helped get her back to the United States.

She landed on the docks in Oakland. USDA said, "She is fine, let her go." She was supposed to go back to her, "winter quarters."

One of our staff went there. There were no winter quarters. Those animals lived in those tiny little boxes all the time. That was where they lived.

I would also like to say that one of our investigators had to lead the Department of Agriculture veterinarians to a facility owned by Ringling Brothers in Florida, which they were not even aware existed and which had been there for some time, and had never been inspected, so obviously there are flaws in the system.

We also, for several years, have conducted an ongoing investigation of performing and exhibit elephants, and much as I like Dr. Sedgwick, I will tell you that elephants don't need to be trained to give blood and do other medical treatment.

I have two elephants in California. They are not trained and they do give blood, and they do very nicely. We found most elephants are kept under extremely stressful conditions. Many are confined to small facilities.

Circus and other traveling elephants are either kept in the boxcars in which they are transported, or they are staked out on a picket line. A picket line is a long length of chain where they stand rocking and swaying. And the Animal Welfare Act says that abnormal behavioral patterns are one indication of inadequate space, a clear violation of the law.

An even bigger surprise to most is learning that the good zoos are not always immune to mismanaging elephants. We have heard about the Dunda incident. Just recently the LA Zoo botched a moving job and killed an elephant in a very inept way of moving him, and the litany goes on and on and on.

I am not going to take up your time with more stories, but I would like to say that we support legislation that would help these animals. I sort of support Roger Caras' idea that perhaps we do need another agency.

We would also like to recommend the following: (1) There must be a limit on the violations. (2) There must be language to clarify USDA's authority to deny or revoke licenses and to deny renewals if an exhibitor is out of compliance.

(3) The act must specify that traveling cages may not be used as permanent housing and must define permanent housing as any enclosure to which an animal is confined for extended periods of time. (4) And given our experience in California, I am convinced that it is necessary to specify minimum cage sizes. I will give you an example.

Currently under USDA, given what they accept as OK in housing, 70 full-grown tigers could live in your living room, a 2,500-square-foot home could hold 200 tigers, 86 orangutans or 10 elephants. Obviously, that is not enough space.

We feel that minimum caging requirements, while not ideal, will also help the USDA, because if they can say, "This size and no smaller," it is easier to say what is and what is not in compliance.

(5) It must be made clear that the requirement that sufficient distance or barriers between the animals and the viewing public outlaws such inherently dangerous public contact with wild animals as elephant rides, boxing kangaroos, wrestling bears, photoops with lions and the like.

(6) The standards must explicitly provide for environmental and behavioral enrichment for exhibit animals, and (7) USDA must regulate the disposition of exhibit animals after they are no longer useful.

We recognize that changes in the act will have to be carefully considered and will not happen overnight. In the meantime, then, it is crucial that Congress insist upon USDA's enforcing this law vigorously and effectively, remembering that the idea is to protect the animals, not to facilitate their abuse.

I also have a statement from Michael Blake, who is the author of "Dances with Wolves" and a well-known Hollywood screenwriter. He wanted to be here, but was unable to be here, but I would like to have that entered into the record.

Mr. ROSE. Without objection, it will be, thank you.

Ms. DERBY. I would like to thank you for having me here today.

Mr. ROSE. I thank all of you for coming.

[The prepared statement of Ms. Derby appears at the conclusion of the hearing.]

Mr. ROSE. In your testimony, Ms. Derby, the situation involving Helen Carpenter, how was that resolved?

Ms. DERBY. It is not resolved. As a matter of fact—

Mr. ROSE. Well, now, did you all—Sue Pressman went to?

Ms. DERBY. Texas.

Mr. ROSE. Went to Jefferson, Texas, and this was in May 1990?

Ms. DERBY. Yes.

Mr. ROSE. And she describes the facilities, Siberian tiger, Bengal tiger, leopard, mountain lion, jaguar, another Bengal, European brown bears, American black bear, African lion, olive baboon, in various numbers. Where does that stand now?

Ms. DERBY. As far as I know, this is totally unresolved and Ms. Carpenter may, indeed, be back on Guam with those animals. She has no permanent facility for them, and I believe now she can't be located.

Mr. ROSE. All right.

Questions, members of the panel?

No questions?

Thank you all for an excellent presentation.

All of your statements, which are very thorough, will be made a part of the hearing record and we will probably be back in touch with you if we have any more questions.

Our next panel Mr. Steve Martin, Working Wildlife, Frazier Park, California; Dr. Richard Houck, staff veterinarian, for Ringling Brothers and Barnum & Bailey Circus; Dr. Holly Cheever, veterinarian, Voorheesville, New York; Mr. Richard O'Barry, the Dolphin Project, Coconut Grove, Florida.

Thank you all for being here.

Mr. Martin, if you will begin, please.

STATEMENT OF STEVE MARTIN, WORKING WILDLIFE, FRAZIER PARK, CA

Mr. MARTIN. Mr. Chairman, and subcommittee members, I am Steve Martin. I own an animal compound in Southern California,

and I have been in the business of handling and training animals for the past 27 years.

We do films, TV and educational shows, and I am the vice president of the California Animal Owners Association. We work with Fish and Game, the American Humane, and other groups on putting various laws and regulations together concerning the animals in California on housing, care and other standards like that, handling.

At our ranch we hand-raise animals from babies to adulthood, to safely work around people on movie sets, TV programs, and public exhibits.

We feel there are adequate existing fish and game laws to protect the animals on and off set. For example, like script breakdowns on animal work. We get the scripts and we make a reading of them and then we decide what is safe or not safe for the animals and then we discuss it in detail with the American Humane Association; then we tell the directors and the producers what safely can be done with the animals.

We are considered professionals. I mean, we work in an atmosphere that we try to make as safe as possible to work the animals around the public and around people on movie sets.

We spend years raising and handling these animals, and there has been a lot of statements made here today. It seems like everybody thinks that animal trainers are abusive to animals, and I don't think that is really true. I think a lot of care and understanding goes into the time spent handling and raising these animals so you can work them around people safely—and it also states that there are no laws in the training, handling, and care of exhibition animals.

Well, there are laws that are concerned with the care of animals. The U.S. Department of Agriculture, Fish and Wildlife, animal controls, State health department, Humane Association, and et cetera, these organizations all have a say-so in the handling, the housing, the training, and transportation of animals throughout California.

I think the bill that has been presented—it is badly misinformed in some ways. I think there have been statements made by different people here today that—Mr. Kostmayer, for instance, said that in "Sheena," there were animals tripped, horses were tripped on that show, and there wasn't.

I was on it for 4 months and those animals were properly cared for and worked on their own. This took place in Kenya, Africa.

One of the things I wanted to touch on is—it also asks for—in writing they want to have notification of all animals, the movement of all animals, and I think if you created a law like this, there would be thousands of phone calls and mounds of paperwork on a daily basis. It would be unworkable on a daily basis.

I think it should be handled as the individual States, such as California does. We notify animal control and the State fish and game whenever we go to a new State or a new area, and they come on the sets and they look at what we do.

There were some things that were touched on in the bill, words such as "striking, hitting, wrestling, shocking," or totally inappropriate language in the contents as it is written. For instance, wres-

ting a bear. We teach bears from a young age to wrestle with people.

Now, in the wilds with their mother, they wrestle with their parents, their mother that raised them, and it is a natural behavior and we encourage that because for motion picture work, we have a lot of scenes where they may want a bear wrestling with a person and it is not harmful. I can agree with some of the things if they are put in the wrong situations, then that could be a harmful situation, but for a motion picture and television, or if we do spend the time in teaching these animals proper ethics on sets so they don't hurt anybody and things of that nature.

I will give you an example. Let's go to hitting and striking. We are truly against the abusive treatment of animals, but you have to understand, there is common sense that is used in the handling of animals. If you had a mother bear out in the woods with her baby bear, and baby bear bit mama bear in the leg, what is mama bear going to do? She is going to smack baby bear and tell him no in bear language.

As a trainer, you hand-raise each one of these animals. You have to spend the time having them understand right from wrong, and if one of these bear cubs bit you, you are going to naturally tap the bear and tell him no, and that is a learning behavior.

So I think the hitting and striking, I think out of the context of the way it is in the bill, it is a little misleading when you think animal trainers take animals and beat them up with 2 by 4's, or baseball bats or axe handles. I think that is a little misleading.

There is common sense used in training animals. Such as the departments, there is hitting and striking. If you talked about the various departments like the thousands of canine dogs that the police department raises and trains, they protect the officers in life-threatening situations on a daily basis. And you have seeing-eye dogs that are taught corrective behaviors for their blind master.

The situation was shocking. I am talking about the California Animals Association. There is a large membership in that of animal owners in California that have certain standards that we go by, and I don't know any animal trainers in the California group—which is everybody that holds a USDA and the exhibitor's license in California—that would uphold shocking, as far as like taking hot shots or those hot poles and using them on animals. That is not the way you train an animal.

But in some cases we do use electric fences and I will try to explain why. If we have half a dozen full-grown wolves that are going to work on a set, then obviously it would be pretty hard to control more than one wolf, verbally controlling it.

We put out an electric fence which is one wire—it is just like the electric fences that you find in horse pastures, cattle ranches, pig farms. They sell them in pet shops, in feed stores, and the animal is conditioned; if it touches that, it gets a shock on the nose and it is an uncomfortable thing. It doesn't physically or mentally hurt them.

We use this on sets for large quantities of wolves, or if I have a Kodiak and grizzly bear that I bring on the set; and the easiest way to control them within a certain area is to teach them that. They

go by it for years; they never touch it. They know what it is. They respect it. You can safely work them around people on sets.

There is another example—if you had somebody going over these scripts, script by script, and reading the animal action in one scene it says the dog ran out of the woods and jumped on this bear and they had a big fight and the dog ran off, or the bear killed the dog or whatever. If we had an original reading of these scripts and they read something like that, they would put a line through it and say you can't do that. We raise dogs and bears together. I have three dogs and three bears that we raise together right now, and they are friends. They run together, they play together, and they enjoy each other's company.

When you shoot something like that, you can shoot them playing and turn around and add in the sound effects and make it sound like they are fighting. It is an illusion that you are putting on film. It is not necessarily real when you see it on screen.

I feel that we have a lot of organizations that regulate us on a yearly basis. Some come twice a year; some come every other month. All the different organizations have different intervals that they come for inspections—the USDA, Fish and Game, Fish and Wildlife, Department of Agriculture. The local animal control, American Humane department, has come out to our place. We have to get a special conditional use permit to be able to have the animals, and I feel like we took approximately 4 or 5 years working on these animal regulations in California. And I think, because most of your movie work originates and is done in California, a great deal of it, that these are very good regulations; and I can't understand why they couldn't be implemented and sent to some of the other States.

They go over cage sizes, the care of animals, the housing, the food factor for each animal. It is a pretty well-defined set of regulations, and it took a great deal of time; and Pat Derby was involved in that, along with other humane groups and animal trainers, zoos. There was a lot of people who had interest in that and put their input into it, in making those.

Mr. ROSE. If you could summarize your testimony we will have it all for the record.

Mr. MARTIN. There was one more thing I would like to say, and it was concerning the movie "Benji, the Hunted" with 14 mountain lion cubs that were sold at the end. I was the one that did "Benji, the Hunted," and I was the one that had the mountain lion cubs. They weren't all sold. A lot of them went back to the original owners and they went to credible, licensed people.

Now Pat seems to make it out like we just dumped them and it was like, offer me \$5 and you can have them. I gave some of them back for nothing to the people I originally got them from and whoever; other than those people that got them, it was licensed holders of exhibitor's permits that took those animals.

From time to time, we do get animals that either don't work out for us; or we may acquire a special animal for a film, and it either goes back to where we originally acquired it or we find it a home. Sometimes we take years to find the proper homes for something. It is not like we take them and dump them on the open market. You can't do that. According to all the regulations, you have to

place animals in the proper homes, and they have to have proper licenses.

Thank you.

[The prepared statement of Mr. Martin appears at the conclusion of the hearing.]

Mr. ROSE. Thank you, Mr. Martin.

Are you familiar with the movie "White Fang"?

Mr. MARTIN. I have seen it, yes.

Mr. ROSE. You didn't have anything to do with that?

Mr. MARTIN. No, I didn't.

Mr. ROSE. All right.

Dr. Richard Houck, staff veterinarian for Ringling Bros. Circus.

We will put your whole statement in the record. If you give us a summary, we would appreciate it.

**STATEMENT OF RICHARD HOUCK, STAFF VETERINARIAN,
RINGLING BROS. AND BARNUM & BAILEY CIRCUS**

Mr. HOUCK. Thank you, Mr. Chairman. I will try to make it brief, but I have a lot of feelings about this matter and thank you for allowing me to speak today.

I have been a licensed veterinarian for more than 35 years, and I have been the staff veterinarian for Ringling Bros. And Barnum & Bailey Circus for almost 10 years. However, first and foremost, I am loyal to the ethics of my profession and the oath of the veterinary profession.

I have worked with exotic animals for more than 20 years. These services have covered the entire gamut of veterinary medicine in emergency care, preventive medicine, surgery, nutrition, reproduction, and husbandry. I have been involved in the captive breeding of elephants and tigers.

Ringling Bros. and Barnum & Bailey Circus has been caring for animals for over 120 years. It is regarded by knowledgeable entities as one of the world's leaders in both experience and knowledge regarding the needs and successful husbandry of animals. Ringling Bros. is the longest running live family entertainment enterprise in our country's history. We have two circus units which travel throughout the United States each year and perform before millions of patrons throughout the country.

Ringling Bros. supports and adheres to the principle that those who exhibit animals must comply with appropriate regulations to possess and exhibit these animals, to ensure their health and well-being. These animals are amongst the most valuable assets—thus, to provide the finest care is not only correct, but it is consistent with the image, philosophy and economic viability of our circus and the reputation of its trainers.

Ringling Bros. maintains its animals in accordance with the provisions of the Endangered Species Act, the Animal Welfare Act, the Marine Mammal Protection Act, and all of their respective regulations, as well as the laws and regulations which have been adopted by virtually every State and many municipalities. These State and local laws include comprehensive anticruelty statutes which prohibit the cruel and abuse treatment of animals.

Ringling Bros. is a licensed exhibitor under the Animal Welfare Act. As such, we must obtain an exhibitor's license each year, and we are subject to the regulations promulgated under the Animal Welfare Act. These regulations were established as a result of extensive study, research, and input by many knowledgeable people from the USDA and from the private sector. That work took an incredible amount of time.

These regulations are comprehensive and provide appropriate standards for animal care, husbandry, and handling and their veterinary care. The regulations address husbandry practices such as feeding, watering, bedding, sanitation, temperature control, ventilation, and lighting. Also addressed are the space and construction methods of indoor and outdoor facilities of the animals. Standards of veterinary care, transportation, humane treatment, exercise plans, and environmental enrichment are all regulated. It seems to me all aspects of animal care are addressed.

Failure to meet USDA standards exposes an exhibitor to Federal sanctions, including revocation of an exhibitor's license.

The regulations of the Animal Welfare Act provide for detailed, unannounced inspections by personnel of USDA-APHIS, and they are to mandate the regulations compliance. No instances of mistreatment of our animals have been found by USDA inspectors.

The inspectors are clearly empowered to request additional information, issue citations, or even revoke a license. Detailed reports are always issued. I find the inspectors and the process to be very thorough and adequate. However, I, too, would agree that additional funding would bolster the program.

As Ringling Bros.' full-time veterinarian I oversee the special medical needs and general health maintenance program of all the animals on each circus unit. My main focus is to concentrate on preventive medicine. I also treat the animals if they are sick. I prescribe a balanced, regulated diet for each animal, make sure they are free of internal and external parasites. All animals are vaccinated. I also prepare a daily husbandry program for each animal which addresses feeding, exercise, ambient temperature, cleanliness and sanitation requirements of each animal. This program is prepared in accordance with USDA guidelines. Routine dental and foot care is provided as needed. I also oversee the Asian elephant breeding program.

I am on the circus or on call at all times. I also make arrangements with a veterinary colleague in every city to be on 24-hour call if I am not able to be on site. Additionally, all the animals are under the constant observation of the stable master who works in close concert with the animal grooms and trainers to ensure daily grooming, feeding, and other care practices of the animals are maintained.

It is Ringling Bros.' policy to have the animals' food brought directly to each arena by local suppliers to make sure the food is fresh: Hay, fruits, vegetables, protein-enriched grains, vitamin- and mineral-enriched granular mixes, and fresh Government-inspected meat and other special treats are all part of the daily menu.

Ringling Bros.' policy is to train animals only through positive reinforcement. This method requires a great deal of trust and mutual respect between the trainer and animal. Beating, whipping,

physical and verbal abuse are strictly prohibited. Moreover, withholding food or water as a training method is strictly prohibited and is not done.

It hurts my feelings, and I get very upset when I hear complaints made against our circus that really aren't true. And I read them over and over; and they get into the animal rights publications, and people take them as fact.

There is a situation like that that really bothers me. It is asserted that the animals on the circus are trained by positive—I mean negative—reinforcement. There is a book that just came out written by a Dr. Martha Kiley-Worthington; she was commissioned by the Royal Humane Society in England to do a study of circuses and zoos, and I think she is probably one of the only ones that has done something of this nature.

I, too, agree with Dr. Sedgwick. I guess it is the more you find out, the less you know. I have been at this a long time. I agree there are probably very few experts in the field of the psychological well-being of animals. And Dr. Worthington was commissioned, I think, with the hope she would find something bad about circuses and zoos. And after spending 3,000 hours, she came to the conclusion that there was a lot of positive things in circuses and zoos. But I would like to quote something from her book about the use of negative reinforcement—and by the way I would like to present this book, because it has got so much material, as part of my record along with all of the comments. Is that OK, Mr. Chairman?

Mr. ROSE. Without objection, so ordered. It will be part of the committee file.

Mr. HOUCK. From her book, "It is widely believed animals can only be trained to do the sorts of things they do in circuses by the wide use of negative reinforcement; that is, being forced to do the action by having some unpleasant thing done to them if they don't do it. The example given of this approach is, how could bears learn to stand up and dance except by placing them on a heated plate so that their feet burn and they lift them? This suggestion may be appropriate to the Skinnerian scientists in the laboratory, but for the circus trainer, apart from any other consideration, it is rather impractical.

This is particularly so if there are easier, simpler, and much less risky ways of teaching such a behavior, which there are, of course."

I will not go on. Time is of essence.

Another thing that bothers me about some of the material that has been put in print: Sometimes people quote things and they take it out of context and don't put the rest of it in. For instance, it has been quoted that an elephant on the Ringling Bros. Circus named Queenie died from exposure to the cold. That is true. That was written in a book by Slim Lewis called "I Love Rose." She died March 22, 1930. And there has never been another documented case of any Ringling Bros. animal dying from the cold. 1930—I don't remember the date that the Animal Welfare Act was written, but it was long after that.

Another one that bothers me. In talking about the quote about training the big cats by John Ringling North, in his book he makes the comment that is often taken out of context by animal activists, that they—animals—are choked down and made to obey and all

sorts of other brutalities are used to force them to respect the trainer. The next paragraph, "But Alfred"—that means Alfred Court, the trainer for the Ringling Bros. Circus—"at that time did not use such methods." He did start off with the animals collared and chained to their pedestals, but he began by making friends with them. He would put a piece of beef on the end of a sharp stick and offer it to the animal, whatever it was. Then he would talk to it, coming closer, until he was alongside. The next thing you knew, he was stroking it. Of course, it took several days to gain the animal's confidence.

Mr. KOPETSKI [presiding]. Doctor, if you could summarize the rest of your testimony.

Mr. HOUCK. Yes, sir.

In summary, Ringling Bros. is committed to the proper treatment and care of all its animals, both domestic and exotic; we are committed to ensure every exhibition is designed to enhance the animal's natural ability, agility, and intelligence; we are committed to uphold the highest traditions and standards and presentation. We respect and will abide by responsible laws and regulations regarding the care and handling of animals.

The Animal Welfare Act and its regulations appropriately address and provide for the care, transportation, and husbandry standards of animals. Clearly, APHIS will be better served if additional funding is granted to further its inspection process. However, additional legislation is merely duplicative, will serve only to create layers of regulation, which end result will be an administrative burden and fiscal drain on USDA.

I would like to make one final comment. In the industry, in our business, they are fearful, so to speak, of the USDA. They try to comply. I grant you, there is a scoundrel in every business, but most of the people are aware of the regulations, and they do their very best to comply. And they are somewhat apprehensive, just like you are when a policeman pulls you over for a speeding infraction. I think that is good.

They are doing a good job. Give them some more money, help them out.

Thank you for letting me speak.

[The prepared statement of Mr. Houck appears at the conclusion of the hearing.]

Mr. KOPETSKI. Thank you, Dr. Houck.

I welcome Dr. Holly Cheever.

STATEMENT OF HOLLY CHEEVER, VETERINARIAN, VOORHEESVILLE, NY

Ms. CHEEVER. Thank you very much. I am very pleased to have this opportunity to address you all concerning the treatment of animals, both domesticated and nondomesticated, used for exhibition and entertainment purposes. It is my firm belief that animals so used are not afforded sufficient protection from cruelty and misuse by the Animal Welfare Act, and that the act is not used even to its full extent to enforce even the very minimal anticruelty statutes that it contains.

I am a doctor of veterinary medicine practicing near Albany, New York. I obtained my undergraduate degree from Harvard University in 1971 and my veterinary degree from the college of veterinary medicine at Cornell University (D.V.M. 1980), from which I graduated first in my class.

I am frequently called upon to examine performing animals, witness their various acts both live and videotaped, and render an opinion as to their health, behavior, and treatment. Unfortunately, I have seen serious mistreatment of the performing animals in all forms of animal exhibitions, including donkey basketball, mule diving, greased pig contests, rodeos, traveling petting zoos, and in my opinion, the worst offenders, circuses.

Every one of these forms of entertainment is predicated upon animal abuse in some, if not all, aspects of their housing, their training, and transportation. The abuse and stress to the animals is evinced by their abnormal behaviors or their physical condition and their obvious terror when performing their acts—mule diving is a good example of the latter. I have seen mules snorting and wide-eyed with fear at the top of their diving platform, and defecating with a loose stool, a common sign of nervousness in equines, before they dive. There is nothing in a mule's evolution and normal behavior that would prepare it for such an unnatural performance. Certainly many humans would find this intimidating.

Unfortunately, very few of the physical needs and none of the behavioral needs of the animal performers are met by the conditions in which they exist. I will focus on circuses as being the most inhumane offenders, in my opinion, starting first with their housing conditions. I was invited in 1990 to inspect The Moscow Circus' animals backstage. The circus, at that time, had three species of animals, namely bears, tigers, and horses. Although I was given a full tour of the tigers' and horses' conditions, I was forbidden to see the bears, and was given several lame and conflicting excuses for this refusal by way of explanation. Finally, the circus management explained that I was barred from viewing the bears because the cages looked so deceptively small.

As for the animals, I was permitted to view, I saw and was told the following:

1. Sixteen tigers were packed into an inadequate exercise cage, too small to permit such a large number of animals to move freely.

2. One female tiger had abandoned her litter, born in transit, the previous year. This form of behavior is exceedingly rare in the wild. It has very negative survival value, and is a clear indicator of maternal stress. Therefore, I must respectfully disagree with my colleague, Dr. Sedgwick, whose written testimony states that the circus can provide a wholesome environment for a tiger and her litter—clearly, it didn't in this case.

3. Their diet as described to me was imbalanced and could potentially produce nutritional secondary hyperparathyroidism, which results in pathological bone fractures, over time.

4. There were 11 light breed horses and 4 draft horses. Some were recent replacements for four that had died during the Canadian portion of their tour, due to various forms of colic, an equine abdominal disorder. Also, the entire band had experienced an outbreak of a viral disease, rhinopneumonitis, requiring a quarantine

period in Canada. If a private stable were to exhibit such a large number of health problems, any knowledgeable equine practitioner would point to poor care, extreme stress, and stable mismanagement as the multiple causes.

To switch gears and focus on the Ringling Bros. and Barnum & Bailey tour in May 1990, I have to respectfully disagree with my colleague Dr. Houck's written assertion that his elephants have no health or behavioral problems or cruel training methods. I witnessed elephants standing in dirty railroad cars, shackled by fore and hind limbs. I saw many with old scars, some fresh puncture wounds and abscesses, and many exhibiting stereotypic, repetitive behavior, which indicates mental stress. Some were so arthritic and lame that they crept down the unloading ramps in obvious pain.

What makes the elephants' plight so distressing is the complete lack of an attempt to address their behavioral needs. They are complex, highly intelligent animals who live in matriarchal family groups, form long attachments, and express grief over dead relatives. To isolate them and prevent them from bonding with their social group, so necessary for their overall health and well-being, is undeniably stressful and cruel. As for their confinement, I hope that the abuse in chaining a naturally nomadic animal into immobility 23 hours a day is too obvious to require mention.

One of the most obvious departures from the expression of normal behavior is seen in the circus bears who are forced to perform in the winter months. Any schoolchild will tell you that bears hibernate during cold weather; it is an instinctive drive second only to the drives to find food and to reproduce. Clearly, denying a hibernating species the opportunity to perform this compelling biological rhythmic pattern imposes both physical and psychologic stress in the animal.

The manner in which performing animals are transported constitutes a second area of inherent mistreatment. As with the housing situation, animals are transported in enclosures frequently too small to satisfy normal behavioral and physical needs. Their enclosures are frequently soiled. Animals who may not be adapted to our climates are exposed to extremes of heat and cold, resulting in documented deaths. Food and water may be withheld, as has been noted in several humane investigators' reports, vastly increasing the animals' discomfort and stress. A good example of this is donkey basketball. God forbid he should relieve himself on the gym floor.

However, it is not only the cramped and dirty quarters and the physical discomfort that constitutes mistreatment to these animals; it is also the constant travel itself, from civic arena to railroad car to civic arena, interminably, for 50 weeks per year. This existence is unreasonably stressful on any animal, domesticated or wild. Any owner of a house cat can attest to the fear and distress that cat exhibits when transported by car, no matter how briefly, by its trusted human companion. The distress exhibited by a wild member of the family Felidae in the company of human handlers whom it fears must be many times greater, and is a constant facet of its existence.

The final area of inherent abuse are the training methods which go on behind the circus' glittering facade. I refer this subcommittee to Pat Derby's written testimony for coverage of this subject.

The bottom line in the behind-the-scenes training is that one cannot induce animals, particularly the undomesticated species, to perform frightening—for example, rings of fire—painful—bears on bicycles—and unnatural tricks without using severe negative reinforcement to obtain unvarying compliance. I remind this subcommittee that unvarying compliance is an absolute requirement to successfully compete in the animal entertainment business.

We could expect some improvement in these animals' lives if the Animal Welfare Act were properly enforced. Part 3 of Standards, subpart F, 3.128 discusses space requirements which should allow normal postural movements, and lists as evidence of improper space and care "malnutrition, poor condition, debility, stress, or abnormal behavior patterns." Every performing animal act I have seen has exhibited at least one, and usually many, of these symptoms. A Freedom of Information request for USDA inspection records of the The Moscow Circus in February 1990 revealed no violations of the Animal Welfare Act, despite the many health problems and the stereotypic behaviors exhibited by the animals during that tour. It seems, therefore, that the USDA is failing to perform its function in enforcing this act, as dictated by Congress.

However, the enforcement is not the only problem with the Animal Welfare Act. It simply does not address the cruelties inflicted on performing animals in their training, for instance. I realize many of my veterinary peers support donkey basketball, mule diving, circuses, et cetera, as supplying an adequate existence for the animal performers, but I have to disagree.

I also point out, some of my colleagues support leg hold traps, which have been outlawed in over 60 countries internationally, and in several States in this country. Some of my peers also support foie gras production. The force feeding of ducks and geese to produce a fatty liver so enlarged and friable it can rupture. It is a professional disagreement about what constitutes humane treatment. I remind the subcommittee, the question is not what is survivable but what is humane.

At present, the Federal Animal Welfare Act does not prevent cruelty and is not sufficiently enforced to provide even its bare minimum of humane care. I hope this committee will see fit to recommend strengthening and increasing enforcement of this act to mitigate some of the suffering in these animals' lives.

I speak here not as Dr. Holly Cheever, veterinarian, but as Holly Cheever, a mother of small children. This is not wholesome family entertainment and the public is beginning to demand a change also.

At this time I would like to have entered into the record a letter from Dan McCorquodale, a State senator in California. He introduced a bill to promote more humane treatment of elephants, including releasing them from chains for 12 hours a day. His bill was killed by Ringling Bros. despite the fact Ringling Bros. was exempted in this bill by virtue of the fact it was a traveling show.

I thank you for your attention in this matter. I invite any questions from the panel, not only involving circuses, but any other form of animal in entertainment I have mentioned.

Mr. KOPETSKI. Thank you, Dr. Cheever. Without objection, we will have your complete statement entered into the record.

[The prepared statement of Ms. Cheever appears at the conclusion of the hearing.]

Mr. KOPETSKI. I would also ask Mr. Richard O'Barry of the Dolphin Project, Coconut Grove, Florida, to also summarize your testimony as quickly as possible.

STATEMENT OF RICHARD O'BARRY, DIRECTOR, DOLPHIN PROJECT

Mr. O'BARRY. Thank you, Mr. Chairman. My name is Richard O'Barry. I am director of the Dolphin Project, a nonprofit organization dedicated to the understanding of dolphins throughout the world. I represent a coalition of 22 groups opposed to dolphin captivity. These intelligent, free-ranging and most social of animals languish and die in aquariums, hotels, night clubs, amusement parks, or any number of unnatural places for our casual amusement, even a Las Vegas gambling resort.

I have been involved in this issue for over 30 years. For 10 of those years, I was working on the other side of the captivity issue in various capacities, including training the five dolphins who played "Flipper" on the television series. I trained the first Orca or killer whale in captivity in the eastern United States.

Dolphins in captivity are suffering and dying needlessly, while the Government agencies in place to monitor their care and protect them from cruelty and neglect are ineffective and indifferent at best, and at worst are unresponsive and incompetent. Over the years, these agencies have been presented with volumes of material pointing to permit-holders' various violations of the Marine Mammal Protection Act and/or the Animal Welfare Act. Routinely, they drag their feet and are seemingly reluctant to act upon information provided them. When a private citizen or organization finally manages to get the attention of the governing agency, it can take 2 to 3 years to actually bring charges. In the meantime, these animals remain in the unhealthy or dangerous situation until a determination is made.

The National Marine Fisheries Services (NMFS) is responsible for establishing catch quotas and tracking captive marine mammals. To its discredit, it relies upon records that are woefully inaccurate and out of date. A study undertaken by staff members Craig Dezern and Cindy Schreuder of the Orlando Sentinel, June 10-11, 1990, to determine the accuracy of reports, recordkeeping, and the ultimate fate of captive dolphins, revealed many disturbing findings. An inventory of 1,206 Atlantic bottlenose dolphins captured or born into captivity since 1973 contained hundreds of mistakes or omissions. There appeared to be no analysis by the National Marine Fisheries Service of its available data, and attempts to track some dolphins led to a dead end, with the dolphins disappearing altogether, their whereabouts or condition unknown. In other instances, tracking a dolphin's captivity history through inventory

reports reflected a new birthdate or sex than what was originally entered.

In an attempt to determine how long dolphins live in captivity, hundreds of National Marine Fisheries Service records had to be discarded because they were incomplete or contradictory. It was found that there is often a delay by NMFS in entering information which would update the records, and delays by the permit-holders in providing it are common. Consequently, current inventory reports were found to be almost 2 years out of date for some facilities.

It is not possible to cover all the abuse that occurs in this billion-dollar dolphin abuse park industry. Several examples of these abuses are attached and made a part of this testimony; however, I would like to provide the subcommittee with an overview of why the current system simply does not work. The Marine Mammal Commission, the National Marine Fisheries Service, the U.S. Department of Agriculture and the Animal and Plant Health Inspection Service all have failed miserably to uphold the 1972 Marine Mammal Protection Act. We might as well rename the act the 1972 Marine Mammal Park Protection Act, because rather than providing protection for the dolphins, it is the industry that is being protected. The industry has failed to educate the public as it claims to do because it is based on deception, greed, and exploitation. If what they do is truly educational, this industry could have solved the tuna-dolphin problem 20 years ago and saved the lives of 6 million dolphins. They didn't involve themselves though, because it would have meant disrupting the complacency of their paying guests.

I just came back from Kansas City, Missouri, where we protested an abuse park called Worlds of Fun, which is operated by Marine Animal Productions. This is a tiny, substandard, chlorinated box right under the ferris wheel. It is surrounded by bleachers of cash customers. The show was nothing but a display of dominance, certainly a form of bad education. They paid to see this abuse, and they applauded it. And that is where they got ripped off. If they were educated about what they were really seeing, they would most likely be rebelling. I rebelled. I protested the show and produced for them the 1992 Marine Mammal Inventory Report for Marine Animal Productions. There are 72 dead dolphins on that report. Even the trainer who was there had never seen a marine mammal inventory report and he didn't know that marine animal productions had so many deaths.

What the industry is doing is educating people to accept this abuse as normal and natural, and that is really the heart of the problem. To teach a child not to step on a caterpillar is as important to the child as it is to the caterpillar. The same principle can be applied to the issue of captivity. This issue is as much about education as it is animal rights.

At the other end of the spectrum from Worlds of Fun is Sea World. It is the same story, only on a larger scale. Sea World can afford to hire scientists and veterinarians to defend their position. Let's take a look at "Shamu," for example, Sea World's corporate name for whichever orca happens to be performing. They have to do that because they have 20 dead orcas out of 26. Eighty percent of all the orcas we have captured are dead. They are telling us that

they exhibit whales to educate and sensitize the public, so the public will, in turn, defend and protect these orcas. The truth of the matter is, the orca doesn't have any predators other than Sea World and the captive display industry.

We need to find alternatives to captivity, but it seems that wherever an alternative exists, such as the Dolphin Connection in Corpus Christi, Texas, it is quickly shut down by the authorities.

If there was a way for Worlds of Fun, or Sea World, the National Aquarium, or ZooAmerica at Hersheypark, or any of these places to display a free-ranging, large-brained, gregarious, sonic creature, such as a dolphin or a whale, so that it serves to acquaint the public with their behavior in nature, then captivity would have some positive educational value. But they can't do that, so instead, they have to bastardize the very definition of education. We are not trying to close down the industry; what we want to do is replace the dolphins and whales with waterslides, or other forms of amusement. If you are amused by Shamu, you are probably going to be equally amused by a boxing kangaroo or a dancing bear, because it is the same thing.

The Shamu experience only serves to perpetuate our insidious utilitarian perceptions of nature. Again, it is a form of bad education. Shamu and the rest of these victim dolphins are a reference point in our relationship with nature. That is what we want Congress to take a look at that, relationship. If we can't at least abolish the travelling, rent-a-dolphin show, which is certainly one of the most abusive aspects of this industry, or abolish the petting/fondling pools, then how can we even begin to find solutions to the larger, more complex environmental problems facing dolphins? Most of the rent-a-dolphin facilities are substandard. Clear regulations are in place which should prohibit petting pools, and yet the Animal and Plant Health Inspection Service allows them to operate. Although examples of these violations are attached, I would like to invite any member of this subcommittee to join me for a week, and I will show them firsthand undeniable abuse of dolphins and whales in our society.

Dolphins and whales and self-aware creatures that routinely make choices and decisions regarding the details of their lives. They are entitled to freedom of choice; thus, they are entitled to freedom. Capturing them and dragging them kicking and screaming into captivity is simply wrong. Even if you don't do anything with them, confinement in itself is abusive. Animals that would be good candidates for readaptation and release should be identified and returned to their families.

I believe it could be proven from a scientific standpoint that keeping these sonic creatures in concrete boxes doesn't work. The problem in doing so is that the marine mammal scientists and veterinarians who would be the logical people to accomplish this are financially dependent on the industry. Science is very, very slow anyhow. For example, hundreds of years ago on the battlefield when the soldiers fired cannons, they knew absolutely that when they fired the cannon, the cannonball went through the air in a trajectory, in an arch, and that it didn't go in a straight line. They knew this years before the scientists were willing to admit it. The fact that science is so slow is compounded by the problem that

marine mammal scientists and veterinarians are beholden to the industry for their livelihoods. Given this interdependent relationship, it will be a long time before it will be proven that dolphins and whales do not belong in captivity.

Dolphins are imperiled by the very agencies designated to protect them. We are calling for Congress to conduct an immediate and thorough investigation of the National Marine Fisheries Service, the U.S. Department of Agriculture, the Animal and Plant Health Inspection Service, and the Marine Mammal Commission. An immediate ban must be imposed on all captures, at least until the problems are solved. We also need to have representatives of anticaptivity groups placed on the Marine Mammal Commission, which so far has only been comprised of individuals who are pro-captivity or big business.

I would like to submit this testimony for the record. I have documentation here of the second largest slaughter of marine mammals in history. We are talking about 23,000 animals being slaughtered by the very agency who is supposed to be protecting them, the National Marine Fisheries Service.

"In all cases, great efforts will be taken to ensure a swift, humane death for all individuals taken by sacrifice. Individuals will be dispatched by gunshot through the cranium, resulting in instantaneous death. Shells of .3006 or larger caliber will be used for crabeater, leopard, Weddell, Ross, and elephant seals. Shells of .22 caliber or larger caliber will be used for fur seals and in a few cases where intact skulls are required, individuals will be shot through the neck and heart at point-blank range, followed immediately by bleeding of the brachial artery." In other words, they are cutting their throat.

We stumbled across this using the Freedom of Information Act. I want it entered into the record because the National Marine Fisheries Service are the dolphins' worst enemy, and we are giving them the job of protecting them. It is unbelievable. It is absolutely unbelievable.

Thank you.

[The prepared statement of Mr. O'Barry appears at the conclusion of the hearing.]

Mr. ROSE. Thank you. Richard O'Barry. The panel is giving the record and our guests viewing us over television a very good education.

Thank you all very much.

Our last panel is Mr. Myron E. Etienne, Jr., chairman of the rodeo advisory committee, Professional Rodeo Cowboys Association, Salinas, California, accompanied by Doug Corey, D.V.M., Professional Rodeo Cowboys Association, Adams, Oregon; Ms. Sheila Lehrke, national humane activities director, International Professional Rodeo Association, Nashville, Tennessee; and Mr. Eric Mills, coordinator of Action for Animals, Oakland, California.

Thank you all for being here.

STATEMENT OF MYRON E. ETIENNE, JR., CHAIRMAN, ADVISORY COMMITTEE, PROFESSIONAL RODEO COWBOYS ASSOCIATION

Mr. ETIENNE. Mr. Chairman, the hour is extremely late. I heard several hints from successive individuals that the Chair has requested a very brief presentation. I am going to suggest, Mr. Chairman, my prepared statement go in the record. If there are any questions in connection with that, I am prepared to answer them.

I am going to ask Dr. Corey and the other members of the panel to make their comments. I would like a few moments, Mr. Chairman, to respond to any comments that Eric Mills might make, because I haven't seen his testimony.

Mr. ROSE. All right. That is fine.

Mr. ETIENNE. Thank you, sir.

[The prepared statement of Mr. Etienne appears at the conclusion of the hearing.]

STATEMENT OF DOUGLAS COREY, MEMBER, ADVISORY COMMITTEE, PROFESSIONAL RODEO COWBOYS ASSOCIATION

Mr. COREY. Thank you, Mr. Chairman for allowing us to appear on behalf of the Professional Rodeo Cowboys Association.

My name is Dr. Douglas Corey. I am a graduate of Colorado State University, a member of the Oregon Veterinarian Association and the Oregon Veterinarian Medical Examining Board, and chairman of the PR committee for the American Association of Equine Practitioners. I am currently a large animal veterinarian and am involved in a wheat and cattle ranching operation in Pendleton, Oregon.

I have been involved with professional rodeo for 15 years, not as a contestant, but as a veterinarian and committee person. The Professional Rodeo Cowboys Association goes to great lengths to ensure the proper care, handling, and treatment of its animals. The PRCA rule book, which is used by many rodeo associations throughout the country, contains approximately 40 statements dealing with livestock care and humane treatment.

The American Veterinary Medical Association, in its position statements, "recommends that all rodeos abide by rules to ensure the humane treatment of rodeo livestock such as those established by the PRCA." Our rules are current, and as a member of the PRCA advisory committee, we are continuously updating these rules.

Livestock used at PRCA rodeos receive better care than most saddle horses and many backyard pets.

Animals used in professional rodeo competition are top athletes, and like a well-conditioned athlete, an animal can perform well only if it is healthy. These animals are fit and receive only the best feed and housing conditions, which is demonstrated by the condition they are in and the fact that these rough stock animals can live to be 30 to 35 years old and some can even compete to that age. These animals work only a few minutes per year and then they are turned out in knee-deep grass pastures. If not for rodeo, these animals probably would not be alive.

The fact is very simple: If these animals were not rodeo animals, they might be in a can or on your dinner table. These animals have a great life.

Rodeo livestock is an investment. These stock contractors will not allow any abuse or injuries. In addition, an abused animal will not perform. I have seen abuse and cruelty to animals, and it does not happen at PRCA rodeos. I would not be here defending rodeo if I did not truly believe this. On a day-to-day basis the general public probably creates more abuse to animals than professional rodeo. The PRCA is concerned with animal welfare. These animals do have basic needs that must be taken care of, and the PRCA does that. We provide proper housing, water, feed, et cetera.

Now, there is a tremendous amount of misinformation put out concerning the flank straps, hot shots, and spurs. Concerning spurs, you have to remember that the animal skin, bulls—bulls' hide, horses' hide is approximately seven times thicker than humans. Hot shots use flashlight batteries to power them. They are low voltage. They are used daily in a veterinary practice.

We use them to move animals. We do not use them to make an animal perform, and as I say, they are used daily by large animal veterinarians throughout the country.

The flank strap goes around the flank, it is a leather strap covered by sheepskin. It goes around the flank and it provides mild pressure on the flank. It is nowhere near the kidneys or the genitals. It is a common misconception. These flank straps augment the bucking instinct or augment the bucking action which is a normal instinct in some horses.

Our statistics show an extremely low injury rate, less than two-tenths of 1 percent. A large number of veterinarians participate in rodeo, and I truly think if they thought there was any abuse going on, or cruelty, they would not be participating. The PRCA does require a veterinarian be on site or on call at a rodeo, approved by PRCA. Most rodeos do already have a large amount of veterinary support from their communities.

A lot has been made of having veterinarians on site or on call. You need to remember, on a daily basis a large animal practitioner responds to emergencies as needed. He has got to make a judgment. If I have to go to a racetrack to treat a horse that comes up with a broken leg, I have to make that decision. I may not be there when it happens, but you have to go and do as needed.

We have had our problems, as does any business, but we handle these problems. We deal with them when they arise, and most importantly, we correct what needs to be corrected. The PRCA is taking care of our business.

Thank you.

[The prepared statement of Mr. Corey appears at the conclusion of the hearing.]

Mr. ROSE. Thank you, sir.

Ms. Sheila Lehrke.

STATEMENT OF SHEILA LEHRKE, DIRECTOR, NATIONAL HUMANE ACTIVITIES, INTERNATIONAL PROFESSIONAL RODEO ASSOCIATION

Ms. LEHRKE. Chairman Rose, thank you for the privilege of expressing my opinion on legislation concerning animal welfare and the proper role of government in this area.

I bring to this meeting a great deal of collective frustration from the people I represent in the rodeo industry. It is difficult for us to deal with the mind-set that says cruelty is inherent in rodeo, as well as in other commercial uses of animals.

Commercial use of animals can and does work for their benefit, but commercial involvement only tells you why it is not wise for a person to abuse their investment. The fact that we deliberately choose a way of life close to animals tells you why we would not want to abuse them.

Tens of thousands of people are active in rodeo by choice. Parents feel privileged to raise their children in the atmosphere of the rodeo way of life. Millions of people enjoy rodeo as spectators. The idea that we wouldn't recognize abuse is an insult to our intelligence. And the suggestion that we would condone cruelty is more than an insult to our decency.

Regarding charges that are made against our use of animals, I refer you to the inside of the pamphlet, "To Protect An American Tradition For The Next Generation," where the factual circumstances of use are explained.

As additional reasons why it is not necessary for Congress to legislate against rodeo, I offer the following:

1. Rodeo animals and other exhibition animals are under public scrutiny to a greater degree than any other use of animals, including household pets. Critics point out that the public does not see everything that goes on behind the scenes, but the condition of our animals is on display and the condition of an animal is a very good barometer of the kind of treatment it receives around the clock;

2. Our trade associations fully realize the climate surrounding animal use, and we know it is in our best interest to promote standards among our members that withstand public scrutiny;

3. It is our policy to contact the local, lawfully empowered agency in a community where a rodeo is held and invite them to inspect the animals and facilities;

4. For instances of abuse that are not adequately addressed by the above, there are local animal welfare organizations and animal rights groups that serve as watchdogs and initiate enforcement of animal abuse laws that are on the books in all States.

In addition to these reasons why Federal legislation is not necessary, I ask that you consider where to draw the line so that zeal for animal protection does not infringe on good people.

I also worry that something has been started on a Federal level that cannot be equitably applied in all situations where possible abuse can occur.

For instance, abuses of the grossest kind are committed against children. There is Federal legislation that shows concern for child abuse and provides funding for programs, but that legislation does not intrude in the lives of people to the extent that animal legisla-

tion intrudes. As a parent, I have never been required to report on the condition of my child or the nature of her care. I do not have to inform anyone of her whereabouts or show that her environment promotes her psychological well-being. When child abuse does occur it is State law that mandates investigation and prosecution.

Congress also takes a hands-off position with people who own pets, and horrible abuses occur there, too.

Of concern to all of us is deficit spending and the cost of Federal programs. There is not enough money to adequately run existing animal welfare and abuse programs. An example of this and of a poorly conceived bill is The Wild Free-Roaming Horse and Burro Act of 1971 where the program has had disastrous results.

Since passage, the herds have grown by 20 percent a year from an estimated 35,000 to between 50,000 and 75,000. Too many animals and an extended drought in their range have resulted in the slow and agonizing death of thousands of animals. We know the authors of this legislation did not want the population of wild horses to be controlled in this fashion. Sadly, it appears they did not consider what the country would do with an ever-increasing number of animals that nobody is allowed to use.

Unaddressed, the proliferation of wild horses will present the same difficult and unmanageable problems communities have been struggling with for over 20 years with overpopulation of cats and dogs.

The best animal management occurs when the people involved have a vested interest.

If we use common sense and look to nature, we can see the big picture of how it is necessary that one form of life is dependent on another form of life. In a sense, everything serves as fodder or fertilizer and that is how life continues. It is not always a pretty picture, however, and nature can be very cruel.

In his recent book, "The Covenant of the Wild: Why Animals Chose Domestication," Stephen Budiansky says, in an evolutionary sense, the animals we think of as domesticated chose us as much as we chose them—that domestication was a product of nature, an evolutionary process driven by the animals' need to adapt to rapidly changing climatic conditions at the end of the ice age. Domestication would not work nor would it have happened if there were not a mutual need and benefit.

In the wild, animals experience discomfort, fear, pain, and agony. In trying to justify the harshness of nature with the idea of animal rights, Michael Fox, vice president of the Humane Society of the United States, wrote that wild animals have adapted to the idea of being eaten by other wild animals—that a deer expects to be killed; that it lives to be eaten.

If that is true, it would follow that animals which have adapted to domestication would likewise expect something other than a free ride—that they, too, are willing to sing for their supper, whether it be in a feed lot, a research lab, or a rodeo arena.

In the exchange of services and benefits between people and animals, many of us strive to improve conditions for animals. In this effort, however, it is not necessary to become maudlin about every inconvenience or discomfort to which a domesticated animal may

be subjected. Improvements will continue to be made, but education is the key; not restrictive, repressive, intrusive legislation.

I appreciate your attention, and I have one other thing to submit for the record. It is written testimony by the humane relations spokesperson for the North American Rodeo Commission. This material was not previously supplied to the subcommittee and I have it here.

[The prepared statement of Ms. Lehrke appears at the conclusion of the hearing.]

Mr. ROSE. Without objection, it will be part of our record. Thank you.

Mr. Mills.

STATEMENT OF ERIC MILLS, COORDINATOR, ACTION FOR ANIMALS

Mr. MILLS. It has been a long time, Mr. Chairman. Thank you for this opportunity.

There is a great need to work for improvements in the care and treatment of animals used in exhibitions. My focus today will be on rodeos. My name is Eric Mills. I live in Oakland, California, the Nation's No. 2 rodeo State, after Texas. I am the unsalaried coordinator of a grassroots environmental and animal protection organization called Action for Animals, which I cofounded in 1982. I publish a monthly calendar of events for some 350 San Francisco Bay activists and 45 organizations. At different times, and in varying capacities, I have worked for the Fund for Animals, the Humane Farming Association, and the Animal Legal Defense Fund. I have written rodeo articles for the Animals' Agenda, the Animals' Voice, the Animal Protection Institute, and the Peninsula Humane Society.

I am originally from Kentucky, where as a boy I spent considerable time around animals on my grandparents' farm. I have been active in animal protection issues for more than 30 years now. For the past 6 or 7 years most of my time and energy have been spent on rodeo issues. Much of my information is firsthand, though I do have extensive documentation and other personal accounts of rodeo animal injuries from throughout the United States and elsewhere.

Quite frankly, I look forward to the day when rodeos will be a thing of the past, and the American public will no longer condone such mistreatment of farm animals. As Gandhi has written, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." Meanwhile, however, there is room for immediate improvement of the status quo.

Rodeo's appeal reaches into all corners of American society. Not long ago, Malcolm Baldrige, Secretary of Commerce under President Reagan, was killed in a rodeo accident just a few miles from where I live. There are rodeos of every stripe: Professional and amateur, all-women's rodeos, black, gay, military, police, even "Little Britches" rodeos for the preschool set.

According to the Professional Rodeo Cowboys Association, PRCA, they sanction some 800 professional rodeos annually in the United States. There are probably twice that number of amateur events.

This subcommittee should be aware that every major animal welfare organization in the United States is opposed to all rodeos because of their inherent cruelty. The Canadian Veterinary Medical Association states that, "The success of rodeos inevitably rests on the exploitation of animals' reaction to pain, noise, and fear and the animals' desire to escape."

I began my rodeo work in earnest after a weekend at the 1986 Hayward, California, Police Officers Association Rodeo near San Francisco. This is an amateur event. As our national anthem was being played, two lines of horses and riders slammed head-long into each other in the rodeo arena. The first three calves in the calf roping event crashed full-speed into the arena's iron railings, going to their knees. Also featured was a pig scramble, with groups of 10 to 12 kids piling atop terrorized piglets. This was followed by the sexist and demeaning steer dressing event.

The capper of the day was a stallion who broke his leg in the holding chute. He was down for several minutes in the arena as stock handlers kicked him and used electric prods to get the animal back on his three good legs. Although I begged the SPCA humane officer to euthanize the suffering animal immediately, he refused, saying he "Didn't want to upset the children." No veterinarian was present, and nearly an hour later, the horse was dispatched with a police officer's gun. Ironically, the rodeo was a benefit for crippled children, many of whom were leaving in tears.

I would like to submit to the subcommittee this is a form of child abuse as well as animal abuse. We do our children and society as a whole a great disservice when on the one hand we promote kindness to animals and promote such ill treatment to animals as family entertainment.

The Police Association board promised me a veterinarian for the next year's rodeo, but did not follow through on their word. The very first calf out of the chute crashed into the fence, breaking both nose and palate. After falling down three times, he was still lassoed, then left bleeding for 6 hours in an adjoining corral before our own vet could arrive. There were numerous complaints from the general public. That particular rodeo has been cancelled for the foreseeable future due to public outcry.

I subsequently drafted a rodeo animal welfare policy for the rodeo grounds, which was adopted by the board of directors. The policy requires veterinary presence at all rodeos, both professional and amateur, bans the use of the electric prod once the animals are in the holding chutes, and bans events such as pig scrambles and steer dressing. The arena was also padded at my request, for the benefit of animals and riders alike. No one has been hurt to my knowledge since that time.

We had a similar policy put in place the following year at the Solano County, California, fairgrounds, after a racehorse being tried out for the rodeo broke her leg at a PRCA-sanctioned event. Again, no vet was on-site, and the mare suffered for nearly an hour waiting for another on call vet.

Unlike the amateur rodeo circuit, both the PRCA and the International Professional Rodeo Association are to be commended for having some good humane guidelines. Inexcusably, though, neither organization requires veterinary presence at their rodeos. The

PRCA rulebook states, "A veterinarian shall be present or on call for every performance." The IPRA has a similar rule. Unfortunately, the on call option is often the choice, since it is cheaper.

Yet the California Veterinary Medical Association has reported that it should cost between \$150 and \$250 to hire a veterinarian for an 8-hour day. Rodeo injuries are almost always emergency situations, and an on call vet has repeatedly proved inadequate.

He or she could be caught in a traffic jam, or on emergency call. A million things could happen. Much avoidable animal suffering has been a result. As a recent editorial in the Contra Costa Times said, "If promoters cannot pay a vet to be present, there should not be a rodeo. There is no charity so important that animals must suffer needlessly."

Interestingly, PRCA rules require the presence of an ambulance and first-aid facilities for the cowboys, as well as they should. And Federal and State laws require veterinary presence at horse races and horse shows.

Why not at rodeos, pray tell? And yes, cowboys do get injured, which is regrettable. But they are in the arena by their own choice, unlike the unwilling four-legged participants who are forced to be there.

Cotton Rosser, stock contractor, whom I have gotten to know a bit, and who is a member of the PRCA board of directors, tells me that only about half of the 800 annual PRCA rodeos have an on-site vet. Amateur rodeos, rarely, if ever, have a veterinarian present.

I have seen and am aware of many other injuries, often without benefit of immediate veterinary attention. I have a signed statement from a security guard at the 1988 Watsonville, California, rodeo who witnessed a bucking horse break her back, who was then left for 1½ hours in agony awaiting an on call vet. Horses have broken their necks running into arena posts, as at rodeos in Folsom and Salinas, California.

A horse at last year's Salinas rodeo broke his leg in the pandemonium in the wild horse race, which was a nonsanctioned event and should be banned, yet they are adding that event again this year, even though it is not sanctioned.

It is a catastrophe waiting to happen, I think. Nevertheless, as I said, the event is going on again in about 2 weeks in Salinas at the California rodeo. The Monterey SPCA last year took photos at this same rodeo of a bull who broke off a horn in the chutes, leaving a painful, bloody stump, in addition to at least five horses with bloody flanks from the bucking straps, padded though they are. A stock contractor at this same rodeo in 1981 in the San Francisco Chronicle reported that 85 percent of his animals would not buck without the strap. Both the bucking strap and electric prod were recently banned in Pittsburgh, Pennsylvania, after the death of a bucking bull there.

Of all sanctioned events, probably calf roping is the least defensible. In 1989, the State of Rhode Island banned the event due to the stress and injury to young animals. Currently, only break-away roping is allowed in that State, in which the running calves are neither jerked to a sudden stop, slammed to the ground, or tied up.

In support of the bill, Dr. E.J. Finocchio, DVM, sent the following statement to the Rhode Island State Legislature on February 28, 1989: "Rodeo livestock do sustain certain injuries such as lacerations, sprains, strains, broken bones, and other related injuries that do need immediate professional attention. I have witnessed and tended to calves who became paralyzed from severe spinal cord injury and whose tracheas—windpipes—were totally or partially severed, causing a life-threatening situation."

That the PRCA knows that the calf roping is a problem area is evidenced by the growing trend to place the event last on the program, so that more sensitive folks can go home early with a clear conscience. And in televised rodeo, almost never do you see the calf hitting the end of the rope at speeds up to 27 miles an hour. The camera invariably pans back to the horse and rider. Imagine the public outcry if we were to treat our pet dogs thusly. Break-away roping would be a better and more humane alternative.

Another area of concern is steer roping. Though banned in Texas and not seen in California, this brutal event is still sanctioned by the PRCA in at least 10 States. One Dr. T.K. Hardy, a Texas veterinarian, sometime steer-roper, commented to Newsweek in 1972, "I keep 30 head of cattle around for practice, at \$200 a head. You can cripple three or four in an afternoon, so it gets to be a pretty expensive hobby."

Many of rodeo's nonstandard events deserve closer scrutiny. A few years ago the Canadian "Calgary Stampede" made the national news when at least three horses were killed outright in a calamitous pile-up during the chuckwagon race. This event is still scheduled at the California Rodeo in Salinas. It is a disaster waiting to happen.

Professional rodeo would be wise, I think, to distance itself from nonsanctioned events such as wild horse races, chuckwagon races, pig scrambles, steer dressing, and the like, for they have little to do with life on a working ranch, which purportedly is what rodeo represents. They are all nonsensical and put the animals at risk of serious injury, even death.

Frankly, I think that over half the rodeo-sanctioned events are bogus. Real cowboys never rode bulls, they didn't put straps on their animals, they didn't wrestle steers. What else? Oh, they didn't ride bareback.

Two other events should be noted, though neither is sanctioned by the PRCA or IPRA. In California there are an estimated 40 charreada associations. These are Mexican-style rodeos, many of which are held most weekends throughout the year throughout many of the States in the Southwest.

One event, "tailing," involves a mounted cowboy who grabs a running steer by the tail, then wraps the tail over his booted stirrup. Riding off at an angle, he attempts to jerk the animal off its feet and slam it to the ground. There are reports of the tails being ripped off the steer's body. Indeed, PBS TV has run such films.

Another charreada event involves the lassoing of a running horse by the front feet, sometimes throwing the animal head over heels. Such a horse broke his neck in San Antonio in a charreada last fall.

Charreadas, unlike their American counterparts, often have horsemen in the arena with the bullriders. In my own county where I live, Alameda County, California, I have seen horses gored by the bulls, a potential for a fatal situation.

Two years ago in California I drafted a bill AB 1660, authored by Assemblywoman Jackie Speier.

The bill as initially written would require veterinary presence at all California rodeos, both professional and amateur. Unfortunately, the bill has been badly weakened, due in part to opposition from PRCA. As amended, the bill would now require veterinary presence only at the State's 100 professional rodeos, and an on call vet at the estimated 250 amateur rodeos. This is unfortunate, for it is at the amateur rodeos where most accidents and injuries occur, to cowboys and animals alike, as the PRCA likes to point out. The bill has passed the State assembly, and will soon be heard before its second Senate committee.

There is broad public support for this humane legislation, presenting as it does an everybody wins opportunity. More than 150 letters from organizations, veterinarians and individuals have come in in support, more than on any other bill Assemblywoman Speier is carrying. The California Veterinary Medical Association supports the bill, and we have collected in excess of 10,000 signatures on petitions, nearly 2,000 of them from rodeo fans, including a number of rodeo cowboys.

Rodeo is big business. According to a PRCA California fact sheet a couple years ago, more than 3.5 million spectators attended California rodeos in 1988 paying \$18.5 million in ticket sales alone, bringing in an additional \$200 million spent on food, gas, local services, hotels, et cetera. Surely a tiny fraction of that amount is owed to the animals involved to receive medical attention.

In closing, members of the subcommittee, I would strongly urge that, at a minimum, the following changes be made on behalf of the animals used in rodeos:

From previous testimony I have heard today, I think that certainly the Animal Welfare Act should be taken out from under the jurisdiction of the USDA. I don't think it is helping animals most in need; at least the rules as they are set up are not being properly enforced.

I think it is inarguable, that the Animal Welfare Act should indeed cover equines. Without horses you cannot have a rodeo. They are involved in almost all of the events. Some say the animals spend little time in the arena, maybe 8 seconds on a ride, but this does not take into account the unsupervised practice sessions which go on throughout the year, often on the same animals over and over until death do them part. I have reports of such.

At a minimum I think we need to address the problems of a lack of a veterinarian on-site at all rodeos, both professional and amateur.

Break-away calf roping should be substituted for the standard variety of calf roping now generally practiced.

Steer roping should be banned outright as it now is in Texas.

A conveyance should be provided at every rodeo to carry out any injured animals.

The use of electric prods or hot shots should be disallowed, once the rodeo animals are in the holding chutes immediately prior to entering the arena.

I have no real problem with leading animals from the corral to the truck, but once the animal is in the chute, these are actually bucking animals, there is no need on God's green Earth to provoke these animals the way I have seen done. Sometimes I have seen electric shots stuck into the horses behind and into the genitals. Not the PRCA, I should say, but they are still used more than they should be elsewhere.

I would be happy to answer any questions and thank you so much for this opportunity.

[The prepared statement of Mr. Mills appears at the conclusion of the hearing.]

Mr. ROSE. Thank you, Mr. Mills. You have all given us very good insight into the problem.

Mr. ETIENNE. Mr. Chairman, may I make a brief response?

Mr. ROSE. Yes.

Mr. ETIENNE. Of course, with reference to the statement that some 800 rodeos are sanctioned by the PRCA, there is another 300 that are sanctioned by the IPRA and in terms of actual animals out of the chute, between those two organizations and the fact that the rules recommended by the PRCA and the IPRA are followed by intercollegiate organizations and high school organizations, the vast majority, amateur or otherwise, pay attention to the PRCA rules.

As far as the injuries referred to by Mr. Mills, Mr. Mills has indicated in writing that he only has one demonstrated injury of a PRCA rodeo. I will submit that letter to—

Mr. MILLS. I have many more now, many more in my testimony.

Mr. ETIENNE. Mr. Mills was asked by the commissioner of the PRCA to file information on the extent of these injuries to stock, and the letter indicated one injury that he was aware of. I have submitted that letter to the committee.

Mr. MILLS. If I may say, that letter has—

Mr. ROSE. I will recognize you, Mr. Mills. Let him finish and then you can have a chance to respond.

Mr. ETIENNE. As far as the incidence of injury, Mr. Chairman, a group of veterinarians, large animal veterinarians, was interested in whether or not the assertions made by the activist organizations were true, accurate or in any respect correct.

So in 1985, the PRCA authorized surveys to be taken. These large animal veterinarians met and defined the word "injury", which was defined as injury occurred in performing resulting in a significant change that would affect the animal's immediate well-being, general health and/or ability to perform.

Now, there were two surveys taken, one in 1987, one in 1988. Just to give you a couple examples of how negligible the injury rate is: in 771 runs of the steer wrestling event, one animal was injured. The 1988 survey indicated the injury rate for animals of the Professional Rodeo Cowboys Association rodeos was 12 animals, less than two-tenths of 1 percent.

On the subject of the calf roping, the rules require that the animals be strong and healthy. They must meet minimum weight re-

quirements, they may not be confined, no steroids or hypnotics are permitted, chutes have to be humanely constructed so as to prevent injury to the stock, and nothing is permitted that will interfere with the health of that young animal; no sore, sick, lame, or defective eyesight animals are permitted to be used in the event.

Now, the injury rate in the 1987 survey was a little over 1 percent; and in 1988, about 0.78 percent. In other words, in 1,546 calf roping runs, there were only 12 injuries, and those were treatable and they were treated promptly.

Now, if you get to things which happened prior to 1985 and in the 1970's, I am going to say that there were some problems, but as Dr. Corey has said, those problems are being addressed by the sport.

In the steer roping event, for example, due to the fact that steps have been taken in that particular event, such as strengthening of the horns, which was the main problem, those horns are now strengthened with steel, there are no injuries in the last 2, 3, or 4 years since those steps were taken.

And so I do want the subcommittee to be aware of the fact that as stated by Dr. Corey, when problems present itself, we are not just sitting there and letting it happen. We are trying to deal with it and to the point where even my friend, Mr. Mills, has indicated we are doing a good job.

Mr. ROSE. Let me ask you a question. How long has steer roping been banned outright in Texas?

Mr. ETIENNE. I really don't know, sir.

Mr. ROSE. You don't know?

Mr. ETIENNE. I can't answer that question. I am from California. We don't have steer roping in California and I don't really know a great deal about that event except what I have just told the Chair.

I know that as a matter of fact, as I understand it, the event has actually increased in various areas of the United States, but I can't tell you about its banning in the State of Texas, but I will certainly find out.

Mr. ROSE. I would think that would be something you would be very familiar with, because—I mean, if it is banned in Texas, and I want to be careful here.

Mr. ETIENNE. Well, sir, I can't tell you that.

Mr. ROSE. I think you need to look into that. But what is wrong with breakaway calf roping being substituted for the standard variety of calf roping now generally practiced?

Mr. ETIENNE. I guess it is a question of how the sport is deemed by the contestants and the public, how it ought to be run. Calf roping is an extension of activity on the ranch and it is a timed event and it is a thrilling event for spectators in the stands.

Mr. ROSE. Let me ask you, tell me a little bit more about the Professional Rodeo Cowboys Association. Is that a nationwide organization?

Mr. ETIENNE. Yes, sir, it is.

Mr. ROSE. How many people do you have on your staff?

Mr. ETIENNE. Staff is about 60 people, I would say.

Mr. ROSE. What do they do?

Mr. ETIENNE. They totally run the sport. They take care of entries.

Mr. ROSE. Do they set up rodeos?

Mr. ETIENNE. No, they don't. What they do is enforce the humane rules, the rule book, for example. This is a copy of it. Two sections in that rule book deal with the humane treatment of animals.

Mr. ROSE. What about humane facts?

Mr. ETIENNE. They publish that book.

Mr. ROSE. How are you all funded?

Mr. ETIENNE. We have been funded by membership fees of the members and we are funded by sponsorships. The sport is funded by sponsorships.

Mr. ROSE. Members would be then the different rodeos?

Mr. ETIENNE. Beg your pardon, sir?

Mr. ROSE. Would it be the different rodeo events? How do you pay for the running of the Professional Rodeo Cowboys Association?

Mr. ETIENNE. I am saying the funding of the Professional Rodeo Cowboys Association is supported by the membership fees of the 8,000-and-some-odd members of the PRCA, and it is also funded by sponsorships primarily.

Mr. ROSE. And Ms. Lehrke, is that the way the International Professional Rodeo Association is funded?

Ms. LEHRKE. Yes. We are funded by membership fees.

Mr. ROSE. How many members do you have?

Ms. LEHRKE. In the area of 3,000.

Mr. ROSE. Mr. Etienne, 8,000, roughly, in your organization?

Mr. ETIENNE. Yes, sir.

Mr. ROSE. And about 3,000, roughly, in your organization, Ms. Lehrke.

Mr. Mills, how do you fund the Action for Animals organization?

Mr. MILLS. I am embarrassed to say most of my funding in the last couple of years has come from auto accidents. I have been rear-ended and side-swiped and spend all my money on animals. I do this out of my own pocket.

Mr. ROSE. Mr. Mills, what was your suggestion about steer roping? Why is it banned in Texas; do you know?

Mr. MILLS. Because it is so brutal.

Mr. ROSE. How long has it been banned in Texas?

Mr. MILLS. That is a good question. I don't know, sir, but that State is the No. 1 rodeo State in the country. I have some film footage of this event. The guy on horseback throws the rope over the steer's behind and runs the horse off in a different direction in an attempt to knock the steer off his feet, sometimes unconscious, sometimes dead.

Ms. LEHRKE. Mr. Chairman, I think it should be noted that steer roping is not a standard rodeo event. It is not approved by the International Professional Rodeo Association and there are very few rodeos in the country that have this.

Mr. MILLS. That is not quite true, sir. PRCA had 10 States last year that put on this event, most of them in the West. Canada, I understand, outlaws it, as well.

Mr. ROSE. Do both of your organizations, the PRCA and the IPRA, do you both cover Canada? I am sure you would.

Mr. ETIENNE. No, Mr. Chairman. The Canadians are covered by the Canadian Rodeo Cowboys Association, which is another organization.

Mr. ROSE. Are their rules similar to yours?

Mr. ETIENNE. Rules are similar to ours.

Mr. ROSE. What is wrong with Mr. Mills' suggestion that a veterinarian be on-site at all rodeos?

Mr. ETIENNE. I was going to come to that. The PRCA does not oppose the bill 1660 on that ground. And the statute, which is now, as he indicated, before the State senate, provides that all PRCA and IPRA rodeos have a veterinarian on-site, and if a given rodeo has great difficulty, they have to show by clear and convincing evidence that they have to have someone on call.

But for the most part, most rodeos in the State of California are covered during the performance, and in the case of many of them, during the slack by a vet. So I have no objection to that. PRCA doesn't either.

Mr. ROSE. Mr. Mills.

Mr. MILLS. I think that is not quite correct either. I talked with Cotton Rosser, who is on the PRCA board of directors and he said only about half of PRCA's rodeos have a vet present.

It seems to me, too, it is hardly the job of the animal protection community to provide statistics. The rodeo people should be doing this and paying for it and if we had a vet at every rodeo in this country, we would have some good stats, otherwise we go on nothing except what we say and what they say, and sometimes the points do not meet.

I think it would be to the advantage of the rodeo profession if we had a vet there. It would take a lot of public pressure off them from people like me. It would help the animals be in better shape with some preventive medicine. It is an everybody wins situation. And anybody who doesn't support this bill, it seems to me, is quite foolish.

Mr. ROSE. Thank you, Mr. Mills. Maybe we need to create a foundation somewhere to fund the presence of veterinarians at rodeos. That might solve the problem.

But I thank all of you. Unfortunately, Congress doesn't do a very good job with issues where there is so much disagreement. What we have seen here today is, I think, an evolving process that is taking place in the country as people become more aware of how animals are treated. Some zoo keepers, some movie makers, most farmers and ranchers, in my opinion, try to do a very good job of giving humane treatment to their animals, but there are exceptions that seem to ruin the reputation of everything else that goes on.

But, Mr. Mills, your comments have been very helpful. I think your suggestions are very straightforward and would probably help criticism if they were adopted, but Mr. Etienne and Ms. Lehrke, I can understand your position. You obviously are concerned about this area or your organization wouldn't exist, and I compliment you for what you are trying to do. You are not covered by the Animal Welfare Act.

Mr. ETIENNE. No, but as indicated in my communication to the committee, we welcome any member of the committee to come to

any PRCA rodeo, come behind the chutes and see for yourself. That is No. 1.

As brought out by Ms. Lehrke, rodeo is under very intense public scrutiny. To my knowledge, there has never been a refusal by any PRCA-sanctioned rodeo of a humane officer to go anywhere he or she wishes to go before, during, or after the rodeo, and we welcome them at all of our events.

And the point is really that the assertions that are made of pain and suffering just simply are not accurate. And the best test of that is to accept the invitation which I sincerely extend to you and other members of the committee to come to a PRCA rodeo and let us show you what happens there.

Mr. ROSE. Very good. Any questions?

Mr. STENHOLM. I spent Friday and Saturday nights at rodeos, the Texas Cowboy Reunion in my hometown, so I don't have to accept the invitation to go.

Mr. Chairman, you said it very well, the differences of opinion, and it seems that it would be helpful if we could separate the rights from the welfare. The rights question has a lot of opposition and very few supporters.

The welfare question, whether we are talking about rodeo animals, zoos, circuses, what have you, has a tremendous following because I don't know of anyone—correct that. Any time you make a statement that you don't know of anyone, you will be proven wrong, that is why I always like to challenge people who say conclusively, even Mr. Etienne, when you welcome anybody to come back and watch. Be careful at that because you are going to get caught.

I have seen things at the Texas Cowboy Reunion that would not show well on a television screen. I have seen them with my own eyes because accidents happen and when accidents happen, it is tragic, whether it is a person or an animal, and, therefore, any time you say I welcome you to see it, you are going to find sometimes somebody is going to make a mistake.

There is going to be an employee of a rodeo that is going to make a mistake. It is inexcusable, but it is going to happen, and that is where somehow if we could concentrate on not the purview, but concentrating on trying to take what most of us believe is a pretty good situation and making it better every day, every week, every month, moving in the direction that we would all want to see it.

I have a lot of questions that I would have liked to have asked some previous witnesses, but it is probably better that I didn't ask them today because it would have been in a confrontational mood because we have had witnesses before this committee before this panel today that have a different standard for humans than they do animals.

I would have loved to have asked, Mr. Chairman, at least one of the witnesses today, how you and your organization justify calling the wife and children of a scientist and threatening their life? Is that humane? Is that any of the standards that any of us talk about? Of course the answer is no. The answer is obviously no, but yet that happens. We have this hearing in controversy.

Mr. MILLS. Mr. Stenholm, if I may. You have a point. I think that happens very rarely.

On the other side of the coin, two of our people at a rodeo picket line last year in Antioch were slapped in the face just standing there with signs. So there are crazies on both sides.

We had almost 50,000 people here 2 years ago marching for the animals, people for animal rights, and the Secretary of Health and Human Services referred to us as animal rights terrorists. That is hard to believe for my own mother, my little sister. I think it is a great disservice.

No, I have never met anybody who was intentionally cruel. I walk a fine line sometimes between animal rights and animal welfare. I tend to stick more to animal welfare. I believe in common human decency to people and to each other. Humans have a right to occupy the universe. Rights are something that civilized societies give to one another, and I think we owe that to the animals. As somebody said here earlier today, we got here on the backs of the animals and rodeos is an American tradition, but so were slavery and lynching.

Here we have the military with sexual harassment of women. There is a long tradition of that, too. Some traditions deserve to die.

Mr. ROSE. The subcommittee will be in order. Mr. Stenholm.

Mr. STENHOLM. You make a very good point and the problem of convincing folks from where I come from that we ought to eliminate rodeos—if I carry a picket sign in a place that would be comparable to that, I would get slapped, too, and it is inexcusable when it happens.

I don't defend it, but the point I am trying to make is that there is a middle ground in here. There is a middle ground for all of us that are concerned about the welfare of animals. It is going to be very difficult to find the middle ground when we are talking about the rights of animals.

That is going to be difficult to do and to achieve, but it is not nearly as difficult to get there on the welfare of animals and that is the thing that most of our witnesses today have been talking about, and when we can talk about the legitimacy of the welfare of animals and animal agriculture and the utilization of animals in research and all of the very controversial areas, it seems that all sides of this question will be better served if we can have cooler heads in that arena and fault on both sides.

Again, I make it very clear to you, Mr. Mills, there are things that happen that shouldn't happen. There are things that have happened on my own farm that if somebody would have been there with a television camera, it would not have looked good to have seen it today and someone would say, Congressman, how could you defend this?

And I couldn't, except the circumstances of the moment dictated that that was a judgment call that had to be made, and you have to make those kind of judgments every day and I have had to do this in my own life. It would seem that if cooler heads would prevail, that in this area here and in the area of welfare, that we could accomplish a lot together.

Mr. ROSE. Mr. Stenholm, would you help us answer a question that none of these gentlemen can answer. Mr. Mills says that steer roping should be banned outright as it now is in Texas. Do you

have any recollection of why steer roping was banned in Texas and when it might have been banned?

Mr. STENHOLM. If it has been banned in Texas, that is news to me. I watched steer roping Friday and Saturday and they were roping them as often as they could, but every once in awhile, about half the the time, the calf won and he missed.

Mr. MILLS. We are talking about steer busting—it is also called—where you throw a rope around the rear end of the steer and grab him by his feet and throw him to the ground.

Mr. STENHOLM. We don't do that at the Texas Cowboy Reunion, but that is still a legitimate event around. You ought to see what we call double-mugging or wild cow milking, and I guarantee you it is not the cow getting the worst end of that deal.

Mr. COREY. It is the cowboy.

Mr. ROSE. Ladies and gentlemen, we have to go vote. You have done a great job staying here so long today. Mr. Mills kind of ran nonstop. Thank you all for being part of this. Your contribution is part of the record; and the subcommittee will stand adjourned.

[Whereupon, at 3:45 p.m., the subcommittee adjourned, to reconvene, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

STATEMENT OF REP. PETER H. KOSTMAYER

SUBCOMMITTEE ON DEPARTMENT OPERATIONS, RESEARCH

AND FOREIGN AGRICULTURE

JULY 8, 1992

Mr. Chairman, thank you for the opportunity to appear before you this morning. This issue has always been of concern to me. This hearing can play an important role in focusing attention on an issue which is, understandably, not in the limelight.

Americans love to go to the circus, to the zoo, to carnivals and other places where the exhibition of animals is a major drawing point. In too many of these places, the animals are treated in ways which are inhumane and cruel.

The American Society for the Prevention of Cruelty to Animals has documented several examples of this type of treatment. In one North Carolina menagerie two lions were kept in a 8' by 5' cage, barely one-quarter the necessary size. In another roadside zoo, a bear was fed a steady diet of doughnuts and soda. Forced to stand in his own waste and human trash, due to a lack of cleaning of his cage, the bear developed ulcers on his feet.

At the San Diego Zoo, elephants were found to be suffering from foot infections called foot scald due to standing on wood floors in pools of urine and excrement. The zoo later erected a barrier to keep the elephants from public view.

In the Toby Tyler Circus, employees tossed water on a caged chimpanzee until it became so enraged that it bloodied its hands

against the bars of the cage.

These, unfortunately, are not simply isolated incidents. No one would argue that most animal owners, trainers and exhibitors are cruel people who abuse the animals under their care, but these problems are more widespread than one might think.

Clearly, something needs to be done. The federal government needs to require the minimum standards of humanity. We cannot allow the pursuit of the dollar result in the cruel treatment of helpless animals.

The only legislation which currently does this is the Animal Welfare Act. The lack of enforcement by the Animal and Plant Health Inspection Service of the Department of Agriculture is the basis of this oversight hearing this morning.

Even if the law were properly enforced, its protection of animals in entertainment is quite weak. It does not, for instance, specifically prohibit cruel and abusive uses of animals, it does not stipulate how the animal should be handled in training, nor does it define behavior that is inhumane.

I have introduced the Exhibition Animal Protection Act, H.R. 3252, to remedy some of these problems. I am convinced that federal law is necessary to deal with the problems that so obviously exist. We can't rely on state anti-cruelty laws because of the ability to rapidly move from state to state.

My legislation will also deal with the flaws in the Animal Welfare Act. It will spell out what constitutes cruel and illegal treatment, it will deal with the handling of animals in

training and will make it possible for APHIS to trace the movement from state to state and city to city of travelling animal acts.

Since introducing this bill last year, I have had several conversations with people representing all kinds of interests. This hearing, I think, is important in providing a forum to listen to the problems and to hear suggestions on how best to deal with them.

Again, Mr. Chairman, I thank you for giving me the opportunity to make this statement. I commend you for your interest in this issue and for your dedication to finding a way to guarantee the humane treatment of exhibition animals.

TESTIMONY OF BOB BARKER

Chairman Rose and members of this subcommittee, I am pleased to have this opportunity to testify before you.

In his letter of invitation, Chairman Rose wrote, "We would like you to testify specifically about your first-hand knowledge of the movie industry."

Allow me to begin my response to Chairman Rose's request by describing a sequence of events that received widespread national media attention and has become known to many of us who were involved as the "Project X" scandal.

"Project X" was a Twentieth Century Fox movie, produced by Walter Parkes and Lawrence Lasker, directed by Jonathan Kaplan, and the star of the picture was Mathew Borderick.

In the latter part of 1986, Nancy Burnet, Founder and Director of United Activists For Animal Rights, and I began to hear rumors that Chimpanzees featured in "Project X" were badly mistreated.

At the conclusion of the movie, five of the chimpanzees were retired to Primarily Primates, an animal refuge in San Antonio, Texas.

In January, 1987, Wallace Swett, Director of Primarily Primates, told me that two animal trainers who had worked on "Project X" delivered the five chimpanzees to Texas, and, according to Mr. Swett, these trainers had told him that they had "knock down drag out fights with the chimps in order to establish their dominance over them."

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Mr. Swett said the chimpanzees displayed symptoms of both physical and psychological abuse. He said that they were so traumatized that they would have to go through a period of careful adjustment at Primarily Primates. I asked Mr. Swett if I might quote him to the media and he agreed. Also, Mr. Swett told me that I could learn more about the mistreatment of the "Project X" chimpanzees from Dr. Roger Fouts, a primatologist at Central Washington State University in Ellensburg, Washington.

In a telephone conversation Dr. Fouts told me that the producers of "Project X" had contacted him before the picture went into production. After reading the script, Dr. Fouts said that he had advised the producers that chimpanzees could not be made to do what was required of them in the script without inhumane treatment. He said that he suggested to the producers that they use little people in chimpanzee costumes as had been done with great success in the movie "Greystoke." According to Dr. Fouts, the producers told him that live actors would be too expensive and they had a trainer who had assured them that he could make chimpanzees perform the action as scripted. Dr. Fouts said that he warned the producers of the "two by four training method," a name derived from the practice of beating movie animals with clubs. Dr. Fouts said that he visited the set after "Project X" went into production, but he was not allowed to watch the chimpanzees work. However, he said that people on the set indicated to him that the chimpanzees had been mistreated.

In 1987 I was terribly naive so far as cruelty to animals in movies is concerned, but I was aware that it is the responsibility of the American Humane Association to protect animals used in the

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production of films. Therefore, I telephoned Carmelita Pope who was the director of the Hollywood office of American Humane at the time, and told her that I believed the "Project X" chimpanzees had been treated inhumanely. Ms. Pope became very defensive. She denied that the chimpanzees had been beaten. When I told her that I was determined to make further inquiries she attempted to dissuade me. But, a remark that Ms. Pope made convinced me that I should continue my efforts. I told Ms. Pope that I had been told that trainers carry blackjacks when they work with chimpanzees. Ms. Pope replied, "Chimpanzees are wild animals and the trainers have to show them who is boss." I decided that, if Ms. Pope's words reflect the philosophy of the organization that is supposed to protect animals in movies, the poor creatures need all the help we can give them.

Ms. Burnet, of United Activists For Animal Rights, and I continued to accumulate evidence to support the charges that the "Project X" chimpanzees had been beaten, and when we considered it to be sufficiently convincing we turned to Gary Francione, a professor of law on the faculty of Rutgers University in New Jersey. Mr. Francione wrote a letter to Los Angeles County District Attorney Ira Reiner in which he presented the facts and requested that charges be filed against the "Project X" trainers responsible for the animal cruelty.

Mr. Reiner decided that the case was a city matter and referred it to Los Angeles City Attorney James Hahn. Mr. Hahn directed the Los Angeles Department of Animal Regulation to conduct an investigation which it did. In fact, the three month investigation of "Project X" was the longest in the history of the Los Angeles Department of Animal Regulation. At the conclusion of the investigation, the Department of Animal Regulation concurred that the "Project X"

(4)

chimpanzees had been beaten and requested that charges be filed against six animal trainers for eighteen violations.

Unfortunately, the Statute of Limitations had elapsed on animal cruelty which was the most appropriate charge that could have been filed, so the trainers escaped prosecution. In the parlance of the fight ring, the trainers were saved by the bell. But, the "Project X" scandal did not end here.

Under the Freedom of Information Act, Nancy Burnet and I secured the reports of L.A. Department of Animal Regulation Officers who conducted the three month investigation of "Project X", and we were shocked by what we read. In an effort to make the movie industry aware of the animal suffering involved in the production of "Project X", Ms. Burnet's organization placed full page ads in the trade paper "Variety" quoting from the Department of Animal Regulation reports.

Paul Mueller who worked in special effects on "Project X" said he had seen the chimpanzees beaten with "clubs, fists and blackjacks". Other eyewitnesses supported Mr. Mueller's testimony. The eyewitness accounts went on page after page.

In a press release the American Humane Association had said, "American Humane field representations never saw a blackjack, or anything that resembled one, on the set (of Project X)." In the Department of Animal Regulation material secured under the Freedom of Information Act there were photographs of trainers on the set with what officers identified as blackjacks protruding from their pockets. Also, there were photos of trainers armed with what officers described as a sawed-off pool cue and a revolver.

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In an effort to secure more adequate protection for animals that are forced to work in movies, Robert Rush, Director of The Los Angeles Department of Animal Regulation, and I met with Jack Valenti, President of The Motion Picture Association of America. After hearing our report on "Project X", Mr. Valenti told us that he would do his own investigation. About a week later he wrote to tell me that he was going to recommend that AHA continue in its role with the movie industry. However, Mr. Valenti said, "You, and others, who care passionately about animals, their rights, their treatment and their care, have been a beneficent influence."

Nice words, but to Nancy Burnet and me Jack Valenti's letter meant that animal suffering in the production of movies would continue unabated.

Robert Rush and I met with representatives of Screen Actors Guild, but nothing was accomplished. We requested a meeting with Nick Counter III, Director of The Alliance of Motion Picture and Television Producers, but Mr. Counter declined.

At the height of the "Project X" scandal Carmelita Pope, Director of The American Humane Association Hollywood office resigned, as did her husband Bill Wood who was her assistant. In her place was appointed Betty Denny Smith.

Almost immediately Ms. Smith became embroiled in a controversy involving a movie called "The Tender".

I received a telephone call from a man who had seen the script of "The Tender" and was concerned that it included a dog fighting scene.

(6)

I passed this information along to Nancy Burnet who filed a complaint with the Los Angeles Department of Animal Regulation. An investigation followed, and again Nancy Burnet and I obtained the officers' reports under the Freedom of Information Act.

City of Los Angeles Investigators said, "Mears (Trainer Alvin Mears) stated that Betty Denny Smith was present at some of the dog fight scenes while other American Humane Association representatives were present during some dog fight scenes. Mears stated that the American Humane Association representatives told him that the dog fights were no problem. Mears stated that he muzzled the dogs by twisting wire around the dogs' jaws. A small amount of tape was wrapped around the wire. The dogs were allowed to observe each other from across an arena approximately 15' X 20' in size with a wooden border approximately 3' high. After the dogs became aggressive, they were released, allowed to charge each other, make contact, and then to fight. Mr. Mears stated that he allowed the dogs to fight several times on different occasions during the filming of "The Tender"."

Robert Rush, Director of The Los Angeles Department of Animal Regulation said, "Although the American Humane Association may have "no problem" with these dog fights, The Los Angeles Department of Animal Regulation's interpretation of CPC 597.5 (Fighting Dogs) is substantially different from that of the AHA. The Department of Animal Regulation feels that the agitation and worrying of dogs to the point of ferocity, shutting their muzzles tightly with bailing wire and placing them in an arena to fight constitutes dog fighting. This opinion is shared by both the Los Angeles City Attorney and by the Los Angeles County District Attorney as well. It is additionally felt that this was also a violation of CPC 597 (Cruelty To Animals)."

(7)

In the case of "The Tender" no charges were filed because City Attorney James Hahn said that the City could not prove intent.

Today, I have presented brief descriptions of Animal abuse in two relatively recent movies, but please do not believe that these are isolated instances. Animals have suffered in the production of television shows and movies for decades.

Tom Snyder, formerly of the "Tomorrow" television show, and now a national radio host interrupted me when I began to describe animal abuse in entertainment. He said, "You don't have to tell me, Bob. I've seen it." He told me that when he came to Hollywood in the 1960s he visited the set of the old television show "The Hathaways" where he saw trainers beat chimpanzees so unmercifully it brought tears to eyes. Tom said he was so emotionally affected that he had to leave the set.

Gentlemen, I think we must continue to go public with the tragic plight of elephants, chimpanzees, dogs, cats, cattle, lions, tigers, domestic and wild animals alike that are exploited in movies for man's diversion. As movie-goers become more aware of the animal abuse in the production of movies, they will demand that it cease.

(Attachments follow:)

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United Activists for Animal Rights

P.O. Box 2448, Riverside, CA 92516-2448

1990

Tortured, Tormented, Injured—That's Entertainment?

NO!

But that is the way of life for many animals used for "Entertainment" purposes. We're led to believe that animals are protected. Nothing could be further from the truth!

Trust your intuition. When you see a movie that depicts animal cruelty, don't believe that it's just "movie magic." It may be for real!

As a writer for *New York Newsday* said, "How do you make an animal look frightened? Don't you have to scare him?"

The use of animals in "Entertainment" is inherently cruel. The cruelty begins the moment an animal is deprived of its natural environment, imprisoned for life, often tormented and brutalized, living in tiny cages and in total isolation. They languish day after day in misery and boredom—animals who should never have been caged at all. Some are so horribly treated that the best thing that ever happens to them is death—the only escape from their misery, suffering and fear.

Ironically, those who love and respect animals are unwittingly financing much of the cruelty. Each time we purchase a ticket to a circus, a zoo, an aquatic park, a magic act, or movies featuring animals, we're financing the cruelty.

Zoos, circuses, aquatic parks, etc., present a distorted view of how animals are meant to live and be treated. They encourage capture, caging, breeding surplus animals, and the beating and abuse—often referred to as "discipline."

For example:

Elephants are shocked, beaten with axe handles, sledgehammers, and clubs.

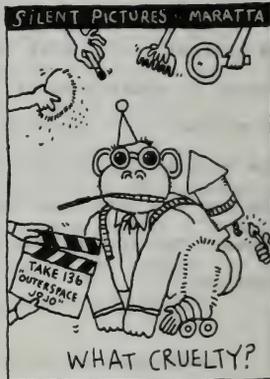
They are chained, and often kept in

cramped, dark, miserably hot or cold trailers or barns.

In the case of chimpanzees, orangutans, and other animals, some trainers use a unit that contains batteries which is attached to the animal's body.

When the animal refuses to respond, the trainer presses a control and the shock, in some cases is so severe that it causes the animal to double up, vomit, and convulse. Animals of every description are victims of vicious trainers and handlers.

Remember these things when you see animals in entertainment. No matter how cute they are, no matter how much you love them, think about behind the scenes—how they live day-to-day their miserable existence, the horrible boredom they must endure day in and day out—all for a few hours of "Entertainment." □



Taking the Profit Out of Animal Cruelty in Entertainment

The Coalition To Protect Animals In Entertainment

The "Project X" movie scandal burst the bubble for producers, directors, and animal trainers who have mistreated and even killed animals in their pursuit of box office gold.

When *eyewitnesses* described in vivid detail how the "Project X" chimpanzees were beaten unmercifully with clubs, fists, black-jacks, and hoses filled with rock and sand, the media took notice and The Coalition To Protect Animals In Entertainment was formed (CPAE - a Task Force of UAAR).

In only two years, the Coalition has

done more to make the public aware of cruelty to animals in entertainment than any organization in history.

UAAR, a completely unique organization, has been amazingly effective. One producer after another will tell you that *Twilight Zone, The Movie*, brought the safety of child actors to the forefront. It was "Project X" that convinced Hollywood that animal abuse can be dangerous to the health of the box office.

When UAAR is informed of any animal abuse, or potential abuse, it immediately alerts the appropriate enforcement agency. □

Lassie Stay Home

By Jill Donner, *Writer/Producer*

Jill Donner has been a member of the Writer's Guild since 1978. Her credits as a writer-producer include "The Incredible Hulk," "Voyagers," and "Magnum, P.I." The following is excerpted from the May 2, 1989 issue of *Variety*.

This year is the American Humane Association's golden anniversary of its Hollywood connection, but unfortunately there is little to celebrate. In the 50 years since, the AHA has done nothing to change the fact that when animal is used for entertainment, abuse is almost always an unseen part of the performance.

... And, although animals used in motion pictures and television are currently "protected by the AHA (codified in the 1980 SAG/AMPTP contract), amazingly, the AHA has not filed a single complaint of abuse in the last 20 years.

Sultan, the Tiger was one victim of the AHA's "guardianship." He was anesthetized and dyed black for the movie "Beastmaster." According to sworn testimony, Sultan developed respiratory problems while being dyed the dye—which burns the animal's skin—was left on during treatment. The prescribed treatment for the burns was not carried out and Sultan died.

Another casualty of AHA "protection" was a nameless foal, whose on-camera birth in the television movie "Bluegrass" was induced prematurely to accommodate the shooting schedule. According to *TV Guide* reporter Pat Jordon, the baby filly was carried "up-side down, like a sack of bloody laundry to a darkened stall....where it lay twitching and gasping for breath."

But besides being either unwilling or incapable of preventing abuse on the set, the fact is the AHA's authority stops at the gates of the training compounds where off-screen brutality too often occurs.

It's the job of the United States Department of Agriculture and the Department of Fish and Game to supervise exotic animal compounds in California, the primary "product" suppliers to the entertainment industry.

But according to a column written by Ken Castle in the *San Francisco Chronicle* (4/25/88), despite thick USDA files showing recurring deficiencies among major animal compounds, public records revealed that many of the handler/trainer members of the California Animals Owners Association (CAOA) hadn't been inspected by the Department of Fish and Game in years.

With this passive enforcement of federal and state guidelines, the fate of Clyde is not surprising.

You may remember Clyde as the loveable orangutan from "Every Which

Way You Can." But his real name was Buddha, changed because the original Clyde from "Every Which Way But Loose" was unavailable for the sequel. Not that Buddha wasn't a star in his own right. During his decade-long career, he was even awarded the dubious honor of having the infamous "Buddha Club" named after him.

For those of you not aware of the state-of-the-art methods currently used in animal training, the Buddha Club is a metal pipe wrapped in newspapers to disguise it when used on the set to discipline primates.

But back at the training compound, outside the glare of all that silly Hollywood pretention, the Buddha Club of choice is usually just a plain old three and a half foot ax-handle.

According to a sworn affidavit of a worker at the compound, Buddha (aka Clyde) returned from the studio late one afternoon because he'd been stealing donuts and generally misbehaving. Upon his arrival, Buddha, calm and not resisting in any manner, was led to the barn by his trainers, both carrying Buddha Clubs. For the next 20 minutes the witness heard a great deal of hitting and pounding.

After that Buddha sat in the large drum inside his cage and refused to come out, black and blue marks visible on his head and body. Two weeks after the movie was completed, Buddha was found dead, blood coming from his mouth. Other employees told the witness that an autopsy revealed Buddha's death was due to a cerebral hemorrhage.

So, since the industry and government agencies were either unable or unwilling to protect Sultan, the newborn foal or Buddha, it comes down to us to protect them.

And unfortunately, for now the only way to do that is to simply *not* write animals into our scripts.

I know, I can hear the groans. I groaned those same groans myself. No more westerns, with cowboys silhouetted against the sunset on his faithful horse. No more Flipper. No more loveable chimps and orangutans capable of making even the most macho of leading men seem, well....cute.

But it all starts with the word. And our words are powerful, not just on the page but in the real world where they can cause real distress, real pain and real death.

I believe our words are being turned into beating sticks and it is incumbent upon us to confront that terrible fact and understand that every time we write any animal into a script, we place that animal in potential jeopardy.

Before we were simply unwitting accomplices in this celluloid Roman circus, but now we know. And, whether we realize it or not, we have the power to stop the abuse if we choose.

Unfortunately for the animals, they have no such choice. But we do. So each of us must now make that choice and live with the consequences.

And, perhaps with this one act of conscience we can actually force change and one day, write about all God's creatures without fearing that what we write for our living might be at the expense of their death.

But it's the audience that has the final cut on this picture. The public, so outraged by the death of single horse in 1939, is still out there. And they've made it clear that if a movie or television show betrays their trust and abuses man or beast, they will not buy tickets. Period.

And that's the good news because, besides the abuse of animals in entertainment, there's only one thing that hasn't changed in the last 50 years...The bottom line (money). □



Clyde and Eastwood



Animals are Big Business\$

An animal may be featured in a commercial, movie, "wildlife film," etc., or perhaps there will only be a quick glimpse. Either way, the object is to grab the viewer's attention. Producers and advertising agencies know that animals tug at heart-strings which are usually attached to purse-strings.

As a result, surpluses are created. When the animals are "retired," they often end up in research facilities, hunting preserves, or some horrible roadside zoo or circus.

Everything is based on supply and demand. We, the consumer, control the purse strings. Boycotts are very powerful weapons. The fastest way to stop exploitation is to remove the profit.

Rarely do we see a commercial or movie that does not include animals...the world is in love with them. Animals are used to sell products and tickets, and our purchases are the direct cause of the exploitation and suffering. Abuse to animals in entertainment is rampant, but we, the consumer, have the power to stop it. The choice and responsibility is ours....

DOUBLE STANDARD

Unfortunately, some animal advocates who adamantly oppose circuses because of the miserable existence of animals, are willing to justify and overlook the same deplorable circumstances when the "entertainment" is a movie or television show.

UAAR's Awareness Campaign Working

On July 18, 1989, a resolution was unanimously passed by The American Federation of Television and Radio Artists (AFTRA) pertaining to rampant animal abuse on movie sets.

AFTRA Resolution

re: Animal Abuse on the Set
 WHEREAS, the occurrence of animal abuse on union sets is becoming more and more apparent; and, WHEREAS, animals are sentient beings who must rely on human beings for their welfare (particularly on the set); and, WHEREAS, no performer should be expected to work on a set where an animal is being subjected to abuse; therefore be it resolved that whenever a performer finds him or herself working on a set on which any animal is being mistreated he or she should immediately report it to the nearest AFTRA local, which will in turn immediately get in touch with the ASPCA or appropriate agency to see to it that the mistreatment is stopped.

More good news. The Makeup Artists and Hairdresser's Union has recently passed a similar resolution. □

UAAR's efforts have succeeded in making the suffering of animals used in entertainment an international issue. *Two years ago, for the first time ever, animal abuse in films was discussed at the Cannes Film Festival.* It is a topic of concern for producers, directors, actors, and trainers.

HENRI BOLLINGER PUBLIC RELATIONS

Bob Barker

Bob Barker is in his 21st year as host of CBS' THE PRICE IS RIGHT. Not only is it America's highest rated daytime game show, it is also the longest running game show in television history, surpassing "WHAT'S MY LINE?" which ran for 18 seasons. He also serves as the show's executive producer.

Named the most popular game show host of all time in a national poll, Barker has graced our television screens for more than three decades. "But," he hastens to add, "I was very young when I started."

Barker was born in Darrington, Washington, and spent most of his youth on the Rosebud Indian Reservation in South Dakota where his mother was a school teacher. His family eventually moved to Springfield, Missouri, where he attended high school and Drury College on a basketball scholarship. When World War II intervened, he became a Navy fighter pilot, but the war ended before he was assigned to a seagoing squadron.

Following his discharge, Barker returned to Drury and took a job at a local radio station to help finance his studies. It was there that he discovered that what he did best was to host audience participation shows. After graduating summa cum laude with a degree in economics, he went to work for a radio station in Palm Beach, Florida. A year later he moved to Los Angeles, and within a week, he was the host of his own radio program, "The Bob Barker Show."

Barker made his debut on national television as the host of the popular TRUTH OR CONSEQUENCES. Ralph Edwards, the show's originator, had sold the show to NBC as a daytime strip, but he had not chosen a host. For weeks Edwards had been auditioning emcees in Hollywood and New York, but when he heard "The Bob Barker Show" on his car radio he knew he had found the man for the job.

When asked what it was about Barker that had impressed him, Edwards replied, "Bob sounds like Jack Benny doing audience participation." Proving that Edwards had chosen wisely, Barker hosted TRUTH OR CONSEQUENCES for an unbelievable 18 years, and he and Edwards remain close friends today. They drink a toast at lunch every December 21 to celebrate the day in 1956 when Edwards called Barker to tell him that he was to become the star of TRUTH OR CONSEQUENCES.

Barker has been twice named in the Guinness Book of World Records as television's "Most Durable Performer," 3,524 consecutive performances on TRUTH OR CONSEQUENCES, and "Most Generous Host in Television History" for awarding \$55,000,000 in prizes on his various shows. During the ensuing years, the \$55,000,000 figure has increased to more than \$100 million.

- 2 -

Mark Goodson, whose company produces THE PRICE IS RIGHT, describes Barker as "the best in the business."

Barker, a winner of seven daytime Emmy awards and the coveted Carbon Mike Award of the Pioneer Broadcasters, narrated the CBS telecast of the Rose Parade for 21 years, a record for the network.

In 1978, Barker developed "The Bob Barker Fun & Games Show," a series of personal appearances which immediately attracted record-breaking audiences throughout the United States and Canada.

Named one of America's "Ten Best Dressed Men" by the Custom Tailors' Guild of America, Barker is a man of many interests, including karate. His first instructor was film star Chuck Norris, who says that Barker was one of his most dedicated students. Barker has traveled the world over, enjoys reading and is a Civil War buff, but claims, "I excel at lying in the sun doing absolutely nothing."

In recent years, Barker has become the most visible figure in the animal rights movement and one of its most eloquent speakers. The "Fur Flap" surrounding the 1987 Miss USA Pageant attracted more media attention than any single event in animal rights' history. If contestants wore real furs, as planned by the pageant producers, Barker said that it would be impossible for him to participate in the telecast. Barker prevailed, and synthetic furs were substituted for the real thing.

In 1988, Barker was again the subject of media attention coast to coast when, after hosting the Miss USA and Miss Universe Pageants for 21 years, he resigned because the producers refused to remove fur coats from the prize packages. As an interesting sidelight, the first telecast of the Miss USA Pageant without Barker as host resulted in a decline in rating of 29 percent, an incredible loss for a special that airs from one year to the next.

Also, Barker resigned as host of "The Patsy Awards" when he learned that trainers frequently use cruel methods to force animals to perform.

Barker, a man of conviction who fights animal exploitation in all of its grisly forms, has refused offers to do commercials for a fast food chain, a frozen food company and a cosmetics manufacturer because of the animal cruelty involved in these businesses. He turned down a lucrative offer to use his name and likeness in print advertising by one of the nation's best known hospitals because the institution was conducting animal experiments.

Barker spearheaded the investigation of the movie PROJECT X that led to a request by the Los Angeles Department of Animal Regulation that criminal charges be filed for animal cruelty during the production of the picture.

Barker's work on behalf of animals has garnered him a long list of awards from prestigious humane organizations across the country. In fact, a columnist wrote that Barker has become a part-time television host and a full-time animal rights activist. But Barker assures us that there is room in his busy life for both television and animals.

Testimony of Dr. Joan Arnoldi
Deputy Administrator, Regulatory Enforcement and Animal Care,
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
Before the
Committee on Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture
U.S. House of Representatives
July 8, 1992

Mr. Chairman and members of the Committee, it is a pleasure to appear before you today to discuss the Department of Agriculture's authorities and activities concerning the treatment of animals that are used in exhibitions.

The Animal and Plant Health Inspection Service (APHIS) has testified before this committee on several occasions on various aspects of enforcing the Animal Welfare Act, so I will not go into detail today about our general authorities and activities. Rather, I will concentrate on the topic you requested--our efforts to ensure the humane care of exhibition animals.

APHIS derives its authority to promulgate regulations and to undertake activities regarding exhibition animals from the Animal Welfare Act (AWA), as amended (7 U.S.C. 2131-2157). The AWA authorizes activities to ensure that animals used in research facilities, for exhibition purposes, or for use as pets are provided humane care and treatment.

The term "animal" is defined as any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or other warmblooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet. It excludes horses not used for research purposes and other farm animals, such as livestock or poultry, used or intended for use as food or fiber, or intended for improving animal nutrition, breeding, management or production efficiency.

Under the Act, exhibitors are people who exhibit to the public any animals that were purchased in commerce or that affect or will affect commerce. The term includes carnivals, circuses, and zoos exhibiting regulated animals, whether operated for profit or

not. The term excludes retail pet stores, organizations sponsoring, and all persons participating in, State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and science. The Secretary is given discretion in determining whether a particular exhibition or use of animals fits the definition of exhibitor. The Act requires that the Secretary promulgate standards to govern the humane handling, care, treatment and transportation of animals. All exhibitors must comply with the standards of care developed under the AWA. Our primary goal is to ensure the health and well-being of the animals, and we work to bring those exhibitors with problems into compliance.

Currently, there are 1,486 licensed exhibitors and 50 registered exhibitors in the United States. Licensed exhibitors are those entities that either obtain or dispose of animals in commerce or exhibit them for compensation. Registered exhibitors do not buy, sell, or transport animals, and do not accept compensation. The APHIS, Regulatory Enforcement and Animal Care (REAC) program has 73 investigators, 38 animal care inspectors, 49 veterinary

medical officers, and nine veterinary animal care specialists. These officers are strategically located throughout the United States and conduct inspections and other activities related to enforcing the AWA in its entirety which includes the regulation of dealers, research facilities, intermediate handlers and carriers, and exhibitors. These employees also enforce the Horse Protection Act. In Fiscal Year (FY) 1991, APHIS continued its efforts to increase the quality of inspection by presenting seven training courses and adding 10 more inspectors to its field force. In 1992, we are continuing on-going training for our inspectors and are increasing the number of inspectors in high volume areas. In addition, we cooperate with other Federal and State agencies such as the Department of the Interior and the Centers for Disease Control on the importation of primates. However, we are the primary inspecting agency for compliance with the AWA.

To increase interaction and cooperation, we attend and participate in meetings of the National Association of Zoological Parks and Aquariums meetings and meet with the U.S. Animal Health Association and the American Association of Laboratory Science.

We also cooperate closely with groups with concern for humane care and treatment of animals. We listen to and value their comments and we meet with the people and groups to benefit from their expertise.

Let me briefly explain how we conduct inspections and what we look for. The inspections are unannounced. Our trained professionals check the facilities for structure, condition, drainage, and waste disposal. When we check the sheltering areas, we look at temperature, ventilation, lighting, size, perimeter fencing or barriers, shelter from the elements, drainage, and waste disposal. We also check to see if the animals are protected from predators and the public, and conversely, that the public is protected from the animals. In the area of animal health and husbandry, we look at provisions for exercise and socialization, feeding and watering, cleaning and sanitation, housekeeping and pest control, the employees who handle the animals to see if they have adequate training to handle the specific species of animals they work with, and social grouping and separation. If the animals are transported, we look

at the primary enclosure and conveyance, check to see if food and water is provided, and check on care and handling during transit. We also check on identification of the animals, records, provisions for veterinary care, and any other non-compliant items the inspector may encounter. During the inspection, the officer will point out any deficiencies to the exhibitor or the person in charge of the animals and explain the need for correction.

If the inspection has revealed a problem or requires more attention, the inspector will write a non-compliance report, inform the person in charge what changes need to be made to be in compliance and set a deadline for completion of the changes. The inspector returns for an unannounced inspection after the deadline has expired. If significant progress has been made, we will continue to work with the exhibitor to achieve compliance. If no progress has been made, we will begin to build a case. If the violation is serious, we may take more stringent action and, depending on the situation, we may confiscate the affected animal(s). Inspections for exhibitors who are in compliance are made once or twice a year and as often as necessary for those who are not in compliance.

When an inspector finds no progress on the cited problems, he provides a report to a regulatory enforcement officer who will compile evidence and submit the report to the Regulatory Enforcement staff. If, after careful review, a case appears to warrant prosecution, it is submitted to the Department's Office of the General Counsel (OGC), which reviews the case and pursues prosecution through administrative procedures. Investigations are settled in several ways. An investigation may reveal less-than-serious violations. These may be closed with an official notice of warning. More serious cases are prosecuted and may be resolved by license suspensions or revocations, cease-and-desist orders, civil penalties, or a combination of these through administrative procedures. APHIS has adopted a system of consent decisions called stipulations for use in the future to settle cases with facilities that may have been previously served an official warning. The stipulations will enable APHIS to settle cases in a much more cost-effective and timely manner.

APHIS does have the authority to remove an animal from serious situations. We only confiscate if the situation is very serious and the life and health of the animal(s) is in immediate

jeopardy. When this happens, we give the owner warning and allow the owner a certain period of time to correct the situation. This time period can be as short as an hour if necessary. We return at the end of the time period and if no corrective action has been taken, we confiscate the animal and develop a case for legal action. In some instances where the State has authority to confiscate, we may enlist their aid to save time. In addition to our authority to remove an animal, Public Law 101-624, passed in 1990, amends the AWA to provide the Secretary the authority to apply for injunctions or temporary restraining orders when we have reason to believe an exhibitor is placing the health of any animal in serious danger. This provides another tool for us to use to address serious violations.

Two recent examples of confiscations are:

- o We confiscated a leopard in need of veterinary care from Mr. Otto Berosini, an exhibitor in Nevada.
- o On July 1, confiscated 2 Syrian brown bears that belonged to a Mr. Rudolph Strobel, a dealer of exotic animals who had failed to provide proper care.

In FY 1991 the animal welfare program received a 15 percent increase in its appropriation over that of FY 1990. With this additional funding, APHIS increased its overall animal welfare activities and conducted 15,148 compliance inspections--an increase of 16.08 percent from FY 1990. In FY 1989 the total number of compliance inspections was 11,056. Also, in FY 1991, the number of investigations conducted, cases submitted, cases resolved, and sanctions imposed have all increased significantly. In FY 1991, there were 318 complaints about exhibitors investigated and 299 searches made. In FY 1990 the complaints numbered 232 and the searches 256.

Exhibitor inspections also increased in FY 1991, with 2,641 accomplished. This is an increase from FY 1990 of 8.64 percent. The inspection ratio per site also increased to 1.77 from 1.71. Currently there are 39 exhibitor cases pending with the USDA's Office of General Counsel. Since 1985, 11 exhibitor licenses have been suspended. We believe we have sufficient authority under the AWA to protect exhibition animals and are not seeking additional authority at this time.

Mr. Chairman, our work to enforce the Animal Welfare Act has resulted in numerous successful examples of bringing facilities into compliance as well as successfully prosecuting those who refuse.

- o In January of this year we obtained a consent agreement from the Goodwin Gatorland Zoo, Inc. which had numerous violations. The owner was fined \$2,000.
- o Also in January of this year Manual Ramos of the Oscarian Brothers Circus received a 90-day suspension and a \$5,000 fine of which \$3,500 was suspended pending the circus remains in compliance.
- o On January 28, 1992 Lester Piper of the Everglades Wonder Gardens received a 30-day suspension and a \$1,000 fine for numerous violations.
- o On June 6, 1992, Ocean World, Inc. received a 14-day suspension and a \$20,000 fine for facilities and handling violations.
- o On October 22, 1991, the Malokai Ranch Wildlife Park in Hawaii received a \$20,000 fine for feeding violations, a lack of trained employees, and records violations. This large wildlife park had starving animals.

We are committed to ensuring the safety and well-being of animals and will continue our efforts to do so, Mr. Chairman.

This concludes my prepared remarks. I will be pleased to respond to any questions you may have.

PREPARED STATEMENT

OF

MR. RICHARD KILEY

Mr. Chairman, members of the Committee, thank you for the opportunity to talk with you this morning about some of the least known members of my profession - the animals who are used for exhibition or entertainment purposes.

Performing animals share many of the same needs as the human members of my profession. They need a work environment that protects them from injury, disease, hunger, thirst, and the extremes of heat and cold. Instead of being protected by a union, these animals have nothing to safeguard their interests except the Animal Welfare Act. And that Act, as it now stands, prohibits neither cruel, exploitative or abusive treatment.

As an actor and as a family man, I cannot understand how society and its children can benefit from the so-called entertainments featuring captive animals. Horses and mules are forced to dive off platforms. Bears, pigs and kangaroos have to defend themselves in combat activities such as wrestling and boxing with humans. And if, in the heat of fear, the animal reacts naturally - the way nature intended that it should - to defend itself - it can hurt its human opponent, and then be punished or even killed for doing so. I ask you to institute a complete ban on these activities, and I applaud Congressman Peter Kostmayer for including this specific point in H.R. 3252.

All life must feed off other life to survive on this earth, but what gives man the right to imprison, frighten, and torture other creatures simply to amuse himself. Congress should also consider banning the use of wild animals in entertainment, whether they be wild horses, birds, penguins, monkeys or big cats. Although the people in charge at the location may treat them well and with the best of intentions, I know these animals often are put under great stress during the transport away from their natural environment and, again, once they find themselves amid the lights, noises and crowds at a production site.

Finally, I must ask you to enact a reasonable and meaningful standard for the handling of these animals. Respectfully, I urge this Committee to raise the existing standards for handling animals in entertainment to the level of a statute. This would eliminate the USDA's discretionary powers which simply are not doing the job. The USDA hasn't got the time or the interest or the manpower to activate their oversight function in this matter. And to date, the USDA has avoided - even disregarded the few regulations they themselves have put into place.

I hope that you will give animals in entertainment a true measure of protection - a protection against cruelty, neglect and abuse that is long overdue. The American public depends on Congress to ensure that movies, circuses and other types of family entertainment do not promote violence and insensitivity toward life. I appreciate the courtesy you have extended to me today. I wish you all well. Thank you.

(Attachment follows:)

Richard Kiley

Richard Kiley is widely known as the creator of the title role in *Man of LaMancha* for which he received the Tony Award for "the most distinguished performance by a musical star" as well as the Drama Critics Poll and the Drama League Award. He repeated the role in London, at Lincoln Center, and on a record-breaking tour of the United States.

Born in Chicago, he began his career in radio as a soap opera juvenile in such vintage favorites as "The Guiding Light" and "Ma Perkins." After three and a half years in the Navy his first significant employment was to understudy Anthony Quinn in the touring company of *A Streetcar Named Desire* and later take over the role of Stanley. He was first seen on Broadway as Joey Percival in the successful revival of Shaw's revival of *Shaw's Misalliance*, for which he received the Theatre World Award.

His first musical role was the Caliph in *Kismet* in which he introduced the memorable "Stranger in Paradise." For a time he was in the enviable position of alternating straight plays with musicals, following the Caliph with Major Cargill in the Theatre Guild's *Time Limit*. He co-starred with Gwen Verdon in *Redhead*, for which he won his first Tony Award. The following season he was seen as Brig Anderson in *Advise and Consent*, the dramatization of Allen Drury's Pulitzer Prize novel, after which he co-starred with Diahann Carroll in Richard Rodgers' musical *No Strings*.

He co-starred with Coleen Dewhurst in the Spoleto Festival production of O'Neill's *A Moon for the Misbegotten*. He returned to Broadway as Caesar in *Her First Roman*, followed by *The Incomparable Max*, *Voices* with Julie Harris, *Absurd Person Singular*, *The Heiress*, and *Knickerbocker Holiday*. He appeared at the Kennedy Center in *The Master Builder* and at the Edinburgh Festival in an American poetry reading with Grace Kelly. He played *Tartuffe* at Philadelphia's Drama Guild, *Moliere in In Spite of Himself* at the Hartford Stage and toured as *Scrooge* in a new musical version of *A Christmas Carol*. He was last seen on Broadway in the revival of Arthur Miller's *All My Sons* for which he received a Tony nomination.

His television career began with the medium's "Golden Age" and continues with regular guest appearances on many popular shows. He received both the Emmy and Golden Globe Awards for his performance in *The Thorn Birds*, appeared as Claudius in the mini series *A.D.* and received an Emmy nomination for his performance opposite Joanne Woodward in the universally praised *Do You Remember Love*. Most recently he starred in the highly acclaimed series "A Year in the Life," for which he received the 1988 Golden Globe Award and another Emmy in the coveted Best Actor category.

His films include *The Blackboard Jungle*, *Eight Iron Men*, *The Phoenix City Story*, *The Little Prince*, *Looking for Mr. Goodbar*, and *Endless Love*. He can be heard narrating numerous television programs including *Nova*, *The Planet Earth*, and *National Geographic*.

TESTIMONY
OF
THE AMERICAN SOCIETY FOR THE PREVENTION
OF CRUELTY TO ANIMALS
BEFORE THE
SUBCOMMITTEE ON DEPARTMENT
OPERATIONS, RESEARCH, AND
FOREIGN AGRICULTURE
TOPIC: ANIMALS USED IN EXHIBITIONS

Roger A. Caras
President - ASPCA

July 8, 1992

June 29, 1992

On behalf of The American Society for the Prevention of Cruelty to Animals, the first humane society in this hemisphere, I want to thank you for the opportunity to testify today regarding the plight of animals used, or more often, misused for exhibition purposes. I also want to thank Congressman Charlie Rose and Congressman Pat Roberts for conducting this hearing and Congressman Peter Kostmayer for sponsoring legislation to address the mistreatment of animals in entertainment and for the time and effort he has devoted to this issue. Their dedication is deeply appreciated by the ASPCA and the important cross-section of the American people whose concerns we represent.

As we see it, there are two major problems that should be addressed, one - the need for a specific and comprehensive law to regulate the use, handling, care and disposition of animals used for exhibition purposes and second - the need for far, far better enforcement of existing laws to protect animals and those new laws which ultimately may be enacted to regulate the care of these animals.

As long as existing laws do not specifically prohibit trainers of animals from beating the animals in their care; as long as animals are being injured and killed for the making of films, not

necessarily on the set or location where things are sanitized but in the preparation of the animals for their hour of glory; as long as existing laws do not prohibit exhibitors from selling animals they no longer want to be shot at and killed by so-called hunters, or, more laughably, sportsmen: as long as existing laws do not serve to prohibit some of the remaining sub-standard zoos from keeping their animals incarcerated in prison-type structures; and as long as the Animal Plant Health Inspection Service of the United States Department of Agriculture continues to fail to enforce the Animal Welfare Act and its regulations properly and effectively, immediate additional action needs to be taken to remedy this horrific situation. The Animal Welfare Act and APHIS are simply not enough.

One needs only to look at the Animal Welfare Act and the regulations as they pertain to the handling of exhibition animals to see why they are inadequate to prevent abuse. APHIS has a record of not properly enforcing clear standards. When the regulations themselves are not specific, as is the case with handling, APHIS does even less. In fact, it does virtually nothing.

For example, the regulations promulgated under the Animal Welfare Act state that "Physical abuse shall not be used to train, work, or otherwise handle animals." What does physical abuse mean? Does the elephant trainer who strikes the elephants in his care with

hooks, clubs or axe handles think that he is not acting abusively? Does the bear trainer who hits the bears in his care on the nose, a particularly sensitive part of the bear's body, or strike the bears with a pipe, think that this type of manipulation is justifiable, appropriate and non-abusive? And what about the trainer who shoots blanks from a pistol in lions' faces or strikes chimpanzees with baseball bats?

I haven't made these examples up. They have all happened in circuses and zoos in this country.

Probably the most notorious of recent abusive training to come to the attention of the American people was that of Dunda, an elephant at the San Diego Zoo. She apparently didn't follow her keepers commands so in order to make her tractable, her legs were chained and pulled apart; she was brought down with block and tackle and then she was beaten on her head with axe handles by five keepers. Did these keepers think they were not acting abusively? Actually, as incredible as it may seem, the zoo purportedly claimed this to be standard practice. The zoo's chief elephant keeper has been quoted as saying "She [referring to Dunda] needed to be disciplined for her own welfare." Not surprisingly, the USDA also did not fine or take any other action against the zoo. The reasons for that fact are complex, bewildering and if nothing else disgraceful.

The causing of pain and suffering to animals in order to train them

to perform or to be obedient has also occurred in the making of films. Although the Motion Picture Association of America has been widely quoted as abhorring cruelty to animals in motion pictures, this attitude has not served to stop some directors from purposely having animals harmed for the making of a film. A horse was shot and killed for the making of Ingmar Bergman's, "The Serpent's Egg." It has been reported that at least five horses were killed during the filming of "Heaven's Gate," and about a dozen chickens were decapitated and their blood used in some scenes in the movie. The orangutan who performed in "Any Which Way You Can" was reportedly beaten with a pipe; for the making of "Killing Fields," a live ox was reportedly bled at the neck; for "Apocalypse Now," a water buffalo was allegedly macheted to death; and for the making of the television movie "Bluegrass," labor was induced in a mare so the birth of her foal would be timely for the filming schedule. The foal was born premature and emaciated.

Clearly, therefore, the existing prohibition in the Animal Welfare Act regulations against physical abuse is not enough. There must also be specific language in the law to ban the striking, shocking, tripping and kicking of animals and any other act which would tend to injure or cause pain or suffering to animals as part of their training or other handling at circuses, zoos, animal shows, rodeos, aquariums, and for the making of films, television shows or commercials, and for special-interest VCR tapes.

And since many American films are made in other countries, it is also important for legislation to limit or eliminate animal abuse for the making of American films regardless of where these movies are actually produced.

Before going any further, I want to emphasize that my intention here today is not to imply that zoos or movie directors are villains. Some are, as indicated, but I do not intend to paint my picture with a big wide brush. There are a great many zoos firmly dedicated to preserving endangered and threatened species and which provide a truly worthwhile educational experience for humans. At the same time they provide the animals in their care with surroundings that truly are appropriate for the animals' physical, social and psychological well-being. Unfortunately though only a small percentage of zoos have been accredited by the American Association of Zoological Parks and Aquariums.

And movies have been produced using large numbers of animals where concerted efforts have been made so that animals would not be harmed. For example, \$250,000 was spent to construct twenty-three mechanical buffalos for "Dances With Wolves." It can be done but unless there are clear and specific standards in the law, those zoos, menageries, circuses and movie directors that are not concerned about the animals in their care will continue to mistreat animals anytime they think they can get away with it - anywhere they can. People who are without conscience or compassion should

not have access to feeling, sentient beings. Clearly, that is so.

The mistreatment of animals at rodeos also cannot go unmentioned here today. Calf roping, the use of electric prods and bucking straps can and do cause pain and stress and for what purpose? Amusement? Surely, activities designed for entertainment but which are likely to harm animals or cause terrible fear should not be condoned yet animals used at rodeos are not even given any protection at all under the Animal Welfare Act. APHIS doesn't go near them. They have big bucks and that buys them big bangs, the animals be hanged.

Thus far I have emphasized that aspect of animal mistreatment which is largely physical in nature: the striking, the beating, the shocking. Equally important in any discussion of the handling of animals used in circuses, zoos, acts, aquariums, rodeos and for the making of films is the environment in which the animals live. As mentioned earlier, some zoos have done remarkable things in order to replicate an animals natural habitat as well as they can. Other zoos, unfortunately, continue to be nothing more than prisons with zero educational value. Yes, the Animal Welfare Act contains provisions regarding housing for animals but animals need more than just space to turn around in. There needs to be legislation to require exhibitors to provide an appropriate environment for their animals which is responsive to the animals' physical and psychological needs. The exhibitors that do not accomplish this

within a particular time frame should have their licenses revoked. Displaying animals in settings that do not foster the animals' well-being is not only not educational, it is cruel and serves absolutely no beneficial purpose except to the exhibitor who is reaping money from the mishandling of his animals.

Also very important is the way that exhibitors handle animals they no longer need. Programs to limit overbreeding of exhibition animals should be in effect but this is not intended to interfere with breeding programs in legitimate, AAZPA certified zoos building captive population of endangered species. We fully realize that for many species these programs are their chance for survival. And animals should receive protection under the law to prohibit them from ever ending up as targets in a shooting gallery. A safari jacket and a great big gun does not a sportsman make - and neither does a checkbook.

No law or regulation, however, will have any positive effect on the plight of animals used for exhibition unless the agency empowered to enforce the law and regulations does its job. The Animal Plant Health Inspection Service of the United States Department of Agriculture is totally inept and ineffective in this regard. It is a joke, in fact. Just to give you an example - In the course of my thirty year career as a television correspondent, I visited numerous commercial dog breeding facilities, more commonly referred to as puppy mills. The conditions I observed in all of those

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thirty years never improved. Animals were kept in filthy and unsafe cages, sick and diseased animals were left unattended, food and water, what little there was, was filthy. Yet these people continued to get their licenses from the USDA and continued their gross mistreatment and mishandling of the animals in their care. The APHIS inspectors were either blind or totally oblivious to the deplorable surroundings that they were supposed to be inspecting. I visited monstrous facilities with APHIS inspection permits signed the day before. In at least one case, the APHIS inspector ran her own hideously sub-standard puppy mill in her own backyard.

A new bureau dedicated solely to enforcing standards for the care of animals used for exhibition and other purposes as well, needs to be established - a bureau with knowledgeable people who will see what's in front of them for what it is and take the necessary action to improve conditions. APHIS enforcement efforts have been so abysmal over such a long period of time that it is clear that drastic change is needed. You can't make a dead man well, nor can a total failure improve by fiat or edict.

The ASPCA is hopeful that after today's hearing you will recognize that the care, handling, use and disposition of animals used to entertain us must be addressed by legislation. We pride ourselves, after all, on being a civilized society. We need to see an end to the beating of animals; we need to take animals out of prison-like containments and give them some quality of life. That will only

happen if you act. The ASPCA and the millions of animals for whom it speaks pray that you will. Only then can we boast a higher status for our own species. We are, after all, only one among many - and at times we behave worse than most.

EM:mp

03\testify



Testimony of
Dr. John Grandy
Vice President of Wildlife and Habitat Protection

On Behalf of
The Humane Society of the United States

Before the
House Agriculture Subcommittee
on
Department Operations, Research, and Foreign Agriculture

TREATMENT OF EXHIBITION ANIMALS

July 8, 1992

The Humane Society of the United States
2100 L Street, NW, Washington, DC 20037
(202) 452-1100 FAX (202) 778-6132

Good morning. I am Dr. John Grandy, Vice President for Wildlife and Habitat Protection of The Humane Society of the United States (HSUS). I would like to thank Chairman Rose for his leadership on, and continued sensitivity toward, issues relevant to animal protection. Chairman Rose, I am pleased to appear today, on behalf of our more than 1.5 million members and constituents, to present our concerns about animals used in exhibition and the failure of the federal government to protect them under the Animal Welfare Act (AWA). The HSUS is this nation's largest animal protection organization, with ten regional offices, an educational division, a team of investigators, legislative experts, and an animal control academy. We have substantial programs focused on providing humane stewardship for companion animals, farm animals, and laboratory animals, and wildlife, including captive wildlife.

The HSUS firmly believes that under most circumstances wild animals should exist undisturbed in their natural environments and that the exhibition of wild animals frequently results in animal abuse, neglect, suffering, and death.

However, we recognize that some zoos serve a demonstrable purpose for the long-term benefit of animals such as professionally managed programs focused on the conservation of endangered and threatened species and public education. We strongly believe that all exhibition animals must be maintained in conditions simulating their natural habitats, and treated with the highest degree of humaneness, care, and professionalism. Unfortunately, it has become increasingly evident that very few zoos, including some of the more reputable zoos in the country, actually meet these criteria. Even more despicable are roadside zoos and menageries where one can find thousands of exotic animals, including endangered species, languishing in cramped, sterile cages barely getting the minimal amount of food, water, and shelter needed to remain alive. Additionally, countless numbers of animals condemned to live in circuses and other traveling shows, spend every day suffering in tractor-trailers only to perform tricks for the sake of human entertainment and economic gain. Indeed, the recognition of the widespread problems endured by captive wildlife has resulted in The HSUS reevaluating the implementation of our policy and subsequently adapting a stronger position regarding these so-called educational institutions.

However, despite the ethical concerns about animals in exhibition, the fact remains that zoos, aquaria, and circuses do exist and a portion of the American public, although diminishing, continues to support the public display industry. Indeed, this provides the ultimate dilemma for The HSUS: while we believe that the great majority of zoos should close, we are committed to do everything we can to ensure the humane treatment of animals incarcerated in these facilities. Thus, our focus is to promote the humane treatment of all animals currently held by the more than 1,411 exhibitors licensed and registered with the United States Department of Agriculture (USDA). These exhibitors are required to meet the

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federal regulations and standards established by the Animal Welfare Act (AWA) for the humane treatment, transport, care, and handling for most warm-blooded mammals, nonhuman primates, and marine mammals used in exhibition. The AWA is administered by the Secretary of the Department of Agriculture (USDA) and enforced by the Animal and Plant Health Inspection Service (APHIS), an agency of the USDA.

The AWA is the nation's most comprehensive federal legislation protecting animals, and its spirit and intent were presumably designed to safeguard many species used in potentially abusive situations such as zoos and circuses. The HSUS believes that Congress made a firm commitment to the protection of exhibition animals in 1970, when the AWA was amended to protect exhibition animals. However, based on The HSUS's four decades of dealing with the exhibition animal issue, it remains clear that the inadequate regulations and standards and enforcement measures of the AWA have failed to ensure the well-being of animals exhibited in zoos, aquaria, circuses, and animal acts.

Regulations and Standards

Licensing

The regulations which stipulate the requirements for obtaining an exhibitors license (Part 2, Subpart A, Section 2.3(a)), state that the applicant "must demonstrate compliance with the regulations and standards... and be available for inspection." We believe that this regulation is poorly worded, and does not require an applicant to fully comply with all regulations. Further, the term "demonstrate" does not specifically direct APHIS to conduct an on-site inspection of the exhibitor for an initial pre-license inspection of the facilities. For example, the language is so vague that it allows marine mammal facilities under construction to obtain a license based on examination of blueprints alone.

In another case, despite a history of violations, an exotic animal exhibitor, T.I.G.E.R.S., has been repeatedly issued licenses. During three separate pre-license inspections, APHIS inspectors found serious violations of the regulations and made very clear recommendations not to issue this facility a license until it could demonstrate full compliance. However, USDA issued a license on each occasion, despite serious inadequacies in veterinary care, shelter, and general construction. In fact, USDA's Office of General Council had several pending actions against the owner when his exhibitor's license was issued. An APHIS employee has stated to The HSUS that "pending violations do not preclude issuing a license."

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Additionally, the current language does not require the applicant to demonstrate full compliance for a license renewal (Part 2, Section 2.5(b)). This loophole enables facilities with violations of the AWA to continue to operate, business as usual, even though animals may be living in substandard conditions and receiving inadequate care.

Veterinary Care

The majority of exhibits feature exotic (non-native to North America) species, such as elephants, tigers, primates, dolphins, and whales. Frequently, the attending veterinarians for many facilities are not able to provide appropriate care for these animals. We believe that this is partially due to the failure of the regulations governing veterinary care for animals used in exhibition (Subpart D, Section 2.40(a)) to contain specific criteria for the qualifications an attending veterinarian. Many veterinarians are required to care for and treat exotic animals, and even marine mammals, utilizing only the experience gained from basic veterinary schooling and private practices which primarily treat dogs, cats, and farm animals. Further, it is highly unlikely that circuses and traveling animal acts could employ the appropriate veterinarian to handle general and emergency veterinary care at each location throughout a touring season.

Employees

The AWA standards regarding employees (Subpart F, Section 3.134) are ambiguous and do not define an "adequately trained employee." The HSUS believes that any individual working with exotic or wild animals should have extensive background and experience with captive animal care and husbandry. Based on interviews with zoo employees, including keepers and trainers, The HSUS has discovered that very often little or no formal training is given, and no specialized experience working with animals is required. In fact, during an investigation at the Pet-A-Pet Farm in Reston, Virginia, in November of 1991, an employee placed in charge of training the exhibitor's newly acquired female elephant, allegedly stated that he knew nothing about training an elephant until the animal was delivered in her crate. Clearly, this is unacceptable, and poses serious health and safety risks for the animals as well as the employees.

For example, the death of a male African elephant, "Hannibal," at the Los Angeles Zoo on March 20, 1992, was partially due to inadequately trained personnel. Hannibal was heavily sedated with tranquilizers in order to prepare him for transport to a new facility. However, he experienced an adverse reaction to the drug and fell in his transportation crate. The elephant had a

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history of similar reactions to tranquilizers, yet the staff was not able to handle this emergency. After being allowed to remain lying on his sternum for at least 4 hours, the animal died of cardiopulmonary collapse.

Space Requirements

The most visible and extensive problem plaguing exhibition animals is the lack of appropriate living space; exhibits rarely resemble the animals' natural habitat, and are barely big enough for the animal to turn around in.

The regulations pertaining to space requirements (Subpart F, Section 3.128) for animals used in exhibition state that "enclosures should be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustment with adequate freedom of movement." Again, the regulations fail to define key terms - "normal postural and social adjustment" are often subjectively interpreted by exhibitors to mean the minimal amount of space necessary for an animal to stand or lie down. The HSUS strongly believes that very few animal exhibits provide the adequate amount of space necessary for an animal to exhibit normal behaviors such as foraging, climbing, swinging, or swimming. Space requirements should be species specific to enable every animal to express its full range of behaviors and normal social groupings.

Additionally, the regulations state that "inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior." Stereotypic behavior, such as head-bobbing and pacing, are abnormal behaviors developed in response to continued confinement and are frequently present even in animals exhibited in cages that meet the minimal cage size requirements set by APHIS. This demonstrates the need for major revisions in the enforcement of these regulations.

For example, in August, 1989, during a killer whale show at the Sea World park in San Diego, California, "Kandu," a female killer whale with a young calf, was killed in a peculiar social altercation with another female whale, "Corky". Such an aggressive encounter has never been documented among wild killer whale pods. We believe that this incident occurred because the inherent inadequacies of captivity can meet neither the psychological nor physical needs of these highly social, intelligent and complex predators. Existing day after day in an unnatural, sterile environment, in an abnormal social grouping, unable to express normal behaviors causes constant stress and frustration that can result in stereotypic or unusual aggressive behaviors, such as the encounter that left Kandu dead and Baby Shamu an orphan.

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Handling

The standards for handling animals in exhibition (Section 3.135 (a)(1)(2) require exhibitors to handle animals "expeditiously and carefully...so as to not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort." The regulations also state that "physical abuse shall not be used to train, work or otherwise handle." Yet, circuses and traveling animals acts use violent methods such as whips, electric prods, and hooks in attempt to force animals into performing tricks. It is incomprehensible that APHIS considers these training techniques standard handling procedures. We are distressed that this has contributed to the number of incidents involving physical abuse of exhibition animals. The regulations must make a clear distinction between excessive force and standard animal handling.

For example, after 36 years in the Milwaukee Zoo, "Lota," a wild caught Asian elephant, was given to the Hawthorne Corporation to be trained for circus performances and rides. The transport of Lota to Hawthorne's facilities was a disaster. Elephants frighten easily and must be gradually taught unnatural behaviors, such as boarding a truck. Lota exhibited signs of severe stress, but instead of working calmly with the frightened elephant, keepers beat and prodded her with the pointed end of an elephant hook. Lota was beaten so severely that blood was drawn and the metal hook used to "coax" her into the truck was bent. She continued to receive blows even as she made her way into the truck and subsequently fell out of the truck onto her head. Both of her legs were trapped beneath her, so all of her weight was on her head and trunk. She was finally able to right herself, only to fall again. It took three hours to load Lota onto the truck which would bring her to her new life as a "trained" circus elephant. Certainly this treatment represents excessive force.

The HSUS is also disturbed by the standards regulating public contact with animals in exhibition. The regulations state that handling must be done with "minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between animals and general viewing public." This appears to be a clear prohibition of direct contact between any animal and the public. Yet, the USDA continues to allow elephant rides and public feeding of animals to remain major attractions at most circuses and zoos. Injuries occur and could be prevented if the animals were prohibited from direct contact with the public. The incident involving the Great American Circus elephant is an excellent example. In February, 1992, a female Asian elephant was being used to give elephant rides in a traveling circus stopped at Palm Bay, Florida. She became increasingly aggressive, and eventually went berserk while a mother and three

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children were on her back. The children were rescued unharmed, but twelve people were hurt. She was subsequently shot to death; tranquilizers were unavailable. Employees had allegedly stated that the elephant was becoming increasingly aggressive and difficult to handle prior to the incident, but allowed her to be used for rides because of her ability to attract paying customers.

The standards also state that "young or immature animals shall not be exposed to rough or excessive public handling." Under the guise of education, Endangered Species, Inc., a traveling menagerie which has come under intense scrutiny by The HSUS and the public over the years, allows public handling and photo sessions with various species of exotic animals, including endangered felines. It is ludicrous that such a clearly exploitative operation, which makes no contribution to environmental education or the conservation of endangered species, is legal. If the AWA is to truly safeguard animals, including endangered species, public handling and commercial exploitation of young and immature animals must be prohibited.

Humane Handling, Care, Treatment and Transportation

The standards for the humane handling, care, treatment, and transportation of animals set minimal requirements for the general structure and operation of facilities and the guidelines for health care and husbandry of exhibition animals (Part 3, Subpart F). However, the language of the standards is so ambivalent that basic needs, such as shelter, food and water, are left to the discretion of the exhibitor under the assumption of knowledge about the needs of the exhibited animals. It is not uncommon to find that food and water are provided only when convenient for the keepers. For example, sanitation of permanent enclosures is prescribed "as often as necessary," thus creating a loophole for abuse. The language needs to be more directive and require specific schedules for daily care of exhibition animals.

Attached to our testimony is a summary, prepared by an HSUS Regional Investigator, documenting the various violations and deficiencies found at the Claws and Paws Zoo, an animal exhibitor in Ariel, Pennsylvania, from February 1988 to July of 1991. The HSUS has, on several occasions, requested additional inspections of this facility because of egregious violations of the regulations and standards. The HSUS handles cases daily involving what we believe to be indisputable violations of the AWA; however, we are often prevented from pursuing these cases further due to the roadblocks in the language of the regulations. Furthermore, we have found that complaints and requests for investigations from third parties are often disregarded and simply filed.

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Enforcement

The HSUS believes that the spirit and intent of the AWA provides a sound basis for the humane and ethical care of exhibition animals; however, for it to be truly effective, it must be rigorously enforced. Unfortunately, this is not currently occurring. This lack of effective enforcement is partially due to APHIS's lax attitude toward protecting exhibition animals.

The USDA's Office of Inspector General (OIG), recently released a report discussing its audit of APHIS' enforcement of the AWA; the USDA audit covered the variety of facilities in this country which are supposed to be inspected and regulated by APHIS.

The OIG confirmed what The HSUS has suspected for years: that the Act is simply not being enforced, and the violators who are uncovered are treated with kid gloves. Several summary statements in the audit are particularly revealing:

"Our audit concluded that APHIS cannot ensure the humane care and treatment of animals at all dealer facilities as required by the act. APHIS did not inspect dealer facilities with a reliable frequency, and it did not enforce timely correction of violations found during inspections."

It stated that:

"APHIS does not have an effective inspection monitoring system, and it does not have formal procedures which set the frequency of inspections or of follow-up inspections when regulatory violations are disclosed."

Most shocking was the revelation that APHIS repeatedly and routinely issues license renewals to facilities known by them to be in violation of the Act. The report stated that "[F]or the 284 facility inspection reports reviewed, 49 facility licenses were renewed by APHIS when the facilities were known to be in violation of the act." It went on to note that "APHIS regulations do not require that facilities be in compliance with the Act to obtain license renewals".

A brief review of some of the audit's major findings will give you some understanding of the scope of the problem:

* Of 30 facilities visited, 26, or 87 %, were found to be in violation of the Act. 7, or 23%, had repeat violations which had been previously identified but still existed. These included reports of inadequate veterinary care and insufficient living space which, in the words of the Office of Inspector General, "jeopardized the health and well being of the animals."

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* Of 284 facilities reviewed, 46 or 16.2 percent had received no annual inspection.

* Of 156 randomly chosen facilities which had been found to be in violation of the Act, 126 or 80.8 % had received no follow-up inspections in the time period required by the Act.

* APHIS had not penalized facilities found to be repeatedly violating the Act in a timely fashion. Of 30 violating facilities reviewed, 7 had not corrected violations which had been identified during 3 or more inspections. These facilities were allowed to retain their licenses.

* Of 284 facility inspection reports reviewed, 49 facility licenses were renewed even though the facilities were known by APHIS to be in violation of the Act.

The issue of inspections has historically been an area of opposition between The HSUS and APHIS. A 1987 memorandum from APHIS states that "the frequency of reinspection is a judgmental decision" and that individual inspectors may exercise their own discretion in deciding what to do with a case. One clear problem with traveling exhibits is that different inspectors see the same exhibit in different places. It is very difficult for an inspector to ensure that the daily operations of such a business are in compliance; therefore, many traveling exhibitors can easily escape from the more stringent requirements regarding sanitation, feeding, watering, and handling, if the animals are not in direct danger.

The case of the Wonder Garden Zoo clearly illustrates this dilemma. After receiving countless complaints from our members, The HSUS began investigating this traveling menagerie in 1986. Despite several violations documented by APHIS inspectors, The Wonder Zoo continued to operate. Finally, in 1988, it was reported that The Wonder Zoo had abandoned several donkeys at a shopping mall, was exhibiting a very ill baby elephant, and had beaten and injured several animals. Later that year, nearly fifty animals owned by The Wonder Zoo were found packed into two truck trailers in a shopping center during 102 degree temperatures. A third truck holding an elephant, a rhinoceros, a hyena, and a tiger was abandoned on a highway. All involved animals were confiscated by state animal control authorities; however, APHIS only suspended the owner's license for 21 days, the maximum allowed by the AWA pending an inquiry into whether the violations warranted that charges be filed. Although his animals were seized, the owner's license was reinstated after twenty-one days. Today, he can legally exhibit animals. The HSUS believes that many cases similar to The Wonder Zoo still

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exist and is deeply concerned that animals continue to suffer from abuse and neglect due to APHIS's failure to enforce the true spirit and intent of the AWA.

Furthermore, we are concerned that APHIS only charges an exhibitor with a violation when the situation has reached a crisis, such as the injury or death of an animal, or a person, as a result of inadequate care, treatment, handling, or transportation. For example, in response to a complaint filed by The HSUS regarding bear wrestling, APHIS stated that "unless we [can] prove that the animal was actually harmed, we [can] take no legal action against the licensee. Unfortunately, this means taking action after the fact has happened."

Further, even when penalties are assessed they are often so minimal that there is no assurance of compliance. For example, if a licensed individual has violated the regulations or standards of the AWA and is issued a penalty of \$10,000 and a three month suspension from exhibition, the exhibitor may assume business after the three months have passed whether or not they have paid the fine. We believe that APHIS enforcement needs to punish violators to set precedent and create a deterrent.

For example, the Great American Circus has a distressing history of non-compliance, yet they have been given minimal retribution by APHIS. In January of 1992, one month prior to the incident involving the estranged elephant, Great American Circus was assessed a \$1,500 fine and a cease and desist order for nine different violations of the AWA. These violations included failing to handle animals during public exhibition in a manner so there is minimal risk of harm to the animals and the public. This finding was in reference to an incident in which a leopard attacked a small child during a performance. Despite the minimal fine and the order, the Great American Circus continued to operate business as usual. In response to the tragic death of the elephant one month later, The HSUS formally requested the USDA to conduct a complete investigation of the Great American Circus (see enclosed letter). The USDA ignored our request for an investigation into the elephant's state of health. Eventually, APHIS concluded that the circus employees acted within their duties and used reasonable measures to bring the animal under control and cited the incident as a "freak accident."

Many animal exhibitors suffer from budget constraints which limit the capacity to improve their general operation in compliance with the AWA standards. The HSUS has been working closely with community members and Slater Park Zoo officials in Pawtucket, R.I. to close the zoo because it cannot provide adequate housing

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and care for the animals, including an Asian elephant, primates, bears, and wild birds. An HSUS investigation of the zoo revealed several areas on AWA non-compliance, including inadequate diets, insufficient barriers between the public and the animals, substandard indoor and outdoor enclosures for a singly housed elephant, overcrowding of hoofed stock, and the lack of stimuli to enhance the psychological well-being of primates. The zoo and the local government recognized that it is beyond their budgetary limits to renovate Slater Park Zoo into a professional zoological park, and have, therefore, begun to work with The HSUS to find humane, ecologically and environmentally sound alternatives to exhibiting exotic animals. Here is an instance where the public will not tolerate substandard treatment of exhibition animals and has made the decision to close a facility. The HSUS hopes that the current trend in environmental awareness will continue to influence communities to seek such appropriate responses to these situations.

In summary, we have the following specific suggestions, based on our analysis:

1. We recommend the establishment of a permanent blue-ribbon advisory committee, which contains substantial representation from the animal protection community. This committee can serve as the mechanism to review and develop improvements in the regulatory deficiencies identified.
2. The standards for licensing must be made more stringent. It should be impossible to renew or obtain a new license if the applicant has three or more previous violations of the AWA. After being cited for a violation, the permittee would have sixty days to comply and be subject to mandatory reinspection. A second violation would carry a two (2) year revocation of the permit. A license applicant must be subject to an on-site inspection of his/her facilities before being issued a license.
3. Specific definitions must be developed for critical sections of the standards, such as veterinary care and employees. Criteria establishing minimum allowable standards must be developed and implemented as part of the regulatory process.
4. Species specific space requirements must be developed, implemented and enforced. The concept of naturalistic enclosures must be clearly defined and required. Requirements for psychological well-being and stimulation must be developed for all species, including marine mammals.

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5. Distinctions between excessive and standard handling techniques must be developed, and applied; subsequent enforcement must be rigorous.

6. Clear and specific guidelines governing the husbandry of exhibition animals must be developed and implemented. The minimum standards must be of such quality and specificity to avoid inadequate and inconsistent care of animals among various facilities.

In total, Mr. Chairman the situation is appalling. Animals are brutalized and dying; the safety of visitors is compromised; enforcement is poor to non-existent; and regulations are no more than ambiguous loopholes. The agency does little more than apologize and blame Congress. Congressman Rose, this situation cries out for Congressional leadership. We urge you to correct the deficiencies we have noted and fulfill the promise of the AWA.

Thank you for this opportunity to express our views. We are prepared to assist in anyway to improve this critical situation.

(Attachments follow:)



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February 5, 1992

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Mr. Robert Melland
Administrator
Animal and Plant Health Inspection Service (APHIS)
U.S. Department of Agriculture (USDA)
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

Dear Mr. Melland:

I am writing on behalf of The Humane Society of the United States (HSUS) and our 1.5 million members and constituents to request an immediate and complete investigation by the Animal and Plant Health Inspection Service (APHIS) into the recent tragic death of a female Asian elephant owned by Allan C. Hill Entertainment Corporation/Great American Circus (USDA license #58EL334).

On Saturday, February 1, 1992, a 27 year-old endangered Asian elephant, allegedly named Kelly, was being used to give rides to six patrons during a performance of the Great American Circus in Palm Bay, Florida when she became extremely aggressive. The children were rescued unharmed, but twelve people were injured. The elephant was fatally shot by police officers after it was determined that the animal was behaving beyond reasonable control and threatening the lives of the spectators.

The HSUS is deeply distressed by this incident, both because of the death of the elephant and because of the danger to and/or injury of spectators, employees, and the participating children. Accordingly, The HSUS asked its investigators to contact knowledgeable individuals in Florida and elsewhere to determine any additional facts which may have relevance to this case. The information we have received is disturbing in the extreme, and although we have not been able to verify all of the information, we believe the reports have sufficient credibility to warrant an immediate and complete investigation by APHIS. Reports received by our investigators indicate:

- (1) The elephant that was shot was not "Kelly," as the Great American Circus has

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claimed, but rather an elephant named "Janet." Kelly was a male, and allegedly died four years ago when he chewed on some electric cords and was electrocuted.

- (2) This elephant allegedly has a history of extremely violent behavior. For two weeks prior to the incident, this elephant (Janet or Kelly) was allegedly under treatment for very severe arthritis and ulcers. Great American Circus employees have anonymously claimed that the animal was kept in confinement in their Sarasota, Florida facility because she had attacked her trainers as recently as two weeks prior to the February 1 incident.
- (3) One circus employee allegedly reported that the elephant was "the meanest animal he has ever seen," and that she had been "locked-up for the two weeks immediately prior to this incident because of her violent temperament, arthritis, and ulcers." Furthermore, this individual reportedly stated that he had witnessed the trainers hooking this elephant and others around the eyes in order to get them to lie down for baths.
- (4) Newspaper reports indicate that an elephant named Janet was sold to the Great American Circus in 1983 because she attacked the owner of the previous circus, breaking his back and hips. This raises obvious questions concerning the identity and history of the elephant involved.
- (5) Newspaper reports quote Tim Frescia, the elephant's trainer, stating that she "had been a problem," and that "we can't control this son of a bitch, and she will hurt people. She's been a problem and she's just a bad one."

The above allegations are clearly serious and indicate the likelihood that the elephant was being subjected to cruel and inhumane treatment, and that it was known or should have been known that her continued use would put people in grave danger. Moreover, the reported treatment of this elephant suggests the violation of three separate areas of the Code of Federal Regulations (CFR) relating to the treatment of captive animals. CFR 50, Chapter 3, Subpart F, Section 3.135 states:

Mr. Robert Melland
February 5, 1992
Page Three

- (a) "Handling of animals shall be done expeditiously and carefully in a way so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal..."
- (b) "Animals to which the public is afforded direct contact shall only be displayed for periods of time and under conditions consistent with the animal's health and not leading to their discomfort."
- (c) "During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between animal acts and the viewing public to assure safety to both the public and the animals..."

Obviously, the reported treatment of the animal suggests clear violations of the first two of these provisions. The third was violated by exposing visitors to a stressed or hurt animal with a record of violent behavior.

A review of the records indicates a pattern of similar incidents with the Great American Circus' elephants, and other animals, which resulted in human injuries.

- (1) In June 1990, a Great American Circus elephant became extremely aggressive toward her trainer at a performance in Pennsylvania, threw a table and injured a spectator.
- (2) In February 1989, a Great American Circus elephant broke away from her trainers at a performance in Fort Myers, Florida and charged into a nearby pond.
- (3) In July 1987, a Great American Circus elephant named "Irene," who is still used for rides, ran through a crowd in Milwaukee, Wisconsin and injured two children.
- (4) In 1991, a black leopard escaped from a Great American Circus performance in Wilkesboro, North Carolina and bit a three year old girl.

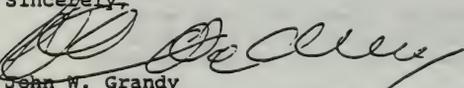
Given these incidents and the reports concerning "Janet" or "Kelly," we believe APHIS should consider immediate suspension of all relevant permits currently issued to the Great American Circus until this investigation is completed.

Mr. Robert Melland
February 5, 1992
Page Four

Moreover, these incidents further illustrate the detrimental effect captivity and exploitation of animals for entertainment has on such intelligent, socially complex animals as the endangered Asian elephant. The HSUS believes that these animals suffer when they are forced to perform humiliating acts and provide rides for humans. Circus animals are often maintained in inadequate facilities with little shelter from the elements, provided poor nutritional and veterinary care, subjected to months of traveling, and trained through coercive methods to perform tricks. In our view, it is not surprising that an animal would react so violently after being subjected to such highly stressful situations, particularly if the animal is suffering from medical ailments which may themselves be a result of life in these confined and unnatural conditions. This incident should provide the impetus for a prompt reevaluation of the suitability of maintaining wild animals for such purposes.

The HSUS requests that APHIS immediately initiate two investigations. First, the Service must investigate the February 1st incident and the allegations against the Great American Circus. An investigation should include exhuming the body and performing a necropsy of the elephant, examining the Great American Circus' records to determine the exact identity of the elephant and her state of physical health at the time of death, and conducting interviews with employees and any other persons who may be directly involved with the Great American Circus and its operations and have knowledge relevant to this case. Secondly, we urge APHIS to immediately begin the process of evaluating the propriety of maintaining elephants and other wild animals for public rides, circuses, and similar types of traveling or carnival acts.

Sincerely,



John W. Grandy
Vice President
Wildlife and Habitat Protection



The Humane Society of the United States
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 Washington, DC 20037

September 17, 1991

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Dr. Valencia Colleton
 USDA, APHIS, REAC
 Northeast Sector
 2568-A Riva Road
 Suite 206
 Annapolis, Maryland 214401-7400

Re: Claws 'n Paws Zoo, USDA License 23C013
 Lake Ariel, PA

HSUS-MARO Case 91-253

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Murdaugh Stuart Madden, Esq.
 Senior Counsel

Dear Dr. Colleton,

This Regional Office of The Humane Society of the United States (HSUS) has received numerous complaints concerning condition at the above facility. Pursuant to those complaints I visited Claws 'n Paws August 1, 1991 and found many of deficiencies described by our constituents.

The two most important sub-standard conditions that I would like to bring to your attention focus on the wood construction of every exhibit and the infestation of rats throughout the facility.

Although the use of wood to build enclosures may be acceptable, several of the big cat displays showed advanced rotting of the wood. I noticed a main upright rotted clear of the ground in a tiger display. With very little effort this large animal could escape.

I viewed large rats in over 75 % of the ground displays, sharing area and food with the captured animals.

We are also concerned that there are no provisions for wintering quarters.

continued

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page 2

We would appreciate your agency inspecting this facility as soon as possible. Thank you for your cooperation.

Yours truly,

Bob Reder
Investigator

CLAWS AND PAWS
LAKE ARIEL, PA

USDA # 23E26

CHRONO OF USDA INSPECTIONS
2/18/88 THRU 12/3/91

Date: 2/18/88

Inspector: Lewis Stiles Jr.
D. Beasley VMD
USDA, Harrisburg, PA

Deficiencies:

Total Animals: 126

1. Food not stored in sealed containers (comp by 2/28/88)
2. No ventilation in primate building, walaby, civet, spider monkey and capuchin. (comp by 3/18/88)
3. Inadequate shelter for red fox and racoon(comp by 2/28/88)
4. Wire protruding towards animals in primate and beaver enclosure(comp by 2/28/88)
5. Rusty food pans in goat enclosure(comp by 2/28/88)
6. No water pan in coyote enclosure and water bowl in gibbon enclosure not clean (comp by 2/19/88)
7. Water to be given to coyote corrected 2/18/88)
8. Gibbon shelter dirty and buildup, of excreta(comp 2/28/88)
9. Trash and debris scattered throughout facility (comp by 2/28/88)
10. Llamas are abusing a fallow buck by chewing and must be separated
11. No preventative vet practices. Copy of the Program of Vet Care was left with owner, to be completed and mailed to APHIS, Harrisburg, PA.

Date: April 15, 1988

Inspector: Lewis Stiles
USDA, Harrisburg, PA

Total Animals: 121

All deficiencies noted on previous inspection 2/18/88 were corrected.

Deficiencies:

1. Ground hog enclosure in need of repair(comp by 4/20/88)

Note: one zebra died from colic (according to Mr. Hall, owner)
one African lion died, owner said that it ate hay used for bedding and died due to blockage

page 2

Date: 6/15/88

Inspector: Lewis Stiles
USDA Harrisburg, PA

Total Animals: 158

Previous deficiencies corrected

No deficiencies observed

Date: Dec 16, 1988

Inspector: Dr. Beasley
USDA Wilkes-Barre PA

Total Animals: unk

No outstanding deficiencies

Deficiencies:

- 1. Electric cord in reach of animals and was immediately removed.

Date: Aug 31, 1989

Inspector: Stephen *DeSible*
USDA Arcade, NY

Total animals: 111

Deficiencies:

- 1. Newly constructed enclosures for bobcat, lynx and cougar do not meet structural strength and there is no perimeter fence (compl by 10/1/89)
- 2. Sharp wire facing animals in sheep exhibit was corrected at time of inspection.
- 3. Feed dishes in deer and porcupine enclosures dirty and water dish in porcupine enclosure dirty both corrected at time of inspection.

page 3

Date April 19, 1990

Inspector: Stephen _____
USDA Arcade, NY

Total Animals: 89

Deficiencies corrected from last inspection.

No deficiencies observed.

Date: Feb 6, 1991

Inspector: Stephen _____
USDA Arcade, NY

Total Animals: 95

Deficiencies:

1. Paint peeling in monkey enclosure (comp. by 3/1/91)
2. Dan in gray fox enclosure to be replaced could cause injury to animal (compl by 2/11/91)

Date: Feb 6, 1991

Inspector: Stephen I _____
USDA Arcadia, NY

Total Animals: 120

Deficiencies:

Interior surfaces of several enclosures non compliant, such as paint peeling.

Perimeter fence requires repairs, does not follow contour of ground, needs to be joined together in spots.

Several corners on the grey fox enclosure deteriorated and may cause injury to the animal.

page 4

Date: Feb 21, 1991

Inspector: Stephen
USDA Arcadia, NY

Total Animals: 178

Deficiencies:

Perimeter not 3 feet from enclosures

May 14, 1990 Issued new license because licensee lost
renewal application.

Date: 3/7/91

Inspector: Stephen
USDA Arcadia, NY

Past non compliance items were corrected or are 90 %
completed.

page 5

Date: 8/28/91

Inspector: James O'Mally
USDA Waterbury, Conn

Deficiencies:

Remove wood and other debris from fallow deer enclosure (comp by 9/10/91)

Storage room to be cleaned

Enclosure fencing to be strengthened.

Primate food outdated

Otter pool excess amount of algae

water bowls, excess of algae

Dead feral cat found in lions enclosure

No plan for environmental enhancement for psychological well being

Raccoon enclosure has jagged edges

Fallow deer enclosure, exposing sharp edges

leopard enclosure supported by tree, nail protruding into cage

Compliance by Aug 30, 1991

page 6

Date: Oct 8, 1991

Inspector: James O'Malley
USDA Stroudsburg, PA

Deficiencies:

Tiger enclosure has 4"- 6" gap at ground level. Possible problem with safety to animal and the public.

Rats observed in animal enclosures

Substantial hair loss on spotted skunk

Dec 3, 1991

Inspector: James O'Malley
USDA Stroudsburg, PA

Total Animals: 171

Deficiencies:

Wire in bear enclosure and other enclosures may cause injury to animals.

Beaver shelter box removed not replaced after last inspection.

Raccoon shelter not large enough to accommodate all 6 animals



June 25, 1992

The Honorable Charles Rose
 Chairman, House Agriculture Committee
 Subcommittee for Department Operations,
 Research and Foreign Agriculture
 House of Representatives
 1534-A Longworth House Office Building
 Washington, D.C. 20515

Attention: Joan Rose

Dear Representative Rose:

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization with over 1.5 million members, I am writing to request that you hold oversight hearings on the enforcement of the Animal Welfare Act (AWA) by the U.S. Department of Agriculture.

Recently, as a result of a Freedom of Information Act request, The HSUS obtained a copy of a March, 1992, internal audit of the Department of Agriculture's Animal Plant and Health Service's compliance with requirements of the Animal Welfare Act. The audit covered facilities in Illinois, Indiana, Missouri and Wisconsin during 1990 and 1991, and focused primarily on breeders and dealers, such as puppy mills. In addition, the audit included a significant number of other facilities, such as research laboratories. At least 60 percent of the research facilities visited were in violation of the AWA. The report "concluded that APHIS cannot ensure the humane care and treatment of animals at all dealer facilities as required by the act."

Specifically, the audit of the USDA Midwest Region Inspector General found:

--Of 284 facilities reviewed, 46 or 16.2 percent of the facilities had received no annual inspection and another 126 or 80.8 percent of 156 facilities found to be in violation of the act had received no follow-up inspections in the required time period.

--APHIS does not have an effective monitoring system.

The Humane Society of the United States
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 (202) 452-1100 FAX (202) 778-6132

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June 25, 1992
Page Two

--APHIS had not timely penalized facilities found to be in violation of the act. To the contrary, numerous facilities with substantial AWA violations were routinely issued license renewals.

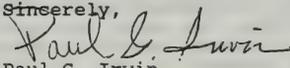
The report indicated that APHIS regulations do not even require that facilities be in compliance with the AWA in order to obtain license renewals.

This report validates what The HSUS has long known -- that the U.S. Department of Agriculture is not adequately enforcing the Animal Welfare Act and is particularly unable to cope with the demands of policing puppy mills.

The report comes at a time when the USDA continues to assure the Congress that it is enforcing the Animal Welfare Act as it pertains to commercial dog breeding facilities. (See enclosed copy of a letter from James Glosser dated April 25, 1991.) The HSUS has repeatedly taken issue with such statements. And, as you can see from the enclosed copy of a letter which was sent to every member of Congress on July 30, 1991, our own investigations reveal that more than 80 percent of the facilities we have visited have (or had) serious and blatant violations of the AWA, with the remaining 20 percent being marginal operations. USDA's lack of enforcement of the AWA has also been documented in a 1984 report by the General Accounting Office and numerous major network television reports.

A copy of the USDA audit is enclosed for your information. I sincerely hope you will consider holding the oversight hearings, and Martha Cole Glenn, HSUS Director of Federal Legislative Affairs, will be in touch with your staff to answer any questions you may have.

Sincerely,


Paul G. Irwin
President

PGI:mcg
Encl.



UNITED STATES
Department of
Agriculture

Animal and Plant
Health Inspection
Service

PO BOX 36060
Washington, DC
20030-0606

April 25, 1991

Dear Agricultural Aide:

You may be receiving letters from constituents about the U.S. Department of Agriculture's enforcement of the Animal Welfare Act (AWA) as it pertains to commercial dog breeding facilities. For your convenience, we are providing some general information to assist you in answering inquiries on this subject.

In administering the AWA, our Agency requires that people who breed animals for sale as pets at the wholesale level be licensed by us. We are also responsible for ensuring that they provide their animals with at least the minimum specified standards of veterinary care and animal husbandry. Included are areas such as housing, handling, sanitation, food, water, transportation, and protection against extremes of weather and temperature.

When an individual applies for licensing as an animal breeder under the AWA, officials of our Agency inspect the premises where the animals are to be housed. The facility must be in compliance with the AWA standards and regulations before a license will be issued. To ensure that the standards are being maintained, we perform unannounced inspections of the premises and all animals whose care is regulated under the law. When deficiencies are noted, our inspectors instruct the owner to correct them. If reinspection reveals that any deficiency remains uncorrected, we will develop a case for possible prosecution.

We wish to assure you that we are committed to enforcing the AWA. Although our goal is to work with breeders and dealers to bring them into compliance with the law, we take strong action against violators whenever necessary. You can be assured that we will continue to exercise appropriate enforcement authority. In this regard, we are continually evaluating our inspection needs to make sure we have the resources necessary to enforce the AWA effectively. Last year, we added 12 inspectors to our Animal Care field staff, placing them in areas having the greatest number of licensed and registered facilities. This year, we anticipate being able to hire nine additional inspectors.

We hope this information is helpful. Please contact us if you need additional information.

Sincerely,


James W. Glosser
Administrator



The Humane Society of the United States
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July 31, 1991

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The Honorable Gary L. Ackerman
United States House of Representatives
Washington, D.C. 20515

Dear Representative Ackerman:

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, I am writing to comment on a recent letter written to all Congressional offices from Dr. James Glosser, Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture. In this April 25 letter Dr. Glosser assures you of the USDA's commitment to the strict enforcement of the Animal Welfare Act (AWA) as it pertains to commercial dog breeding facilities. As you know, the AWA regulates humane standards of breeding dogs that are wholesaled to pet stores nationwide.

The HSUS takes strong exception to Dr. Glosser's assertion of USDA's commitment towards enforcement of the AWA in this instance. In fact, since 1980 The HSUS Investigations Department has investigated over 600 USDA-licensed kennels. Our investigations reveal that over 90 percent of these facilities have (or had) serious and blatant violations of the AWA, with the remaining 20 percent being marginal operations.

USDA's lax enforcement of the AWA at these kennels has not only been documented by The HSUS, but also by the U.S. General Accounting Office (GAO) as far back as 1984, and major network television during the past year. USDA failed to respond to the GAO report. Instead, it continues to neglect its enforcement of the AWA, as documented by: ABC's "20/20" (May 11, 1990), and "Good Morning America" (July 3, 1990), CBS's "This Morning" (November 21, 1990) and "Face to Face with Connie Chung" (September 10, 1990), the NBC "Today Show" (May 3, 1990), "Geraldo" (May 4, 1990), "Inside Edition" (August 17, 1990) and other national and local news stories.

July 30, 1991
Page Two

Ironically, Dr. Glosser's assertion that the USDA is committed to enforcing the AWA at these kennels is even contrary to the pet industry's assessment of the USDA enforcement program.

The HSUS is deeply disappointed that Dr. Glosser continues to defend his agency's dismal enforcement policies at these kennels, especially in light of the media exposés of these failings. In particular, we are dismayed that the USDA has recently weakened - rather than strengthened -- its enforcement by instructing its inspectors not to examine the health of dogs and cats during inspections of USDA-licensed facilities if the kennel operator has established a "program of veterinary care" through a private veterinarian. The problem is that there is no monitoring system in place to ensure that the program of veterinary care is being properly administered and that the animals are healthy.

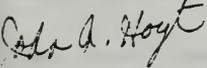
Attached is a more detailed explanation of the inadequacy of this recently-established policy and a copy of a recent HSUS publication describing the overall problem at "puppy mills". Please note that all photographs of dog kennels are facilities that are licensed and approved by the USDA.

On behalf of the 1.4 million members and constituents of The Humane Society of the United States, I urge you to contact USDA Secretary Edward Madigan and let him know of your strong desire to see USDA enforcement upgraded at these kennels. In particular, we request that you ask that USDA's veterinary inspectors and animal health technician inspectors be permitted to examine the health of the dogs at USDA-licensed commercial breeding facilities, as had been standard practice in the past.

If you have any questions about the enclosed material, or would like to see tapes of any of the documentation aired by national media over the past year, please contact Martha Cole Glenn, Director, Federal Legislative Affairs, The HSUS, at (202) 778-6120.

Thank you for your attention to this matter.

Sincerely,


John A. Hoyt
President

JAH:mcg

APHIS POLICY ON EXAMINATION OF ANIMAL HEALTH AT USDA FACILITIES

Comments by The Humane Society of the United States
July, 1991

Animal Welfare Act (AWA)

Section 1. of the AWA States that the purpose of the Act is "to insure that animals...are provided humane care and treatment."

Section 13. of the AWA states that "The Secretary (of Agriculture) shall promulgate standards to govern...adequate veterinary care."

HSUS COMMENTS

Despite this federal law, however, APHIS had adopted a new policy that prohibits USDA veterinary and animal health technician inspectors to physically examine dogs at USDA licensed facilities. This new "hands-off" policy negates the intent of the Animal Welfare Act since the real determining factor as to the welfare of the dogs is their health. Licensing of facilities based on cosmetic features of the kennel with no examination of the health of the dogs is contrary to the intent and language of the Act and has allowed kennels housing sick and diseased dogs not only to operate with impunity but with the USDA seal of approval.

Example of Problem

Although there are hundreds of examples, the most glaring one that demonstrates how this policy has enabled kennels with sick dogs to be licensed by USDA is a kennel located in southwest Kansas. The HSUS has monitored conditions at this operation since 1981. Our inspections have consistently revealed sick dogs injured and infected on the premises and USDA has repeatedly been made aware of our findings. Despite this, on February 28, 1991, USDA reissued this operator's license.

When we questioned USDA as to how this facility could pass USDA inspection for a license with so many sick animals on the premises, the response we received from the Southeast Central Sector USDA office was that the operator had a "Program of Veterinary Care" established by a private veterinarian (as required by USDA regulations).

Whether or not this so-called "Program of Veterinary Care" was being properly administered to ensure that the animals were healthy was not a consideration. The fact that this, and thousands of other USDA licensed kennels have "Programs of Veterinary Care," makes it unnecessary for the USDA veterinary inspector to examine the health of the dogs while performing USDA's pre-licensing inspections. In effect, USDA abdicated its responsibility for monitoring the health of animals to the private sector; the licensees have now become their own regulators.

Even though the kennel mentioned above continues to operate today, The HSUS received complaints from consumers who purchased ill dogs from this facility one month prior to licensing and after the USDA licensed it. Interestingly, the private veterinarian, who signed the "Program of Veterinary Care" for this kennel, is a full-time employee of the USDA.

New USDA Policy

In an attempt to avoid embarrassing situations like this in the future, USDA officials announced to their investigators at a meeting in Omaha in June that the names of private veterinarians signing the "Programs of Veterinary Care" will no longer be released to the public, even in response to Freedom of Information Act requests. USDA no longer examines the health of the animals and the private veterinarians will be shielded from public scrutiny despite the fact that USDA is fully aware that often times veterinarian's signatures are forged on these documents, and when members of the public have contacted private veterinarians whose names have appeared on "Programs of Veterinary Care," veterinarians have admitted never having signed such forms and never having visited these kennels.

Thus, USDA has effectively removed from the public sector any system of checks and balances of that Department's procedures and implementation of the Animal Welfare Act and its promulgated regulations. Organizations devoted to the protection of animal welfare, such as The HSUS, have now been obstructed from any practical method of oversight on the health of animals at USDA licensed facilities.



United States
Department of
Agriculture

Office of
Inspector
General

Washington,
D.C.
20250

DATE: **MAR 16 1992**

REPLY TO
ATTN OF: 33002-0001-Ch

SUBJECT: Animal and Plant Health Inspection Service - Implementation
of the Animal Welfare Act

TO: Robert B. Melland
Administrator
Animal and Plant Health Inspection Service

ATTN: Donald Husnik
Acting Deputy Administrator for
Management and Budget

This report presents the results of our audit of the Animal and Plant Health Inspection Service's compliance with requirements of the Animal Welfare Act. Your January 17, 1992, response to the draft report is included as exhibit B with excerpts and the Office of Inspector General's position incorporated into the recommendation sections of the report.

Based on your response to Recommendation No. 3c in the draft report, we have removed this recommendation along with the related details from the final report. Management decisions have not yet been reached for any of the recommendations contained in the report. The Findings and Recommendations section of the report includes a description of the status of the management decision for each recommendation.

In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days describing the planned corrective actions and timeframes for implementation for those recommendations for which a management decision has not yet been reached. Please note that the regulation requires a management decision to be reached on all findings and recommendations within a maximum of 6 months from report issuance, and final action to be taken within 1 year of the management decision. Correspondence concerning final actions should be addressed to the Office of Finance and Management.

JAMES R. EBBITT
Assistant Inspector General
for Audit

Attachment

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ANIMAL AND PLANT HEALTH INSPECTION SERVICE
IMPLEMENTATION OF THE ANIMAL WELFARE ACT
WASHINGTON, D.C.

AUDIT REPORT NO. 33002-0001-Ch

MARCH 1992

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL - AUDIT
MIDWEST REGION
111 NORTH CANAL STREET - SUITE 1130
CHICAGO, ILLINOIS 60606

I - SCOPE AND SUMMARY**Scope**

This report presents the results of our audit of the Animal and Plant Health Inspection Service's (APHIS) compliance with requirements of the Animal Welfare Act. The audit objectives were to determine (1) if APHIS is fulfilling its responsibilities under the act, (2) if internal controls are adequate to ensure the proper operation of the program, and (3) if followup actions are adequate when unsatisfactory conditions are noted.

Audit work was performed at the agency's headquarters office in Hyattsville, Maryland, and at sector offices in Ft. Worth, Texas, and Minneapolis, Minnesota. Licensed and registered facilities in Illinois, Indiana, Missouri, and Wisconsin were reviewed to evaluate the quality of animal care facilities under the jurisdiction of the act and subject to review by APHIS. These States contain about 40 percent of the facilities under the control of the act. Our audit was conducted from May through September of 1991, and covered activities performed by APHIS during fiscal years 1990 and 1991.

We interviewed officials at the agency's headquarters to determine the operating procedures (APHIS regulations) developed to implement the act, supervision and guidance provided to field offices, and the procedures established to ensure adequate training of inspectors. At the sector offices, we reviewed procedures for performing precicensing and compliance inspections, procedures for followup inspections when violations were noted, documentation supporting training provided to field inspectors, and coordination activities between the animal care and regulatory enforcement staffs.

We reviewed a judgmental sample selected based on facility locations of 284 of the 3,051 facility inspection reports maintained at the sector offices. Then, we selected a sample of 30 facilities from the 284 inspection reports for site visits. This judgmental sample was selected based on our analyses of the 284 inspection reports and the geographical locations of the facilities. Accompanied by an APHIS inspector, we performed reviews at the 30 facilities to test the accuracy, efficiency, and effectiveness of existing APHIS inspection procedures. The audit was conducted in accordance with generally accepted government auditing standards.

Summary

Our audit concluded that APHIS cannot ensure the humane care and treatment of animals at all dealer facilities as required by the act. APHIS did not inspect dealer facilities with a reliable frequency, and it did not enforce timely correction of violations found during inspections. Specifically, we found the following conditions:

- Of 284 facilities reviewed, 46 or 16.2 percent of the facilities had received no annual inspection and another 126 or 80.8 percent of 156 facilities found to be in violation of the act had received no followup inspections in the required time period. The infrequency of inspections occurred because APHIS expects a limited number of qualified inspectors to perform a large number of inspections. We calculated that APHIS' 68 animal care inspectors would need to perform 15,070 inspections annually nationwide to meet APHIS' requirements.
- APHIS does not have an effective inspection monitoring system, and it does not have formal procedures which set the frequency of inspections or of followup inspections when regulatory violations are disclosed.
- APHIS had not timely penalized facilities found to be in violation of the act. During a review of 30 facilities, we found that 7 dealers had not corrected violations identified during 3 or more inspections. In one case, these continuous violations were noted as far back as July 1988. We also noted that for the 284 facility inspection reports reviewed, 49 facility licenses were renewed by APHIS when the facilities were known to be in violation of the act.

APHIS regulations need to be enforced to ensure the proper identification of animals and the accuracy of inventory records maintained at dealer facilities. Although APHIS regulations were specific about how dealers were to maintain inventory records and identify animals, the regulations were not being followed. Of the 22 licensed breeding facilities we visited, 17 had not properly identified the animals. In addition, 14 of these facilities did not maintain adequate inventory records.

APHIS had identified in its fiscal year 1989 yearend Financial Managers' Financial Integrity Act report that animal welfare was an assessable unit and scheduled an internal control review for 1993. Therefore, APHIS had not reported any of the control weaknesses identified. Internal control weaknesses disclosed during the audit are identified in exhibit A.

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Protecting Animals Since 1877

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THE AGRICULTURE SUBCOMMITTEE ON
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1300 LONGWORTH HOUSE OFFICE BUILDING

PRESENTED BY
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ADELE DOUGLASS - DIRECTOR,
WASHINGTON OFFICE

JULY 8, 1992

"ANIMALS THAT ARE USED IN EXHIBITION"

Mr. Chairman, Mr. Roberts, Members of the Committee, my name is Adele Douglass, and I am testifying today on behalf of the American Humane Association. The American Humane Association, with headquarters in Denver, Colorado, was founded in 1877 and is the only national association for the protection of both children and animals.

Our children's division has as its members Child Welfare Agencies, State and County Departments of Social Services, Administrators, Child Advocates, Researchers, Medical Personnel and concerned individuals.

Our animal protection division has as its members Humane Societies, SPCA's, and animal control agencies as well as concerned individuals across the United States and Canada. It provides training and services to humane societies, establishes standards for local agencies to meet, provides emergency animal relief, has information and referral services, and engages in advocacy activities within our Washington, D.C. office. Our Los Angeles Office protects animals in film.

The Los Angeles Office of the American Humane Association was started in 1939 as a result of public outcry against animal abuse in the film industry. That year during the filming of "Jesse

James", a stuntman rode his horse off a 70-foot cliff into white water. The public was appalled. The American Humane Association intervened, and spearheading the effort to protect all animals in film, opened an office in Hollywood. That office is now called the Los Angeles Office.

For the next 53 years, American Humane has worked to prevent the injury, neglect, and abuse of animals in film. American Humane has done so with and without the cooperation of the industry.

In 1940, an agreement was reached with the Motion Picture Association of America (MPAA) that an authorized American Humane Association representative be consulted on all film-making connected with animals and that the producers invite the AHA representative to supervise animal action in film. The new Production Code included: "There shall be no use of any contrivance or apparatus for tripping or otherwise treating animals in an unacceptable harsh manner." This relationship worked well, and there were no problems until 1966 when the MPAA's powerful Hayes office was abolished and the AHA authority was dissolved along with the Production Code.

After 1966, and until 1980, having no authority, American Humane continued to seek protection for animals used in film. We were often barred, sometimes at gun point from being on sets. This happened on "The Legend of the Lone Ranger" that was being filmed

in Santa Fe. Unfortunately there was cruelty in other films and TV programs shot during these years. For example, in "Chisolms," a TV show, a scene called for dead rabbits and dead birds. Live animals were collected and karate chops were used on them by the producer on the set. During this time we fought back demanding media attention for such atrocities.

Then in 1979 a horse was blown-up in the making of the film "Heavens Gate". American Humane organized a national boycott of the film and the public outrage led to the reinstatement of the AHA's authority in the 1980 Actors/Producers Collective Bargaining Agreement.

The Screen Actors Guild (SAG) and the Alliance of Motion Picture and Television Producer's (AMPTP) agreement section 44, states, in part, that AHA must be sent a script when animals are being used and AHA may be allowed to be on the set. (A copy of Section 44 is attached). It is there and there alone that the American Humane Association derives its authority to be on sets.

Today, AHA protects thousands of performing animals including lions, tigers, bears, dogs, cats and other domestic and wild animals. Field representatives travel tens of thousands of miles (approximately 85,000 miles last year) to several hundred productions sites, supervising animal action and guiding producers. We read over 600 scripts a year and supervise over 300 movies, TV

productions and commercials a year.

The principle mission of the Los Angeles Office is to ensure that animals used in films, television and commercial productions are humanely treated.

The AHA L.A. Office receives lists of upcoming productions from the Screen Actors Guild. Additionally, for movie and TV productions AHA searches trade magazines daily. A letter is sent to all productions for which we do not have a script reminding them that a script and shooting schedule should be sent to our office as early in the pre-production period as possible. Last year over 2500 letters were sent. A set of guidelines are sent to each production using animals. When the script is received, it is read, animal action is marked, and a production work sheet is filled out. From then on AHA is in constant contact with the production company to determine how scenes that AHA questions will be shot. If a film requires unusual action AHA representatives will go out on training sessions. On days when the film is being shot, the AHA representative is in attendance on the set to make sure that the scene is shot as agreed.

It is not unusual for an AHA representative to be on the set 12 to 16 hours a day. Often times they work weekends especially on location, and on night shoots. Not only does AHA monitor how the shot was achieved, but how many takes were done and the kinds of

exercise and rest periods that are provided to animals on the set. They make sure the animals have adequate water and protection from the elements. Safety precautions are checked, a description of the special animal area provided is listed as well as how the animals were transported to and from the set is noted.

In the filming of "White Fang" our training officer spent 4 months in Alaska and videotaped the entire behind the scenes filming of the animal action. On occasion we will send someone to location in pre-production to check out housing facilities for the animals. This was done in "White Fang" which had a million dollar facility for the wolves. It was also done in "Far and Away" which was shot recently in Montana with approximately 700 horses.

When the filming is completed, AHA screens the movie before it is released to the public to make sure that no animal action was added that we were not aware of. We write a review and rate the film according to how the animals were treated on the set not with how they are portrayed on the screen. This unfortunately causes confusion to the public on occasion. The making of movies is an illusion, and violent and unnatural animal action like violent and unnatural human action is generally simulated.

Our ratings are published in our national magazine, The Advocate, which goes to over 3500 affiliate humane organizations in addition to our individual members nationwide. We also send press releases

to major newspapers and magazines in the United States. Our ratings are sent to the British Classification Board who rate these films for the European market. We also send our ratings to other countries.

The American Humane Association has established the following motion picture classifications as a guideline for people interested in the acceptability of new film releases. Ratings are based solely on the treatment of animals during the production:

Acceptable: American Humane supervised the animal action during the production of the film to ensure humane treatment. Scenes appearing to abuse or endanger animals are simulated.

Believed Acceptable: American Humane field representatives did not supervise the filming of animal action, but after screening, script review or consultations with the production company, concluded that the film complied with AHA standards.

Questionable: American Humane representatives were not eyewitnesses to any of the animal action. Information is not available on questionable scenes.

Unacceptable: Outright animal cruelty occurred during the film's production.

AHA operates and maintains a 24-hour, seven day a week Animal Actor's Hot-line ensuring absolute confidentiality for callers who want to report abuse or potential abuse to animals.

As you know, films are being made all over the United States. If the L.A. office deems it appropriate, we will send field representatives from our L.A. office to these diverse locations. Often we ask one of our local affiliates to represent us on the set. In those instances, after the preparatory work is done, a package of materials outlining the agreed upon animal action and procedures along with AHA guidelines and rep reports are sent to the affiliate. The L.A. office reviews these materials with the affiliate prior to filming. (A list of our current affiliates and the sets they have been on is attached.)

As you can see 98% of what American Humane does is preventative. Our preliminary work results in the prevention of cruelty to animals. If we were only citing production companies after the fact because of cruelty on the set, we would not be doing our job.

American Humane codified our guidelines in 1988. These standards were written for the protection of animals, including their comfort on the set and their protection during filming. These guidelines are to assure that no animal actor will be killed or injured for the sake of a film or television production and that no animal will be overworked or caused to suffer pain or discomfort regardless of

their prominence or insignificance to that production. Our Guidelines cover all sentient creatures including birds, fish, reptiles and insects. American Humane sought and received the support of trainers to abide by these guidelines. These guidelines are the recognized guidelines of the movie industry. They exceed California State Law which has one of the strictest anti-cruelty laws in the nation. (A copy of the guidelines are attached) Where you have the humane community and the affected industry, in this case the movie industry, working together to protect animals, it is the animals that benefit.

This is not the case in other countries. Reality is still the name of the game. When animals are killed very often what you see is what really happened. In these countries simulation, fake animals, and fake blood are unheard of. For instance in 1988 during the making of the movie "The Ferryman," a Hungarian production shot in Poland, one of the scenes called for sheep being in flames. Rather than simulation as would be done in the U.S., kerosene was poured on the backs of sheep and the kerosene was ignited.

Reality was also used in years past with some American productions filmed overseas. For instance, "Apocalypse Now" filmed in 1979 in the Philippines, where a water buffalo was hacked to pieces; "Reds" filmed in Spain in the early 1980's, where 2 horses were tripped; and the movie "Patton" filmed in 1972 in Italy where 2 donkeys were shot on the set.

To address this problem American Humane has recently collaborated with the World Society for the Protection of Animals (WSPA) to produce written international guidelines based upon our AHA American standards. These guidelines, "The New International Code" will be distributed in 71 countries through local humane organizations.

Although American Humane makes every effort to identify films that have animals, as with any regulations or rules nothing is one hundred percent. Isolated incidents can and do occur, like in the T.V. Production "Blue Grass" made in 1987. Although a production letter was sent to the producers by American Humane, we were not notified that animals were being used and therefore we were not on the set. Labor was induced in a horse for the making of this program and the foal subsequently died. Even though a veterinarian induced the labor and all accepted veterinary procedures were followed, it was not acceptable to AHA. As a result of that program our standards now prohibit inducing labor for the making of a film. Though there are and continue to be isolated incidents, such incidents should not be misconstrued as rampant in the industry, as over 300 films and TV productions are made each year.

The American Humane Association's authority is consensual, derived from a contract. The USDA as part of its mandate to enforce the Animal Welfare Act includes zoos, circuses, aquaria, roadside zoos,

roadside menageries, laboratories, puppy mills, exhibitors, handlers, and training compounds. Dr. Joan Arnoldi, USDA, APHIS, REAC, in a memo attached, advises us that currently the USDA has the legal authority to go on movie sets as well as inspect the training compounds. USDA has in fact gone on movie sets from time to time. And USDA does inspect training compounds where animals are housed and trained to perform. Currently, USDA has 90 inspectors to review 9,832 inspection sites. Clearly there are not enough inspectors.

The issue as we see it is not more regulation but more resources for the appropriate agencies to enforce and implement existing regulations: American Humane's position is clear - death, injury, pain or suffering of an animal for entertainment purposes is unacceptable. This policy has been the mandate under which AHA has been working in Hollywood for the last 53 years to protect animals. Any additional legislation being considered by the Congress without accompanying significant new resources to implement it will be of no benefit to animals.

(Attachments follow:)

GENERAL PROVISIONS

Producer-Screen Actors Guild Codified Agreement

44. HUMANE TREATMENT OF ANIMALS - STATEMENT OF POLICY

The Producers believe that they have a highly commendable record of protecting animals and of preventing their abuse during production of motion picture and television films. They believe that this has been a responsibility most filmmakers have accepted and exercised with diligence over the years.

Producers believe that trained animals are available which can perform with realism and without danger of injury or death and, in addition, as part of a long-term policy, Producers have cooperated with the Hollywood office of the American Humane Association. Producers believe it is important for this liaison to continue in the interest of assuring responsible, decent and humane treatment of animals.

Producer shall not utilize any performer to perform in a scene for any motion picture in which an animal is intentionally tormented or killed, except that the photography of animals being killed pursuant to the provisions of a legal hunting season shall be excluded.

The Producer shall notify the American Humane Association prior to the commencement of any work involving an animal or animals and advise it of the nature of the work to be performed. Script scenes involving animals shall be made available to the American Humane Association.

Representatives of the American Humane Association may be present at any time during the filming of a motion picture where any animals are used.

THANKS TO FRIENDS AND AFFILIATES
FOR REPRESENTING AMERICAN HUMANE
ON THE FOLLOWING SETS:
1988 to Present

Arizona

Arizona Humane Society/Phoenix
Budweiser
Anheuser-Bush Co.
Television Commercial

Just Perfect

Columbia Pictures Television
Television
The Kid
Television

Bad Jim

Wouk-Ware Films
Motion Picture

The Vagrant

Vagrant Productions
Motion Picture

The Young Riders

MGM/UA
Television

Cochise County Humane Society/Sierra Vista
and

Douglas County Humane Society

The Young Riders

MGM/UA
Television

Pima Animal Control/Tucson

Desperado V

Desperado Television
Television

Madhouse

Quantum Films
Motion Picture

Santa Cruz Animal Control/Nogales
Young Riders
MGM/UA
Television

Brazil
Anna Maria Pinkeiro
Associacao De Amparo Aos Animals
The Fifth Monkey
21st Century Films
Motion Picture

California
Los Angeles S.P.C.A./Los Angeles
China Beach
Warner Bros. Television
Television

Wendy's Hamburgers
Television Commercial

Marin County Animal Services/Novato
Irish Spring Soap
Lucas Films
Television Commercial

Marin Humane Society/Novato
Radio Flyer
Columbia Pictures
Motion Picture

San Diego Humane Society/San Diego
Heist
Pick Six Productions
Television

Rescue 911
Katy Film Productions
Television

Humane Society of Santa Clarita Valley/Santa Clarita
Cry In The Wild
Criss Cross Productions
Motion Picture

Santa Cruz S.P.C.A./Santa Cruz
Welcome To Buzzsaw
Buzzsaw Productions
Motion Picture

Santa Ynez Humane Society/Buellton
Of Mice and Men
MGM-Pathe Communications
Motion Picture

Sonoma County Animal Regulation/Santa Rosa
Flatliners
Columbia Pictures
Motion Picture

Nan Stewart & Eric Bagdikian
Legends of the Ponderosa
Legend Entertainment
Television

Connie Ruys/Tuolumae County Humane Society/Sonora
Back To The Future III
Amblin Entertainment
Motion Picture

Radio Flyer
Columbia Pictures
Motion Picture

Canada
Alberta S.P.C.A./Alberta
Unforgiven
Warner Bros.
Motion Picture

British Columbia S.P.C.A./Vancouver
Bird On A Wire
Universal Pictures
Motion Picture

Crooked Hearts
MGM/UA
Motion Picture

MacGuyver
Paramount Television
Television

Omen IV
O.T.M.L. Films, Ltd.
Motion Picture

Run
Walt Disney Productions
Motion Picture

Colorado
Colorado Horse Rescue/Arvada
Young Guns II
Morgan Creek Productions
Motion Picture

Humane Society of Pikes Peak Region/Colorado Springs
Where the Hell's That Gold
Konigsberg/Sanitshy Company
Television

Richaed Elder/Colorado Trails Ranch/Colorado
Back To The Future III
Amblin Entertainment
Motion Picture

City Slickers
Castle Rock Entertainment
Motion Picture

Florida
Greater Miami Humane Society/Miami
Let It Ride
Paramount Pictures
Motion Picture

Halifax Humane Society/Daytona Beach
Days of Thunder
Paramount Pictures
Motion Picture

Orange County Animal Control/Orlando
Let's Make A Deal
Dick Clark Productions

Nemesis
Columbia Pictures
Motion Picture

Problem Child II
Tri-Star Pictures
Motion Picture

That's My Dog
Disney/MGM
Television

Georgia
Atlanta Humane Society/Atlanta
Blood Salvage
Ken Sanders Entertainment
Motion Picture

Class of '61
Amblin Entertainment
Television

Desperate For Love
Kori Productions
Television

In The Heat of The Night
MGM/UA
Television

The Tape of Dexter Jackson
Samuel Goldwyn Company
Motion Picture

Young Goodman Brown
Y.G.B., Inc.
Motion Picture

Calgary Humane Society
Unforgiven
Warner Bros.
Motion Picture

DeKalb Humane Society/Decatur
Love Potion #9
Anarchy Studios
Motion Picture

Hawaii

Hawaiian Humane Society/Honolulu
Joe Wersus The Valcano
Amblin Entertainment
Motion Picture

Illinois

Anti-Cruelty Society/Chicago
Excessive Force
Motion Picture

Flatliners

Columbia Pictures
Motion Picture

Groundhog Day

Columbia Pictures
Motion Picture

Home Alone 2

Tri-Star Pictures
Motion Picture

Robyn Douglass/Chicago
The Babe
Babe Productions, Inc.
Motion Picture

Backdraft

Trilogy Entertainment
Motion Picture

Dutch

20th Century Fox
Motion Picture

Johnny B...On The Loose

NBC Productions
Television

Opportunity Knocks

Universal Pictures/Imagine Entertainment
Motion Picture

Prancer

Rafaella Productions
Motion Picture

Kansas

Kansas City Animal Shelter/Kansas City

Article 99

Orion Pictures

Motion Picture

Louisiana

Louisiana S.P.C.A./New Orleans

Blaze

Touchstone Pictures

Motion Picture

Miller's Crossing

Circle Films

Motion Picture

Storyville

Spelling Films

Motion Picture

Maryland

Maryland S.P.C.A.

Avalon

Row House Productions

Motion Picture

Cry Baby

Imagine Entertainment

Motion Picture

Massachusetts

Animal Rescue League of Boston/Boston

Young Goodman Brown

Y.G.B. , Inc.

Motion Picture

Minnesota

Animal Humane Society of Hennepin County

Osh/Kosh Jeans

Television Commercial

Humane Society of Ramsey County/St. Paul

Lucky Day

Hearst Entertainment

Television

Mississippi

Tupelo-Lee Humane Society/Tupelo
The Gun In Betty Lou's Handbag
 Motion Picture

Montana

Billings Animal Control/Billings
Bright Angel
 NSB Films
 Motion Picture

Gold Mountain

Playhouse Theatrical Films
 Motion Picture

Son of the Morning Star
 Republic Pictures/CBS
 Television

Lincoln County Animal Control

Always

Amblin Entertainment
 Motion Picture

Humane Society of Gallatin Valley/Bozeman
 and

Humane Society of Part County

Cold Feet

Avenue Entertainment
 Motion Picture

A River Runs Through It
 Motion Picture

New York

A.S.P.C.A./New York
Campbell's Soup
 Television Commercial

The Fisher King

Tri-Star Pictures
 Motion Picture

Last Exit to Brooklyn
Constantin Productions
Motion Picture

The Lives and Loves of a She-Devil
Orion Pictures
Motion Picture

N.Y.P.D. Mounted
Hasburgh Films
Television

One Good Cop
Hollywood Pictures
Motion Picture

Scent of a Woman
Universal Pictures
Motion Picture

Single White Female
Columbia Pictures
Motion Picture

North Carolina
Iredell County Humane Society/Statesville
The Boneyard
Backbone Production, Ltd.
Motion Picture

New Hanover Humane Society, Wilmington, NC
Young Indy
Young Indy Productions
Television

Ohio
Hamilton County S.P.C.A./Cincinnati
A Rage In Harlem
Palace Productions
Motion Micture

Cindy Ship/Medina County S.P.C.A./Medina County
Welcome Home Roxy Carmicheal
Tough Boys, Inc.
Motion Picture

Oklahoma

Tulsa S.P.C.A./Tulsa

U.H.F.

Motion Picture

Oregon

Oregon Humane Society/Portland

Fatal Exposure

G.C. Group, Ltd.

Motion Picture

Incredible Journey

Motion Picture

Kindergarten Cop

Universal Studios

Motion Picture

Run

Walt Disney Productions

Motion Picture

Pennsylvania

Pennsylvania S.P.C.A./Philadelphia

The Dark Half

Orion Pictures

Motion Picture

Mannequin On The Move

Winstar Productions

Motion Picture

Dr. Lindsey Clack/Pittsburgh Aviary/Pittsburgh

The Dark Half

Orion Pictures

Motion Picture

Western Pennsylvania Humane Society/Pittsburgh

The Dark Half

Orion Pictures

Motion Picture

Innocent Blood

Warner Bros.

Motion Picture

Picking Up the Pieces
Saratoga Film Corp.
Motion Picture

Two Evil Eyes
An ADC Production
Motion Picture

South Carolina
John Freed/Greenville Humane Society/Greenville
Black Magic
Point of View Productions
Motion Picture

The Boyfriend School
Hemdale Releasing
Motion Picture

Exhibition Film
Universal Studios

Golden Years
Television

Last of the Mohicans
20th Century Fox
Motion Picture

Mr. Destiny
Grapeshot Productions
Motion Picture

Paradise
Grand Highway Productions
Motion Picture

3-D Tour Film
Universal Studios
Television

Wildflower
Freed/Laufer Productions
Television

Wild Hearts Can't Be Broken
Pegasus Productions
Motion Picture

South Dakota

Pennington Humane Society/Rapid City
Thunderheart
 Columbia Pictures
 Motion Picture

Sioux Falls Humane Society
Dances With Wolves
 Orion Films
 Motion Picture

Tennessee

Memphis Humane Society/Memphis
Elvis
 New World Television
 Television

Texas

Dallas S.P.C.A./Dallas
Dallas
 Lorimar Television
 Television

Problem Child
 Tri-Star Pictures
 Motion Picture

Humane Society of Austin & Travis County/Austin
Deadly Blessing
 Warner Bros. Television
 Television

Gidion Oliver
 Universal Television
 Television

Ned Blessing
 Television

Houston S.P.C.A./Houston
Rush
 MGM
 Motion Picture

Wichita County Humane Society/Wichita
Texasville
 Columbia Pictures
 Motion Picture

Utah
 Sandy City Animal Control/Sandy
The Desprate Hours
 Warner Bros.
 Motion Picture

Sandy Humane Society/Sandy
Sundown
 Vestron Pictures
 Motion Picture

Virginia
 Virginia Beach S.P.C.A./Virginia Beach
Big Brother Jake
 Line Productions
 Television

U.S. Virgin Islands
 Beverly A. Garton/St. Croix
Weekend at Bernie's II
 Motion Picture

Vermont
 Central Vermont Humane Society/Montpelier
Ethan Frome
 Companion Productions
 Motion Picture

Virginia
 Aleata Gregory/Covington
Sommersby
 Sommersby Productions
 Motion Picture

Washington

Humane Society & S.P.C.A. of Seattle/King County/Bellevue

American Heart

Avenue Pictures

Motion Picture

Northern Exposure

Pipeline Productions

Television

Past Midnight

Cinetel Entertainment, Inc.

Motion Picture

Twin Peaks

Lynch/Frost Productions

Motion Picture

Tacoma/Pierce County Humane Society/Tacoma

Waiting For The Light

Epic/Transworld Production

Motion Picture

Wyoming

Teton County Sheriff's Office

It Almost Wasn't Christmas

It Almost Wasn't Productions

Television


AMERICAN HUMANE

Los Angeles Office · 14144 Ventura Boulevard · Sherman Oaks, California 91423 · (818) 501-0123
 Promoting Animal Action

**AMERICAN HUMANE ASSOCIATION'S
 GUIDELINES FOR THE PROTECTION
 OF ALL ANIMALS IN FILM**

- A. No animal* will be killed or injured for the sake of a film production.
 - B. If an animal must be treated inhumanely to perform, then that animal should not be used.
 - C. If an animal is used off camera to attract the attention of an animal being filmed, used as background, the same humane guidelines must apply to that animal.
1. An animal should not be allowed to become overheated or suffer discomfort. The production company must supply adequate water, shade, protection from the cold, rain, and other elements both on and off camera.
 2. Costuming and/or props shall be made available in sufficient time prior to production for American Humane to inspect. Costuming and/or props shall be comfortable with ease of movement and breathing.
 3. Adequate exercise and rest shall be provided during the shooting day.
 4. Fires must be controlled and animals must be preconditioned to avoid frightening or injuring them. When open fires are used, the animals' coats and tails should be protected with fire proofing solutions or water (with particular attention being paid to sheep).
 5. At the trainers' discretion all non-essential personnel with the exception of the American Humane Association may be removed from the set during animal stunts, action or whenever wild or exotic animals are performing.

*Animal means all sentient creatures including birds, fish, reptiles and insects.

Guidelines

Page 2

6. Cast and crew shall not be allowed to pet, fondle or play with animals off camera if the trainer or handler believes it is not in the best interest of the animal.
7. For horse falls only trained horses should be used.
8. Stunts and potentially dangerous animal action in a script shall be discussed with American Humane prior to filming.
9. American Humane shall be allowed to review training on and off the compounds.
10. All fight scenes shall be simulated.
11. All hunting and fishing scenes shall be simulated.
12. An excessive number of takes shall be denied unless the animal is removed and rested.
13. Quarter loads of ammunition shall be used around horses or other working animals. Cotton should be supplied for the horses' ears when they are in close proximity to shooting, explosives or other loud noises.
14. Only a minimal amount of powder should be used in explosives. Explosives should never be used so close to equines or other animals that it could put them in danger of being frightened or injured. The level of explosives should be determined in consultation with the trainer/wrangler, AHA and an explosives expert.
15. Squibs should never be so close to animals so as to frighten them.
16. The Mapoline bomb is banned on sets where animals are present.
17. On or before arrival at a location site a veterinarian must be located to insure availability in case of an emergency.
18. It is required to have a licensed veterinarian on a set for stunts that are potentially harmful to the animal.
19. If an animal is injured, sick or becomes incapacitated it shall not be used, and such animal shall not resume work until it has been determined that the condition has been corrected. A veterinarian shall assess the extent of the injury and send a copy of his or her report to the American Humane Association.

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20. Sedation should never be used if the scene can be accomplished with a fake or trained animal.
21. Reptiles should never be sedated.
22. Sedation or tranquilization of animals to alter behavior or performance is prohibited.
23. Sedation of animals for coloring or dying is prohibited.
24. Repetitive sedation that could be hazardous to the animal's health is prohibited.
25. If sedation is used, a licensed veterinarian experienced with that particular animal shall sedate the animal and remain with the animal until it is fully recovered. (The anesthesia shall be limited to the least amount of time appropriate for that specie, but no animal shall be sedated for longer than 30 minutes.) If more time is required other animals should be used. The same animal may not be subject to anesthesia again within 24 hours. The animal may not be moved unless the veterinarian has pronounced it ready for travel.
26. Tripping devices, wires or pitfalls are banned from use on all animals.
27. Equines should be shod according to the type of horse and the terrain on which they will be working. Horses working on cement or asphalt should wear barium shoes. If necessary, skid and hock boots should be used in downhill slides or rodeo-slide stops.
28. For chase and/or running scenes a sufficient supply of back-up animals shall be provided and used.
29. American Humane/trainer/wrangler shall inspect working areas for holes, tree roots, stones, and other debris that could trip or harm any animal. Stream bottoms must be cleared before being traversed by livestock. Low hanging branches must be removed before riding or chase scenes.
30. An adequate number of pick-up riders shall be provided during stampedes, charges, runaway and wagon crashes.
31. Top rails used for horse jumps shall be breakaway or scored balsa wood.

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32. When animals are working on a studio stage, non-skid mats should be placed in the area of action where appropriate. When appropriate, non-skid boots on livestock should also be used. Safe footing shall also be provided to and from the set.
33. Boot spurs shall not be used on animals unless deemed necessary by the trainer/wrangler/AEA, and then only by experienced horsemen.
34. When trained horses fall, the ground should be softened either by spreading four or five yards of sand, or by digging up the ground, making sure that all rocks and rough clods are removed. The area should not be less than twenty feet square, twelve to eighteen inches deep and filled with sand or other similar materials.
35. Horse jumps or falls into water should not be over 10 feet and only after the horse has been properly trained.
36. Deep muck, wire and quicksand should be avoided.
37. Sliding or riding down sandbanks or earthslides should be done only by experienced riders on experienced horses.
38. Swimming should be limited to experienced animals and strict attention should be given to the animals' logical limits of endurance. If water is swift, animals should be attached to a cable if it would make it safer for them. If water is wide or deep,, then a safety boat should accompany them.
39. When scenes employ simulated or real dust storms, blizzards, or rain, particular attention should be given to the animal's eyes.
40. Saddle drags should only be done on experienced horses.
41. For jumps only a jumping horse should be used, and for falls only a trained falling horse.
42. Chases on or along railroad tracks require sand or dirt to smooth the roadbed.
43. It is not acceptable to brand an animal for the purpose of entertainment.

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44. Jerking or twisting of horses' mouths shall not be permitted.
45. All animal rigging and equipment must be in good condition.
46. Runaway wagons must be inspected to insure the freedom of the horses before the wagon crashes.
47. Equipment operated in conjunction with working animals should be in a safe operating condition as determined by the trainer and/or wrangler in conjunction with AHA and the property master.
48. Overturning or runaway wagons must be inspected to insure that the horses can run free before they are endangered.
49. Any colors or dyes used on animals must be toxic-free and approved by the trainer and/or the AHA.
50. Tie downs will not be used on animals not properly trained to wear them, or if the animal struggles or resists.
51. Known pregnant animals shall not be used in action scenes.
52. Only candy glass shall be used for breakaway. Tempered glass is not permitted.
53. Props used in stunts such as spears, barbed wire, fences, etc...should all be rubber, balsa wood, etc.
54. Vehicles transporting animals shall be air conditioned, air cooled or properly vented.
55. When balsa wood is used, particular attention should be given to assure that all nails, splinters, and wires are absent.
56. When moving large groups of animals, care should be used to prevent stampedes.
57. Animals should not be used in an area where they can be contaminated.
58. No animal shall be put under stress or danger when being used to attract the attention of an animal being filmed.

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39. If dead animals are purchased for a scene, a receipt of such purchase should be sent to the AEA office.

**AMERICAN HUMANE**

Los Angeles Office • 1414 Ventura Boulevard • Sherman Oaks, California 91423 • (818) 501-0123
Protecting Animal Actors

ADDITIONAL GUIDELINES FOR THE CARE OF LIVESTOCK USED IN FILM

These guidelines are in addition to the "Guidelines for the Protection of Animals in Film" and are intended for all horses and other livestock without regard to their prominence or insignificance to the production.

1. Sufficient pens must be made available so that horses from different geographical regions can be housed separately.
2. The manner in which horses and other livestock are housed should take into account the age and the climatic condition of the geographical region from which the animal was obtained.
3. Horses must be checked daily for injury and/or illness.
4. Any horse indicating lameness or illness may not be used until the condition has been corrected.
5. Any livestock or barnyard animal that becomes sick or injured must be treated immediately.
6. If an injury or illness should occur requiring a veterinarian, a copy of the veterinarian report must be sent to the AHA office.
7. Sick horses must be isolated from other horses on the set.
8. Horses in poor condition cannot be used.
9. Only experienced trainers and wranglers may be allowed to work with animals on a production.
10. All background extras who are required to ride on a production must first be auditioned by the wrangler boss to determine their riding ability. Only riders from the approved wrangler boss list may be hired.
11. Horses should be fed according to present climatic conditions.

12. Livestock must be provided with sufficient water.
13. When livestock become tired they must be rested.
14. Calves and other livestock which are still nursing cannot be shipped without their mother.
15. When very large numbers of livestock are used, a veterinarian should be on the set.

TO: Adele Douglas, AHA

FROM: Joan M. Arnoldi, USDA, APHIS, REAC

DATE: December 27, 1990

SUBJECT: Questions posed by American Humane Assn, L.A.

Response to these questions have been prepared in consultation with Dr. DeHaven, Sector Supervisor (AC) Western Sector and Mr. Frank Germaine, Director, Regulatory Enforcement Staff.

AHA-1. Are there any laws which presently the USDA can enforce which govern the training of animals?

REAC-1. Yes, Title 9, Code of Federal Regulations (CFR), Section 2.1(9CFR 2.1) specifies persons required to be licensed. This includes exhibitors such as those with performing animals, providing they are exhibiting animal species covered under the Animal Welfare Act. An animal exhibitor is required to register if exempt under the criteria for licensing. Section 2.131 "Handling" also applies to training of animals.

AHA-2. Are there any laws which govern the standards to which an exhibitor would have to meet in the exhibition of animals?

REAC-2. Yes, Parts 1 and 2 of the regulations specify the administrative requirements for licensing or registration under the Animal Welfare Act. Part 3 of the regulations (Title 9, CFR) specifies the minimum standards under which the animals covered under the Act must be maintained by the licensee or registrant. Subpart A covers dogs and cats, Subpart B covers hamsters and guinea pigs, Subpart C covers rabbits, Subpart D covers non-human primates, Subpart E covers marine mammals, and Subpart F covers all other warm blooded species including wild and exotic animals, and horses used for biomedical research (or other non-agricultural research), and farm animals used for biomedical research, non-agricultural research or non-agricultural exhibition.

AHA-3. Are there any laws which govern the humane use of animals in either training or exhibition?

REAC-3. Yes, those cited above under the Animal Welfare Act. Please understand, there are State laws that may apply as well. These are normally monitored by a State agency, such as the Department of Natural Resources of a particular State.

AHA-4. Are there any laws other than primates which deal with the psychological well-being of animals?

REAC-4. Yes, the minimum standards are specified for animals covered under the Act. For example 9CFR 3.9 specifies that dogs and cats must be housed in compatible groups. That is, bitches in heat cannot be housed next to male studs, except for breeding purposes. Puppies and kittens can not be housed with adult dogs or cats except with their mothers. Dogs and cats can not be housed together in the same cage. Animals with communicable diseases can not be housed together in such a manner as to disseminate disease. Animals being transported must be handled in a manner that will avoid emotional trauma.

Animals being used in biomedical research must not experience unnecessary pain or distress. The regulations specify the use of tranquilizers, sedatives, or anesthetics consistent with control of the animal's emotional stability to effectively minimize pain and distress. These are written in 9CFR 2.33, 2.40, and 2.131. In accordance with 9CFR 3.128, as specified for animal cage space requirements, the standards alert management that inadequate cage space may elicit abnormal behavior patterns.

AHA-5. What kind of regulations do they have which cover the humane well-being or treatment of animals in carnivals circuses, animal acts, zoos, rodeos, educational films and motion pictures.

REAC-5. 9CFR 2.131 specifies how performing animals must be handled during training and exhibition. The period of time must be consistent with the animals well-being and good health. The animals can not be emotionally or physically stressed. These guidelines are likewise utilized in interpretation of adequate veterinary care of covered species. Although the Animal Welfare Act includes all warm blooded animals, due to budgetary reasons, it was not possible to provide the funding necessary for USDA to monitor the care and welfare of all warm blooded animal species. Agricultural fairs, rodeos, grayhound racing, and horse racing are exempt from enforcement under the Animal Welfare Act.

AHA-6. Do they have the ability to regulate anything that from a foreign country?

REAC-6. Yes, animals from foreign countries that bring their animals to CONUS, must conform in accordance with the Animal Welfare Act. 9CFR 2.1 requires an exhibitor to be licensed or registered in the State in which s/he wishes to operate. In the case of traveling animal acts, APHIS requires s/he provide an itinerary to enable APHIS representatives to conduct unannounced, warrantless compliance inspections to monitor the care and welfare of the animals. Warrantless compliance inspections are not specified in the regulations but are authorized under the office of General Council's interpretation of regulated industry.

AHA-7. What laws and regulations do they have which covers transportation of animals in carnival, circuses, animal acts, zoos, rodeos, educational exhibits, and animals used in the making of films.

REAC-7. Each Subpart of Part 3 of 9CFR contains standards addressed under three major headings, namely: Facilities and Operating Standards, Animal Health and Husbandry Standards, and Transportation Standards. Subheadings addressed under transportation standards include specifications for consignments to carriers, transport cage specifications, specification for modes of conveyance, specifications for food and water requirements, care in transit, handling, and general specifications of facilities at transportation terminals. Rodeos are not regulated by law.

AHA-8. Do they have any regulations which protect animals in the above circumstances from being injured, killed, or subjected to pain?

REAC-8. 9CFR 2.131, Handling of Animals specifies the standards of care required for training or exhibiting animals. A fatal injury may be regarded as inadequate veterinary care as well as improper handling.

AHA-9. What rules or regulations do they have which would prevent anyone in one of the above categories from injuring, killing, causing behavioral stress, pain, or suffering, hitting, striking, tripping, or throwing, kicking, wrestling, taunting, overloading, overworking, or depriving of necessary food or drink?

REAC-9. Again, 9CFR 2.33. and 2.40 (adequate veterinary care) and 9CFR 2.131 (handling) specify minimum standards for the care and welfare of animals being crained, exhibited, or used in laboratory experiments. The regulations specifically prohibit procedures which utilize inhumane treatment of the animals. For example marine mammals are rewarded with food fish upon completion of their act. For this reason, the performing animals are normally fed their daily allowance after the performance of their last act for that particular day. They are not allowed to be retired for the day without being fed. Body weigh and condition are monitored and documented accordingly. APHIS inspectors monitor this aspect of training along with general nutritional status of the performing animals. In accordance with 9CFR 3.128 animals housed in cages that are too small to permit optimum activity may develop stereotypical behavior. APHIS inspectors are always evaluating animals for abnormal behavior. Close attention is given caging for traveling performing animals. Anything which causes unnecessary pain and suffering would not be allowed. Humane euthanasia is permitted.

AHA-10. Can a trainer on his compound or anyone at a zoo, circus or anyone in any way of the above circumstances, refuse to allow a USDA inspector to enter and inspect their property and animals?

REAC-10. 9CFR 2.126 specifies the licensee or registrant must permit inspection of animals, records, and property. In addition, the licensee or registrant must provide a room adequately equipped to perform the necessary compliance inspections. 9CFR 2.129 permits APHIS representatives to confiscate animals being held by an exhibitor if in the judgment of the APHIS inspector, the animal(s) are suffering because of undue neglect, especially if the animal's lives are endangered. As a matter of practicality, nocturnal animals and special breeding programs may be jeopardized by the presence of strangers. Whenever possible our APHIS representatives do not wish to disturb programs of this nature if in the judgment of the inspector his or her presence would jeopardize a program. Conversely, APHIS inspectors may elect to not enter an animal facility in the event an inspector's health and safety may be jeopardized. These instances are indeed rare.

AHA-11. What do they have in their rules and regulations which would cover the psychological well-being of an animal?

REAC-11. The regulations cited in the answer to question 4 above apply to this question. Adequate veterinary care and handling standards must be adhered to by the licensee or registrant. In addition, Subpart F Section 3.128 include a clause which relates abnormal behavior with inadequate cage size.

AHA-12. Do they have any laws and regulations which deal with animal population control and if so, what are they? If not, do they have anything in the offing.

REAC-12. No, there are no provisions in the Animal Welfare Act relative to population control. This is not addressed at the present time and do not

expect this to be addresses in the near future.

AHA-13. Do they have any laws or regulations which deal with the disposition of animals after they have been used in the above categories? If so, what are they and which categories are regulated? If not, do they have anything in the offing?

REAC-13. While an animal is being held by the licensee or registrant it must be cared for in accordance with minimum standards specified in the regulations. Performing animals that have outlived their usefulness are another matter for which we have no jurisdiction. The licensee or registrant must document the disposition of the animal and maintain a record of disposition for a period of one year, or as required under existing Federal, State, or local law. Animals not properly cared for, can be confiscated in accordance with 9CFR 2.129. In accordance with 9CFR 2.31, multiple surgical procedures are not permitted on laboratory animals unless: (1) justified for scientific reasons by the principal investigator and such justification is reduced in writing and has been approved by the Institutional Animal Care And Use Committee(IACUC) (2) required as routine veterinary procedure or for the health or well-being of the animal, (3) as approved by review of a written request to the APHIS Administrator.

AHA-14. If a United States film company, circus or traveling zoo went outside the country, do they have or could they legally put into their regulations that they must follow United States laws and/or regulations?

REAC-14. APHIS has no jurisdiction of these companies while outside the United States or U.S. Territories. There are no provisions in the Animal Welfare Act for monitoring animal care and welfare under existing regulations of animals located outside the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States. Conversely, the U.S. Film companies must comply with the animal welfare regulations of the countries in which they travel and exhibit.

AHA-15. Does the USDA have any rules or regulations which permit them to confiscate and/or humanely euthanize any animal found to be suffering in one of the areas which they now oversee (such as training compounds, zoos, circuses, etc)? If so, what are they, What are the rule numbers and what do they say?

REAC-15. Section 16(a) Animal Welfare Act and Section 2.129, 9 CFR, Part 2, set forth the authority to confiscate animals that are found to be suffering due to failure to comply with regulations and standards.

AHA-16. What kinds of hearings or action can be taken if they do find someone under one of the above categories which has injured, killed, or otherwise caused pain or suffering to an animal under their care?

REAC-16. In accordance with 9CFR 2.129 animals in life threatening situations can be confiscated by APHIS representatives. This normally requires documentation by APHIS, such as examination of the animals by a licensed veterinarian, documentation of failure of the licensee or registrant to cooperate in providing adequate care and welfare of the animals in question, either by affidavit obtained from another APHIS Veterinary Medical Officer, APHIS investigator, and or law enforcement officer, such as a county sheriff or U.S. Marshall. This may include life threatening comments or action

directed toward the APHIS representative, which is in violation of Section 16(b) of the Animal Welfare Act and 9CFR 2.4. In the event animals are found dead or must be humanely euthanized due to neglect on the part of the licensee or registrant, 9CFR 2.40 and/or 9CFR 2.131, then OGC will seek to prosecute the violation and will assess the penalties and sanctions as provided by the Act. Legal actions are usually carried out through the Administrative Law procedure but violations of the Act may also go through criminal procedures.

AMA-17. If we were to call them today and say "cruelty is going on the set now" do they have the personnel to come out and investigate immediately? In other words, could they do anything about it at that moment? If not, are they in a position, financially and/or man-power wise to set up such a system?

REAC-17. Complaints are given top priority by APHIS representatives. However, APHIS does not have a "rapid response team" available and cannot guarantee immediate, "on-call" action when informed that non-compliant standards exist or are being committed by a licensee or registrant. The majority of APHIS inspectors are in transit while performing their duties and therefore cannot be reached except by voice mail, which is frequently after normal working hours. APHIS has in the past and will in the future respond in a prompt and timely manner appropriate with the nature of the complaint.

AMA-18. If any of the rule or regulations are violated, can they suspend a person's license temporarily?

REAC-18. Yes, the APHIS Administrator may sign the summary suspension to withhold a license for a period of 21 days. Two concurrent summary suspensions cannot be rendered without a hearing. Recently, Congress passed an "Injunction Bill" which essentially permits a District Court to suspend an exhibitor's operation until legal action has been served against the alleged violator. This Bill has not been tested in a Court of Law. An administrative law judge may suspend a license for longer periods as judged by OGC, including permanent suspension if deemed appropriate.

AMA-19. Do they have the ability to suspend someone's license permanently, and if so, under what conditions? Explain how their hearing procedures work and under what conditions they would take someone in for a hearing. What are the possible outcome of such a hearing? (Example: Innocent, temporary suspension, permanently suspended)

REAC-19. Most violations of the Animal Welfare Act are regarded as a civil crime rather than a criminal offense. Procedure-wise, a complaint is filed by OGC against the violator. OGC attempts to arbitrate with the licensee/registrant. All attempts are made to come to a consent or agreement between the two parties. In the event an agreement cannot be reached, a hearing is conducted before an administrative law judge where rules of procedure and rules of evidence are less formal than those of a criminal trial. After each side has presented their briefs and their testimony, the administrative law judge will issue his/her decision. Usually a cease and desist order becomes a part of the decision, along with the assessment of fines and sanctions. Fines may be assessed in the amount of \$2,500.00 per count, per day. Sanctions may include a prescribed period of suspension or revocation of USDA license. Either party may appeal the administrative law judge's decision to the Judicial Officer. The licensee/registrant has an additional avenue of appeal by way of the Circuit Court of Appeals. Serious violations of the Act may be prosecuted criminally through the Justice

Department.

AMA-20. Do they now cover pet stores? If so, what's their authority?

REAC-20. 9CFR 2.1 criteria determines whether or not a pet store must be licensed to sell animals. Exhibiting or selling wild or exotic animals requires a USDA license or registration. USDA does not regulate the retail sale of pet animals.

AMA-21. Do they cover county fairs and if so, what is their authority?

REAC-21. The definition of the term "Exhibitor" in the Act and 9CFR 2.1 exempts county fairs from being licensed by the USDA. However, in accordance with 9CFR 2.1, an animal act or exhibit involving animal species covered by the Act must be licensed by the USDA to perform. Response to question 5 addresses this question more completely with respect to why agricultural exhibits are exempt.

AMA-22. Do they cover livestock shows, and if so, what is their authority?

REAC-22. The Act does not regulate livestock shows.

AMA-23. Can they cover purebred dog and cat shows and if so, what is their authority.

REAC-23. In accordance with the Act and 9CFR 2.1, purebred dog and cat shows are exempt from licensing and therefore from jurisdiction of the Animal Welfare Act.

AMA-24. Do they cover exhibitions intended to advance agricultural arts and/or sciences and if so, what is their authority?

REAC-24. In accordance with the Act and 9CFR 2.1 agricultural shows are exempt. See response to question 5 above for full explanation.

**AMERICAN HUMANE**

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July 22, 1992

Mr. Keith Pitts
DORFA Subcommittee
1534 Longworth House Office Building
Washington, D.C. 20515

Dear Keith:

During my testimony I asked that some press releases be submitted for the record and then couldn't find them.

Here they are, can you please submit them?

Thank you for all of your help.

Sincerely,

Adele Douglass - Director
Washington Office

AD:h1
Enclosures

AMERICAN HUMANE ASSOCIATION

NEWS RELEASE

AHA CONTACT: Betty Denny Smith, Barbara Sands, 818/501-0123

PENGUINS RECEIVE STAR TREATMENT WHILE ON THE SET OF BATMAN RETURNS

LOS ANGELES, JUNE 18, 1992 - Twelve King penguins and 24 blackfooted-hybrid penguins received star treatment during the filming of *Batman Returns* according to the American Humane Association which monitored all the animal action in the film as well as pre-production training.

Under the protection of a 24-hour guard, the penguins were housed in two forty-foot trailers equipped with swimming pools and a special water filtration system. Outside, the penguins used a 2,000-gallon pool which was netted to keep the dust out. And non-slip surfaces were built wherever the penguins walked for their safety as recommended in American Humane's *Guidelines for Animals in Film*.

The temperature inside the penguins' trailers and while they were on the set was kept at an average 38 degrees. All the animals on the set requiring more temperate environments, however, were accommodated through costuming and heating pads.

In addition to American Humane's staff, three penguin specialists, including a veterinarian, a housing expert, and a water filtration expert, were brought to the set to ensure the well-being of the birds.

American Humane examined all costuming worn by the animals on the set prior to production to ensure the materials were lightweight and comfortable for the animals to wear. Trainers joined the penguins in the water during filming but remained just off-camera.

Penguins, cats, monkeys, dogs, horses, and snakes were all part of the cast in the movie *Batman Returns*, but in many scenes special effects were used in place of real animals.

- In scenes where animals could appear in danger, fake props were used.
- The bats which appear on camera were not real, but computer-generated bats.
- The pailbearers were not real Emperor penguins, but people in penguin suits.
- Fifty fake mechanical penguins were used in numerous scenes to give the illusion of more penguins.

In addition, sound effects, such as gunfire and explosions, were added in post-production so as not to frighten any of the animal actors.

American Humane rates the animal action in *Batman Returns* as "Acceptable."

The American Humane Association has been protecting animals in film since 1939 and monitors more than 300 movies, television programs, and commercials each year.



AMERICAN HUMANE MOVIE REVIEW

Los Angeles Office · 14144 Ventura Boulevard · Sherman Oaks, California 91423 · (818) 501-2133
Protecting Animal Actors

BATMAN RETURNS

Produced by: Warner Bros.
Producers: Denise DiNovi and Tim Burton
Director: Tim Burton
Stars: Michael Keaton, Danny DeVito and Michelle Pfeiffer
Screened: April 9, 1992

It's Christmastime in Gotham City, and in the heart of the city, The Plaza, there's much excitement as the people await the annual lighting of the Christmas tree. The Mayor arrives with city officials and honored guests for the special ceremony. One of the guests is Max Shreck, a tough, shrewd and ruthless businessman, who speaks to the people of peace and love. The festivities are interrupted when an enormous gift-wrapped package arrives and rolls forward. As everyone stares at it in anticipation, the package erupts like a Trojan horse, spewing forth an assortment of circus characters who launch a spectacular attack on The Plaza. The mayhem escalates until Bruce Wayne, in the guise of his alter-ego, Batman, intercedes. One of the victims Batman rescues is Max's secretary, Selina, a mousey wimp of a woman. Selina continues home to her lonely apartment where her only companion is her pet cat, Miss Kitty.

Unnoticed in all the confusion, Max has been abducted by the attackers and taken underground to the realm of The Penguin, a man with penguin-like features. The Penguin rants and raves how he is angry at the toxic waste that Shreck's various industries have produced in the environment. He states that he wants to find his real roots - to find who his parents are. What he really wants is power, which he will achieve by running for Mayor of Gotham City. He blackmails Max into helping him achieve his goal.

In the meantime, Selina returns to Max's office where she had forgotten to prepare background material for Max's meeting with Bruce Wayne. While doing her research, she uncovers some incriminating information on Max's new power plant. Max returns to his office and realizing Selina could be a threat to him, he pushes her through a glass window, where she falls, presumably, to her death below. As she lies dying on the snowy street below, in her delirium she summons Miss Kitty, who appears with a rescue team of many cats and they perform a strange form of feline CPR. They revive Selina, but there is something different about her. As if in a trance, the dazed Selina returns to her apartment

where she transforms herself into Catwoman. Victim no more, as the predatory Catwoman, she seeks her revenge on Max and society. As Selina, and feigning memory loss from an accident, she returns to the office of a surprised Max where she meets Bruce. Bruce is attracted to her and a romance develops.

As Bruce and Selina, they become lovers, but as Catwoman, she becomes Batman's seductive nemesis. She is but one more villain on Batman's growing list of evil-doers. Batman has his work cut out for him as he battles to save Gotham from the forces of evil.

There's extensive use of a large variety of animals in Batman Returns. American Humane was present throughout the filming of all animal action and, in addition, monitored training for animal stunts performed in the film. AHA also examined the costumes worn by the penguins and the monkeys prior to filming. Our representatives also inspected the housing for the animals prior to production. The penguins had a 24-hour guard and were housed in two forty-foot trailers at night. Each trailer had a swimming pool with a filtration system and were temperature controlled. Outside there was a 2,000 gallon pool, also with a filtration system and netting over it to keep the dust out. When filming, the temperature was kept extremely low on the set, so low that our representatives on the set had to wear winter overcoats in order to be comfortable. A newspaper reported the producers' total refrigeration bill for keeping the penguins comfortable totalled one million dollars! Provisions also were made on set for the comfort of the animals that required warmth.

An opening scene is a flashback to when the Penguin was a baby and shows a pet cat walking past a darkened cage, which supposedly houses the infant Penguin. The cat walks from A to B and stands by the cage, suddenly it disappears as if it's been sucked through the bars and into the cage. (Supposedly the cat has been killed by the infant Penguin.) The cat merely walked A to B, then the film cut to a fake cat which was pulled through the cage.

In the attack on the Plaza, a variety of animals are seen. There are policemen mounted on horses, which are primarily background. A monkey wearing a costume and holding a fake gun, sits on an actor's shoulder. A ratty-looking poodle wearing a sweater was also in this scene. The poodle's fur was made to look unkept with the use of non-toxic make-up. In addition, fake fur was added to the poodle's head and body. Because the set was kept at a very low temperature, the monkey and the dog were comfortable wearing their costumes and, between scenes, were warmed by heating pads, which were kept on the set. A snake which was draped around the neck and shoulders of an actress, was also in the scene of the attack by the circus people. Extra

provisions were made to keep the snake warm between scenes. Most of the loud sound effects, including the sound of gunfire, were added in post production.

For the scene that took place between Max and the Penguin in the Penguin's lair, 30 penguins were used. Each day that the penguins worked, a path was cleared for them to walk from their holding area to the set. Four handlers were in care of the penguins in order to insure their safety. The crew and actors were asked to refrain from touching or crowding the penguins and special ramps were built for the penguins that had a non-slip surface. Two trainers remained in the water, out of camera range, with the penguins. In addition to the real penguins, fifty fake mechanical penguins were used in numerous scenes. In order to get the penguins to follow an actor around, the penguins were fed fish rewards.

When Miss Kitty, the cat, is first seen in Selina's apartment, the action is very simple A to B in nature and the cat simply responded to her trainer's cues. For the scene in which Selina falls from the window and is revived by Miss Kitty and various other cats, 20 cats were used. To achieve the effect of the cats rushing to Selina's aid, several handlers released the cats from kennels simultaneously. The actress clicked a clicker with her hidden hand and the cats responded to the clicker and small bits of food, which were hidden around her. Later when the transformed Selina returns to her apartment, numerous cats enter her apartment through her window. The trainer gave verbal cues to the cats to jump into the room. In a separate scene, cats are seen on a ledge outside her building. The cats on the ledge wore harnesses, which were attached to hooks on the ledges to secure the cats and to keep them from slipping.

There is a scene in which the ratty poodle carries a grenade into a building and then exits without the grenade and shortly thereafter the building explodes. The dog ran A to B with a fake grenade in his mouth. He dropped the grenade and ran from B to A. This was accomplished with the use of two trainers. One released the dog at Point A to go to another trainer at Point B. The trainers used both hand and voice commands. The scene was shot in cuts and the dog was not present during any explosion.

In a scene between the Penguin and Catwoman that takes place in the Penguin's bedroom, a small bird is in a cage. Catwoman threatens the Penguin by putting the Penguin's pet bird in her mouth, threatening to eat it. The Penguin in turn holds a knife to Catwoman's cat which is sitting on the bed, so Catwoman spits out the bird and it flies out and away. To accomplish the scene with the bird in Catwoman's mouth, the bird was gradually and carefully prepped for the scene, starting with teaching the bird to fly out of closed,

cupped hands and then fly from the hands to his cage. Gradually the bird was placed into the open mouth of the trainer. Eventually the trainer closed his lips for a second, then opened his mouth and the bird flew to his cage. The trainer did not close his lips tightly but kept them open slightly.

When the scene was done with the star actress, the scene was shot in cuts. With the cameras rolling, the trainers backed the bird into the actress' mouth. The bird was in her mouth for one or two seconds, then she opened her mouth and the bird flew to his cage. The bird had been well-trained by this point and the action did not bother him. The bird that was used was a finch. A fake bird had also been used in part of the scene prior to the point where Catwoman places the bird in her mouth. When Catwoman first reaches into the cage to take out the bird, a fake bird was used. She pulled out the fake bird and popped it into her mouth. Then the camera cut to the part where the real bird was placed in the actress' mouth. The cat that was present laying on the bed during this scene was tethered to the bed by a soft cotton string that was tied like a belt around the lower waist of the cat. This was not seen by the camera. The cat was also filmed separately without any tether. The Penguin pressed a button on his umbrella and a knife came out of the point. This was a fake knife which he held to the cat. The cat was not released until after the bird was safely in it's cage.

In the spectacular climax where the Penguin summons his army of penguins to march on Gotham, Twelve King penguins and twenty-four Black-foot penguins were used. The penguin army was multiplied optically to make it appear that there were many more penguins. The penguins wore specially fitted harnesses, to which they had become gradually accustomed to wearing. Fake rockets were attached to the harnesses. The helmets were light weight and had elastic bands attached to them to hold them on. There were rubber tips on the rockets to protect the birds against being harmed by any sharp points. The penguins would be released by one group of trainers and called from Point A to Point B by another group of trainers. Puppy pens were used to keep them in a specific area. The trainers kept a bucket of fish and would continually feed the penguins in order to coax them to move to certain positions. Trainers, of course, were always out of camera range. At one point 30 penguins swam across their special pool wearing their harnesses. They had been properly prepped for this action and were comfortable with it. The flooring of the various other surfaces that the penguins walked across had all been carefully prepared for them. The sound effects of gunfire and explosions were added in post production and no explosions were close to any real birds.

The six Emperor penguins that act as pallbearers for the Penguin's body at the end of the film, were little people dressed as Emperor penguins. Monkeys and poodles also appeared in the climactic scenes. At one point Max, who is locked in a cage, calls to a monkey who has the key to his cage and the monkey goes to the cage with the keys. The keys were actually tied to the monkey and the monkey was tossed by one trainer to another trainer a distance of about one half foot. Where the monkey carries a note down a flight of stairs to the Penguin, the monkey was simply coached by his trainer with verbal cues.

In other animal action in the film, bats which appear on camera were not real, but computer generated special-effects bats. A dead fish that Max holds up to the Penguin was actually a fake prop. An aquarium containing fish are background in Bruce Wayne's mansion.

American Humane was on set throughout filming and we are rating Batman Returns "Acceptable".


AMERICAN HUMANE MOVIE REVIEW

Los Angeles Office · 14144 Ventura Boulevard · Sherman Oaks, California 91421 · (818) 501-0121

Protecting Animal Actors

DANCES WITH WOLVES

A TIG Production
 Released by: Orion Pictures
 Stars: Kevin Costner and Mary McDonnell
 Screened: November 6, 1990

After the Civil War a Union soldier, Lt John Dunbar, requests a transfer to the western frontier. He's a celebrated war hero who made a suicidal ride across Southern lines and he now has a strong yearning to experience the disappearing frontier. The army grants his request and gives him command of a remote outpost. When he arrives, he finds the outpost deserted. Instead of returning, he remains, with only his horse, Cisco, for a companion.

John keeps a journal while he maintains his lonely command. He writes about the wolf who pays him a visit each day. He names the wolf "Two Socks" and gradually man and beast form a close bond. He knows a Sioux tribe is aware of his presence and he decides to make contact with them. At first he is rejected, but the Indians become curious about this man they call "Dances with Wolves" and they begin a relationship that ultimately ends with John being adopted into their tribe. John also finds the love of his life when he meets a white woman who has been raised by the Sioux.

Kevin Costner infuses a rare blend of masculinity and sensitivity in Dances with Wolves/John. Through his journal we observe the tragic plight of the American Indian as their way of life is brutally destroyed by an encroaching "civilization". It becomes painfully obvious who the real savages are when the Indians reverence for life is countered with the wonton destruction of the white hunter.

There is some form of animal action in nearly every frame of this epic film. The production company went to great effort and expense to stage realistic animal scenes without harming the animals. There is a huge buffalo stampede and hunt, which was partially achieved with the use of fake and mechanical buffalos. The cost of construction of these 23 fake animals was \$250,000.00. Thirty-five hundred buffalo were used for the stampede. Some buffalo had arrows

attached with clips to their fur to give the impression that they had been struck by arrows. The fake buffalo were run on tracks and then caused to crash and fall to give the impression of buffalo going down. Other fake buffalo were tossed out of the back of a truck and the cameras recorded their falling on the ground. One buffalo charges at a young Indian girl. It was actually a pet buffalo coming to collect an Oreo cookie for which he has a special yen. This scene was filmed in cuts. The buffalo that is shot and on the ground is a mechanical buffalo that raises its head and then is "shot" again. The buffalo liver that is cut out of a buffalo was actually made of jello. It took eight days of filming buffalo to get four minutes on screen. The scene was shot in cuts and the fake and real buffalo were mingled in foreground and background and filmed through a haze of dust. No buffalo were actually killed or hurt during the filming of this scene. Where a buffalo and a horse collide it is actually a taxidermied buffalo head being held by a man. There is a heart-wrenching scene where the carcasses of dead buffalo lie strewn across a field, these buffalo were supposedly killed and skinned and their tongues removed by white hunters who left their carcasses to rot in the field. These realistic looking carcasses were actually made of foam latex.

All horse falls were performed by trained falling horses. When Cisco is ambushed and killed he is merely doing a lay down and stage blood and special effects were used for the gun shots. The bloated carcass seen lying on the ground was fake and the vultures observed from a distance on the carcass were mostly fake mingled with three real vultures.

"Two Socks" was portrayed by two wolves named "Teddi" and "Buck". Since neither Teddi nor Buck howl, a third wolf was used at the end of the film to howl in the wilderness. When "Two Socks" is shot and killed the wolf merely has a tether on his lower body. They filmed him attempting to stand up which creates the illusion of his being shot in the hind quarters. A taxidermied wolf was used to portray the wolf after he had died.

Dead animals are seen at various times throughout the film. Dead animals hanging in a western village were actually road kills provided to the film company by local highway authorities. A dead elk submerged in water was supplied by a taxidermist. The dead dogs that are seen after the Pawnee raid were supplied by the local animal shelter. The dogs had been euthanized at the shelter because of illness.

The production company respected the Indians reverence for the eagle and whenever eagle feathers were used they were fake feathers.

In addition to having a representative of American Humane on the set, we have viewed documents, records, photographs and a video tape substantiating the animal action. We are rating Dances With Wolves "Acceptable".

AMERICAN HUMANE

Animal Protection Division
Protecting Animals Since 1877

NEWS RELEASE

Contact: Nann Miller
(213) 482-4740

DANCES WITH WOLVES

In Kevin Costner's directing debut, Dances With Wolves, there is some form of animal action in nearly every frame of this epic motion picture.

The film company, Tig Productions, had the respect and admiration for the Native American's reverence for all animals. This led to the detailed attention given to the role that these animals played in their movie. Of the utmost importance was the safety of all the animals used. No animals were killed or injured during the making of Dances With Wolves.

Professionally trained animals were used, such as Teddy the wolf, who played "Two Socks", and Justin, who was the horse, "Cisco". When "Cisco" is shot and killed he did a lay down, and was covered with stage blood. Special effect applications were used for the bloody gunshot wounds. The horse lying dead in the field and covered with vultures was made from foam. Two of the vultures used in the scene were professionally handled, while others were fake. A tether was attached to the wolf "Two Socks" as they filmed him beginning to stand up. This achieved the impression that he had been shot in the leg.

Los Angeles Office
14144 Ventura Boulevard
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(818) 501-0123

The incredibly realistic buffalo hunt was achieved through the use of thirty-five hundred real buffalo, 23 fake buffalo, six cameras, and a lot of editing. Arrows with clips were attached to the fur of the animals which gave the appearance that they had been struck during the hunt. Fake, stuffed buffalo were mounted, pulled along on a dolly and then released for the effect that they had been shot. A special effects company was hired to achieve these effects. The fake buffalo were made from foam and latex and coated with red dye to recreate the slaughter in which the buffalo were left to rot. The buffalo that was shot up close while lifting its head and kicking, was a mechanical buffalo using remote control robotics. The liver which was cut out of the dead buffalo was actually made of jello.

It took eight days of filming the buffalo to get four minutes on screen. In addition to having a representative of American Humane on the set, we have viewed documents, records, photographs and a video tape substantiating the animal action. American Humane has rated Dances With Wolves "Acceptable". For more details on the animal action, letters can be sent to American Humane Association, 14144 Ventura Boulevard, Suite 260, Sherman Oaks, California 91423.



AMERICAN HUMANE MOVIE REVIEW

Los Angeles Office - 10144 Ventura Boulevard - Sherman Oaks, California 91421 - (818) 714-4121
Protecting Animal Actors

WILD HEARTS CAN'T BE BROKEN

Production: Pegasus Production Company
 Distributed by: Buena Vista Pictures
 Producer: Matt Williams
 Director: Steve Minor
 Stars: Cliff Robertson, Gabrielle Anwar and Mike Shifling
 Screened: February 22, 1991

Wild Hearts Can't Be Broken is a true story that takes place during the Depression. Sonora Webster is a head-strong teenager who has been taken in by her aunt after her mother and father die. Feeling that Sonora is too difficult to handle, her aunt tells her that she is turning her over to the State. Sonora had seen a picture of a young model posing in front of a sign at the Steel Pier in Atlantic City that read "Where All Your Dreams Come True". This ad was to shape Sonora's future. Another ad also responsible for shaping her future, was one she saw in a local store which read, "Young girl needed to ride diving horses. Must be willing to travel. See Dr. W. F. Carver at the Savannah County Fair." These were the two thoughts that she took with her as she ran away from home in the middle of the night to become that young girl who would dive horses and travel.

All did not go as smoothly as she would like when she found the fairgrounds and announced to Dr. Carver that she was there to become the next diving girl. Equally headstrong, Dr. Carver showed her the way out. However, determination prevails. Sonora strikes up a friendship with Al, Dr. Carver's son, who shows her around the tower where the horses dive. She is awestruck and knows that this is her destiny. Dr. Carver decides to give Sonora a job as a stable hand. She is finally given her chance to train to dive when Al brings home an unbroken horse (Lightning) and Dr. Carver is impressed with Sonora's ability to train him.

Al, who never got along with his father, decides to leave the act. However, he and Sonora have

developed a relationship which keeps him emotionally attached to the act during his absence. In the meanwhile, Sonora's dream continues to be to get to Atlantic City 'where all your dreams come true'. When Marie, the regular diving girl, dislocates her shoulder, Sonora gets her chance to dive, which comes off without a hitch. Again impressed, Dr. Carver declares Sonora his second diving girl.

Unable to get his mind off Sonora Al attempts to make her dreams come true by getting the act booked at the Steel Pier, in Atlantic City, just at the time the act is about to go under due to the depression and cancelled shows. He then returns home to be with Sonora and his father.

Two things happen in Atlantic City. Because Lightning, Sonora's horse, has been ill, the other diving horse, Red Lips, has to be used for the dive. As Sonora mounts the ramp, Al proposes to her over the loud-speaker system. Then, Red Lips trips just before the dissent, causing him and Sonora to hit the water at an awkward angle. This causes Sonora's eyes to hemorrhage, eventually leading to her blindness.

he rest of the story is about Sonora's determination to dive again, which she does for eleven years. For most of those years, the audience never knew she was blind.

There are three horse diving scenes in the picture. In this picture as in all other pictures, there were doubles trained for the picture. Six horses in all were in Wild Hearts Can't Be Broken. Four were trained to dive. While the real Sonora's horses dove forty feet, the horses that made the picture never dove over ten feet, which is the maximum that American Humane Association's Guidelines will allow.

American Humane was on the compound for the full training period. Corky Randall, one of the most cautious horse wranglers in Hollywood, was hired by Pegasus Productions to train the horses. The horses were chosen very carefully and only horses that liked the water were used. Training was done very slowly by first seeing if the horses liked to swim. They were allowed initially to swim in the tank made for the picture. As training progressed, they were allowed to step off one foot into water, then two feet and so on until they had reached the ten foot maximum. The horses always jumped on their own.

In order to achieve the forty foot height, a lot of Hollywood magic was used. The ten foot ramp was

made to expand to thirty feet. A cage was designed to place at the top of the ramp so when the horses climbed thirty feet, they just walked into the cage. Footage of the ascent was run back to back to make the ascent appear long. Then a mechanical person on a mechanical horse, with the footage of the real audience all set against drawings of buildings in the background, made the jump appear to be forty feet. The jump is shown in cuts with only leaving the board and entering the water being the real horse jumps.

The lead horse playing Lightning always made beautiful dives. However, the horse playing Redlips always twisted to the side when he jumped making it easy to fake a bad dive in the story. Add to this a shot of the horse turning his head (which was done in pick-up shots while the horse was standing on solid ground) and a close up shot of the horses hind legs (making it appear to be his front legs) stepping off a box, and you have a scene which appears like a trip and a disastrous fall into the water leaving Sanora blind.

American Humane is generally opposed to horse diving acts so initially attempted to persuade the production company not to make the picture. However, our authority does not go beyond making sure that the animals are protected. We soon became aware of the companies total commitment to the safety of the horses. Caution and time was taken to choose the right horses and train them. Pegasus Productions conferred with American Humane throughout training, pre-production and production. There were no horses injured during the dive in either training or production and the horses seemed to be enjoying what they were doing. (The tank at the compound had to be blocked off when not in use because the horses and dogs on the ranch would run up and jump off on their own when there was no training being done.) All the other animal action was mild and achieved with hand signals. Not only was American Humane on the compound during all training, but was on the set everyday that animal action was being shot in California. John Freed, Director of the Greenville Humane Society, represented American Humane on the set during that portion the picture shot in South Carolina. Because of the way that the production company worked with American Humane and because of the precautions taken to protect the horses, American Humane is rating Wild Hearts Can't Be Broken "Acceptable".

AMERICAN HUMANE

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Protecting Animal Actors

6/27/90

THE ADVENTURES OF MILO AND OTIS

The Adventures of Milo and Otis is a Japanese production released last year in the U.S. It is an epic fairytale about the friendship between an inquisitive cat and a dog. The only characters are animals. According to the production company, they all belonged to Hata, a zoologist and one of Japan's most noted authors of childrens books. According to information released on the film, Hata started developing what he calls "Mutsugoro's Animal Kingdom" on his private island where he has 300 animals including cats, dogs, horses, foxes, deer, racoons, bears and bison. He wanted to make a film about his animals, so he hired a crew to live on his island. They spent four years, and shot 400,000 feet of film, then spliced it and made it into a picture. Hata was also the writer and director of the film. Dudley Moore did the voice over for the animals in the American version.

The main character is a cat (played by 27 different cats). The picture shows no animals being injured or harmed. However, before it was released in the United States we heard rumors that some of the cats had died during the filming. We have attempted to investigate this through our contacts in Europe who normally have information on movies throughout the world. They had also heard the rumor, but were unable to verify it as being true. We have tried through humane people in Japan, and through another Japanese producer to determine if these rumors are true or not but everything has led to a dead end.

The picture was released in Japan in 1986. The following Japanese Humane Societies allowed their names to be used in connection with the picture:

Japan Society for the Prevention of Cruelty to Animals
Japan Animal Welfare Society
Japan Animal Protection & Administration Society
Japan Veterinarian Medicine Associations
Japan Pets Association

We will continue to seek information and will notify you if we find something that substantiates the rumors. In the meantime, if you should obtain some concrete evidence of abuse, we would appreciate you advising us. Thank you.


AMERICAN HUMANE MOVIE REVIEW

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Protecting Animal Actors

LORD OF THE FLIES

Produced by: Castle Rock Entertainment
Released by: Columbia Pictures
Stars: Balthazar Getty, Michael Green
Screened: November 20, 1989

Lord of the Flies is an updated version of the 1954 novel about young boys from a military academy shipwrecked on a desert island. As they deal with survival, a division in their ranks occurs when one group becomes hunters. Much symbolism is employed and a battle between good and evil develops as the hunters degenerate into crazed, savages and begin stalking the other boys.

This production was filmed in Jamaica and no humane representative was present. The boys first hunt and kill a lizard which they cook on their campfire. According to the production company, fake lizards were substituted for the live when the lizards were killed. In another scene, a puffer fish is speared. The fish was obviously alive when it was speared as it was still moving when the spear was lifted. The boys find a dead pig on the beach and poke at it. Later the boys hunt and kill a pig. Although you don't see the kill, you do see a dead pig being laid on the ground as one of the boys cuts its throat. The head of the pig is placed on the end of a stake where it attracts swarms of flies. It is shown in various stages of decay throughout the film and is used as a symbol for the boys' decadence. The production company obtained the dead pig from a slaughter house and used the actual head in filming.

Because an animal was actually killed during the filming, in the case of the puffer fish, we are rating Lord of the Flies Unacceptable.

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Protecting Animals Since 1877

August 11, 1992

Mr. Jerry Duval
U.S. House of Representatives
Committee on Agriculture
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Duval:

Attached are American Humane Association's responses to the testimony of Mr. Bob Barker as presented before the Department Operations, Research and Foreign Agriculture Subcommittee on July 8, 1992.

I would like to submit these comments for the final record.

Sincerely,

Adele Douglass
Adele Douglass - Director
Washington Office

AD:h1
Enclosure

AMERICAN HUMANE ASSOCIATION'S
RESPONSES TO THE TESTIMONY
BY BOB BARKER BEFORE D.O.R.F.A.
JULY 8, 1992

According to the producers of Project X, Wallace Swett originally was very close and friendly to the production company. In fact they had gotten the chimps in question from a research facility and did not want to send them back to research after the film was completed, so they gave Mr. Swett around \$38,000. to care for the chimps instead. It was not until after Mr. Barker gave Mr. Swett \$250,000. that he made the statements attributed to him by Mr. Barker.

The statute of limitations had run only on misdemeanor cruelty allegations. The District Attorney rejected the Los Angeles Department of Animal Regulation's application for a felony complaint and their request for Civil action against the trainers.

Paul Mueller only came forth after Mr. Barker, through "The Society Against Vivisection" offered a \$5,000. reward for anyone who would say they saw cruelty on the set of Project X. He never complained during the picture or for a year after the picture was complete, only after the reward was offered.

No one corroborated Paul Mueller's account of black jacks being used.

This was not the end of the American Humane statement. They also said the trainers did have little black paddles.

The revolver had blanks in it. This was explained to the cast and crew before the filming so they would know that neither they nor the chimps could be harmed, but the noise would get the attention of the chimps in case they needed to be brought under control. The gun was never used.

Carmelita Pope and her husband retired to Florida where they now live. They were not forced to resign.

The only controversy surrounding The Tender was started and perpetuated by Mr. Barker and his girl friend, Nancy Burnett.

The only complaint was that there was a dog fighting scene in the script.

Not just part, but all of this is a quote from the L.A. City Department of Animal Regulation report. The report is riddled with inaccuracies. There was never a real dog fight and only one simulated dog fight scene. American Humane has a policy against dog fighting and is on record having told the producers just that. The scene was done in the City of Pasadena, which is outside the jurisdiction of the City Department of Animal Regulation. The dogs were never agitated to the point of ferocity. Bailing wire was never used on

the dogs. The officers of the Department admitted under oath during their depositions in the case of American Humane vs Bob Barker and the Los Angeles City Department of Animal Regulation that they had purchased the bailing wire in question, themselves, from a hardware store. There were no injuries to any animals. Therefore, the City Attorney and the District Attorney refused to file.



AMERICAN VETERINARY MEDICAL ASSOCIATION

GOVERNMENTAL RELATIONS DIVISION • SUITE 300

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Statement of the American Veterinary Medical Association

before the

**Department Operations, Research and Foreign Agriculture
Subcommittee**

of the

House Committee on Agriculture

on the

Regulation of Animals Used for Exhibition Purposes

presented by

**Dr. Charles Sedgwick
Tufts University School of Veterinary Medicine**

July 8, 1992

Mr. Chairman and Members of the Subcommittee:

I appreciate this opportunity to testify on behalf of the American Veterinary Medical Association (AVMA) and our more than 52,000 member veterinarians. My name is Dr. Charles Sedgwick and I am a veterinarian who is board-certified in both laboratory animal and zoological medicine. I have been involved in the area of exotic animal medicine for nearly 30 years of my professional career. I am also a member of the AVMA's Animal Welfare Committee.

My experience with animals used for exhibition is extensive. I was the charter staff veterinarian for both the Los Angeles Zoo and the San Diego Wild Animal Park, served as Vice President of the Morris Animal Foundation's Zoo and Wildlife Division and have consulted as an expert in legal proceedings on humane issues related to wild and exotic animals. Currently, I am an associate professor in the Department of Environmental Studies at Tufts University School of Veterinary Medicine and also the clinical service director of Tufts' Wildlife Clinic.

This morning I would like to present the veterinary community's perspective and my personal views on issues associated with animals used for exhibition purposes. Using animals for exhibition purposes encompasses a broad range of activities, from conservation of species and breeding, to education, to pure entertainment. The veterinary profession is uniform in its belief that any animal used for exhibition purposes must be treated in a humane manner.

Under the current Animal Welfare Act, exhibitors of animals are required to be registered with and their facilities inspected by the US Department of Agriculture. According to 1991 data, the approximately 90 Animal and Plant Health Inspection Service (APHIS) inspectors are charged with visiting some 9832 total sites. Of those sites, approximately 1500 are exhibitors, including zoos, aquaria, circuses, roadside and petting zoos, television and movie training compounds, certain educational exhibits and attractions such as camel and elephant rides. Each of these exhibitors received an average of 1.77 inspections in 1991, which indicates that there is oversight on these exhibitors from the federal level, although the lack of funding certainly limits the frequency and quality of the inspections.

AVMA and the veterinary profession have expressed our collective concern over the content and enforcement of the Animal Welfare Act on several occasions. We have consistently lobbied Congress and the Administration for additional funding for enforcement of the Act. It is our continuing contention that until the Animal Welfare Act receives sufficient priority and funding, its scope should not be expanded. We believe that the authority contained in the present law is sufficient, provided that it is enforced. Rather than contemplate changes in the law, Congress should give the present law a chance to work by providing adequate funding so that APHIS is able to carry out its responsibilities in this area.

I believe that animal training is one of the keys to the humane handling of any animals kept in captivity, whether those animals are domestic or wild. In many cases, training presents a safe alternative to the use of anesthetics, which always carry a degree of risk associated with the chemical agent itself and also the act of administering that agent.

At a minimum, animals must be trained to facilitate their safe handling so that they can receive proper care without endangering themselves or their caretakers. Training may be subtle, such as teaching animals to exhibit normal behaviors on cue, or it may be intricate, such as teaching animals to perform feats beyond their usual repertoires.

I would like to relate a few examples of the minimal kind of training several types of exotics must receive. Any zoo that exhibits leopards or tigers must train the animals to retreat to a grotto and be confined while their quarters are cleaned. Likewise, polar bears and other bears must be trained to go into a holding area while their areas are inspected and cleaned. Otherwise, they would stalk their caretakers much as they stalk their prey. Rhinos, hippos and elephants need training for the same reason. Additionally, these animals don't walk the distances that they are accustomed to walking in the wild, so they require periodic foot care. These animals are trained either to permit their feet to be trimmed or to permit themselves to be restrained in a holding device so that the procedure may be performed in the safest way possible.

Animals are often trained to tolerate the minor pain of a needlestick for sampling and diagnostic purposes. In some cases, trainers are now training their elephants to present their ears for blood samples using daily conditioning routines. This is also common for marine mammals. Aquaria frequently train killer whales to beach themselves on a ramp for treatment and handling for brief periods of time or for collection of blood, urine or semen.

Training animals for less natural behaviors can also improve their well-being, either directly or indirectly. Big cats in the circus are an excellent example. Cats in a circus situation are trained to come into the ring and perform. Their schedules are very regular and they are acclimated to a wide range of noises and distractions. Curiously, despite the close confinement in which they are kept, female tigers in a performance setting can breed and raise young more successfully than tigers in a zoo. The circus tiger might have a litter of cubs and raise and nurse them even while she is performing daily and being moved frequently. In a zoo, the same animal would have a litter of kittens and if disturbed at all, even by the noise of a nearby garbage truck, might kill all the kittens and eat them. For this reason, litters produced in zoos are often hand-reared. This illustrates that confinement of species in a restrictive way is not necessarily bad. These animals reproduce, provided that they are given daily tasks to do.

The training of animals for use in film also resulted in a breakthrough for giraffes held in captivity. Historically, approximately 60 percent of the giraffes anesthetized for handling died due to aspiration of the contents of their rumens. The solution to this problem was developed by a well-known animal trainer, Don McLennan, during the production of the film *Dr. Doolittle*. The film script called for Dr. Doolittle to ride a giraffe. Don trained the giraffe to be ridden by first designing a large, strong crate and training the giraffe with food rewards to walk into it and be confined. Next, Don worked around the animal and touched it while it stood in the stall and ate. Eventually he mounted and dismounted the giraffe while it was still confined in the stall. Finally, the giraffe was released while he was mounted. For safety, he was hooked to a harness which was attached to a boom, which followed the giraffe around as he rode it. This training led to the creation of a process which is routine with zoos that house giraffes today. They use a similar device and method to train their giraffes into the crate. Once the animal is trained, a belly strap may be added for support and then the animal can be safely anesthetized in the crate for any necessary procedures. As a result, giraffes are no longer commonly lost to anesthesia.

Deer are an example of animals that under certain circumstances require confinement to assure their safety and well-being. Members of the deer family, including white and black tailed deer, moose and elk are extremely skittish. Chasing animals in an enclosure and then darting them with an anesthetic agent results in a high mortality rate, which is unacceptable. They are best handled by being trained to walk through a series of enclosures into a dark confinement chamber which produces akinesis, or an almost "frozen" state. Anesthesia can then follow without danger to the animal, which can save its life.

For example, I have repaired a fractured leg on an antelope and then confined the animal in a small dark crate where the animal cannot turn around or flip over backwards. The crate environment calms the animals and prevents its injury. The animal should remain crated until the fracture heals. Although an uninformed observer may think that the crate is less humane than keeping the animal in a grassy paddock to recover, in fact, the animal would destroy its cast or even kill itself if given any degree of freedom.

The questions of pain and stress are also key considerations in evaluating the humane handling of animals. It is essential to first recognize that all handling involves some degree of pain or stress. Causing stress that is medically justifiable to preserve or restore the health of an animal, is appropriate and acceptable. Examples include numerous major and minor diagnostic and medical procedures such as the induction of analgesia or anesthesia, injection of medications, blood sampling, testing for disease, surgery, assisting in birth and many others.

The veterinarian in the field who is responsible for animal's health and well-being

must be the individual who decides whether a medical procedure is necessary. Often, the decision to proceed with a certain course of medical treatment must be made on-site and with very short notice if the treatment is to be effective and humane.

Facilities where animals are held or displayed are another area of major concern. The greatest challenge involves persuading management to improve facilities beyond minimum standards. The priority of most institutions is to assure their continuing existence by attracting visitors so that the facility generates its operating budget. Often, especially when funds are tight, this results in a reluctance to develop or upgrade certain facilities, especially those that are outside the public eye, because they may be considered superfluous.

As an example, one of the zoos I worked with had a group of endangered goats that were reproducing in grassy paddocks. The area became infected with lungworm, a parasite which does not affect the adults but resulted in the death of some of the kids due to pneumonia. Daring these animals in order to treat them would have been extremely dangerous and several would have died. Instead, I designed a system of gates to move them without human contact onto a concrete pad where they could be safely treated. The pad could then be washed down to prevent re-contamination. The project was rejected due to budget constraints. Instead, money was put into other visitor areas in the hopes that they would generate additional revenue to eventually fund animal health-related projects.

Clearly, Congress is interested in examining these issues within the context of the Animal Welfare Act. It is my personal opinion, and the policy of the AVMA, that the Animal Welfare Act presently provides adequate coverage for animals used for exhibition purpose. The Act could be applied to its fullest extent by inspectors who are well trained, knowledgeable and experienced.

The Animal Welfare Act, in its present form, has the power to be used however an inspector needs to use it. In my mind, the critical factor in enforcement is the training of the inspector and how that training can contribute to the best interest of the animals. Inexperienced inspectors will begin by looking for the things that they readily understand -- standards that may be readily measured and basic husbandry factors that are readily assessed. An example of this is the inspector who concentrates on minor deficiencies in cage size or small variations in water quality to the exclusion of less quantifiable but more important factors that may have a greater effect on the well-being of the animal.

Inspectors actually receive the bulk of their training -- and become better inspectors -- through their interactions with the animal keepers. It is the institutions themselves that usually train the inspectors as an informal part of the inspection process. This relationship benefits the institution, the animals and the

inspectors. Each gains from a cooperative working partnership that results in better care for the animals. Each zoo or circus becomes a learning process in and of itself and in turn improves the inspector's ability to assess other exhibition environments.

No one individual or group of experts has the ability to write a comprehensive set of guidelines that cover the vast spectrum of potential problems that may arise when animals (domestic or exotic) are confined for exhibition and training. The art of anticipating the behavioral and physical needs of each species and every individual animal within a species, and how to humanely care for and train all individual animals, is one which must develop with the experience of the many people performing that art. Knowledge of specific techniques of animal care and training evolves and legislators must be careful not to pass restrictive laws that will hinder this development.

Although I understand that the purpose of today's hearing is a general examination of the issue, I would like to offer some comments on the Exhibition Animal Protection Act because I feel that it would be valuable for the committee to understand some of the problems inherent in this kind of legislation.

The legislation is based on the assertion that *no laws exist which establish standards to sufficiently govern the appropriate and humane uses, training and other handling, and other disposition of exhibition animals* and that *no laws exist which require that all animals used for exhibition purposes be provided with a physical environment adequate to promote their psychological and physical well-being*. Aside from disputing the general basis of this assertion, I believe that it would be impossible, impractical and unwise to promulgate definitive standards to cover all contingencies associated with all uses, training, handling and disposition of all species used for exhibition purposes. Moreover, present knowledge is inadequate to assess the psychological well-being of many species of animals, let alone to promote it. Research must be directed in this area if we are to make intelligent decisions.

From a medical and humane perspective, several provisions within the bill are counterproductive. I would like to address these individually. One provision prohibits anything that might injure or kill an animal. This provision would effectively prevent necessary anesthesia and surgery, euthanasia of an accidentally injured, severely suffering animal, slaughtering of farm livestock that was once trained to perform, killing an animal with a highly contagious or zoonotic disease and euthanasia of animal for which no home or financial support could be found. For example, I have been called upon to euthanize an elephant that contracted human tuberculosis and had 50-60 pounds of infectious abscesses. This disease is easily transmitted to other elephants as well as to people and cannot be easily treated. In circumstances such as these, to protect both animal and human health,

the veterinarian should be able to euthanize animals based on his or her professional judgment.

The prohibition on behavioral stress would also exclude breeding of animals, keeping animals from breeding, maintaining the animals in social groups, keeping the animals individually, confining animals for necessary medical treatments. If a law prohibited pain, it might be illegal to give an injection of an antibiotic or a vitamin, draw a diagnostic blood sample, trim toe nails, or drive a frightened or hysterical animal out of a burning barn.

If it were illegal to withhold food or water, it would be illegal to fast an animal prior to general anesthesia and surgery to prevent its regurgitating and accidentally aspirating its stomach contents. If it became illegal to deprive an animal of an environment that provided for its normal psychological and physical well being, predatory species would need prey to kill, animals that were ill or injured could not be confined in restrictive treatment crates and no confinement for shipping would be allowed.

AVMA believes that the current system of federal oversight, coupled with voluntary programs such as professional codes of conduct and the American Humane Association's excellent program to protect animals in film, provides the best framework for protecting animals used for exhibition purposes. I believe that we must collectively invest in the current system and make it work before we may accurately assess its adequacy. To burden an already overloaded APHIS with new responsibilities, without the requisite funding, will assure failure. Rather than expend our collective efforts to expand the current legislative authority, let us join our efforts to dedicate adequate resources to enforcement of the current Act and to support the research that will enable us to make wise decisions in this area in the future.

I would be pleased to respond to any questions you may have.

**Testimony of Sydney J. Butler, Executive Director
American Association of Zoological Parks and Aquariums**

Mr. Chairman and distinguished members of the subcommittee, thank you for the opportunity to testify before you today. I am Sydney Butler, Executive Director of the American Association of Zoological Parks and Aquariums (AAZPA). AAZPA represents 162 accredited zoological parks and aquariums and almost 6,000 individual members. The highest priority of the association is conservation, which AAZPA and its member institutions pursue through species survival plans, habitat protection, animal rescue and rehabilitation, and education programs.

Species Survival Plans

Current estimates suggest that from one to five million species of animals and plants could become extinct in the next few decades, primarily due to habitat destruction. For those species threatened with extinction, a world renowned program of genetic management is being administered by the AAZPA and 144 participating AAZPA institutions. This Species Survival Plan (SSP) program originated in 1981 to secure the survival of at least some of the most vulnerable and significant endangered species through captive breeding. Each SSP program allows a number of institutions to manage individual animals collectively as one large population. The goal of many SSPs is to someday reestablish self-sustaining populations in their former ranges, and through research, to develop methodologies and technologies that can assist in field conservation efforts.

At the present time there are SSPs for 62 species, and we hope to cover 200 species by the year 2000. Following AAZPA's lead, similar programs are being organized in Europe, Japan, Australia/New Zealand, Brazil, India, Southeast Asia and Africa. Many SSP programs have opted to manage their species for a 100-200 year period. By that time, it is conceivable that human populations will stabilize and new technologies will allow for the partial or complete restoration of certain habitats.

We can already count among our captive breeding successes animals such as the Asiatic wild horse, Pere David's deer, black-footed ferret, red wolf, Arabian oryx, Bali mynah and California condor. All would be extinct today without successful captive breeding programs. AAZPA member institutions are developing a strategic collection planning process to select species based on their conservation, educational and research value.

The SSP program is expensive. Zoo and aquarium professionals spent over 50,000 hours and an estimated 2.5 million dollars in 1991 on SSP management alone. This total does not take into account other animal care expenses such as food, medicine and daily care.

Habitat Protection

AAZPA's commitment to conservation does not stop with the SSP program. AAZPA and its members realize that SSPs alone cannot save highly endangered species from extinction. Captive breeding programs must be implemented as part of a more holistic effort to preserve species in their natural habitats. In 1990-1991, 69 AAZPA institutions initiated or supported 388 conservation and scientific projects in 63 nations worldwide. The New York Zoological Society

alone, through Wildlife Conservation International (WCI), spends about \$4 million annually on international conservation efforts.

AAZPA institutions sponsor field research and conservation programs in almost every major taxonomic group - from sponges to elephants. For example, the Minnesota Zoo adopted a national park on the island of Java in Indonesia to protect habitat for the highly endangered Javan rhino. The zoo provides financial assistance to purchase equipment for rangers and make improvements to park facilities. Similarly, the National Zoo here in Washington is heavily involved in the Golden lion tamarin reintroduction program in Brazil.

Animal Rescue

In addition to the SSP and international conservation efforts, many AAZPA members participate in the Marine Mammal Stranding Network, a voluntary, regional rescue network for stranded marine mammals coordinated by the National Marine Fisheries Service. An average of 1,400 pinnipeds and 600 cetaceans are reported annually as stranded on the coasts of the United States. Efforts to save these animals and generate scientific knowledge are almost exclusively due to the dedication of the institutions and individuals of the Stranding Network who receive no payment for their efforts. One Stranding Network and AAZPA member, Sea World, spent 3.4 million dollars over the last five years rescuing 2,728 animals (includes birds and other animals as well as cetaceans). Of those animals, 1,307 were rehabilitated and 1,080 were released.

The New England Aquarium currently responds to approximately 500 strandings each year, including mass strandings of 30-90 pilot whales. The aquarium provides rescue and rehabilitation services, and has returned 5 pilot

whales to their habitat. It has also assisted more than 50 seals of 5 different species, and has returned 20 to the wild. Direct costs of these efforts are estimated to be \$100,000 per year, in addition to thousands of hours of trained volunteer help.

There are many other examples of rescue efforts, including a west coast sea otter rescue and care program designed to rehabilitate and return abandoned pups and sick and injured adults to their natural environment. AAZPA members also participate in a sea turtle salvage and stranding network to rehabilitate sick and injured turtles, collect and record valuable data, and protect hatchling sea turtles. Finally, many zoos and aquariums aid in the rescue and rehabilitation of other wildlife, including migratory birds, raptors and other avian species.

AAZPA supports the Marine Mammal Health and Stranding Response Act (H.R. 3486) which was reported out of the Merchant Marine and Fisheries Committee last week. This bill would provide for effective coordinated response to strandings and catastrophic events involving marine mammals, and establish a tissue bank and central data base for a better understanding of the causes of marine mammal strandings.

Education

AAZPA also fulfills its commitment to conservation through education - both at home and overseas.

At home, zoological parks and aquariums serve as learning centers for the 105 million people who visit our facilities every year. An estimated 10 million schoolchildren visit AAZPA zoos and aquariums annually as part of their school

year curriculum, and 13 million adults and children take part in formal and informal education programs. Each year, 35,000 teachers are given in-service training by zoos and aquariums. AAZPA institutions spend an estimated \$27 million on formal and informal educational programs, including special tours for senior citizens and disabled persons.

AAZPA accredited zoos and aquariums conduct international training programs for zoologists and wildlife managers, support local education programs, and provide for fellowships, internships, and student grants. They also donate their time, materials and equipment to conservation education projects in developing countries. In 1990-1991, AAZPA member institutions initiated or supported 45 educational programs in 24 nations worldwide.

AAZPA Accreditation Program

AAZPA monitors the activities of its members through an accreditation program. One of the foremost objectives of the AAZPA is to maintain high professional standards and to influence continuing growth of superior zoological parks and aquariums. In developing and updating our accreditation program, AAZPA is especially concerned with the need for high standards of animal management and husbandry. This objective is paramount in the maintenance and care of living collections; good conscience permits no higher priority. The Accreditation Commission also accords special attention to how these living collections are used.

The accreditation process provides an opportunity for the applicant institution to undertake a rigorous self-examination including a two to three-day on-site inspection by a visiting committee of professionals with expertise in the

zoological field. Accreditation certifies that an institution is currently meeting standards established by the Association and is based upon the informed judgment of experienced individuals within the profession. Zoological parks and aquariums must qualify for accreditation at least once every five years. Facilities may be inspected during the five year period if suspected problems are presented to the AAZPA.

AAZPA Code of Professional Ethics

Both institutional and individual members are bound by the AAZPA Code of Professional Ethics. Our Ethics Code was developed by the profession and is the standard by which we measure proper conduct.

The AAZPA Ethics Board, composed of 5 professional fellow members of AAZPA elected by the voting membership, is responsible for developing and maintaining the Code, as well as investigating formal written complaints of violations of the Code or initiating investigations on its own. Anyone can bring an ethics charge against an AAZPA institution. Based on the results of these investigations, the Ethics Board makes recommendations for appropriate action to the Board of Directors.

The Code includes obligations of professional ethics and mandatory standards. Deviation by a member from the Code of Professional Ethics is considered unethical conduct and the member becomes subject to investigation by the Ethics Board of AAZPA and, if warranted, to disciplinary action by the AAZPA Board of Directors.

An example of a recent issue involving ethics concerns of AAZPA members is the disposition of surplus animals. Zoos and aquariums are breeding more species than ever before due to the advancement of reproductive technology and improved husbandry techniques. In fact, almost 90% of the mammals and 70% of the birds currently exhibited in North America are captive-born. While this has aided in long-term preservation of species, it has raised an ethical dilemma - a growing number of surplus animals.

Zoological facilities must face the problem of animals which are diseased, abnormal, aged or those for which there are too many of one sex, age or genetic line - the animals that would have been lost in a wild population through predation, disease or other natural misfortune. AAZPA has developed guidelines for its members regarding the disposition of surplus animals and recommends that its institutional members also develop a written policy for dealing with non-AAZPA member recipients of animals. The manner of disposition of living specimens should be in the best interest of the specimens, the species, the zoological facility and the public it serves.

The members of AAZPA are required by the Code of Professional Ethics to "make every effort to ensure that surplus animals do not fall into the hands of individuals not qualified to care for them properly." The placing of animals on sale at an exotic animal auction which is attended by the general public has been determined to be a direct violation of the AAZPA Code of Professional Ethics. AAZPA also strongly opposes the disposal of exotic wildlife to organizations or individuals for the purpose of hunting.

It should be noted that there are thousands of exotic animals on farms and ranches in North America that did not originate in zoos. Nearly 1,500 exhibitors are licensed by the Animal and Plant Health Inspection Service, but only 162 of those licensed exhibitors are AAZPA-accredited members.

We are refining and revising our disposition and ethics guidelines based on the professional expertise of our membership. For example, last spring AAZPA and Georgia Tech University convened a conference to consider ethical issues facing the Species Survival Plan. Funded by a grant from the National Science Foundation, the conference brought together nearly 50 experts in animal welfare, wildlife conservation and management, environmental ethics, and zoo biology to discuss ethics surrounding captive breeding, display design, surplus animals, behavioral enrichment and other relevant topics. Much progress was made and the results will be published by the American Association for the Advancement of Science.

The Animal Welfare Act

AAZPA and its member institutions carefully adhere to the relevant statutes and regulations that apply to their facilities. For example, zoological facilities are regulated by the federal government according to the Animal Welfare Act, though most AAZPA facilities already exceed the standards developed under the law.

The Animal Welfare Act (AWA) was enacted in 1966 to regulate the use of animals for research facilities, for exhibition purposes and for pets to ensure they are provided with humane care and treatment. The AWA regulates aspects of transportation, purchase, sale, housing, care, handling and treatment of animals.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture administers the AWA and has established regulations for the physical well-being of marine mammals, non-human primates and other mammal species. Additionally, a federal district court has recently ordered APHIS to develop similar standards for rats, mice and birds.

Under the AWA, zoological parks and aquariums must be licensed as exhibitors by APHIS. The facility must be inspected at least twice annually to ensure it meets minimum standards covering humane handling, care and transportation of animals. APHIS regulations also establish specific space requirements for marine mammals and non-human primates. For all other mammals, the AWA regulations state that animal enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. AAZPA is, at the request of APHIS, developing space and care standards for other mammals. We expect to complete this effort soon. This past month, AAZPA was asked by APHIS for recommendations for standards on the maintenance of birds in captivity.

AAZPA has convened a Task Force to review the standards for marine mammals. The Task Force includes members from the AAZPA, the Alliance of Marine Mammal Parks and Aquariums, the Marine Mammal Coalition, the International Marine Animal Trainers Association and the International Association for Aquatic Animal Medicine -- all experts in the care and maintenance of marine mammals in captivity. The Task Force's recommendations will be submitted to APHIS later this year.

APHIS has also developed standards for the psychological well-being of non-human primates. We understand that animal welfare organizations are advocating the development of standards for other mammal species. We do not believe these regulations would achieve any protections not presently provided. It took six years to develop the non-human primate standards and, it is our opinion that the standards are only marginally better than those which existed previously, and are well below standards already developed by AAZPA facilities. AAZPA members are encouraged to ascribe to those higher standards.

While AAZPA is working with APHIS to investigate and improve regulations if needed, AAZPA does not believe that new legislation is needed to further regulate zoos and aquariums. APHIS has full authority under the Animal Welfare Act to address minimum standards, and AAZPA institutions have their own standards, which are in most cases more stringent than the legal minimums. We do believe that APHIS requires increased financial support to administer all its responsibilities. During 1989 alone, APHIS conducted 11,056 inspections of dealers, research facilities, exhibitors and carriers. It is important to us that APHIS have sufficient funds to conduct inspections as required by the AWA, as well as to continue to train inspectors and to revise existing regulations as required.

In summary, we believe that AAZPA-accredited zoological parks and aquariums are making a vital contribution to the protection of wildlife through our species survival plans, habitat protection and animal rescue efforts, and our domestic and international educational programs. We also believe that, while additional funds are needed for APHIS to carry out its responsibilities, existing laws are sufficient to provide protection for the wildlife under our organizations' care.

Mr. Chairman, I would be pleased to provide the members of the committee with more detailed information on any of our programs, or to arrange a visit to one of our member institutions.

Thank you again for the opportunity to testify today.



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**Statement in Support of
Increased Protection for Animals in Exhibitions
Through Specific Legislation and Ongoing Congressional Oversight
Aimed at Securing Rigorous Enforcement of Standards by APHIS-REAC**

Submitted to the House Committee on Agriculture Subcommittee on
Department Operations, Research, and Foreign Agriculture
July 8, 1992

by Lucille Kaplan, Legal Counsel to PETA's
Research and Investigations Department

Many Americans, among them PETA's 350,000 members, look forward to a day when pleasure will no longer be taken in the infliction of indignity upon animals who never chose to become 'performers' or living 'specimens.' All of these Americans, and countless others who may not yet embrace this vision, still share a commitment to ensuring that so long as animals continue to be exhibited as curiosities, and to be worked in entertainment settings, they be handled humanely and be afforded safe, clean, and non-punitive environments by their exhibitors.

In October of 1989, REAC expanded implementation of the Animal Welfare Act's minimum requirements for the humane handling of exhibited animals to all species of animals covered by the Act. USDA's previous regulation governing humane handling in contexts other than transportation had been codified inappropriately in the section of the Animal Welfare Act regulations that applied only to species other than dogs, cats, guinea pigs, hamsters, rabbits, primates and marine mammals. 9 C.F.R. 2.131, the new handling regulation, remedied this shortfall, and amplified the protections intended by the Animal Welfare Act for exhibited animals. It did so, however, in theory only.

Since 9 C.F.R. 2.131 was implemented, REAC's record on protecting animals in exhibitions from inhumane handling has reflected an almost cynical disregard for its duties to the public, to Congress, and to the animals. In the course of referring reports of mistreated exhibited animals to REAC for action, PETA's Research and Investigations Department has steadily encountered not only simple refusals to act on requests

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At-Large Japanese Snow Monkeys : prolonged failure to enforce,
 resulting in exposure of
 public to severe health hazard

Our case studies also include an account of approximately fifteen Japanese snow monkeys who escaped the confines of a small private zoo in Missouri two and a half years ago. REAC was initially called into the matter by a local Health Department, which feared that at-large macaques could spread zoonotic diseases to the surrounding community. In the period from February 14, 1990 to March 18 of this year, REAC inspectors visited the exhibitor in question at least five times, on most of which occasions Animal Welfare Act violations signified by the exhibitor's continued failure to contain and shelter the monkeys were noted on inspection reports.

Throughout this period, no enforcement action was ever taken, and no attempt was made by REAC to suspend the exhibitor's license. Ultimately, the Missouri Health Department was forced to shut the zoo down in order to focus the exhibitor on recapturing the monkeys. One of the first monkeys caught and killed tested positive for simian herpes, a disease communicable to humans, and considered to be potentially fatal.

"Terrible Ted" : implausible regulatory interpretation

The sad travels of "Terrible Ted," a 'wrestling' bear, are also recounted in our written submittal. In late 1990, after newspaper reports surfaced of injuries experienced by bar patrons who had done combat with "Terrible Ted," REAC began an investigation into whether the bear's exhibitor had violated 9 C.F.R. 2.131, which explicitly addresses exhibitions in which animals are placed in direct physical contact with humans. Two years earlier, the bear's exhibitor had been charged criminally with animal cruelty and animal baiting during a 'wrestling' stint in a Greensboro, North Carolina bar.

In July, 1991, REAC Sector Supervisor Dr. Joseph Walker recommended serious enforcement action and the assessment of monetary penalties against the exhibitor for violations of the handling regulation in question. In August, 1991, however, REAC Headquarters summarily overrode this recommendation on the asserted grounds that while the applicable regulation requires the positioning of barriers between performing animals and the "general viewing public," it does not apply to exhibitions in which members of the public do not merely view performing animals, but actually participate in the exhibition.

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It did not matter to REAC Headquarters that the result of this nonsensical interpretation of the regulation was to afford humans and animals less protection in situations involving direct physical contact than in situations involving no physical contact, or that the same regulation also specifically requires that bears (and other dangerous animals) exhibited publicly always be maintained under the direct control of a handler. It also has not fazed REAC that "Terrible Ted's" exhibitor continues to be charged with animal cruelty when he takes his act 'on the road,' as he was in February of this year in Illinois, and that there is a growing trend in state legislatures to outlaw bear 'wrestling' specifically, as an activity that is inherently cruel and dangerous.

REAC's dispositions of cases like the ones analyzed in PETA's written testimony cannot be justified on the grounds of insufficient funding to execute regulatory enforcement. In these cases, substantial REAC resources were, in fact, devoted not only to the conduct of repeated and ineffectual site inspections, but to the preparation of investigative reports and written public defenses of REAC's ultimate decisions to take no action. Early correction of violations involved in these cases, and suspension of exhibit operations in appropriate cases, would have spared REAC the administrative costs associated with keeping noncompliant operators on the exhibitors' rolls, such as the costs arising from

- o inappropriate license and license renewal reviews
- o follow-up inspections required by noncompliance findings and inspections in response to public complaints
- o time spent in intra-agency dispute resolution when Sector officials and REAC Headquarter officials disagreed
- o time spent by REAC personnel asked to account to animal protection organizations, members of the general public, and members of Congress justifiably dissatisfied with REAC's inaction

Arguments that REAC is hampered by insufficient funding are further discredited by APHIS's own record of failing to seek appropriations that Congress itself feels are necessary. In its 1992 budget request to Congress, APHIS estimated 1991 costs of

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Animal Welfare Act enforcement to be \$9,688,000. APHIS nonetheless requested a reduction by \$357,000 in its Animal Welfare Act enforcement budget for 1992. The House bill, Senate bill, and Conference agreements on Agriculture appropriations all rejected the proposed reduction, and provided for Animal Welfare Act enforcement funding in 1992 at the 1991 level. The House Report on the 1992 Agriculture Appropriations bill, moreover, stated that the House "expected" that resources spent, in recent years, on developing new Animal Welfare Act regulations would, in 1992, be "redirected . . . into more and better enforcement."

In its 1993 budget request to Congress, APHIS again requested a reduction in its budget for Animal Welfare Act enforcement, which prompted Representative McHugh, during appropriations hearings on March 19, 1992, to inquire of APHIS Administrator Melland what APHIS could do if its funding level for Animal Welfare Act enforcement were maintained at 1992 levels, rather than reduced. Mr. Melland replied "APHIS would be able to hire, train, and otherwise support four inspectors. This would allow inspection of an additional 312 to 371 sites per fiscal year." The House Appropriations Committee proceeded to reject Mr. Melland's request for a reduction, and recommended that Animal Welfare Act enforcement funding for 1993 remain at the level appropriated for 1992.

What is plainly needed in REAC is increased integrity and accountability in the execution of its duties under the Animal Welfare Act. It is unlikely, however, that anything short of legislation and ongoing legislative oversight could transform REAC into an entity that fully accepts its obligations to the caring public and to the animals used in the settings regulated by the Animal Welfare Act.

With regard to animals in exhibitions, specifically overdue are legislative provisions that would

- o place a limit on the duration for which exhibitors are permitted to operate in noncompliance without suffering enforcement action
- o direct REAC that it must act on probative circumstantial evidence of violations
- o prohibit specified exhibition formats that are so inherently harmful or dangerous to animals and/or the public that they are incapable of being conducted in accordance with humane handling requirements

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- o bring within the scope of the Animal Welfare Act exhibition formats, such as rodeos, previously exempted from the Act for reasons that fail to reflect the harm to animals that they inherently entail

Additional legislative provisions that would help to resolve perceived ambiguities on which REAC has historically relied to defend inaction with regard to exhibitors would be provisions that

- o declare unequivocally that humane handling requirements apply to trainers who supply animals for performances, even if such trainers, themselves, do not independently exhibit these animals
- o declare unequivocally that farm-breed animals exhibited for any purpose other than to promote food, fiber or fur production are protected by humane handling requirements

Finally, PETA would support any legislation that will direct REAC, through appropriate rulemaking, to devise housing, husbandry, and transportation standards that, for the first time, would take into account the unique needs of animals who, as 'performers,' travel and experience venue changes constantly, or as 'specimens,' spend the entirety of their lives in confined and unchanging settings. Among such new provisions should be requirements for regular exercise and environmental enrichment, which the Animal Welfare Act currently applies only to dogs and primates, respectively.

(Attachments follow:)



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APHIS-REAC TREATMENT OF COMPLAINT REGARDING "MR. JIGGS"

**(Case study submitted for the record at July 8, 1992
hearing before House Agriculture Committee Subcommittee
on Department Operations, Research, and Foreign
Agriculture on the use of animals in exhibitions)**

In March of 1992, People for the Ethical Treatment of Animals (PETA) received a letter from a PETA member (copy attached hereto) together with a photocopy of an article published in the March, 1992 edition of National Geographic (relevant excerpts attached hereto) in which a description of the animal act in which "Mr. Jiggs," a chimpanzee used by USDA-licensed exhibitor Ronald Winters (Lic. No. 93C428), is provided. According to the article, "Mr. Jiggs" is actually a female chimpanzee who was imported into the U.S. from the Congo 27 years ago, when she was one year of age.

The article includes a large photograph of "Mr. Jiggs" in a reception or night club setting, the caption of which states that "Mr. Jiggs" has been trained to "kiss hands," "cadge alcoholic drinks," and circulate among crowds on roller skates. The chimp is dressed in a ruffled tuxedo shirt and slacks held up by suspenders, conveying the caricature of an obese human male.

Ronald Winters, the licensed exhibitor who trains and works "Mr. Jiggs," is reported in the article to have developed a small radio-controlled unit that delivers electric shocks to the chimp when she "misbehaves." Although the shock device is described as being strapped to the chimp's back during the performance referred to in the National Geographic article, Winters asserts, in the article, that he no longer has to use the electric shock device on "Mr. Jiggs." The article also details how, in order to prevent the chimp from biting, Winters has had her front teeth removed and clamps her molars shut before performances.

On March 12, 1992, a PETA caseworker wrote to Dr. Valencia Colleton, APHIS-REAC's Northeast Sector Supervisor, requesting that an inspector be sent to the location in New Jersey listed in then available licensing documents for Winters, in order to determine whether the manner in which the chimp is controlled, and/or conditions in which the chimp is maintained, violate Animal Welfare Act regulations. (Copy of March 12, 1992 letter of complaint attached hereto.) The letter explicitly referred to Winters's

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electric shock device and his practice of clamping the chimp's molars shut.

Because exhibitor Winters had recently relocated to California, a response to PETA's March 12, 1992 complaint was ultimately received from Dr. Homer Malaby, Jr., an Animal Care Specialist for APHIS-REAC's Western Sector. (Copy of Dr. Malaby's May 21, 1992 reply attached hereto) Dr. Malaby's letter reported that an inspector had indeed "confirmed that Mr. Winters does have a shocking device, and does clamp the molars shut during shows." Dr. Malaby further reported that "Mr. Winters has two control units and demonstrated one." His letter indicated no attempt by REAC to inquire into the inconsistency between Winters's claim that he no longer applies electric shock to the chimp, and the fact that as recently as the time when "Mr. Jiggs" was observed by a National Geographic reporter, she was wearing a shock device on her back. Finally, Dr. Malaby's letter actually stated that "Agency policy currently prohibits the use of electrical shock to train or handle primates . . ."

Despite the noted findings, REAC's failure to resolve the suspicious inconsistency between Winters's public claims and "Mr. Jiggs's" continued wear of the electric shock device, and REAC's own internal policy against the use of electric shock on primates, APHIS-REAC declined to cite Winters for any violation of 9 C.F.R. 2.131, which governs the training and working of exhibit animals. In addition, REAC failed altogether to address the legality of clamping a nonhuman primate's jaw shut during performances. Instead, Dr. Malaby closed by saying that REAC would "continue to monitor this situation to ensure that the animal is handled in such a way as to preclude unnecessary stress or discomfort to the animal."

REAC also failed to evaluate the conditions in which the chimp is maintained, as requested by PETA's case worker, concluding instead that "Jiggs has complete freedom, except at night when she

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is confined to her bedroom and bathroom area." No reference was made in Dr. Malaby's letter to the specific housing and environmental enrichment requirements for nonhuman primates set forth in Animal Welfare Act regulations appearing at 9 C.F.R. Part D.

In his May 21, 1992 letter, Dr. Malaby defended REAC's inaction in this case, in part, by arguing that since Winters had not performed since arriving in California, and since Winters did not inflict electric shock on the chimp during his demonstration of the shock devices during the recent REAC inspection, there was "no way to evaluate whether or not either of these procedures are used in such a way to cause discomfort or stress to the animal." Dr. Malaby also attempted to bolster REAC's refusal to act with the irrelevant observation that the chimp did not react to noise during the demonstration in which she was not inflicted any shocks. In essence, REAC argued that if REAC officials themselves did not 'catch' an exhibitor 'in the act' of committing a violation, it was powerless to take remedial action.

The alternative defense of REAC's inaction expressed in Dr. Malaby's astonishing letter of May 21 was that REAC could not be sure that the infliction of electric shock and clamping of molars actually caused "discomfort or stress" to an animal, this despite the REAC policy explicitly prohibiting the use of electric shock to control nonhuman primates.

Casting aside its own policy, REAC even went so far, in the Malaby letter, to state that Winters might well be affirmatively authorized by REAC to inflict electric shock on the chimp if only Winters applied to REAC for "permission to do so."

This almost farcical disposition of a serious and substantiated complaint flies in the face of existing regulations, and is a testament to the lengths to which REAC will go in order to avoid its duty to enforce the Animal Welfare Act.

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According to procedures for the conduct of USDA enforcement proceedings set forth at 7 C.F.R. 1.133(a)(1),

Any interested person desiring to submit information regarding an apparent violation of any provision of a statute listed in Sec. 1.131 of this subpart [includes Animal Welfare Act] or of any regulation, standard, instruction, or order issued pursuant thereto, may file the information with the Administrator of the agency administering the statute involved in accordance with this section and any applicable statutory or regulation provisions. Such information may be made the basis of any appropriate proceeding covered by the rules in this subpart, or any other appropriate proceeding authorized by the particular statute or the regulations promulgated thereunder. [Emphasis supplied]

7 C.F.R. 1.133(b)(1), in turn, provides that

[i]f there is reason to believe that a person has violated or is violating any provision of a statute listed in Sec. 1.131 or of any regulation, standard, instruction or order issued pursuant thereto, whether based upon information furnished under paragraph (a) of this section [furnished by "any interested person"] or other information, a complaint may be filed with the Hearing Clerk pursuant to these rules. [Emphasis supplied]

Together, these procedural provisions establish beyond question that eyewitness observations by REAC officers of violations in progress are not a necessary predicate for REAC enforcement action, and that the observations of any member of the public interested in animal protection, and/or the existence of evidence providing a basis for reasonable belief that a violation has been committed, which necessarily includes probative circumstantial evidence, are

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legitimate bases for enforcement action. REAC's reliance on its failure to observe "Mr. Jiggs" being inflicted electric shock, in the face of the presence of two electric shock devices on the premises of her exhibitor, was therefore entirely indefensible as a basis for inaction. REAC's silence on the practice of jaw clamping was, moreover, not even defended.

In addition, Dr. Malaby's erosion of REAC's policy against the use of electric shock on nonhuman primates made a mockery of USDA's regulation on the handling of exhibited animals. Specifically, 9 C.F.R. 2.131(a)(1) provides that "[h]andling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort." 9 C.F.R. 2.131(a)(2)(i) further provides that "[p]hysical abuse shall not be used to train, work, or otherwise handle animals." Finally, 9 C.F.R. 2.131(b)(4)(c)(1), provides that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being."

If these regulations together do not protect performing animals against the infliction of inherently stressful, and even potentially dangerous electric shock, then they mean nothing. Even if REAC did not implement a policy directive banning the use of electric shock on performing nonhuman primates, the cited regulations would, if read honestly, necessarily already do so. There simply is no plausible case to be made that only certain forms of electric shock are stressful or uncomfortable. REAC's failure at least to warn exhibitor Winters to discontinue any and all use of electric shock devices therefore constituted a serious departure from duties prescribed by the Animal Welfare Act.

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Kissing hands and sipping alcoholic drinks, 28-year-old Mr. Jiggs roller-skates through a New Jersey audience. Like many captive chimps, Jiggs has been transformed by training into an artificial human.

Actually a female, Jiggs came to the U. S. as a one-year-old from the Congo and was raised by owner Ron Winters like a child.

"I used child psychology," he says. "Lots of love and discipline."

Winters developed a small radio-controlled unit, still strapped on Jiggs's back, to deliver electric shocks when she "misbehaved."

"I never have to use it anymore," he says. "She's happy and good because she's never in a cage."

To guard against biting, he had her front teeth removed, and before shows he clamps her molars shut.

Mr?

Dear PETA,

K

Thank you for the magazine.
I have only read part of it, so far.

Could you look at the March 1992
National Geographic, pp 8-9.
There is a picture of a chimpanzee.
The caption says:

Ronald Winters " ... Jiggs ... was raised by owner
24 Arch St. ← Ron Winters like a child.
Ramsey, NJ Winters developed a small radio-controlled
07446 unit ... to deliver electric shocks ...
) To guard against biting, he had her
Exhibitors front teeth removed, and before shows
license # he clamps her molars shut.
22 C006

Some people might question raising a child by
using electric shocks!
This chimp, "an artificial human", is shown in
New Jersey, in the 2-page photo.

Should anything be done? (I just looked through
the magazine and see "Berosini's Las Vegas act." on pp
38-39, haven't read all yet).

National Geographic puzzles me by their treatment
of various issues; I suppose on this issue they're
only "reporting the news." Anyway, perhaps you
could find a knowledgeable person to write them.

Sincerely
Bill Baker

PETAPEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
P.O. BOX 42516
WASHINGTON DC
20015-0516
(301) 770 - PETA
FAX (301) 770 - 8966

March 12, 1992

Dr. Valencia Colleton, DVM
Sector Supervisor, Animal Care
Northeast Sector
USDA, APHIS, REAC
2568-A Riva Road, Suite 302
Annapolis, MD 21401

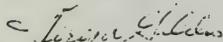
Dear Dr. Colleton,

We recently received the enclosed complaint about Ronald Winters, who holds USDA Exhibitor's license number 22C006 and is licensed at 124 Arch Street, Ramsey, NJ 07446. We share our member's concern about the methods used to control this chimpanzee.

I am requesting that a USDA inspector visit Ronald Winters's facility to determine if there are any violations of the Animal Welfare Act occurring on an on-going basis there, as well as to ascertain if the Act is being violated by Winters when he clamps the animal's molar teeth shut during shows and delivers electric shocks to her through the use of a radio-controlled unit strapped to the chimpanzee's back.

I look forward to hearing from you about this matter, and thank you for your time and assistance.

Sincerely,

Teresa Gibbs
Caseworker



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Regulatory
Enforcement
and Animal
Care

Western Sector
9580 Micron Avenue
Suite E
Sacramento, CA 95827-2623.

May 21, 1992

Teresa Gibbs
PETA
P.O. Box 42516
Washington, DC 20015

Dear Ms. Gibbs:

I am answering your letter of March 12, 1992, to Dr. Colleton, as Mr. Winters has moved to California and is currently licensed in this Sector, License Number 93-C-428.

Our inspector has confirmed that Mr. Winters does have a shocking device, and does clamp the molars shut during shows. Mr. Winters has not performed since his arrival in California so we have no way to evaluate whether or not either of these procedures are used in such a way to cause discomfort or stress to the animal. Agency policy currently prohibits the use of electrical shock to train or handle primates, so Mr. Winters, if he wishes to use this device, will have to request permission to do so.

On one visit our inspector and her immediate supervisor were able to observe Jiggs and talk with Mr. Winters. They both observed that Jiggs appeared to be completely comfortable with her situation there. At Mr. Winters residence, Jiggs has complete freedom, except at night when she is confined to her bedroom and bathroom area. Jiggs is never caged. Mr. Winters has two control units and demonstrated one. Although the control unit makes a noise when activated, Jiggs did not show the least concern. This was not actually being used to shock at the time.

We will continue to monitor this situation to ensure that the animal is handled in such a way as to preclude unnecessary stress or discomfort to the animal.

If you have any further questions please feel free to contact our office. Our telephone number is (916) 551-1561.

Sincerely,

Homer E. Malaby, Jr.
Homer E. Malaby, Jr., DVM
Animal Care Specialist
Animal Care, Western Sector



APHIS-Protecting American Agriculture



PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
P.O. BOX 42516
WASHINGTON DC
20015-0516
(301) 770 - PETA
FAX (301) 770 - 8969

**APHIS-REAC TREATMENT OF COMPLAINT REGARDING ESCAPED SNOW MONKEYS
AT "WILDERNESS SAFARI"**

(Case study submitted for the record at July 8, 1992 hearing before House Agriculture Committee Subcommittee on Department Operations, Research, and Foreign Agriculture on the use of animals in exhibitions)

On February 14, 1990, REAC responded to a complaint by the Branson, Missouri Health Department concerning Japanese snow monkeys seen roaming outside the perimeter of an operation called Wilderness Safari, run by USDA-licensed exhibitor Reid Enterprises, Inc. (Lic. No. 43C008). According to the REAC inspection report for that date (copy attached hereto), the Health Department's main concern was the possible spread of parasitic disease by the monkeys to humans and to animals outside of the exhibit.

The February 14, 1990 REAC inspection report stated that exhibit personnel admitted that approximately fifteen escaped snow macaques were indeed roving freely inside and outside of Wilderness Safari, but that the exhibitor would begin to capture the monkeys and enclose them. The inspection report did not cite Wilderness Safari for any violations, though the then effective version of Animal Welfare Act regulations at 9 C.F.R. 3.75(a) plainly required that "[i]ndoor and outdoor housing facilities for nonhuman primates shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals" [emphasis supplied], while other regulations contained in Part D of 9 C.F.R. required measures for the protection of primates from extremes of temperature and the elements.

More than a year later, escaped monkeys were still roaming outside of the boundaries of Wilderness Safari. During a REAC inspection conducted on February 19, 1991, REAC veterinarian J.L. Mott reported that the "free-roaming monkeys" had overturned a trash container. Dr. Mott cited Wilderness Safari not, however, for any violation of the fundamental requirement that animals on exhibit be contained and protected, but, instead, for a "housekeeping" violation associated with the overturning of trash. (Copy of February 19, 1992 inspection report attached hereto) Dr. Mott made no reference to the agreement of the prior year under which Wilderness Safari had pledged to capture the primates, and

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imposed no directive on the exhibitor that capture efforts be renewed.

Finally, five months later, or seventeen months after REAC first noted the escape of monkeys from Wilderness Safari, REAC cited Wilderness Safari for failure to control and supervise the free-roaming monkeys, referring to 9 C.F.R. 3.77, a portion of which requires that primates either be separated from the viewing public by barriers, or be maintained under the direct control and supervision of experienced trainers, if displayed to the public in an uncaged exhibit. Wilderness Safari was given until August 6, 1991 to correct this violation. (Copy of July 10, 1991 REAC inspection report attached hereto)

No serious attempt, however, was made by REAC to enforce the August 6 deadline, for the next REAC inspection of Wilderness Safari took place on November 13, 1991. (Copy of November 13, 1991 REAC inspection report attached hereto) Moreover, while the November 13 inspection report mentioned many areas of new non-compliance, and referred to corrections of select past non-compliance, the report made no mention whatsoever of the status of the escaped monkeys. In fact, Dr. Mott actually supplied the word "None" next to the query "Noncompliant items seen on 7-10-91 which are still not corrected as of this date." (Among the violations noted on this report as new non-compliances were the complete absence of a written program of veterinary care, and a written program for the environmental enrichment of primates, respectively required by 9 C.F.R. Subpart D and 9 C.F.R. 3.81.)

It soon became clear, however, that Wilderness Safari had never captured the escaped snow monkeys. On December 9, 1991, when Dr. Mott next visited Wilderness Safari, the oversight of November 13 (and associated failure to enforce the directive of July 10, 1991), were acknowledged. (Copy of December 9, 1991 inspection report attached hereto) Dr. Mott noted on December 19 that "[n]umerous primates which escaped captivity in the past are still at large. A continued effort to trap and capture these monkeys is required." No deadline for compliance was set, and no consequences were established for the exhibitor's brash and prolonged non-compliance.

It should therefore be no surprise that when Dr. Mott returned to Wilderness Safari on March 18, 1992, Dr. Mott found that "[m]onkeys are noted roaming at large. They are not contained by the park and they are not protected from the public (nor is the public protected from them)."

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Thus, well over two years after REAC first received the Branson Health Department complaint about roaming monkeys, and after at least five separate premise inspections during which REAC was repeatedly exposed to the existence of the violation, REAC had taken no enforcement action against Wilderness Safari and had allowed the exhibitor to operate uninterrupted under its USDA exhibitor's license. This course of action most definitely perpetuated a serious public safety, public health, and animal welfare problem, which local officials have ultimately been compelled to resolve themselves.

According to a report in the May 16, 1992 Belleville News-Democrat (copy attached hereto) the Missouri Health Department recently ordered Wilderness Safari closed to the public until monkeys can be caught and tested for simian herpes, a disease potentially fatal to humans. The news report stated that at least one of the Wilderness Safari monkeys had already tested positive for the disease, and that any additional monkeys testing positive for simian herpes will be killed.

49. ALL COMMENTS AND FINDINGS (Refer to applicable item by number and give ALL item numbers for items not in compliance. Specify each corrective measure that must be taken for compliance. If more space is needed, attach additional sheets)

A complaint from The Branson Mo. health department concerning primates roaming free outside the wilderness safari park prompted this investigation. The complaint involved the possibility of the primates hosting external parasites causing or spreading a skin disease to other animals and/or people outside the park. Wilderness safari indicated to me that they have approximately 15 Japanese snow macaques, renegade monkeys that sometimes move in and out of the park over or under the perimeter fencing.

There was only one specific incident related to me pertaining to this complaint. The incident was related to me by Dr Stevens, DVM of Hollister, Mo and involved a lion cub and its owner, living close by the park boundary. The cub owner developed a skin problem, which he claimed he contracted from the lion cub. (Dr Stevens had treated the cub for a skin disorder). The cub owner believed that the cub contracted the skin problem from a primate which had been in the owners yard. Dr Stevens also indicated to me that the cub had been with other animals, including dogs, outside the park, and he could not determine from where the cub contracted the skin problem. A wilderness safari veterinarian arrived during this investigation. I asked the veterinarian to examine some "renegade" monkeys that had recently been caught. After examining the monkeys the veterinarian related to me that they (the monkeys) were free of any external parasites and skin disorders. After discussing the AC standards and the need for containing the primates, with wilderness safari owners, they agreed to start capturing the renegade primates and place them in suitable areas in the park where they would be contained.

PREPARED BY: <u>Paul E Spaulman</u>	DATE: <u>2/15/90</u>	BY: <u>AUTOTA, MO</u>
-------------------------------------	----------------------	-----------------------

56. COMMENTS OR INSTRUCTIONS BY REVIEWER (Include corrective action taken on deficiencies at last inspection)

57. REVIEWED BY (Signature): <u>Paul Sabal</u>	58. TITLE: <u>APS</u>	59. DATE: <u>2/22/8</u>
--	-----------------------	-------------------------

49. RECOMMENDATIONS (Refer to applicable item by number and give section numbers for items not in compliance, specify each corrective measure that must be taken for compliance. If more space is needed, attach additional sheets)

I. On this re-inspection the following items are corrected:

16. Storage of food & bedding 3.75 (primates) & 3.125 (other)

A vermin proof and water-proof container with a snug-fitting lid has been provided for routine use in the monkey house. Gasoline is no longer seen stored in the same area as feed is stored.

22 Interior surfaces 3.76 The diet kitchen walls have been repaired so that wallboard and fiberglass are not in the cage area and they may be sanitized.

31. Space requirements 3.78 New enclosures are completed.

II. Items noted as non-compliant on inspection of 1-23-91 which are in the process of correction:

26. Shelter from cold weather 3.127

40. Veterinary care 3.134 (hyena & frostbitten brahma)

III. Newly found non-compliant items

36. Housekeeping 3.81 The free-ranging monkeys have overturned a trash container near the snack bar. The premises are to remain free of trash/litter. Correction shall be made by 3-1-91.

40. Veterinary care 3.134 Outdated drugs are being stored in the same area as current drugs. A proper "housecleaning" of your veterinary pharmacy will include the removal and/or identification of older medicines (so that they may be used prior to expiration) and the segregation of topical drugs, internal drugs, (potentially toxic) antiseptics, etc. from one another. Correct by 2-28-91.

IV. Non-compliant items from 1-23-91 which are still non-compl.

37. Pest control 3.81 and 3.131 The presence of mouse feces in the monkey house and the presence of many mice in your veterinary pharmacy indicate an inadequate level of pest control.

30. PREPARED BY (Signature)

J.L. Mott, D.V.M.

31. DATE

2-19-91

32. OFFICIAL STATION

SPRINGFIELD, MO

33. COPY OF INSPECTION REPORT RECEIVED (Signature)

Pat Bailey

34. TITLE

Secretary

35. DATE

2/19/91

36. COMMENTS OR INSTRUCTIONS BY REVIEWER (Include corrective action taken on deficiencies at last inspection)

37. REVIEWED BY (Signature)

Paul R. Jordan

38. TITLE

ACS

39. DATE

3-4-91

ATIONS (Refer to applicable item by number and give section numbers for items not in compliance; specify each corrective measure that must be taken for compliance. If more space is needed, attach additional sheets) JUL 13 1991

(continued) diet kitchen). Correct by 7-24-91
 Category IV. Items not in compliance on last inspection which have still not been corrected:

37 Pest Control 3.131 The continued presence of mouse droppings in the monkey night house indicates an inadequate level of pest control (and a continued lack of regular and effective cleaning). The control of flies, odors and disease hazards is also compromised by the continued presence of rodents and vermin in your facility.

Many improvements are noted today in the general husbandry and housing of many of the non-human primates. Other improvements are in progress (such as the facilities for the big cats) which show promise of greater efficiency of maintenance as well as an improved visibility (and appreciation level) for the public. Efforts made to correct non-compliant items will add to the overall experience for your visitors, although they may not realize all the work needed. Continued non-compliance in the mentioned areas should receive your priority attention and will be monitored by USDA.
 your progress

If help or interpretation is needed please contact us at
 Dr. Mott
 P.O. Box 4284
 SPRINGFIELD MO 65804
 message (202) 389-0225
 USDA APHIS REAC
 South Central Sector Office
 P.O. Box 6258
 Fort Worth TX 76115
 (817) 885-6923

50. PREPARED BY (Signature) J.L. Mott, D.V.M.	51. DATE 7-10-91	52. OFFICIAL STATION SPRINGFIELD MO
53. COPY OF INSPECTION REPORT RECEIVED (Signature) Pat Bailey	54. TITLE Secretary	55. DATE 7/10/91
56. COMMENTS OR INSTRUCTIONS BY REVIEWER (Include corrective action taken on deficiencies at last inspection)		

57. REVIEWED BY (Signature) David Sabal	58. TITLE ACS	59. DATE 7/19/91
--	------------------	---------------------

7-1

NOV 16 1991

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
INSPECTION OF ANIMAL FACILITIES, SITES OR PREMISES

1. TYPE ("X" one) EXHIBITOR LICENSED DEALER HOLDING FACILITY
 REGISTERED RESEARCH FACILITY REGISTERED RESEARCH SITE
 OTHER (Specify) RE-INSPECTION

2. LICENSE NO. OR REGISTRATION NO. 43 C 008

3. DATE OF THIS INSPECTION 11-13-91

4. DATE OF LAST INSPECTION 7-10-91

5. PAGE 1001

6. TIME 13:00

7. TIME 13:30

8. NAME AND MAILING ADDRESS OF RESEARCH FACILITY, SITE, ZOO, CIRCUS, DEALER OR OTHER
REID ENTERPRISES, INC. DBA WILDERNESS SAFARI
HCR 8 BOX 260
BRANSON MO 65616

9. LOCATION OR ADDRESS OF PREMISES AT TIME OF THIS INSPECTION (If different from Item 8)
TANEY COUNTY

10. NAME AND ADDRESS OF VETERINARIAN FOR FACILITY, SITE OR PREMISE
DR. BARDEN

11. HAS A PROGRAM OF VETERINARY MEDICAL CARE AND EUTHANASIA BEEN PLANNED WITH REGISTRANT'S OR LICENSEE'S CONSULTING VETERINARIAN, AND WRITTEN PLANS SUBMITTED TO THE USDA VETERINARIAN IN CHARGE?
 Yes No (If "NO", give reason)

12. NO. DOGS AND CATS LISTED ON VS FORM 18-5 THIS DATE

13. NO. ANIMALS INSPECTED THIS DATE

DOGS A B C
CATS D E
PRIMATES F G
GUINEA PIGS H I
MANIFESTS J K
RABBITS L M
CAPTIVE WILD ANIMALS (Specify)
EXOTIC HOOFSTOCK (PIGS) GOATS, ETC.

STANDARDS - "X" if adequate; CIRCLE if deficient (explain in Item 49); NA if not applicable. NS = NOT SEEN

FACILITIES	GENERAL	INDOOR								OUTDOOR								PRIMARY ENCLOSURES								ANIMAL HEALTH AND HUSBANDRY								TRANSPORTATION			
		14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45				
	14. Structural Strength	X	3.1	3.75	3.25	3.25	3.50	3.101																													
	15. Water and electric power	X	3.1	3.5	3.25	3.25	3.50	3.101																													
	16. Storage of food & bedding	X	3.1	3.5	3.25	3.25	3.50	3.101																													
	17. Waste disposal	3.1	3.1	3.5	3.25	3.25	3.50	3.101																													
	18. Washrooms and sinks	X	3.1	3.5	3.25	3.25	3.50	3.101																													
	19. Heating and temperature	X	3.2	3.6	3.26	3.26	3.51	3.102																													
	20. Ventilation	X	3.2	3.6	3.26	3.26	3.51	3.102																													
	21. Lighting	X	3.2	3.6	3.26	3.26	3.51	3.102																													
	22. Interior surfaces	X	3.2	3.76	3.26	3.26	3.51	3.101																													
	23. Drainage	X	3.2	3.6			3.101																														
	24. Shelter from sunlight	X	3.3	3.7	3.27		3.52	3.103																													
	25. Shelter from rain or snow	X	3.3	3.7	3.27		3.52	3.103																													
	26. Shelter from cold weather	3.3	3.3	3.7	3.27		3.52	3.103																													
	27. Drainage	X	3.3	3.77	3.27		3.52	3.103																													
	28. General requirements	X	3.4	3.8	3.28	3.28	3.53	3.104																													
	29. Protection from predators	X	3.4	3.8			3.52																														
	30. Additional requirements		3.4				3.52	3.104																													
	31. Space requirements	X	3.4	3.8	3.28	3.28	3.53	3.104																													
	32. Feeding	X	3.5	3.9	3.29	3.29	3.54	3.105																													
	33. Watering	X	3.6	3.80	3.30	3.30	3.55	3.106																													
	34. Sanitation	X	3.7	3.9	3.31	3.31	3.56	3.107																													
	35. Cleaning	3.7	3.7	3.81	3.31	3.31	3.56	3.107																													
	36. Housekeeping	X	3.7	3.9	3.31	3.31	3.56	3.107																													
	37. Pest Control	X	3.7	3.9	3.31	3.31	3.56	3.107																													
	38. Employees	X	3.8	3.9	3.32	3.32	3.57	3.108																													
	39. Classification & Separation	X	3.9	3.9	3.33	3.33	3.58	3.109																													
	40. Veterinary Care	3.9	3.10	3.6	3.34	3.34	3.59	3.110																													
	41. Handling	NS	NS					3.111																													
	42. Vehicles	NS	3.13	NS	3.37	3.37	3.62	3.114																													
	43. Transport Enclosures	3.2	3.12	3.86	3.36	3.36	3.63	3.117																													
	44. Food and Water	3.4	3.14	3.88	3.38	3.38	3.63	3.118																													
	45. Care in transit	X	3.15	3.9	3.39	3.39	3.64	3.116																													

COMPLIANCE WITH REGULATIONS YES NO EXPLAIN IF "NO"

46. Is identification of animals being conducted in compliance with Section 2.90 of the regulations? X

47. Are records being kept in the manner prescribed in Sections 2.73 and 2.74 of the regulations? (RECORDS) NOT AVAILABLE - U.S. FISH & WILDLIFE MA.

48. Are dogs and cats being held the number of days required in Section 2.101 of the regulations?

RECOMMENDATIONS (Refer to applicable item by number and sub-section numbers for items not in compliance; specify each corrective measure that is taken for compliance. If more space is needed, attach additional sheets)

On this re-inspection the following items are noted.

I. Items corrected since last inspection (7-10-91)

33. Watering (primates) 3.83 No outdoor water containers are noted today.

36. Housekeeping (primates) 3.84 - Monkey night house has been cleaned.

36. Housekeeping (diet kitchen) - The trash has been removed.

II. Items being corrected or under a letter of extension: none

III. Newly non-compliant items:

14. Structural strength 3.75 The night house for the monkeys has several enclosures with loose wires even after welded repair. Remove unneeded (balancing) wires and firmly attach and support loose wires and metal mesh by 12-13-91.

17. Waste disposal 3.1 The hyena feces and wasted feed are accumulating to an excessive level and shall be removed by 11-20-91 and regularly thereafter.

22. Interior surfaces 3.76 The expanded metal used for vertical portions of the night house enclosures has become excessively rusted. Clean, replace or resurface by 12-13-91.

26. Shelter from cold weather 3.3 The hyena (Finky Cole) needs shelter from cold weather, including but not limited to, bedding and a weather break for his night house. Correct by 11-20-91. Proper protection will permit him to also remain clean and dry in spite of precipitation and will additionally protect his food from elements.

27. Drainage 3.77 The chimp (Mike) cage has improper drainage. Correct by 11-20-91.

35. Cleaning 3.7 and 3.81 - The enclosures (hyena & non-human primates) with an accumulation of animal feces, coat greases and wasted feed shall be cleaned and sanitized by 11-20-91.

A written program of veterinary care is required and a written program of enrichment is required for all non-human primates.

IV. ~~Items~~ Non-compliant items seen on 7-10-91 which are still

31. PREPARED BY (Signature)	31. DATE	32. OFFICIAL STATION
J.L. Matt D.V.M.	11-13-91	SPRINGFIELD MO
33. COPY OF INSPECTION REPORT RECEIVED (Signature)	34. TITLE	35. DATE
Pat Bailey	SECRETARY	11/13/91

36. COMMENTS OR INSTRUCTIONS BY REVIEWER (Include corrective action taken on deficiencies at last inspection)

not corrected as of this date: NONE - However, note that many of the water receptacles for primates are not suitable are torn, chewed or otherwise unacceptable on this inspection and require replacement for correction. Hard rubber water bowls which may be used for livestock or poultry are not readily cleaned, are not sanitizable and shall not be deemed suitable for non-human primate use.

37. REVIEWED BY (Signature)	38. TITLE	39. DATE
Pat Bailey	D.V.M. ACS	11-20-91

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

ANIMAL CARE INSPECTION REPORT

Routine Reinspection Pre-license Attempted Other

1. NAME AND MAILING ADDRESS OF LICENSEE OR REGISTRAR
KEID ENTERPRISES INC DBA WILDFARMS SAFARI HCR 8 BOX 260 BRANTON MO 65616

2. LICENSE NO. OR REGISTRATION NO.
43 C 008

3. DATE OF INSPECTION
12-9-91

4. TIME
12:30

5. DATE OF LAST INSPECTION
11-13-91

6. TIME
13:00

7. ADDRESS OF PREMISES AT TIME OF INSPECTION (if different than item 1)
SAFARI ROAD TANEY COUNTY

STANDARDS AND REGULATIONS	D O G S	C A T S	G U I N E A P I G S	H A M S T E R S	R A B B I T S	P R I M A T E S	M A M M A L S	B I R D S	R E P T I L I A N S	A M P H I B I A N S	A R T H R O P O D S	NO. OF ANIMALS INSPECTED	
												A	B
	100% HYGIENIC	100% CATS										60	500 ±

X If in compliance, CIRCLE Non-compliant items (explain on APHIS FORM 7100, Continuation Sheet; NA if not applicable; NS if not seen.

FACILITIES	GENERAL	INDOOR	SHELTERED	OUTDOOR	MIXED	PRIMARY ENCLOSEMENTS	ANIMAL HEALTH AND HUSBANDRY	TRANSPORTATION	SCORE	
									1	2
	10. Structure and Construction	X	X						3.25	3.25
	11. Condition and Site	X	X						3.50	3.101
	12. Surfaces & Cleaning	X	X						3.25	3.101
	13. Utilities/Washrooms/Storage	X	X						3.25	3.101
	14. Drainage and Waste Disposal	X	X						3.25	3.101
	15. Temperature/Ventilation/Lighting	NA	NA						3.26	3.51
	16. Interior Surfaces	3.2	3.2						3.26	3.51
	17. Drainage								3.26	3.51
	18. Temperature/Ventilation/Lighting	NA	NA							
	19. Shelter from elements	3.3	3.3							
	20. Surfaces	3.3	3.3							
	21. Capacity/Perimeter fence/Barrier									
	22. Restrictions or Acclimation	X	X						3.27	3.27
	23. Shelter from elements	X	X						3.27	3.52
	24. Drainage	X	X						3.27	3.52
	25. Construction	X	X						3.27	3.52
	26. Capacity/Perimeter fence/Barrier	NA	NA							
	27. Temperature/Ventilation/Lighting	NA	NA							
	28. Public Barrier	NA	NA							
	29. General Requirements	X	X						3.28	3.28
	30. Space & Additional Requirements	X	X						3.28	3.28
	31. Protection from Predators	X	X						3.25	3.25
	32. Exercise and Socialization	X	X							
	33. Environment Enhancement	X	X							
	34. Feeding	X	X						3.29	3.29
	35. Watering	3.4	3.4						3.30	3.30
	36. Cleaning and Sanitation	3.4	3.4						3.31	3.31
	37. Housekeeping and Pest Control	3.4	3.4						3.31	3.31
	38. Employees	3.4	3.4						3.32	3.32
	39. Social Grouping and Separation	3.4	3.4						3.33	3.33
	40. Primary Enclosure	3.4	3.4						3.36	3.36
	41. Primary Conveyance	3.4	3.4						3.36	3.36
	42. Food and Water	3.4	3.4						3.38	3.38
	43. Care in Transit	3.4	3.4						3.39	3.39
	44. Handling during Transportation	3.4	3.4						3.41	3.41

45. Identification - 2.38 & 2.50

46. Records **NOT AVAILABLE TODAY** 2.101

47. Handling - 2.38, 2.131, 3.111, & 3.135 **NS**

48. Veterinary Care - 2.33, 2.40, & 3.110 **NA**

49. IAQC - 2.31 **NA**

50. Personnel Qualifications - 2.32

51. Other items? **YES - see continuation sheet** **NO**

52. PREPARED BY (Signature and title)
J.L. Mott, D.V.M.

53. DATE
12-9-91

54. COPY RECEIVED BY (Signature and title)
David Calton

55. DATE
12/9/91

56. REVIEWED BY (Signature and title)
David Calton ACS

57. DATE
12/10/91

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CONTINUATION SHEET FOR ANIMAL CARE INSPECTION REPORT (S)

(APHIS FORMS 7004 and 7008)

1. LICENSEE OR REGISTRANT AND NUMBER REID ENTERPRISES/WILDFERESS SAFARI	2. LIC. OR REG. NO. 43 C 008	3. DATE 12-9-91	4. PAGE 2 of 2
5. LOCATION OR SITE HCR 9 Box 260 BRANSON MO 65616		6. WAYBILL NUMBER AND DATE (if applicable) NA	

7. NARRATIVE: I. Non-compliant item(s) previously identified that have been corrected; II. Non-compliant item(s) previously identified for which time remains for correction; III. Non-compliant item(s) identified this inspection; IV. Non-compliant item(s) previously identified that have not been corrected:

- ~~I. Items~~ ~~corrected~~ ~~within~~ ~~extension~~ ~~time~~ ~~and~~ ~~in~~ ~~compliance~~ ~~today.~~ (References numbers pertain to inspection sheet of 11-13-91)
17. Waste disposal for monkey rear entry gate, is corrected.
26. Shelter from bad weather - 3 Hyenas, have shelters available maintain adequate clean and dry bedding.
27. Manure - 3 ITT Mike's enclosure is being squeezed daily for removal of excessive water.
- II. Items being corrected with time remaining for extension.
14. Structural strength 3.75 - The monkey night house has been repaired (welded) in about 80% of the needed areas. Some loose, sharp or extraneous wires are still noted present.
22. Interior surfaces 3.76 - Expanded metal still shows excessive rust and nesting boards are still in need of cleaning and waterproofing but the correction date of 12-13-91 has not been passed.
35. Cleaning 3.11 and 3.84 - The hyena enclosure has been cleaned. Primate enclosure still must be cleaned and sanitized.
- A written program of veterinary care is required. This program was discussed today with the consulting D.V.M. Dr. Keith Borden. A written program for psychological enrichment for the primates is required signed also by the consulting veterinarian.
33. Watering 3.83 - This item was in the process of being corrected during this inspection. Hard black rubber water containers with tears, chewed and worn spots are not suitable for water. Containers for non-human primates, and are just easily cleaned or sanitized. They are being replaced with metal water receptacles.
- III. Newly non-compliant items - none.
- IV. Non-compliant items which are still not corrected: (Note that no category II items were listed on 11-13-91, but that was in error. Numerous primates which escaped captivity in the past are still at large. A continued effort to trap and capture these monkeys is required.) listed today as 3.81.

8. PREPARED BY (Signature) J.C. Mott D.V.M.	9. TITLE VETERINARY MEDICAL OFFICER	10. DATE 12-9-91
11. COPY RECEIVED BY (Signature) Annette Latta	12. TITLE Supervisor	13. DATE 12-9-91
14. REVIEWED BY (Signature) David Salch	15. TITLE ACS	16. DATE 12/16/91

APHIS FORM 7100
(AUG 91)

PART 1 - SECTOR OFFICE

U.S. GPO: 1981-O-526-375/02-02

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE **MAR 23 1992**

ANIMAL CARE INSPECTION REPORT

Routine Reinspection Pre-inspection Attempted Other

1. LICENSE NO OR REGISTRATION NO: **43 C 008**
 2. PAGE: **1** OF **5**
 3. DATE OF INSPECTION: **3-18-92** **12:45**
 4. TIME: **12:45**
 5. DATE OF LAST INSPECTION: **12-4-91**
 6. TIME: **12:30**

NAME AND MAILING ADDRESS OF LICENSEE OR REGISTRANT: **RELD ENTERPRISES INC DBA WILDERNESS SAFARI**
HCR # Box 260 ON SAFARI ROAD BRADON TANEY COUNTY
BRADON MO 65616

STANDARDS AND REGULATIONS	D O C S	C A T S	P I G S	H A M S T E R S	R A B B I T S	P R I M A T E S	M A M M A L S	O T H E R	LIVE STOCK
		WOLVES, BEARS, CANIS, DIESTERIC CATS							EXOTIC BEEF STOCK, GOATS, BUNGOES
3. NO. OF ANIMALS INSPECTED	2	36			2		65		65

X if in compliance; CIRCLE Non-compliant items (explain on APHIS FORM 7100, Continuation Sheet); NA if not applicable; NS if not seen.

FACILITIES	GENERAL	INDOOR		SHELTERED		OUTDOOR		MOBILE		PRIMARY ENCL. SURE	ANIMAL HEALTH AND HUSBANDRY	FACILITY						
		10	11	12	13	14	15	16	17				18	19	20	21	22	23	24	25	26	27	28
	10. Structure and Construction	X	X	3.25	3.25	(3.90)	(3.75)	3.101	X	X								
	11. Condition and Site	X	X				(3.75)	3.101	X	X								
	12. Surfaces & Cleaning	X	(3.1)				(3.75)	3.101	X	X								
	13. Utilities/Washrooms/Storage	X	X	3.25	3.25	NS	(3.75)	3.101	X	X								
	14. Drainage and Waste Disposal	X	X	3.25	3.25	(3.50)	(3.75)	3.101	3.125	(3.125)								
	15. Temperature/Ventilation/Lighting	NA	NA	3.26	3.26	NA	(3.76)	3.102	NA	NA								
	16. Interior Surfaces	X	X	3.26	3.26	3.41		3.101										
	17. Drainage	X	X					3.101			OK = LHM							
	18. Temperature/Ventilation/Lighting	X	X				(3.77)			NA								
	19. Shelter from elements	X	X					X										
	20. Surfaces	X	(3.3)					X										
	21. Capacity/Perimeter fence/Barrier							X										
	22. Restrictions or Acclimation			3.27	3.27			3.103										
	23. Shelter from elements	(3.4)	(3.4)	3.27		(3.52)		3.103	X	(3.127)								
	24. Drainage			3.27				X		(3.127)								
	25. Construction	X	X	3.27			(3.78)	3.101										
	26. Capacity/Perimeter fence/Barrier							3.101	X	X								
	27. Temperature/Ventilation/Lighting	NA	NA				NA	X		NA								
	28. Public Barrier							X										
	29. General Requirements	X	X	3.28	3.28	(3.53)	(3.80)	3.104	X	X								
	30. Space & Additional Requirements	(3.6)	X	3.28	3.28	(3.53)	(3.80)	3.104	X	X	(3.123)							
	31. Protection from Predators	X	X	3.25	3.25	X		3.101	X	X								
	32. Exercise and Socialization	3.8	X															
	33. Environment Enhancement						(3.73)	XLM										
	34. Feeding	NS	X	3.29	3.29	X	(3.82)	3.105	X	X								
	35. Watering	X	(3.10)	3.30	3.30	X		3.106	X	X								
	36. Cleaning and Sanitation	X	X	3.31	3.31	(3.56)	(3.84)	3.107	X	X	(3.131)							
	37. Housekeeping and Pest Control	X	X	3.31	3.31	(3.56)	(3.78)	3.107	X	X								
	38. Employees	X	X	3.32	3.32	X		3.108	X	X								
	39. Social Grouping and Separation	X	X	3.33	3.33	X		3.109	X	X								
	40. Primary Enclosure	NS	NS	3.36	3.36	NS	NS	3.113	NS	NS								
	41. Primary Conveyance	3.15	3.15	3.37	3.37	3.82	3.88	3.114	3.38									
	42. Food and Water	3.16	3.16	3.38	3.38	3.83	3.89	3.115	3.39									
	43. Care in Transit	3.17	3.17	3.39	3.39	3.84	3.90	3.116	3.40									
	44. Handling during Transportation	3.19	3.19	3.41	3.41	3.85	3.92	3.118	3.42									

<input checked="" type="checkbox"/> Identification - 2.38 & 2.50	52. PREPARED BY (Signature and title): J.L. Matt D.V.M.	53. DATE: 3-18-92
<input checked="" type="checkbox"/> Records & Holding Period - 2.35, 2.75, 2.76, 2.77, & 2.38, 2.101	V.M.O.	
<input checked="" type="checkbox"/> Handling - 2.38, 2.131, 3.111, & 3.135		
<input checked="" type="checkbox"/> Veterinary Care - 2.33, 2.40, & 3.110	54. COPY RECEIVED BY (Signature and title): Cassette Carlton	55. DATE: 3-19-92
<input checked="" type="checkbox"/> IAUC - 2.31		
<input checked="" type="checkbox"/> Personal Qualifications - 2.32	56. REVIEWED BY (Signature and title): Edward J. ...	57. DATE: 3-24
51. Other items? YES (if yes, see continuation sheet) NO		

CONTINUATION SHEET FOR ANIMAL CARE INSPECTION REPORT (S)
(APHIS FORMS 7004 and 7008)

1. LICENSEE OR REGISTRANT AND NUMBER REID ENTERPRISES INC.	2. LIC. OR REG. NO. 43 C 008	3. DATE 3-18-92	4. PAGE 2 OF 5
5. LOCATION OR SITE BRANSON MO		6. WAYBILL NUMBER AND DATE (if applicable) TANEY COUNTY	

7. NARRATIVE: I. Non-compliant item(s) previously identified that have been corrected; II. Non-compliant item(s) previously identified for which time remains for correction; III. Non-compliant item(s) identified this inspection; IV. Non-compliant item(s) previously identified that have not been corrected.

This reinspection was hosted by Manager Annette Cotton with the assistance of staff members including Imbs, Cross and Abbott. The following items have noted:

- I - Corrected items*
- 10. Structure / construction 3.75. The flooring for the primate enclosures (Monkey night house) has been replaced, several new nesting boards are noted today and the cage welds are now complete.*
- 33. Watering 3.33. The rubber containers previously used for watering monkeys in diet kitchen have been replaced.*
- 36. Cleaning 3.11. The hyena pen has been cleaned. (No hyenas noted).*
- II Items still in the process of correction within correction dates OR according to a proposed extended correction schedule which has been authorized in writing from USDA, APHIS, etc. No items.*
- III Newly non-compliant items*

23. Shelter requirements 3.4. The timber well was only a windbreak no night nesting box. Provide adequate shelter by 5-25-92. Adequate floor space and additional requirements 3.6. Although measured amount of floor space was available to the well and bird hybrid, both show stereotypical pacing behavior associated with spatial restrictions. A plan for socialization or additional space for these two individual animals is addressed. No correction date is currently proposed and no structural modification is required, but these two exhibits should be carefully evaluated by your staff regarding the quality of the exhibiting the animals' quality of life.

12. Sanitary cleaning 3.1. Nesting boards and other surfaces in contact with exotic cats shall be maintained, cleaned and sanitized regularly and treated so that they are substantially impervious to the penetration of moisture. The nesting boxes, resting platforms and concrete floors shall be cleaned, sanitized and sealed for correction by 3-18-92. (See below)

20. Surfaces 3.3. Surfaces in contact with exotic cats shall be cleaned, sanitized and sealed for correction by 4-18-92.

23. Shelter from elements 3.4. Not all animals (exotic cats) have adequate shelter. Two African lions have no shade or protection from rain other than their nesting box. Correct by 4-18-92.

35. Watering 3.10. Water containers (big cats) must be clean and drinkable, free of rust and sanitized regularly. Correct by 3-22-92.

10. Structure and construction 3.50. The rabbit enclosures do not.

14. Drainage and waste disposal 3.50. Protect the rabbits from fecal injury.

8. PREPARED BY (Signature) J.L. Mett, D.V.M.	9. TITLE V.M.C.	10. DATE 3-18-92
11. COPY RECEIVED BY (Signature) Annette Cotton	12. TITLE manager	13. DATE 3/19/92
14. REVIEWED BY (Signature) David L. Abel	15. TITLE Animal Care Inspector	16. DATE 3/24/92

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CONTINUATION SHEET FOR ANIMAL CARE INSPECTION REPORT (S)

(APHIS FORMS 7004 and 7008)

1. LICENSEE OR REGISTRANT AND NUMBER REID ENTERPRISES INC.	2. LIC. OR REG. NO. 43 C 008	3. DATE 3-18-92	4. PAGE 3 OF 5
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5. LOCATION OR SITE BRANSON MO	6. WAYBILL NUMBER AND DATE (if applicable) TANEY COUNTY
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7. NARRATIVE: I. Non-compliant item(s) previously identified that have been corrected. II. Non-compliant item(s) previously identified for which time remains for correction. III. Non-compliant item(s) identified this inspection. IV. Non-compliant item(s) previously identified that have not been corrected.

- II. 10/14 (cont) 1. X2 floor mesh permits the rabbits feet to protrude through the mesh. An accumulation of rabbit feces indicates infrequent removal of waste. Correct by 3-29-92
23. Shelter for elements 3.52. Two of three solid nest boxes are not adequately to protect the rabbits from rain, snow, wind or excessively low temperatures. Access to shelter from sunlight is also required. Correct by providing nest boxes (night housing) by 3-25-92 and by providing shade and protection from inclement weather by 3-24-92
24. General requirements 3.53 (Also see above 3.50) The rabbit enclosures 30. Space & additional req. 3.53 shall be constructed so that the rabbits may remain dry and clean, so that their feet & legs are not exposed to mud (also see above - excessively large fiber mesh and so that suitable nest boxes are available. Correct by 3-29-92
31. Cleaning & sanitation 3.56. Accumulation of feces beneath the 37. Housekeeping & pest control 3.57. Rabbit enclosures indicates inadequate cleaning/waste removal and contributes to the problems associated with control of pests. Correct by 3-24-92. See above
10. Structure & construction 3.72. Enclosures for primates at the Night House are improved and repairs are needed, but fence is still an excessive level of rusty metal in contact with the monkeys. The primate building housing Tamarins shall be cleaned of body oils and dirt. Accumulations (3.75.c.1, 2 & 3) Supplies of food must be stored off the floor, to protect from frost water and pest contamination and to allow cleaning underneath and around such feed. Removal of animal and food wastes shall include disposal of debris, garbage, sewage and other materials so that contamination, odors and disease risks are minimized.
11. Damage & waste disposal (3.75.t) Spill include removal of excess water from the animal rooms (dirt kitchen, night house) and from the animal pens themselves. (Mike's pen drain is plugged again or still, and standing water in the pen is not adequately removed today). Correct (10-14) by 4-18-92
15. Temperature Ventilation lighting 3.77. Ventilation may be used to assist in the control of excessively high levels of humidity in the monkey night house and the dirt kitchen. Removal of excess water (by bogging, or repairing water leaks) is also advisable and may be required. Correct excess humidity by 4-4-92
25. Construction 3.79. Monkeys are still used at large, although

APR 17 11:11 AM '92

8. PREPARED BY (Signature) J.C. Mott, D.V.M.	9. TITLE V.M.O.	10. DATE 3-18-92
11. COPY RECEIVED BY (Signature) Annette Carlton	12. TITLE Manager	13. DATE 3/19/92
14. REVIEWED BY (Signature) David Soble	15. TITLE Inspector	16. DATE 3/21/92

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICECONTINUATION SHEET FOR ANIMAL CARE INSPECTION REPORT (S)
(APHIS FORMS 7004 AND 7008)

1. LICENSE OR REGISTRANT AND NUMBER REID ENTERPRISES, INC.	2. LIC. OR REG. NO. 43 C 008	3. DATE 3-18-92	4. PAGE 4 of 5
5. LOCATION OR SITE BRANSON MO	6. WAYBILL NUMBER AND DATE (if applicable) TANEY COUNTY		

7. NARRATIVE: I. Non-compliant item(s) previously identified that have been corrected; II. Non-compliant item(s) previously identified for which time remains for correction; III. Non-compliant item(s) identified this inspection; IV. Non-compliant item(s) previously identified that have not been corrected.

II 25 (cont) Current construction efforts appear adequate. (This is a category II item, chronically non-compliant, and is incorrectly listed here.)

29 General requirements 3.80. Primate enclosures must be constructed and maintained so that they ^{interior} remain clean & dry. Correct by 4-18-92

34 Feeding 3.82. Feed which has been contaminated by pests, or which is placed on contaminated resting boards (night house) (Nide in primate display building close to gift shop) is not wholesome. Feed correct feeding practices by 3-25-92. Wash & feed pellets, require lids

36 Cleaning and sanitation 3.84. Floors, bars and shelves (night house, ant. kitchen) shall be kept clean and replaced when worn. The walls of the primate enclosures (building next to gift shop) shall be cleaned and sanitized. Correct by 3-29-92

37 Housekeeping and pest control 3.85a. The accumulation of food waste and sewage adjacent to the diet kitchen indicates improper housekeeping procedures and allows a feeding, breeding and attractive resting area for pests, including flies, rodents and free-ranging animals (pepericks, house monkeys, quills, etc.). This is also noted to be an accumulation of material in the Vet room (pharmacy area) adjacent to the graffle barn. Correct by 3-29-92

14 Drainage & waste disposal 3.125. There is an excessive amount of mud and fecal material collected in the rhine pen. Attempts to remove this accumulation are recognized today, including a disabled truck for hauling away this material. Removal of this truck will not, however, correct the improper drainage or diversion of run-off water. A 90 day extension (till 6-18-92) is authorized verbally by Dr. S. Swartz of the Sector office.

24 Drainage 3.127 (see above) Correct improper drainage & waste disposal. As above by 6-18-92

14 Drainage and waste disposal 3.125. The pig enclosures in the pett, in zoo area, have an excessive level of mud and fecal material. Correct by 3-25-92

23 Shelter from elements 3.127. The pig enclosures (above) closer to the gift shop lack adequate shelter from inclement weather including shade protection. Two pens have no shade. Correct by 3-2

24 Drainage 3.127.c. Excess water from runoff, wasted water, etc. has resulted in excessive mud in 2 of the 4 pig pens. Correct drainage by 4-18-92.

8. PREPARED BY (Signature) J.L. Mott D.V.M.	9. TITLE V.M.O.	10. DATE 3-18-92
11. COPY RECEIVED BY (Signature) Annette Cattan	12. TITLE Manager	13. DATE 3/19/92
14. REVIEWED BY (Signature) David L. Swartz	15. TITLE David L. Swartz, D.V.M., Animal Care Specialist Sector Chief Veterinarian	16. DATE 3/24/92

APHIS FORM 7100
(AUG 91)

PART 1 - SECTOR OFFICE

© U.S. GPO: 1991-0-526-375/40242

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CONTINUATION SHEET FOR ANIMAL CARE INSPECTION REPORT (S)

(APHIS FORMS 7004 and 7008)

1. LICENSEE OR REGISTRANT AND NUMBER REID ENTERPRISES INC.	2. LIC. OR REG. NO. 43C008	3. DATE 3/8/92	4. PAGE 5 OF 5
5. LOCATION OR SITE BRANSON MO		6. WAYBILL NUMBER AND DATE (if applicable) TANEY COUNTY	

7. NARRATIVE: I. Non-compliant item(s) previously identified that have been corrected; II. Non-compliant item(s) previously identified for which time remains for correction; III. Non-compliant item(s) identified this inspection; IV. Non-compliant item(s) previously identified that have not been corrected.

30. Space & additional requirements: 3.125 Three of the four pig enclosures have space which is limited only to the trough shelter and an area which is a combination of mud and feces, which results in no space being available for other activities. Correct by 4/8/92.

36. Cleaning and sanitation 3.131a Animal wastes such as pig feces shall be removed from the enclosures to prevent contamination of the animals, to minimize disease hazards and to reduce odor. Correct by 3/25/92.

48. Veterinary care 2.40 Outdated containers with Neomycin, Anthelmintics, and euthanasia solution are noted in the vet room (pharmacy). Some dates include 1987 and 1999 expiration dates, which indicates inadequate control of the safety of medications. Vitamin injections which are stored without refrigeration are ineffective and may even expose animals to undesired contamination risk. Veterinary care includes professional advice, effective medication and trained personnel. Correct by (at least) consulting with your veterinarian, cleaning/organizing your pharmacy, and by training your employees in the proper handling of medicines. Correct by 4/18/92.

I. Items which were not in compliance on previous inspection (12/8/91) which are still not in compliance:

25. Construction 3.78

29. General requirements 3.805 Monkeys are noted roaming at large. They are not contained by the park and they are not protected from the public (not is the public protected from them).

36. Space & additional req. 3.80

33. Enclosure enhancement 3.81

8. PREPARED BY (Signature) J.C. Mott, D.V.M.	9. TITLE V.M.O.	10. DATE 3/8/92
11. COPY RECEIVED BY (Signature) Annette Colton	12. TITLE Manager	13. DATE 3/19/92
14. REVIEWED BY (Signature) David J. Babal	15. TITLE Inspector	16. DATE 3/24/92

MONKEYS IN MISSOURI - HORROR
HOW
Monkey illness closes park

Associated Press

BRANSON, Mo. — The Missouri Health Department has ordered a wilderness park in Branson closed to the public until 12 monkeys have been caught and tested for a disease that could be fatal to humans.

At least one Japanese snow macaque monkey roaming the 500-acre Wilderness Safari Park in

the Ozarks town has tested positive for simian herpes, said park manager Al Reed.

The disease can be transmitted only through a bite, Reed said, adding that the monkeys normally avoid people and no bites have been reported in the park

Any monkeys testing positive for the disease will be destroyed.

CONTACT



PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
P.O. BOX 42516
WASHINGTON DC
2 0 0 1 5 - 0 5 1 6
(301) 770 - PETA
FAX (301) 770 - 8969

APHIS-REAC TREATMENT OF COMPLAINT REGARDING "TERRIBLE TED"

(Case study submitted for the record at July 8, 1992 hearing before House Agriculture Committee Subcommittee on Department Operations, Research, and Foreign Agriculture on the use of animals in exhibitions)

On November 24, 1990, Fairdealing, Missouri bar patron Larry M. Suter was bitten and injured severely during a 'wrestling' match with "Terrible Ted," a Siberian Grizzly bear used by USDA-licensed exhibitor Richard Walker (License No. 57C106) in a traveling pub 'attraction.' According to a November 27, 1990 news report in the Daily American Republic (copy attached hereto), two of twenty individuals who brought Suter to a local hospital, presumably fellow bar patrons, were "intoxicated" and "belligerent," and attacked a Deputy Sheriff who attempted to take a witness statement from them at the hospital. These two were arrested for assault and resisting arrest, and one of them was also charged with carrying concealed weapons, specifically, a knife, brass knuckles, and a slapper. It is not clear whether these two, like Suter, had 'wrestled' "Terrible Ted," or whether either of them used or intended to use the weapons mentioned in the report against the bear. Suter himself required approximately 25 stitches at the site of his injury.

The November 27, 1990 Daily American Republic article also reported that on November 25, another individual bitten by "Terrible Ted" during a 'match' in the Fairdealing area sought medical treatment. A Deputy Sheriff interviewed about the November 25 incident stated that it was the latest bite victim's drunkenness that had emboldened him to take the bear on.

In 1988, the use of "Terrible Ted" in bear 'wrestling' had been the subject of a North Carolina criminal prosecution. According to a report that appeared in the November 17, 1988 edition of the newspaper High Point Enterprise (copy attached hereto), "Terrible Ted" was rescued and impounded on November 16, 1988 by local humane society officials during a 'show' at a tavern in Greensboro in which bar patrons were "invited to wrestle the bear in an attempt to win a \$100 prize." William Walker, Richard Walker's father, was charged with baiting an animal and with cruelty under applicable North Carolina statutes. The news article quoted the director of the county animal shelter where the bear was impounded as saying that the bear "was really uptight." The

Case Study: "Terrible Ted"
Submitted to House Agricultural Subcommittee
on Department Operations
July 8, 1992
Page - 2

shelter director described "Terrible Ted's" regular transport enclosure as a "converted horse trailer."

While criminal charges against his exhibitor were pending, "Terrible Ted" was housed at the Environmental Habitat holding area of a refuge called Grandfather Mountain in Blowing Rock, North Carolina, according to a report in the November 24, 1988 Mountain Times (copy attached hereto). Ultimately, however, "Terrible Ted" ended up in the custody of Richard Walker, and was back on the performance circuit, where, as stated above, he continued to pose a public safety threat, and to be subjected to the handling practices that came to light in the 1990 Missouri incidents.

In a letter dated February 25, 1991, a case worker with People for the Ethical Treatment of Animals (PETA) filed a complaint with APHIS-REAC Deputy Administrator Joan Arnoldi about Richard Walker and the November, 1990 mauling incidents in Missouri involving "Terrible Ted." (Copy of February 25, 1991 complaint attached hereto) The letter summarized news reports of the incidents, referred REAC to the local law enforcement officials who had been involved, and requested an investigation and corrective action.

On March 19, 1991, Southeast REAC Sector Animal Health Technician Ralph Ayers, who had apparently been assigned an inspection of Richard Walker's operation, was unable to locate Walker and "Terrible Ted" at the Calhoun, Georgia address most recently listed in Walker's USDA license file. According to a file memo written by Ayers (copy attached hereto), Ayers was advised by Walker's stepson that Walker and "Terrible Ted" had changed address, and also gone 'on the road.'

Walker's change of location without notifying USDA violated 9 C.F.R. 2.8, which requires that "[a] licensee shall promptly notify the APHIS, REAC Sector Supervisor by certified mail of any change in the name, address, management, or substantial control or ownership of his business or operation, or of any additional sites, within 10 days of any change." Accordingly, by a letter dated April 2, 1991, Walker was officially notified by REAC Animal Care Specialist Dr. Elizabeth Goldentyer that his exhibitor's license was no longer valid, and that a new license, associated with a new permanent address, would have to be acquired prior to any further performances. (Copy of Dr. Goldentyer's April 2, 1991 notice attached hereto)

After an April 4 inspection of Walker's new premises, REAC promptly re-licensed Walker, making this official in a May 2, 1991 letter from Dr. Goldentyer to Walker. (Copies of REAC's April 4 inspection report and May 2 approval notification attached hereto)

Case Study: "Terrible Ted"
Submitted to House Agricultural Subcommittee
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July 8, 1992
Page - 3

Apparently, throughout the period in which Walker's license was cancelled and then reissued, Walker was under investigation for the 1990 Missouri mauling incidents involving "Terrible Ted." According to a June 19, 1991 investigation report (copy attached hereto) prepared by REAC Investigator Marshall Smith for Southeast Sector Supervisor Dr. Joseph Walker, Richard Walker's 'wrestling' animal act was being evaluated as a possible violation of 9 C.F.R. 2.131(b)(1), which provides that

During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

After reviewing the evidence available on the injuries that had resulted from the November, 1990 'wrestling' matches in Missouri, Mr. Smith concluded that "[c]onsidering the effects of alcohol on human behavior, it would seem prudent for Mr. Walker to muzzle the bear during wrestling bouts."

Fortunately, higher officials at REAC took the handling provisions of the Animal Welfare Act more seriously, and on July 3, 1991, Dr. Goldentyer recommended to APHIS-REAC Deputy Administrator Dr. Joan Arnoldi that Richard Walker be administratively prosecuted for violation of 9 C.F.R. 2.131(b)(1), the aforementioned regulation. (Copy of Dr. Goldentyer's memorandum to Dr. Arnoldi attached hereto) REAC Southeast Sector Supervisor Dr. Walker concurred in this recommendation by a memo to REAC headquarters dated July 9, 1991 (copy attached hereto). In this memo, Dr. Walker recommended not only administrative prosecution, but also the collection of monetary penalties under applicable Animal Welfare Act enforcement provisions.

The case took a surprising turn one month later, when REAC Headquarters overrode Dr. Walker's recommendation, and electronically mailed investigator Marshall Smith a notification that no enforcement action against Richard Walker would be taken.

Specifically, on August 7, 1991, an official identifying himself as "JNagel" of REAC Headquarters (this being John Nagel, Investigation and Compliance Specialist for Regulatory Enforcement) declared in an electronic memo (copy attached hereto), in direct contradiction of the news reports on the Missouri mauling incidents, that "[t]wo individuals sustained minor injuries." [Emphasis supplied] Nagel went on to state that

Case Study: "Terrible Ted"
Submitted to House Agricultural Subcommittee
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July 8, 1992

Page - 4

Section 2.131(b)(1) of the regulations does not appear to have been violated. This is because the evidence does not show there was more than minimal risk of harm to the bear or to the general viewing public. The two individuals volunteered to participate in the event of wrestling the bear. The regulations do not prohibit bear wrestling events.

In other words, Nagel dismissed the matter on the grounds that the regulation in question was intended to protect only passive spectators of animal acts, and not individuals engaging in direct physical contact with animals during such acts.

As stated earlier, however, the regulation in question requires that animal acts be conducted with minimal risk of harm "to the animal and to the public," and specifically also requires that "the safety of animals and the public" be assured during animal acts either by maintaining distance between animals and the viewing public, or by the erection of protective barriers. Nowhere in this regulation are risks to human participants in animal acts declared secondary to risks to spectators who merely watch animal acts. In fact, logic and public policy would necessarily preclude such a nonsensical distinction, and yet it was this distinction that cleared exhibitor Walker of any duty to modify a 'wrestling' bear act that had resulted in a series of well documented cases of serious injury.

REAC's dismissal of this matter not only legitimized a contrived, unsupportable distinction between injury to spectators and injury to participants, but it directly and brazenly undermined a federal regulation's explicit intent to protect animals. By establishing a policy in which human participants in combat with animals are deemed entitled to less protection under 9 C.F.R. 2.131 than are humans who merely watch an animal act, REAC effectively also established a policy in which animals forced to engage in direct physical contact with potentially dangerous human participants are afforded less protection than are animals who are simply made to perform before a passive human audience. This result simply cannot be reconciled with Congress's intent in applying the Animal Welfare Act to animals used in entertainment.

Moreover, REAC's refusal, in recent years, to outlaw all 'wrestling' animal acts is demonstrably inconsistent not only with 9 C.F.R. 2.131(b)(1), which, as described above, requires

Case Study: "Terrible Ted"
Submitted to House Agricultural Subcommittee
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Page - 5

minimization of direct public contact with performing animals, but also with 9 C.F.R. 2.131(c)(1) and 9 C.F.R. 2.131(c)(3), which, respectively, direct that animals be exhibited only under conditions consistent with their well-being, and that dangerous animals such as bears be maintained under the direct control and supervision of a handler during performances.

So obvious is it that animal well-being and human safety cannot be sustained in animal acts in which animals are forced to do combat with humans, that in a news release dated April 2, 1981 (copy attached hereto), USDA itself declared 'wrestling' between bears and members of the public to be illegal, stating that "[b]ears are unpredictable and incredibly strong," and that "[i]f provoked by only a slightly painful act, a bear could easily inflict a blow causing serious injury . . . even if, as usual, a wrestling bear is declawed and muzzled by the owner." Regrettably, and for reasons that are unclear, USDA declared bear 'wrestling' to be legal again only five months later, in a "Veterinary Services Notice" dated August 3, 1981 (copy attached hereto), which advised APHIS field officers simply to monitor bear 'wrestling' events on a case-by-case basis.

Fortunately, state legislatures and the general public are years ahead of REAC in animal protection. The fact that bear 'wrestling' is, in many jurisdictions, readily deemed a form of cruelty and a violation of laws against the maintenance of dangerous animals seems to have no effect on REAC, which continues to position itself as the defender of any and all uses of animals in entertainment, however dangerous or offensive. Just as Richard Walker was charged with cruelty and animal baiting in Missouri in 1990, he was arrested in Clinton County, Illinois for disorderly conduct and cruelty on February 7, 1992, shortly before "Terrible Ted" was to be 'wrestled' in a Johnston City bar. (Copy of clipping from February 8, 1992 Southern Illinoisan reporting on arrest attached hereto) On July 1, 1992, an Illinois law unconditionally banning bear 'wrestling' took effect. If current trends continue, and REAC's do-nothing policies are left undisturbed, we may conceivably anticipate a time in which all fifty states shall have criminalized bear 'wrestling' either through cruelty prosecutions or specialized legislation, and REAC shall still be issuing exhibitors' licenses to bear 'wrestling' operators.

Wrestling Bear Leaves Trail Of Woe

Two Fairdealing men are in jail on various charges, a Ripley County deputy was injured and a man was treated at Ripley County Hospital in Dominhan. The cause of it all was a wrestling bear that was brought to Opal's Tavern on old Route 142 and Brooks Lane.

According to Deputy Tim Timmons of the sheriff's department, several patrons of the bar took turns wrestling the unmuzzled bear Saturday night.

"He was declawed and his front teeth were pulled, but he still had his back teeth," Timmons said.

The patrons were wrestling the bear for a \$100 prize, the winner to be decided by the crowd at Opal's, Timmons said.

The bear bit 39-year-old Larry M. Suter of Fairdealing severely on the hand. He was taken to the emergency room at Ripley

County Hospital where he received about 25 stitches.

Deputies said that about 20 people brought him to the hospital. When officers arrived at the hospital, however, only Daniel Ray Crader, 39, and his son, Jason Ray Crader, 20, both of Fairdealing, were present, along with Danny Crader's wife. Deputy Harold Voegel had asked the two men for a witness statement, Timmons said, and both men — who were intoxicated — became belligerent and attacked Voegel. Voegel was treated at Ripley County Hospital for an injured left arm.

Daniel Crader is in the Ripley County Jail on charges of assault on a police officer, resisting arrest and carrying a concealed

See BEAR
On Page 5

Daily American Republic
Poplar Bluff, Mo.

Tuesday, November 27, 1990

Bear

From Page 1

weapon. Timmons said Crader had a knife, brass knuckles and a slapper in his possession. He is being held on a \$6,500 bond.

His son was arrested for assaulting a police officer and resisting arrest. He is also in the Ripley County Jail on a \$1,500 bond.

The next day another man sought medical treatment for a mangled thumb, the result of an encounter with the bear, Timmons said.

"It's my understanding he bit four or five people who wrestled with him," Timmons said. "One man told me I must have been crazy to do

that' and I told him 'no, crazy doesn't get it. You were drunk.'"

The bear has not been impounded, and apparently has been moved from the area. Timmons said he had no information about who owned the bear. Voegel said the bear was "last seen leaving the area in a vehicle with Georgia plates."

Voegel said he has checked into the matter with the Department of Conservation and the Department of Liquor Control.

"He just chewed up a bunch of people and left," Timmons said. "That's what bears do."

High Point Enterprise, Thursday, November 17, 1988

Animal Cruelty Charges Filed Against Owner Of Wrestling Bear

By Vince Wheeler
STAFF WRITER

GREENSBORO - A large, brown bear used in a "wrestling bear" promotion was taking it easy today and eating cat food at the Guilford County Animal Shelter.

Meanwhile, the bear's owner faces charges of cruelty to animals and baiting an animal. The man, William Walker of Calhoun, Ga., was charged Wednesday night and jailed in lieu of \$10,000 bond.

The bear was confiscated by Humane Society officials during a show at the Caffe Royale Club on W. Market Street in Greensboro. Members of the audience were invited to wrestle the bear in an attempt to win a \$100 prize.

Louise Puckett, a cruelty investigator for the Humane Society of Guilford County who filed the cruelty charge, today said she took the action because the promotion tormented the bear. State law makes it illegal to torment any animal, she said.

Greensboro police filed the charge of baiting an animal, which involves treating an animal in such a way as to make it fight.

Holly Patton, director of the county animal shelter, today said the bear "was really uptight last night" when taken to the shelter in the converted horse trailer the owner used to transport the bear.

Ms. Patton said animal control officers at the shelter observed dog food in the trailer, so they fed the bear cat food.

"We didn't want a hungry bear," she said. The bear was eating out of officers' hands today, she said.

The bear is about 5½ feet to 6 feet tall and weighs 500 to 600 pounds, Ms. Holly estimated.

A spokeswoman for the Humane Society today said the bear will be transported to a wildlife preserve in Caswell County until the case is settled.

MOUNTAIN TIMES
BLOWING ROCK, N. C.

134
51
OAM C-89
NOV 24-88

Grandfather Mountain Provides Temporary Home for "Ted, the Wrestling Bear"

Grandfather Mountain agreed Friday to provide a good home for "Ted, the Wrestling Bear" while authorities in Greensboro decide the fate of the three year old 500+ pound Siberian Grizzly.

According to a story in the Greensboro Daily News, the bear's owner, William Walker and Louise Holcombe, were arrested last Wednesday night at the Caffe Royale in Greensboro after staging a bear wrestling contest-involving Ted and customers at the bar. The couple were charged with animal fighting and cruelty to animals and they are presently in jail awaiting a late November trial.

The Greensboro Daily News said Walker and Holcombe make their living with the traveling bear wrestling show. They average three engagements a week and have two other bears at their home in Calhoun, GA.

The North Carolina Network for Animals, an animal protection organization, alerted the police about the bear wrestling show. The Network for Animals felt keeping Ted in the couple's horse trailer was inhumane and asked Grandfather

Mountain if it could keep the bear until its disposition could be determined. Grandfather has the bear in its Environmental Habitat holding area.

Hugh Morton, president of Grandfather Mountain, said that Grandfather's position in the matter was simply to provide the bear with a humane place to live on a temporary basis. Morton emphasized that if the judge rules the bear should be taken from its owner, Grandfather Mountain would not be a candidate for its ownership. The mountain's habitats are for animals native to the region and they include Mildred the Bear and eleven other black bears.

Tom Huskins, general manager of Grandfather Mountain, said Ted is happy in his new surroundings. The bear has a lot more freedom of movement and has amenities such as a soft, warm bed, and a small pool. Huskins said the first place the grizzly went after arriving at Grandfather Mountain Friday evening was to the pool for a thirty minute stay. The holding area where Ted is residing is not one of the two bear habitats normally open for public viewing.



*copy***PETA**

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
P.O. BOX 42516
WASHINGTON DC
2 0 0 1 5 - 0 5 1 6
(301) 770 - 7444
FAX (301) 770 - 8969

February 25, 1991

Dr. Joan Arnoldi, DVM
Deputy Administrator
USDA, APHIS, REAC
6505 Belcrest Road, Room 208
Hyattsville, MD 20782

Dear Dr. Arnoldi,

I am writing in regard to Richard Walker, whose now deceased father is currently listed as a licensed exhibitor with your agency. Richard's father, William Walker, is licensed at 310 Crest Drive, Calhoun, GA 30701; license number 57C16.

We recently received confirmation from Ripley County, Missouri, Deputy Sheriff Harold Voegel that Richard Walker was responsible for the recent maiming of four to five Ripley County, MO., men when he brought a bear to that county for a "wrestling" event.

I am enclosing a newspaper article describing what happened in Ripley County this past November. Not only did Richard Walker allow his bear to bite four to five people (some quite severely), but he left the scene before the local law enforcement and health agencies could investigate the matter. Neither Richard Walker nor any of his associates came forward to identify themselves after the incident. Fortunately, a photograph of Richard Walker and his son helped the Ripley County Sheriff's department identify the Walkers as the people who brought the bear to town that night for a planned bear wrestling event.

(over please)

U.S. DEPARTMENT OF AGRICULTURE

SPEED MEMO

PART NUMBER

DATE

TO Dr. Walker

1

3-19-1991

FROM Ralph Ayers

SUBJECT

Cancellation of Richard Walker's Exhibitors License

MESSAGE (WRITE CONCISE MESSAGE SIGN AND FORWARD PARTS 1 AND 3 TO ADDRESSEE RETAIN PART 2)

In March 19, 1991 I went to Calhoun, Ga. to inspect Richard Walker 7C016. Mr. Walker had moved and his new address was unknown. Mr. Walker's old residence is now new Apartment. I went to Dr. Bruce Stancil, veterinarian for Mr. Walker's bears, to try and get directions to the new premises. Dr. Stancil gave me directions and I located the new premises and two of Mr. Walker's bears. Mr. Walker's Step-Son Bruce Wilbanks, is the caretaker of these bears. Mr. Wilbanks said he did not know where Richard Walker or his wrestling bear was, but thought he was in Oklahoma.

SIGNATURE

Ralph Ayers

REPLY (USE THIS SPACE FOR REPLY SIGN AND DATE. RETURN PART 3 TO SENDER. RETAIN PART 1.)

I called the Sector Office and talked to Dr. Goldentyer; she said Mr. Walker's license should be cancelled because of failure to notify the Sector Office by certified mail within 10 days of any change of location and failure to send an itinerary when on the road.

SIGNATURE

DATE

FORM AD-311 (REV. 3/81)

ADDRESSEE COPY

April 2, 1991

Mr. Richard Walker
 1189 New Town Loop Road S.E.
 P.O. Box 1536
 Calhoun, GA 30701

Dear Mr. Walker:

It has come to our attention that the facility of Tyler Bear Wrestling has moved. Notification of the REAC Sector Supervisor of any change of address is mandated by 9 CFR, Section 2.8 (enclosed).

Your exhibitors license #57-0101 is not valid until the Sector Supervisor is notified and an inspection is passed at the new site.

Enclosed is an application for licensing at the new facility. Please complete the enclosed form and send it with a \$10.00 non refundable application fee to:

USDA, APHIS, REAC - Animal Care
 501 E. York Street, Room 820
 Tampa, Florida 33602-9945

A complete itinerary with dates and locations is required with your application. When your application is received, your inspector will contact you to arrange for a pre-license inspection.

Please be advised that any exhibition of covered animals without a valid USDA license is a violation of the Animal Welfare Act.

Please feel free to call if you have any further questions.

Sincerely,

Elizabeth Goldentyer, D.V.M.
 Animal Care Specialist
 Southeast Sector

cc: Ralph Ayers, A.H.T.
 Dr. Hendricks, V.M.O.
 South Central Sector Office

12-9 MAY 11 1991

RECOMMENDATIONS (Refer to applicable items by number and give section number for items not in compliance; specify each corrective measure that must be taken for compliance. If more space is needed, attach additional sheets)

No non-compliance items on this inspection.

Ventilation adequate on today's inspection. Transfer could become very stuffy in summer. Air conditioners or forced ventilation will be necessary then.

2 performances tonight at Beauty's lounge in Ballhaus La.

18-3 dated 3/27/91 requesting pre-license for new location.

50. PREPARED BY (Signature) <i>Lyman P. Bourgeois</i>	51. DATE 4/4/91	52. OFFICIAL STATION Raceland La
53. COPY OF INSPECTION REPORT RECEIVED (Signature) <i>Richard Walker</i>	54. TITLE OWNER	55. DATE 4/4/91

56. COMMENTS OR INSTRUCTIONS BY REVIEWER (Include corrective action taken on deficiencies at last inspection)

57. REVIEWED BY (Signature) <i>David F. [unclear]</i>	58. TITLE [unclear]	59. DATE 4/12/91
--	------------------------	---------------------

May 2, 1991

Mr. Richard Walker
1189 New Town Loop Road, S.E.
P.O. Box 1538
Calhoun, GA 30701

License Number 57-C-106

Dear Mr. Walker:

We are pleased to inform you that your application for a USDA license has been approved.

Your USDA License number is 57-C-106.

Enclosed for your records is a copy of the Application for License (VS Form 18-3) and your License Certificate. The certificate is an accountable document and must be surrendered to the Department if for any reason you cease to engage in covered activities or if your license is cancelled for non-compliance with the requirements of the Animal Welfare Act, regulations and standards.

Your license is valid for one year from the date of issue. Prior to expiration this office will provide you with a renewal application (VS Form 18-3). You are required to complete the VS Form 18-3 and return it along with the proper fee to our office by the anniversary date to renew for another year.

Also enclosed is your Program of Veterinary Care which has been reviewed and approved. This is an accountable document of your records and should be available at inspection.

Traveling Exhibitors are required to submit an itinerary with dates and locations to allow unannounced inspections. If your itinerary changes or you are unable to provide one, call this office monthly to assure inspection opportunities.

Should you have any questions, please contact our office at (813)225-7690.

Sincerely,

Elizabeth Goldentyer, D.V.M.
Animal Care Specialist
Southeast Sector

EG/cq

Enclosures

cc: Ralph Ayers

Exhibit 3, dated May 6, 1991, is an affidavit obtained from Mr. Richard Walker that affirms his ownership and possession of Terrible Ted. According to Mr. Walker's statement, he assumed custody of Terrible Ted from his father's estate on July 30, 1990. As owner of Terrible Ted, Mr. Walker would have been responsible for the event scheduled at Opal's Bar and Grill at Doniphan, Missouri, on November 23, 1990.

Exhibit 4 is a copy of a placard used to promote the wrestling event that occurred at Opals Bar and Grill on November 23, 1990. It is noted on this placard that the phone number, 404-629-1011, also appears on Mr. Walker's license application dated May 17, 1990.

Exhibit 5, obtained from Opal Payne, is an affidavit that was furnished on May 1, 1991 and relates information surrounding the bear wrestling event held at her establishment on November 23, 1990. Ms. Payne does acknowledge in her statement that two patrons were injured during bouts with the bear. She blames the two injuries on the chain around the bears neck, however, she believed that the bear did not have any teeth. According to her statement, the second individual did stick his hand deep into the bears mouth.

Exhibit 6 consists of copies of medical records for injuries that Mr. Lawrence Sutter and Mr. Scott Keck claim to have resulted from being bitten by the bear. Apparently Mr. Sutter had his injury wrapped by the paramedic at the bar and grill as his hand was wrapped when he arrived at the hospital. Neither one of the gentlemen were available to be interviewed to clarify the circumstances surrounding their injuries.

Exhibit 7 is represented by copies of two pages of reports on file at the Ripley County Sheriff's office. The reports pertain to the alleged injuries sustained during bouts with the wrestling bear. Please note that the "Continuation Report" shows to be page 18 of 20. The sheriff's office explained that there was a fight at the hospital while Mr. Sutter was there for treatment and copies of those records were not furnished for this investigation.

Exhibit 8 is supposedly a copy of an article that appeared in the "Daily American Republic", Poplar Bluff, Missouri, that was printed on November 27, 1990. According to the Ripley County Sheriff's office the article was factual as reported.

In view of an article that appeared in the "Greensboro News and Record" on November 18, 1988 that reported tendons in the paws may have been severed, an expert opinion was sought concerning such a procedure. The bear behaviorist contacted stated that he would have a problem if all of the teeth had been removed and would also disapprove if the tendons had been severed. Such procedures could be considered a violation of Sections 2.131(a)(1) and 2.131(2)(i), however, these sections would not have been in effect at that time. Other incidents reported by PETA that involved Ginger and Terrible Ted were prior to Richard Walker's licensure with the USDA so those are not addressed in this report.

Exhibit 9, an affidavit, was furnished by Dr. Bruce A. Stansell on June 5, 1991. Dr. Stansell is the veterinarian responsible for the veterinary care

Dr. Walker

Page 3

of Richard Walker's bears. Dr. Stansell acknowledges the removal of the claws as well as the incisors and canine teeth but denies that the tendons have been severed or cut.

In summary, there is no doubt that the two patrons at Opal's Bar and Grill were injured during bouts with Terrible Ted. The owner of the establishment, Ms. Opal Payne, did acknowledge the two injuries but suggested that the chain on the bears neck was the cause of the injuries. Ms. Payne also suggests that the patrons sought medical attention for injuries that resulted from a private party later in the evening. However, Ms. Payne also believed that the bear was totally toothless. Considering the effects of alcohol on human behavior, it would seem prudent for Mr. Walker to muzzle the bear during wrestling bouts.

List of Exhibits

Exhibit 1 is a copy of a VS Form 18-3, Application for License, dated May 17, 1990.

Exhibit 2, copies of 2 pages, accounts for a pre-license inspection at Mr. Walker's facility on July 3, 1990.

Exhibit 3, dated May 6, 1991, is an affidavit administered to Richard Walker by Ralph Ayers.

Exhibit 4 is a copy of a placard used to promote the Terrible Ted wrestling venture at Opal's Bar and Grill on November 23, 1991.

Exhibit 5 is an affidavit that was obtained from Opal Payne on May 1, 1991.

Exhibit 6 consists of copies of 2 pages of Scott Keck's "Patient Health History" and copies of one page of an "Emergency Room-Out Patient Record" and a copy of one "X Ray Report" for Lawrence Sutter.

Exhibit 7 is a copy of one page of an "Incident Report" and a copy of one page of a "Continuation Report" that were obtained from the Ripley County Sheriff's Office.

Exhibit 8 is a copy of an article that reportedly appeared in the November 27, 1990 issue of the "Daily American Republic", Poplar Bluff, Missouri.

Exhibit 9, an affidavit, was obtained from Dr. Bruce A. Stansell by Austin L. Bellflower on June 5, 1991.

Marshall G. Smith
Marshall G. Smith
Investigator
Missouri

Enclosures

United States
Department of
Agriculture

Animal and
Plant Health
Inspection Service

Animal Care Southeast Sector
501 E. Polk Street Room 820
Tampa, FL 33602-39450

Subject: Richard Walker - Missouri Case No. MO91053

Thru: Dr. Joseph A. Walker, DVM, Sector Supervisor - Animal Care

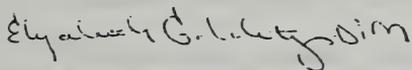
To: Dr. Joan Arnoldi, Deputy Administrator

July 3, 1991

Mr. Richard Walker dba Tyler Bear Wrestling, P.O. Box 1538, Calhoun, GA 30703, has been investigated for an alleged violation of Title 9 CFR Section 2.131 - Handling (Missouri Case No. MO91053).

This case has been forwarded to the Assistant Deputy Administrator for Regulatory Enforcement with a recommendation for administrative prosecution.

Sincerely,



Elizabeth Goldentyer, DVM
Animal Care Specialist
Southeast Sector

EG/mjh



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Regulatory
Enforcement
and Animal
Care

Southeast Sector
501 East Polk Street
Suite 820
Tampa, FL 33602-3945

July 9, 1991

Alleged Violation Case No. MO-91-053AW

Subject: Richard Walker
d/b/a Tyler Bear Wrestling

To: Acting Assistant Deputy Administrator
Regulatory Enforcement
Hyattsville, Maryland

The enclosed investigative report, Case No. MO-91-053AW documents a violation of the Animal Welfare Act by Richard Walker, d/b/a Tyler Bear Wrestling, P.O. Box 1538, Calhoun, Georgia 30703.

The report indicates that Mr. Walker violated Title 9 CFR, Section 2.131(b)(1) "....during public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public...". This investigation indicates harm to the public as a result of the violation.

I recommend administrative prosecution seeking monetary penalties.

Elizabeth G. Colvitz DM

Joseph A. Walker, D.V.M.
Sector Supervisor - Animal Care
Southeast Sector

/cq

Enclosure

cc: Dr. Hendricks
Paul E. Scheuermann, N.C. Sector Supervisor, R.E.
Marshall G. Smith, Investigator, R.E., Missouri



NEWS

FEATURE

U.S. DEPARTMENT OF AGRICULTURE

Heppner (202) 447-6315
Hilt (202) 447-4036

APR 20 1964

It's a bare fact

PUBLIC BEAR WRESTLING

IS ILLEGAL, SAYS USDA VETERINARIAN

WASHINGTON, April 2--It's a bare fact.

Public bear wrestling has gained in popularity in recent months, with wrestling bears being exhibited in most major cities and appearing on television programs.

But, public bear wrestling contests—where the audience is invited to participate—are illegal.

"Recent court decisions around the country have said public bear wrestling doesn't violate state or local cruelty to animals laws. However, it does violate the Animal Welfare Act and is, therefore, illegal," said John K. Atwell, a U.S. Department of Agriculture veterinarian.

"Both the bear and the human challenger could be hurt," said Atwell, a senior veterinary official with USDA's Animal and Plant Health Inspection Service.

"Exhibitions where a trainer wrestles a bear are not illegal," he said, "because professional trainers know the quirks of their animals and how to protect their animals and themselves from injury."

Under the Animal Welfare Act, administered by USDA, exhibitors must handle their animals so neither the animals nor the viewing public are harmed by contact between the two, Atwell said.

"In most cases, that means exhibitors must prevent contact between an exhibit animal and a viewer," he said.

- more -

"Bears are unpredictable and incredibly strong," Atwell said. "If provoked by only a slightly painful act, a bear could easily inflict a blow causing serious injury. That's true even if, as usual, a wrestling bear is declawed and muzzled by the owner."

Wrestling bear exhibitors must be licensed by USDA under the Animal Welfare Act, he said. Performances by unlicensed exhibitors are illegal. License holders are responsible for complying with other federal standards of animal care.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection Service

Federal Bldg.
Hyattsville, MD 20782

VETERINARY SERVICES NOTICE

AUG 3 1981

Subject: Change in Veterinary Services Notice, Dated March 25, 1981--
Traveling Animal Exhibits - Bear Wrestling

To: Area Veterinarians in Charge
Animal Care Specialists
Compliance Officers

This is to correct the policy concerning bear wrestling set forth in a
Veterinary Services Notice, dated March 25, 1981.

Section 3.135 "Handling" of the standards (9 CFR § 3.135) reads as follows:

"a. Handling of animals shall be done as expeditiously and carefully
in a way so as not to cause unnecessary discomfort, behavioral stress, or
physical harm to the animal. Care should be exercised also to avoid harm
to the handler."

"b. Animals to which the public is afforded direct contact shall
only be displayed for periods of time and under conditions consistent
with the animals' health and not leading to their discomfort."

"c. During public display, the animals must be handled so there is
minimal risk of harm to the public with sufficient distance allowed between
animal acts and the viewing public to assure safety to both the public and
the animals. Performing animals shall be allowed a rest period between
performances equal to the time for one performance."

The Animal Welfare Act is intended to insure humane care and treatment of
animals including those used for exhibition purposes. The protection which the
regulations afford to humans is ultimately intended to protect the animals from
any injury or destruction which could ensue if humans were harmed. Assuming
adequate precautions are taken by handlers to protect the humans and animals
involved, bear wrestling in itself should not pose a threat of physical harm to
normal bears. Particular circumstances may exist which pose an actual threat
of harm to the bear, the handler, the volunteer wrestler, or the viewing
public. In those situations, care must be taken to document as accurately and
precisely as possible the method of handling the bear during the exhibition.
If other special circumstances pose the threat, they should be documented.

Veterinary Services policy regarding bear wrestling is therefore changed as
follows:

Public bear wrestling contests should be monitored whenever possible and should
be evaluated on a case-by-case basis. Methods of handling the bear, and other
safety precautions, should be observed closely. Alleged violations should not

VETERINARY SERVICES NOTICE

2

be documented unless the situation presents an actual threat of imminent harm to the bear, to persons in the ring or to the viewing public. If an independent deficiency or violation of the regulations exists which is serious, it should be documented.

Statements regarding a possible violation, or deficiencies, should only be made to the person in charge of the bear and not to other individuals. In these instances, the circumstances should be fully documented and either corrections made or a case submitted. If there are no deficiencies and no threat of harm to the bear, the handler, the volunteer wrestler or the viewing public, further compliance efforts need not be made.



E. C. Sharman
Assistant Deputy Administrator
Animal Health Programs
Veterinary Services

SOUTHERN ILLINOISAN

CARBONDALE, ILL.
DAILY 28,353SATURDAY
FEB 8 1992

Animal law cited to halt bear wrestling

By Heidi Hildebrand
Of The Southern Illinoisan

The owner of a Johnston City bar who planned to hold a bear-wrestling exhibition Friday night canceled the show after Williamson County authorities told him it was illegal.

Terrible Ted, a Siberian grizzly bear, was scheduled to wrestle outside Hurley's Show Bar near Johnston City Friday night. The bear has been declawed, its teeth have been removed, and it wears a choke collar during exhibitions.

The bear wrestled 10 men in Harrisburg Wednesday night, and had been scheduled for an exhibition in Centralia Thursday night. But Andy Richard Walker, the Georgia man who owns the bear, was arrested shortly before the event began.

Clinton County sheriff's deputies said Walker was charged with disorderly conduct and cruelty to animals, and was released after posting \$50 bail. Centralia is on the border shared by Clinton and Marion counties.

Dave Hurley, who owns the Johnston City bar, originally planned to hold an exhibition inside his bar Friday night, but health officials told him live animals are not allow-

ed inside bars.

Then Williamson County State's Attorney Charles Garnati told Hurley that outdoor bear-wrestling also is barred under the state's dangerous animal law.

That statute includes bears among dangerous animals, and states that no one can "keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge in an escape-proof enclosure."

Garnati said violation of the dangerous animal law is a Class C misdemeanor.

Hurley said he agreed to cancel the match after he was notified about the law.

"You can't argue with them," he said. "It looks to me like they won't let him wrestle anyone in Illinois, not even out back of the bar."

Eric Levin, a local member of People for the Ethical Treatment of Animals, said he was glad to see the exhibition stopped.

"I think it's barbaric. I heard a lot

See BEAR, 6A

Continued from Page One

of comments from people who found the photo in the paper very shocking and very disturbing," he said.

"The owner says they're not allowed to hit it or pull its hair, but that can't be controlled while they're wrestling. There must be other ways for people to derive pleasure without exploiting other people or animals."

Levin said it has been frustrating trying to stop the exhibitions because he knows the bear's owner will just be somewhere else soon.

"The most frustrating thing with this is that so many people are interested in stooping it, and there is no

one source to go to to find out how to stop it and what law it violates," he said.

The Illinois General Assembly has approved an animal welfare statute that will outlaw bear wrestling when the law takes effect in July. "After July 1, we won't have to scramble around enlisting the help of all these agencies," Levin said. "but now

we're grasping at whatever we can, trying to find whatever stipulation there is to stop it."

Assistant Attorney General Tony Dyrhokopp said it would be up to the state's attorney in each county to decide whether to bring charges against the bear's owner, but he said the bear could be confiscated under the dangerous animal act.



PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS
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WASHINGTON DC
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**APHIS-REAC TREATMENT OF COMPLAINT REGARDING VENTILATION OF
ORANGUTAN TRANSPORT ENCLOSURES**

**(Case study submitted for the record at July 8, 1992
hearing before House Agriculture Committee Subcommittee
on Department Operations, Research, and Foreign
Agriculture on the use of animals in exhibitions)**

On October 1, 1990, People for the Ethical Treatment of Animals (PETA) directed a written complaint to APHIS-REAC Deputy Administrator Dr. Joan Arnoldi regarding the adequacy of ventilation in the locker-style enclosures used by USDA-licensed exhibitor Bobby Berosini (Lic. No. 88E25) to transport orangutans to and from performances. (Copy of complaint attached hereto) The complaint also renewed concerns regarding the training and handling methods used by Berosini on the orangutans, and requested an inquiry into the adequacy of Berosini's tuberculosis testing program.

In support of its complaint regarding the ventilation in the orangutans' transport enclosures, PETA supplied Dr. Joan Arnoldi with copies of photographs previously submitted by Berosini to the Office of Management Authority of U.S. Fish and Wildlife Service, in which photos the configuration of the locker-style transport enclosures was shown. (Copies of photographs attached hereto) These photographs indicated that the front openings of the majority of the metal lockers were the only source of ventilation for these enclosures, and that these front openings, which took the form of small circular holes, occupied plainly not more than 25 per cent of the total surface area of the front wall of each locker.

According to the applicable Animal Welfare standard operative at the time of PETA's complaint (9 C.F.R. 3.86(h)),

[w]hen a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal. [Emphasis supplied]

**Case Study: Ventilation in orangutan transport enclosures
Submitted to House Agriculture Subcommittee
on Department Operations**

July 8, 1992

Page - 2

This standard, which appeared to be abrogated by the absence of open bars, wire mesh, or smooth expanded metal on Berosini's transport enclosures, and by the presence of air holes along only a quarter of the front surface of these enclosures, was explicitly set forth for Dr. Arnoldi in PETA's October 1 complaint.

In a letter dated September 26, 1990, then Representative Bob Smith of New Hampshire had asked then APHIS Administrator Dr. James Glosser to undertake an investigation into Berosini's treatment of orangutans, and had, like PETA, specifically raised the question of the adequacy of the orangutans' transport enclosures. (Copy of Representative Smith's September 26, 1990 letter to Dr. Glosser attached hereto) An October 30, 1990 reply to Representative Smith from Dr. Glosser stated only that "[a]ppropriate Agency officials are currently reviewing documentation regarding Mr. Berosini's act," and did not indicate whether the specific inquiries regarding the ventilation in the orangutans' transport enclosures were being investigated. By December 18, 1990, however, it became clear that APHIS had no intention of taking corrective action in the ventilation matter.

In a December 18 reply to a letter that House Representatives Edward Feighan and Pete Stark had written to Dr. Glosser on November 14, 1990, in which Representatives Feighan and Stark complained of Berosini's handling methods (copies of Representatives' November 14, 1990 letter and Dr. Glosser's December 18, 1990 reply attached hereto), Dr. Glosser wrote:

It is true that, as a result of allegations of mistreatment of his animals, we conducted an investigation of Mr. Berosini's show last summer. Our veterinarians inspected his orangutans and determined that he had not violated current Animal Welfare Act (AWA) standards and regulations. However, this investigation disclosed that Mr. Berosini was in violation of the AWA standards on primary-enclosure space requirements. He has since corrected this violation.

Though Dr. Glosser himself drew attention, in this reply, to enclosure-related issues while purporting to respond to the Representatives' concerns about handling, he managed, nonetheless, to avoid acknowledging in any way that questions relating to enclosure ventilation had recently been referred to APHIS by PETA and Representative Smith. Instead, Dr. Glosser referred only to generalized housing violations that had been disposed of by APHIS long before PETA complained to APHIS of the specific ventilation problems associated with Berosini's continued use, for transportation purposes, of metal lockers with small air holes.

Case Study: Ventilation in orangutan transport enclosures
Submitted to House Agriculture Subcommittee
on Department Operations
July 8, 1992
Page - 3

Perhaps mindful that his inapposite reply would placate members of Congress who often cannot practicably pursue the details of constituents' concerns, Dr. Glosser left the impression that all recent concerns regarding Berosini's housing, handling and transportation of orangutans were being tended to by APHIS.

In fact, to the best of PETA's knowledge, no action was ever taken by APHIS in response to the specific concern regarding the adequacy of ventilation in Berosini's transport enclosures, this despite the fact that compliance or noncompliance with the Animal Welfare Act standard for ventilation in the orangutans' transport enclosures could have been determined by an inspector's simple application of a measuring stick. As a result of APHIS's failure to dispose of the complaint, the orangutans still regularly transported from one venue to another in the metal lockers affixed to Berosini's converted bus receive their only air exchange during travel through the small circular air holes punched into the upper portions of the bus's otherwise solid metal lockers.

PETAPEOPLE FOR THE ETHICAL
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WASHINGTON DC
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October 1, 1990

Dr. Joan Arnoldi
Deputy Administrator
USDA, APHIS, REAC
6505 Belcrest Rd.
Room 208
Hyattsville, MD 20782

Dear Dr. Arnoldi:

The purpose of this letter is to bring to your attention materials we have recently received concerning Bobby Berosini of Las Vegas Nevada (USDA licensed Exhibitor # 88E25). It is our hope that the enclosed information will assist you in your investigation of Berosini's training and husbandry practices.

As noted in previous letters, Berosini's activities have been and continue to be in violation of federal law. His failure to abide by the terms of his captive-bred wildlife permit resulted in that permit's suspension by the United States Department of the Interior in August of this year. Berosini's disregard for the provisions of the Animal Welfare Act are equally apparent and we feel action on the part of the USDA similar to that taken by USDI is warranted.

Enclosures Used by Berosini to Transport the Orangutans Fail to Meet Standards Set Forth in the Animal Welfare Act

Photographs provided to the U.S. Department of the Interior by Berosini showing the cages within the bus used to transport the orangutans to and from the Stardust Hotel reveal that these cages do not meet AWA standards for ventilation of enclosures used to transport live nonhuman primates. As set forth in 9 C.F.R. Section 3.86, para. (a)(6):

[E]xcept as provided in paragraph (a)(4) of this section, there are ventilation openings located on two opposite

Dr. Arnoldi
October 1, 1990
Page 2

walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: Provided, however, That at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper half of the primary enclosure...

The enclosed photographs show that Berosini's cages are not in compliance with these requirements (EXHIBIT #1). Only the end enclosures have ventilation holes on two walls perpendicular, and not opposite to one another. There are holes drilled into the back wall of the enclosures so that the orangutans "can see outside the bus," according to Berosini. It is not known, however, if the distance required for air circulation established in 9 C.F.R. Section 3.86, para (a)(7) of 1.9 centimeters between the primary enclosure and any adjacent cargo conveyance wall exists between the back of these enclosures and the side wall of the bus. Even if this distance meets requirements, these enclosures fail to meet the guidelines specifying that one-third of the area required for ventilation be located on the lower half of the primary enclosure. It is also doubtful that the ventilation provided constitutes 16 percent of the area of each wall.

In the event that the requirement for a 1.9 centimeter distance for air circulation is not met and Berosini tries to maintain that these enclosures fit the description of primary enclosures permanently affixed within the conveyance, these cages are still noncompliant in the area of ventilation. As stated in 9 C.F.R. Section 3.86, para. (a)(h):

When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

Dr. Arnoldi
October 1, 1990
Page 3

As these photos show, the ventilation opening in the front of these cages come nowhere near 90 percent of the total surface area.

There is reason to believe that the motor coach Berosini uses to transport the orangutans to and from the Stardust is still being used as a primary housing facility for the animals despite APHIS' finding that this vehicle is not acceptable as a primary housing facility. By his own admission Berosini returns home from his performances at approximately 2:30 a.m. (Exhibit # 2) There is some concern that the orangutans are not removed from the vehicle at that time, but are left to sleep on the bus until they are removed for purposes of feeding and training between noon and 1:00 p.m. the next day.

Berosini's Activities are in Violation of Handling Guidelines Set Forth in the AWA

In the Spring 1990 newsletter published by the Humane Society of Southern Nevada and SPCA, Berosini attempted to defend the backstage beatings of the orangutans depicted on the videotape by saying, "We can't control these animals if they go wild...When they bite they go for the kill. An orangutan's programmed that he can't run. He stays until it's a finished confrontation." Strangely, the same newsletter gives an account of one of Berosini's school visits. Sue Alesevich, a fifth grade teacher at Tom Williams Elementary School described the visit: "Berosini allowed the children to hug the orangutan ... Nikki started pulling things out of the children's desk and she was taking things off my desk and they just got the biggest thrill out of that."

Berosini also emphasized the danger these primates can pose in a Las Vegas publication which recently carried a story about Berosini and his act (Exhibit #2). Once again, the tremendous strength of the oranges is noted, "An orangutan is eight to ten times stronger than man." This article goes on to tell of Berosini's school visits. It should be noted that during these visits young children are allowed, even encouraged, to make physical contact with the orangutans. This contact includes hugging, kissing and feeding the oranges.

As pointed out in our letter dated May 18, 1990, Berosini's continuing excursions into elementary schools violate 9 C.F.R. Section 2.131, para. (b)(1):

During public exhibition, any animal must be handled so there is minimum risk of harm to the animal and to the

Dr. Arnoldi
October 1, 1990
Page 4

public, with sufficient distance and/or barriers between the animal and the general public so as to assure the safety of animals and the public.

Lack of Routine Tuberculosis Testing Places the Orangutans in Berosini's Possession at Tremendous Risk

The danger of Berosini's school visits goes beyond the threat of harm to children who may become overly rough and trigger a fear response in the orangutans. Berosini and others have admitted that the orangs do not undergo routine tuberculosis testing. Dr. Kenneth Gould of the Yerkes Regional Primate Research Center and Dr. Mark Dolginoff, the orangutans' veterinarian for the last ten years, both stated in depositions that TB tests were not done routinely for the orangutans in Berosini's possession. This may be acceptable in a situation where the animals are not exposed to others who have not been quarantined and been given a clean bill of health. It is not acceptable in a situation allowing exposure to hundreds of school children, many of whom have potentially been exposed to tuberculosis. Public Health officials have noted a marked increase in the number of TB cases in this country, with the number of children carrying the disease up considerably.

Berosini's failure to act responsibly in this area constitutes a violation of 9 C.F.R. Section 2.40, para. (b)(2) which requires establishing and maintaining programs of adequate veterinary care that include:

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries...

Reports received by PETA from persons working with Berosini at the Stardust indicate that the handling techniques shown in the videotape are still being used prior to going onstage. These methods are prohibited by 9 C.F.R. Section 2.131, para (a)(2)(i):

Physical abuse shall not be used to train, work, or otherwise handle animals.

Dr. Arnoldi
September 17, 1990
Page 5

The Las Vegas Lawsuit Brought Against PETA and Others Interested in Animal Welfare by Bobby Berosini Brought Forth Considerable Additional Information Which Should Be of Interest to USDA.

Testimony by USDA Inspector Greg Wallen¹, responsible for conducting the USDA investigation into allegations of animal abuse by Berosini, revealed serious flaws in the way the investigation was conducted. Mr. Wallen stated that he had never observed Berosini backstage without Berosini's knowledge of his presence (EXHIBIT #3, Wallen Testimony, July 17, 1990. Page 152-153). Wallen also admitted that he had never bothered to interview the dancers who had witnessed the beatings and who had signed affidavits testifying to what they observed (EXHIBIT #4, Wallen Testimony, July 17, 1990. Page 75-76). When questioned about his handling of a complaint made in April of this year alleging the use of sedatives to control one of the orangutans held by Berosini, Wallen admitted he had not bothered to have urine tests or blood work done, and had taken Berosini's word that sedatives had not been employed.

Dr. Kenneth Gould of the Yerkes Regional Primate Research Center in Atlanta stated in testimony defending the sale of orangutans held by that facility to Berosini that the director of Yerkes, Frederick King, was impressed with Berosini's housing for the orangutans. This same housing arrangement was found noncompliant in an August, 1989 USDA inspection which showed the cages used by Berosini to be one-third the minimum size required by law. Upon questioning, Gould admitted that the orangutans would not be able to stretch out in cages of that size. A total disregard for the intent of the Animal Welfare Act became apparent when Dr. Gould erroneously stated during the Berosini trial that the provisions of the Act do not apply to Berosini. (Further, Gould stated in his testimony that he and Dr. King agreed that Yerkes does not have to follow guidelines set forth in the Animal Welfare Act - an attitude reflected by noncompliance in the area of space requirements for primate housing reported during each Yerkes inspection done over the last five years.)

The controversy surrounding Bobby Berosini and the animal abuse shown on the videotape made backstage at the Stardust is directly tied to policy changes made by Emory University, the institution connected with Yerkes. The public embarrassment arising from the disclosure that Berosini had obtained at least six orangutans from Yerkes, prompted Emory University to adopt a policy which says, in part - that all transfers of animals from Yerkes or Emory

¹ Complete transcript of Inspector Wallen's trial testimony available upon request.

Dr. Arnoldi
September 17, 1990
Page 6

University must have the approval of the Institutional Animal Care and Use Committee and no transfers may be made to other than accredited zoological parks or licensed research facilities. Under no conditions can transfers be made to individuals or to persons affiliated with the entertainment industry (EXHIBIT #5).

The American Association of Zoological Parks and Aquariums' Orangutan Species Survival Plan committee drafted a similar policy at its Spring 1990 meeting. The policy was brought about by Berosini's abysmal failure to breed the orangutans he had obtained and the strong evidence showing that these animals were being abused in order to make them perform. It states that only persons with a proven record at successfully breeding orangutans and recognizable credentials should be allowed to obtain orangutans.

Exhibit #2 contains information about Berosini's latest acquisition, an infant female obtained from Bern Levine in Miami, FL. By Berosini's admission, this infant has been with him since she was one month old. Guidelines dictate that cats and dogs may not be transported until they are at least eight weeks of age. For primates, who are much more psych dependant on their mothers the separation has much greater psychological impact. While current guidelines do not restrict transfer or sale of infant primates, incidents such as this should make it apparent that there is a need for regulation in this area.

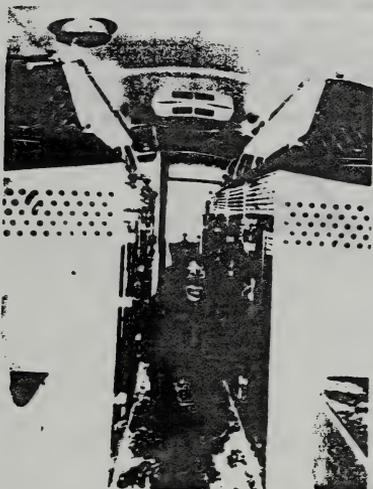
Conclusion

Many of Berosini's activities which constitute violations of the Animal Welfare Act will not be observed by an inspector who makes his or her presence known to Berosini. We feel that surveillance both backstage and at Berosini's compound would reveal that violations of APHIS handling and housing standards are ongoing. As noted above, Inspector Wallen never made an effort to view Berosini's activities without Berosini's knowledge. A quite different conclusion might have been reached in the initial investigation had these actions been taken. We respectfully suggest that a different inspector be sent to observe Berosini, and this observation be done in such a way that Berosini's normal routine can be evaluated. Your attention in this very important matter is greatly appreciated.

Sincerely,

Ingrid Newkirk
National Director

Bobby Berosini kept orangutans in cramped cages inside this bus for many years. The orangutans normally spent 20 hours or more on the bus each day. Only after vehement complaints by PETA and concerned individuals was Berosini forced to provide larger quarters for the orangutans, and their new cages are still much too small to meet their needs.



Berosini shown looking down into metal lockers in which he kept the orangutans.



To see out of their cages on the bus, the orangutans had to pull themselves up to the holes near the top. An orangutan's fingers can be seen protruding from the cage on the left. Measuring 2-1/2 x 3 feet, the steel enclosures were only one-third the minimum size mandated by federal regulations. Inside them, the orangutans could not raise their arms from their sides or lie down fully extended. They often had to lie in their own excrement.

ROBERT C. SMITH
137 DISTRICT, NEW HAMPSHIRE

COMMITTEE
ARMED SERVICES
VETERANS AFFAIRS

Congress of the United States
House of Representatives

Washington, DC 20515

September 26, 1990

Dr. James Glosser
Administrator
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
6505 Belcrest Road
Hyattsville, Maryland 20782

Dear Dr. Glosser:

I am very familiar with the case involving Bobby Berosini of Las Vegas. It is my understanding that your office has a well-documented file containing evidence of both past and present violations of the Animal Welfare Act on the part of Mr. Berosini.

Inasmuch as allegations continue to be raised about Mr. Berosini's treatment of his orangutans (together with other violations such as sub-standard cages on the bus in which he transports these animals daily), a new investigation certainly seems justified. I am anxious to hear, as soon as possible, what actions you plan to take in this case.

With warm regards,

Bob Smith
Robert C. Smith

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United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

P.O. Box 96464
Washington, DC
20090-6464

October 30, 1990

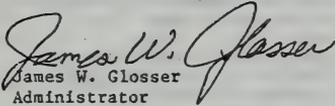
Honorable Robert C. Smith
House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter of September 26, 1990, concerning Mr. Bobby Berosini's animal show at the Stardust Hotel in Las Vegas, Nevada.

We appreciate your taking the time to voice your concerns. Appropriate Agency officials are currently reviewing documentation regarding Mr. Berosini's act. Once this information has been carefully studied, we will inform you of our Agency's course of action.

Sincerely,


James W. Glosser
Administrator



EDWARD E. FEIGHAN

19TH DISTRICT OHIO

MEMBER

COMMITTEE ON

ECONOMIC AFFAIRS

COMMITTEE ON

THE JUDICIARY


 UNITED STATES GOVERNMENT
 WASHINGTON, DC 20540
 MF 118-0121
 TRAIL BRIDGE BUILDING
 1417 NORTH STREET
 WASHINGTON, DC 20004
 202-455-4381

Congress of the United States
 House of Representatives
 Washington, DC 20515

November 14, 1990

Dr. James Glosser
 Administrator, APHIS
 U.S. Department of Agriculture
 6505 Belcrest Road
 Hyattsville, MD 20782

Dear Dr. Glosser:

There has been much public interest in the case of Mr. Bobby Berosini and his Las Vegas orangutan show. We are familiar with his treatment of the primates in his care, as shown on a much-publicized videotape, and we write to urge you to look into this matter.

It is our understanding that the USDA conducted an investigation into this case in August and September of 1989, but because the Animal Welfare Act had no provisions concerning the handling of animals in the course of training, abuse charges could not be brought. It is also our understanding that on October 30, 1989, new language was adopted to amend the Act as following:

- 9 cfr. 2.131a sub. 11--"Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm or unnecessary discomfort."
- 9 cfr. 2.131a sub. 21--"Physical abuse should not be used to train, work, or otherwise handle animals,"

It is apparent that Mr. Berosini's handling of the orangutans is in violation of the Animal Welfare Act as amended. The weight of the evidence, along with growing public interest, warrant a new investigation into the case. We would be very interested to hear what the USDA plans to do in regard to this matter.

Sincerely,

Pete Stark
 FORTNEY PETE STARK
 Member of Congress

Edward E. Feighan
 EDWARD E. FEIGHAN
 Member of Congress

EFF:brd



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

P.O. Box 98464
Washington, DC
20090-8464

December 18, 1990

Honorable Edward F. Feighan
House of Representatives
Washington, D.C. 20515

Dear Congressman Feighan:

Thank you for your letter of November 14, 1990, concerning Mr. Bobby Berosini's animal show at the Stardust Hotel in Las Vegas, Nevada.

It is true that, as a result of allegations of mistreatment of his animals, we conducted an investigation of Mr. Berosini's show last summer. Our veterinarians inspected his orangutans and determined that he had not violated current Animal Welfare Act (AWA) standards and regulations. However, this investigation disclosed that Mr. Berosini was in violation of the AWA standards on primary-enclosure space requirements. He has since corrected this violation.

When we revised the AWA regulations effective October 30, 1989, we strengthened the regulations governing the treatment of nonhuman primates and other animals used for exhibition. We inspected Mr. Berosini's facilities on February 12, April 2, and October 11, 1990. No violations were found, and we have concluded that he is in compliance with the AWA standards and regulations.

We cooperate with the U.S. Department of the Interior's Fish and Wildlife Service (FWS) to ensure that the permits required by that Agency for acts such as Mr. Berosini's are current. We recently learned that FWS officials rescinded his permit to purchase new animals "because he had done nothing to enhance the breed." This action does not prohibit him from exhibiting the animals currently in his possession.

We are providing this same information to Congressman Stark and hope it is helpful.

Sincerely,

James W. Glosier
James W. Glosier
Administrator



APHIS - Protecting American Agriculture



PERFORMING ANIMAL WELFARE SOCIETY

3347 S. 5TH STREET • ARLINGTON, VA 22204 • (703) 521-1689

**TESTIMONY OF PAT DERBY
 PRESIDENT AND FOUNDER, PERFORMING ANIMAL WELFARE SOCIETY
 GALT, CALIFORNIA
 BEFORE THE SUBCOMMITTEE ON
 DEPARTMENTAL OPERATIONS, RESEARCH, AND FOREIGN AGRICULTURE
 OF THE
 HOUSE COMMITTEE ON AGRICULTURE
 OVERSIGHT HEARING ON EXHIBITION ANIMALS
 WEDNESDAY, 8 JULY 1992**

Good morning, Mr. Chairman and members of the Subcommittee. My name is Pat Derby, president and founder of the Performing Animal Welfare Society, based in Galt, California. I am very pleased to have this opportunity to testify before you today regarding the use of animals for public display and the adequacy of current law and its enforcement. I will summarize my prepared remarks but ask that my full statement be entered into the record.

I come to my work on behalf of animals by an unusual route--I was a Hollywood animal trainer for 22 years. I feel a little like an American Express commercial--you may not know me but--you may know my most famous companion, Chauncy, the Lincoln-Mercury cougar. I am proud of the way I cared for the animals who were so important to my career, but I was not proud of the other members of my profession. My lifelong love for these animals, spurred by the need to care for such "working wildlife" once they were cast aside by their owners, led me to establish a sanctuary for them. The realization that more must be done to protect these animals led me to become more active in policymaking, first in the California legislature (I helped write our regulations for keeping wildlife) and now here in Washington. I am one of the few license holders who is actively working to strengthen the Animal Welfare Act and its enforcement.

We in the animal protection community are regularly accused of caring more for animals than we do for people. I don't understand why some believe that concern for one necessarily comes at the expense of the other. Thus, I feel compelled to note that I am a proud member of Rotary International and this year am president of



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"dedicated to the protection of performing animals"

the Galt Rotary Club, the members of which have been enormously helpful to my sanctuary. Of our two Washington representatives, one is a member of her city council and works with the Toys for Tots program, and the other is chairman of the board of a University of Maryland program that works with older adults. I know of no one who works on behalf of animals whose ethos of caring does not extend to humans as well.

I would first like to give you a glimpse into the daily life of a performing animal:

"She said that if India (the tiger) would not submit and cover herself with her paws by beating her, that she would choke her into submission. So, while India was still chained with her head on the pallet, she choked her by placing her foot against the pallet for leverage, and pulling India's tail. This pulled India against the chain until she could not breath.

"India would stop struggling when she would begin to pass out, and Dawn would let her go, only to begin again within a few seconds. When that didn't work, Dawn would choke her while Mr. Antle would beat her. At one point, when Mr. Antle had two sticks, he rapidly hit her in the face several times, using both sticks in oriental stick fighter fashion....Both Mr. Antle and Dawn continued telling us what they had done was acceptable and done by all tiger trainers."

That testimony, from a sworn statement by two former volunteers of Tennessee animal trainer Kevin Antle describes in horrifying detail part of the day in the life of a performing animal.

I find it hard to believe that such treatment is consistent with the Animal Welfare Act's regulation that requires animals to be handled "as expeditiously and carefully in a way so as not to cause unnecessary discomfort, behavioral stress, or physical harm."

By the way, animal protection groups have been complaining to USDA about substandard facilities and other gross violations of the Animal Welfare Act at Mr. Antle's compound since the early 1980s. PAWS first contacted USDA about these deficiencies in 1991, at the request of the local humane society, which has been fighting with USDA over Mr. Antle since 1989. The outcome of our efforts: USDA is said to be "investigating" this exhibitor; in the meantime, Mr. Antle is today doing business as usual. (Appendix A)

There is the mistaken notion that if no abuse is evident while an animal is actually "performing," then there is no abuse, period. Nothing could be further from the truth. As so chillingly described above, the very existence of a performing animal can be--and generally is--one unending nightmare.

Our own investigations, and those of the other animal

protection groups here today over the course of the last 20 years, have found that animals used for public display, whether in roadside menageries, circuses, the movies, stage shows, or other traveling acts, live lives of deprivation and cruelty in violation of the Animal Welfare Act and its regulations.

These animals are kept in barren, cramped cages that offer no opportunity for the "normal postural and social adjustments" required by the law, unless you consider cramming three lions into a cage barely big enough for one--as recently observed at the Ringling Brothers/Barnum and Bailey Circus--a normal adjustment. In fact, as USDA interprets these standards, 70 full grown tigers could live in my living room. A 2500 square foot house could hold 200 tigers, 86 orangutans, or 10 elephants. No doubt our zoning office would frown on this arrangement!

Ringling Brothers and every other traveling animal exhibitor has persuaded USDA that cushy quarters are available for their animals when not on the road. Well, the myth of "winter quarters" for circus animals is just that--a myth. These animals are on the road almost all of their lives; their traveling cages are their permanent quarters. Because USDA refuses to recognize them as such, they are held to a far lesser standard. Consequently, these performing animals are afforded an even lower level of protection under the Act than are other exhibit animals, although nowhere does the Act make such a distinction.

Unfortunately, as bad as these cages are, life is no better when the animals are being trained or are performing. Training can involve everything from food deprivation to drugging to the kind of abuse Mr. Antle employs. Even during performances that do not involve overt abuse, animals are subjected to stress and demands to perform behaviors that are totally unnatural. (However light the equipment might have been, when was the last time you saw a penguin wearing a harness and a rocket?) I say with regret that, after 25 years of observing and documenting circuses, I know there are no kind animal trainers. Despite all the protests to the contrary, training practices have changed very little in the last 30 years.

Inadequate facilities and cruel training practices are not the only abuses these exhibit animals must endure: poor nutrition and health care and emotional and physical deprivation are the sad realities of their lives.

Despite our ongoing efforts to apprise USDA of violations and secure relief for these animals, the agency refuses to take decisive action, and these animals continue their lives of misery.

The lives of these animals are bad enough while they are able to "work" and therefore have some "value" to the exhibitor, whether a zoo, circus, or itinerant trainer. Once that value is gone, there's no telling what will happen. Some of these animals may be shuttled around for years from one owner to the next, as happened

to another one of the Clint-Eastwood-movie orangutans, which was finally rescued, in extremely debilitated condition, from a safari park. It was nursed back to health at the Dallas Zoo and then placed with Primarily Primates, a sanctuary in Texas. Others, not so lucky, wind up as private pets with individuals totally unprepared for what they have just gotten themselves into. If the animal doesn't die first, it may well find itself back on the auction block. Others wind up at shooting ranches or even the exotic meat trade.

Those who make their livings off these animals will insist that they love their animals and take lifelong responsibility for them, but that is just nonsense, pure and simple. If that were the case, I'd have fewer animals to care for than I have. It is the failure to take seriously their commitment to their "meal tickets" that makes my work so necessary.

Ask Steve Martin what happens to his animals when he can no longer use them commercially. If he doesn't tell you that he takes care of them for the rest of their lives, he certainly will tell you that he does his best to find "good homes." What he may not tell you is how he went about "placing" the 14 mountain lion cubs he procured for use in the movie "Benji, the Hunted." After earning a substantial sum of money for the use of these cubs, Mr. Martin placed an ad in the "journal" of the surplus animal trade, The Animal Finder's Guide, a copy of which I have included with my written statement (Appendix B): "FOR SALE: 14 cougar cubs. Will accept any reasonable offer. Steve Martin (and his California phone number)." I wish I could say that this is an unusual occurrence, but it is not. The law is powerless to prevent an animal from falling from a bad situation to a worse one, not for lack of intent, but for lack of will.

The following examples of USDA's enforcement failures are taken from our own case files--which include documents obtained from the USDA itself, as well as the U.S. Fish and Wildlife Service and local law enforcement agencies--to illustrate the kinds of squalid conditions, inhumane treatment and, still, cruel training to which exhibit animals are subjected daily in direct violation of the Animal Welfare Act:

o Trainers adamantly insist that they use only "affection training." Howard Mann, an actor in Los Angeles, wrote the following in the Los Angeles Times about his experiences in a commercial in which a chimpanzee couldn't quite get the scene right:

"He (the trainer) grabbed the chimp by the hand and yanked him out of sight behind some bushes. A moment later, I heard a resounding whack, then a whimper. Then another whack and a bigger whimper. Finally, a loud, crashing whack and a series of heart-rending moans.

"They emerged, [the chimp] looking completely whipped. Gone was his cockiness. His shoulders were slumped. His eyes looked pained and teary. How human he seemed.

"Everyone stopped to stare at the trainer. He felt compelled to explain what he had done.

"You gotta remember: These are animals. You can't be too nice to them. They don't understand that. You have to show them who's boss, see?"

o Trainer Helen Carpenter of Jefferson, Texas, went belly up while touring with her large cats in Micronesia. Only the kindness of strangers--local humane societies, ship captains, and PAWS--enabled her to return to the U.S. We arrived to inspect her "facility" only to find there is no "facility." She has no permanent housing for her animals: These circus cats, some of which are endangered species, are born, raised, and trapped for their entire lives in their 4'x8' travel cages in the truck until they leave for the next job.

We immediately notified USDA of our findings, including providing a videotape of our visit. An inspection was conducted, violations were found (as they had been during every inspection over the past four years), no action has been taken, and Helen Carpenter is conducting business as usual. (Appendix C)

o PAWS has conducted an ongoing investigation of performing and exhibit elephants and has found they are kept under extremely stressful conditions. They are confined to small facilities; circus and other traveling elephants are either kept on the boxcars in which they are transported or are staked out in the hot sun in some field or parking lot somewhere in the U.S. while awaiting their turn in the "greatest show on earth."

And "staked out" is not too harsh a term. Elephants are chained, sometimes by a hind foot, sometimes by both a front and a hind foot, so that their movement is completely restricted. Lacking any other mental or physical outlet, they resort to such stereotypical behaviors as rocking and swaying. The Animal Welfare Act regulations [Part 3, Subpart F, Section 3.128] recognize that "abnormal behavior patterns" are one indication of inadequate space, a clear violation of the law.

Of course, it's hard for an inspector to notice such details if he is more interested in the trainers than the animals, as was the case on one occasion when PAWS was out filming Ringling Brothers' arrival in Galt. We found ten elephants chained to the walls of an overcrowded railroad car, with no water available; it was 95 degrees outside, and we can only guess how hot it must have been in that car. We have to guess because, despite the requests by five humane groups to check the temperature of the car once the elephants had been off-loaded, the USDA inspector was more

interested in getting Gunther Gebel-Williams' autograph. Having secured that, he allowed as how the elephants "look fine to me." We videotaped these animals standing in urine and feces, rocking and swaying in stereotypic fashion.

As if their living conditions were not bad enough, these working elephants are beaten and shocked to elicit the desired behavior; we have video showing one elephant with a huge pus-filled blister the size of a cantaloupe on its leg. Despite its obvious inability to put its weight on that leg, that elephant was nonetheless forced to perform.

Not many people have seen our video. But, this past February, most of the country saw the heart-stopping film of the Great American Circus elephant in Florida that went on a rampage while giving rides to several children. The children were rescued, but some spectators sustained injuries in the ensuing confusion, and the elephant was killed. Only a month before, USDA had fined that circus for nine different violations uncovered during four separate inspections conducted in 1990 and 1991. USDA finally decided to act after a black leopard escaped during a performance and bit a little girl.

In the February incident, however, USDA found no violation of the law, even though the AWA requires that "(d)uring public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of the animals and the public." [Part 3, Subpart F, Section 3.135(c)] It is incomprehensible that only two days after that tragedy, this circus was back in the ride business, using an elephant that herself had once escaped from her trainers during a show in Milwaukee--while two children were on her back! (Appendix D)

A even bigger surprise to most is learning that the "good zoos" are not immune to mishandling elephants. Just last month, a botched moving job (involving a transfer to a Mexican zoo) resulted in the death of Hannibal, the Los Angeles Zoo elephant. Milwaukee Zoo sold an elephant to a trainer who uses elephants for rides; the animal was so badly handled while trying to load her that she wound up practically upside down in the truck!. The San Diego Zoo's elephant, Dunda, was beaten severely by keepers who kept her chained to the ground while striking her with ax handles and elephant hooks "'finally driving her to her knees. They beat her so severely, she rolled over on her side and moaned,'" according to the senior elephant keeper.

o USDA continually wails about its lack of resources and lack of authority. Neither a lack of resources nor a lack of authority has anything to do with it; a lack of interest, coupled with a misapplication of resources, has everything to do with it. One example: USDA has spent ten years flying inspectors from

California to Nevada (several times in the alst two months alone) to find that, yes, Las Vegas animal trainer Otto Berosini was indeed once again out of compliance with the law.

Most recently, his animals were found abandoned on an Indian reservation. They were lying in their waste in tiny cages closed up in a travel trailer. The tiger Pasha was close to death when found and died shortly after the local humane society took custody of the animals. The results of the necropsy on Pasha, as divulged to a TV reporter, were said to reveal "massive head injuries, blood clot and tumors, and that's not the worst of it. This animal did not die of natural causes." A leopard died shortly thereafter. This brought the death toll among Berosini's animals to four in less than a year.

For ten years, USDA has wasted taxpayer dollars to "educate" Otto Berosini, to suspend and renew--only to suspend again--his exhibitor's license. Despite the fact that Mr. Berosini's remaining six lions and a leopard still live in filthy cages in a trailer as they have for months, and despite this decade-long record of persistent, across-the-board violations of the AWA, USDA has failed to take the steps necessary to revoke this license. Dr. William DeHaven, a USDA supervisor, actually acknowledged to a newspaper reporter that "Berosini has shown a pattern over the years of failing to meet minimal standrds for animal care," and he admitted that he had "'a hard time defending'" USDA's failure to take legal action against Berosini. (Appendix E)

I am sorry to say that this litany could go on indefinitely. What these cases, and so many more like them, so compellingly demonstrate is the need to address, first, USDA's stubborn unwillingness to take its AWA responsibilities seriously when it comes to animals used for public exhibition; and, second, the need to tighten some of the Act's provisions to clarify USDA's authority and to close the loopholes that some exhibitors use so well to evade compliance.

We recommend the following:

- There must be a limit on violations, in terms of both frequency and severity, as well as on the number of suspensions, after which a license is automatically revoked.
- There must be language to clarify USDA's authority to deny or revoke licenses and to deny renewals if an exhibitor is out of compliance, has been repeatedly out of compliance over a specified period of time, or has been convicted of violating a state or local anticruelty statute.
- The Act must specify that traveling cages may not be used as permanent housing and must define permanent housing as any enclosure to which an animal is confined for extended periods of time, to be determined through consultations with experts,

including representatives of humane organizations. The objectives of this change are to provide traveling animals with the same level of protection under the law as other exhibit animals, and to prevent an exhibitor from avoiding compliance with stricter permanent housing standards by claiming that his/hers is a traveling exhibit. (Even if the exhibit hasn't moved in months, USDA always swallows this line.)

- Given our experience in California, I am becoming convinced that it is necessary to specify minimum cage sizes, which representatives from the humane community should help devise.

The standards we have established in California, over the objections of many exhibitors and trainers, are being vigorously and rigorously enforced and have already resulted in improved housing for many, many animals. In order to perform in our state, Ringling has had to devise a facility to be used to allow the animals to exercise; if they have to do this in our state, there is no reason they shouldn't be doing it in every state.

Minimum caging requirements, while not ideal, will also help USDA; my own inspector complains that the vagueness of the current standard works against her when she tries to cite an exhibitor for violating it (which I do not believe would be the case if there were a department-wide commitment to enforcing the law in favor of the animals rather than in favor of the violators). At least with measurements--"This size and no smaller"--it is easier to say what is and what is not in compliance.

- It must be made clear that the requirement that sufficient distance or barriers between the animals and the viewing public be provided to ensure both public and animal safety outlaws such inherently dangerous public contact with wild animals as elephant rides, boxing kangaroos, wrestling bears, photo ops with lions, and the like. Luckily no one was killed in February at the Great American Circus, but it looks as if that is what it is going to take--absent specific instructions from Congress--to force USDA to stop looking the other way.

- The standards must explicitly provide for environmental and behavioral enrichment for exhibit animals.

- USDA apparently believes that the standard stating that handling of animals should not cause them "unnecessary discomfort, behavioral stress, or physical harm" [Part 3, Subpart F, Section 3.135(a)] is insufficient grounds for taking action against an exhibitor or trainer before an animal actually dies. This is curious, since the AWA authorizes the Secretary to confiscate an animal "found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder" (7 USC 2146). This seems to accept something less than death as an indication of a violation. To make this clear, language must be added establishing indicators of inhumane

treatment--whether injuries, physical conditions incompatible with good physical or mental health, and similar signs--as prima facie evidence of violations.

We recognize that changes in the Act will have to be carefully considered and will not happen overnight. In the meantime, then, it is crucial that Congress insist upon USDA's enforcing this law vigorously and effectively, remembering that the idea is to protect the animals we use for our amusement, not to facilitate their abuse.

Please let me leave you with this thought to guide you as you deliberate the best ways to improve the effectiveness of the Animal Welfare Act. The effect on the animals of the conditions I have described was expressed most eloquently by a trainer who testified in the beating death of Clyde, one of the orangutans that appeared in Clint Eastwood movies: "He had undergone years of neglect. I believe that his whole life is what killed him--his diet, his terrible environment, and the neglect."

(Attachments follow:)

Lion owned by Antle attacks model

☆ By Leslie Wilson
Staff Writer

A lion belonging to the owner of a Kodak wildlife park injured a model in New Hampshire last Wednesday during a photo shoot in Manchester.

Shannon Audley, 23, of Manchester was treated at the Catholic Medical Center in Manchester for cuts to her head and back after a 6-year-old male lion bit her during a photo shoot.

Audley remained in stable condition Monday, a hospital spokesperson said.

The lion is owned by Kevin Bhagavan Antle, who owns the T.I.G.E.R.S. (The Institute of Greatly Endangered & Rare Species) wildlife park in Kodak. Antle did not return phone calls last week.

Antle, 31, has been involved in a lawsuit brought against him by a couple claiming he refused to return to them a tiger they said they bought from him, as well as investigations of his wildlife park by the Tennessee Wildlife Resources Agency, the United States Department of Agriculture and P.A.W.S., the Performing Animal Welfare Society.

Manchester Police Department Animal Control Officer David Dydo said the Oct. 9 injuries sustained by Audley were accidental.

"It really wasn't an attack, it was an accident," Dydo said. "The trainer was there the whole time. The accident

happened towards the end of the day - the lion got tired and she (Audley) got fidgety."

Dydo was contacted by representatives of the television programs "Current Affair" and "Cable Network News" about the incident, he said.

"I think when people first hear about it they think it's more sensational than it is," he added.

No charges have been filed in connection with the incident.

Bill Yambert, TWRA non-game coordinator for Region IV, said he is not sure whether or not the incident will affect the issuance of Antle's permits or his Oct. 18 hearing on charges he let a tiger come in contact with the public at a bodybuilding contest in Sevierville last year.

"All I have is hearsay evidence thus far," Yambert said Monday. "We do have a case pending against Antle for allowing a Class I animal to come in contact with the public... this incident may or may not have a hearing on that case."

While the lawsuit concerning ownership of a Bengal tiger filed by Joe and Mary Lynn Parker of Knoxville was settled out of court and the tiger has been returned to the Parkers, Antle still faces an Oct. 18 hearing and investigation by state and federal wildlife welfare agencies.

The U.S.D.A. is investigating Antle's facilities for possible violations of three regulations of the Animal Welfare Act, and the TWRA is withholding the permit allowing him to exhibit Class I animals (which include bears, lions, tigers, leopards and elephants) on stage until he complies with specifications set forth by TWRA officials in July.

Those specifications, Yambert said, include barriers constructed so "Class I animals can't get to the audience; a stipulation that no tigers are housed in the outdoor cages without tops; and any Class I animals exhibited on stage must be tethered and rules must be followed regarding the gates and doorways."★

Stricter laws for exotics

☆ By Leslie Wilson
Staff Writer

A new exotic animal law makes it illegal to own tigers, lions or bears as pets in the state of Tennessee unless they were purchased before the law took effect June 25.

The law forbids Tennesseans from owning Class I animals under a personal possession permit unless the animal was bought and a permit for the animal issued before June 25.

The law also calls for stricter rules governing those who already have personal possession permits, requiring them to renew the permit annually at \$150 per animal or \$1,000 per facility and to have no less than one acre of land on which to house the animal.

Class I animals are those considered "inherently dangerous to humans," according to a Tennessee Wildlife Resources Agency news release, and include African buffalos, alligators, baboons, bears, cheetahs, chimpanzees, cougars, crocodiles, elephants, Gelada baboons, gibbons, gorillas, hippopotamus, jaguars, leopards, lions, tigers, wolves and all poisonous snakes and amphibians.

The legislation was prompted by "several recent incidents with captive exotics, concern for public safety and the protection of the environment and native wildlife," the release said.

TWRA Region IV non-game coordinator Bill Yambert said the law is a response to "several incidents throughout the state."★

2 men charged with poaching

Two Florida men were sentenced Oct. 11 to serve 14 days in jail for killing two deer in Cades Cove Jan. 7 and 8. Travis Mott Williams, 37,

Expert calls wildlife park 'amateur' site

By JODI NELSON
Staff Writer

An animal welfare expert said Sunday that a Kodak wildlife park was below standards, calling the business an "amateur night."

Sue Pressman, a consultant for the Performing Animal Welfare Society, toured the T.I.G.E.R.S. Wildlife Park Saturday and reported her findings in a press conference Sunday.

"It's attractive on the outside, but backstage, it's like amateur night," Pressman said.

She said she contacted Kevin (Bhagavan) Antle, director of the wildlife park, about two months ago and was assured she was welcome to inspect the facility.

Antle was not present when Pressman made her surprise visit Saturday, but Dawn Antle was there and accompanied her on the tour, Pressman said.

The physical aspect of the park at first makes a good impression, she said.

"Usually they are ugly inside and out," Pressman said. "This one is very attractive outside."

However, when looking more closely, she said there are definite and serious problems at T.I.G.E.R.S.

The exercise area, which was occupied by younger cats while Pressman was there, is surrounded by a wire mesh that has a configuration where an adult cat could use it as a sort of ladder, Pressman said. And while leopards are more likely to figure out this route, this possibility is not confined to that breed, she said.

"It wouldn't be beyond a tiger to figure out the way to escape," she

sanitation backstage, as well as the storage of food for the animals, Pressman said.

Another problem exists with a seven-year-old elephant that was chained to "the tiniest tree there" Saturday, she said.

"(The elephant) was in the shade and she is young, so she made not need the 30 gallons of water (an elephant usually drinks at one time)," Pressman said. "But she had no water."

"The watering system was lacking," she said. "There might be a doggie pan here and a rusty pan of water there. It's an unprofessional sort of amateur night."

A philosophical problem Pressman said she found was the breeding operations at the park, which should by law be concerned with the enhancement of the species.

However, she said she saw one cub that was a cross between a lion and tiger, and there could be more in the future.

"This should be a very specialized breeding program, and it's not," Pressman said. "This is not a rare breeding compound by any stretch of the imagination."

There are other problems at the park that need to be addressed, and Pressman said she will begin talking to the government agencies on Monday after she returns to Washington, D.C.

"I'm going back and asking the (United States Department of Agriculture) what they're doing about it," she said.

Pressman said she will also talk with officials at the U.S. Department of the Interior, which is in charge of the federal Fish and Wildlife Administration.

"The permits they give out provide for the enhancement of an endangered species," she said. "I want to know how on Earth they

THE MOUNTAIN PRESS

35

Bears Layman, Lewis begin Vol careers — Sports, Page 6A

Monday, August 5, 1985

Vol. 3-91, No. 187 • 16

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TAKING ORDERS for Canadian lynx and bobcat young and Tundra wolf pups, \$450. Triple "D" Game Farm, 190 Drake Drive, Kalispell, Montana 59901, 406-752-2189 evenings. 8-15-86

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FOR SALE: Bobcats starting at \$1,500. Montana 406-228-8138 8-15-86

FOR SALE: Clouded leopard kittens, serval kittens, whooper crane, swans, Australian black swans. California 916-279-2122 9-1-86

DIRECT IMPORTERS - WHOLESALE PRICES: Large selection of reptiles - rare and common species always available. Also animals and birds. Call for prices and information. Zoworld. 1-813-848-3321. Florida 9-1-86

HELP WANTED: Zoo oriented person to work in Central Kentucky. Write to Rt. 2 Box 453, Danville, KY 40422 or call 606-238-7281. 9-15-86

FOR SALE OR TRADE: Female capybara, probably bred. 606-238-7281, Kentucky 9-15-86

FOR SALE: Pair African lions, male 3 years old, female 2 years old, both excellent disposition. Preferred good home. 315-695-2275, New York 8-15-86

FOR SALE: 4 elk mature bulls and 6 elk calves. Sperber & Krueger Lumber Co., Route 1, Valders, Wisconsin 54245, Phone 414-775-4663. 8-15-86

AN INVITATION

To you to stop by for a visit with our Llamas. Large animals with lots of wool that we have been selectively breeding for longer than anyone in the State of Oregon. We have always sold our babies at reasonable prices by word of mouth and by their reputation to well known breeders throughout the United States, so this is not a sales pitch. Just an invitation to you to come visit with our girls and boys - Oh! and us too!

KELVIN GROVE STOCK FARM

Rt. 4, Box 994
Hillsboro, OR 97123
(503) 628-1116

FOR SALE: Due to advanced age and failing health - Animal Park in popular tourist area, on major highway, across road from entrance to large state park (free) with 450 acre lake. Southern PA eight acres (plus) under fence. Souvenir Shop, Petting Zoo with food booth, heated winter barn, hoof stock yards with sheds, caged mammals and birds, food vendors at cages, two ponds, stocked and equipped ready to go. (now in operation) Will consider leasing to responsible parties at reasonable terms. Phone (814) 733-4781. M.K. "Tex", Rowe, Schellsburg, PA 15559.

FOR SALE:

Two separate attractions in central Pennsylvania; 80 acre wild animal park and 8 acre story book park. Both completely fenced. Very profitable. No competition. Excellent growth tourist area. Many large buildings, shops, etc. Plus 2400 square foot, 3 full bath owner's home. All on 234 acres with over 2500 feet road frontage on both sides of the road. Plenty of room for expansion. Unlimited potential. Same owner for over 20 years. Will sell just one, also consider real estate on trade. **For details call Mr. Bowser, 814-944-4811 or 814-942-0100.**

FOR SALE: Dwarf spotted pony, mare, 28", one year old. Very tame. 217-864-2679. Illinois. 8-15-86

FOR SALE: 14 cougar cubs. Will accept any reasonable offer. Steve Martin, (805) 268-0788. California. 9-15-86

FOR SALE: Black swans, unrelated, sexed pair. Call Bob at 919-528-0657, North Carolina. 8-15-86

FOR SALE: Ferrets, entire breeding herd plus some kits. Most females are now bred, for second litter of the season. Call evenings 715-453-3579. Wisconsin. 9-1-86

FOR SALE: Two year old male dromedary camel, broke to ride, would make good pet. \$3500. 215-386-0488, Indiana. 8-15-86



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Federal Bldg.
Hyattsville, MD
20782

MAY 24 1990

Mr. Sue Eisenman
Performing Animal Welfare Services
P.O. Box 841
Lodi, CA 95622

Dear Mr. Eisenman:

We have received the faxed copy of your letter dated May 14, 1990, concerning Mrs. Helen Carpenter of Jefferson, Texas, in which you request copies of inspection reports and correspondence under the Freedom of Information Act (FOIA). A copy of your request has been forwarded to the FOIA coordinator. FOIA should be responding to you as soon as copies of Mrs. Carpenter's records are received.

We appreciate receiving a copy of your inspection report for Mrs. Carpenter's premises. A copy of your report has been sent to our Sector office in Fort Worth, Texas. Mrs. Carpenter's premises will be inspected on May 22, 1990, by two animal care inspectors. When the inspection report is received, we will forward a copy to you.

Thank you again for bringing this matter to our attention.

Sincerely,

John M. Arnoldi
Deputy Administrator
Regulatory Enforcement
and Animal Care

17) Newly identified non-compliant items identified on this inspection 5-22-90
 2) Structural Strength, 3) General Requirements 3.125(a)
 Indoor and outdoor housing facilities shall be structurally sound and maintained in good repair. Primary enclosures for all large cats have areas of rust on surfaces. Wood floor surfaces are worn and no longer impervious to moisture. Rust must be removed from primary enclosures and repaired. Wood floors must be made impervious to moisture.
 Correct by 6-22-90.

3) Space Requirements 3.128 Enclosures shall be constructed and maintained to provide sufficient space for animal. All large cats are in primary enclosure on this date. Animals can walk freely in cage primary enclosure, however exercise enclosure is not set up at this time. Exercise enclosure must be provided for animals. Correct by 5-25-90.

Note: Mac Carpenter is in the process of repairing and painting exercise enclosure on this date 5-22-90.
 When enclosure is up all cats are exercised daily.
 18) Per 14. Structural Strength 3.125 a Facilities shall be maintained to protect and contain the animals. No perimeter fence is present on this date. Perimeter fence (5 foot height) to be constructed around primary enclosure. Correct by 6-22-90.
 19) Mac Carpenter is a traveling exhibitor and seldom at permanent residence. Plans for perimeter fence was discussed 5-22-90.

Inventory - 2 Leopards
 1 cougar
 1 jaguar
 8 tigers
 1 lion
 1 Olive baboon

20 PREPARED BY (Print Name) Elizabeth Pannellom	21 DATE 5-22-90	22 OFFICIAL STATION Greenville, TX
23 COPY OF INSPECTION REPORT RECEIVED (Print Name) VMO	24 TITLE owner	25 DATE 5-22-90
26 COMMENTS OR INSTRUCTIONS BY REVIEWER (Print Name) William L. Carpenter		

27 REVIEWED BY (Print Name) SP. W.P. Austin	28 TITLE S.S.	29 DATE 5/29/90
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Circus cats mistreated, advocates say

Group that helped stranded trainer now wants 16 animals confiscated

By Jim Dickey
Mercury News Staff Writer

Animal advocates who helped a wild-animal trainer get her big cats back to Texas after the troupe was stranded in California now claim the creatures are being mistreated and want them confiscated.

The Performing Animals Welfare Society says trainer Helen Carpenter is keeping her tigers, lions and bears in such small cages that they are suffering. PAWS has asked the U.S. Department of Agriculture to confiscate the 16 animals.

Carpenter, 51, and her act were stranded on the island of Makuru, near Guam, when her circus employer left her broke after a tour of the Pacific Islands. Animal advocates on the island paid their fare on a freighter to Oakland, where PAWS and other animal welfare groups provided \$1,300 for Carpenter to travel to her 33-acre ranch in Texas.

PAWS consultant, Sue Press-

man, flew from her office in Maryland to inspect Carpenter's animals on the ranch, about 10 miles from Jefferson, between Shreveport, La., and Texarkana, Texas.

PAWS President Pat Derby, who lives in Galt, between Sacramento and Stockton, said Pressman found only a 35-foot house trailer and a tin shed on the property. The animals were being kept in small travel cages, Derby said.

"Three bears are in a box 7 feet by 7 feet, and four tigers are in a 3-by-5 cage," Derby said. "A male lion is in a cage about the length of his body, so when he moves and turns around he has sores on his body from rubbing the sides of the cage."

Carpenter said in a telephone interview that the charges are false and that the people making them "know very little about animals or they wouldn't be putting the charges on me."

She said that her cages are larger than most animal cages and

that the animals are taken out for exercise every day.

Derby said Pressman found two tigers in a small cage in a tin shed that was "so dark they were going out of their minds."

Carpenter responded that it was dark and stormy when Pressman visited and that she didn't have a chance to turn on the light. The trainer said the shed's doors, normally open for ventilation and light, were closed because of the storm.

To show Pressman her animals are placid because they are well treated, Carpenter said, "I put my arm in with each and every animal" and withdrew it whole. "They licked my arm instead of trying to rip it off."

Carpenter said her lions and tigers don't need much space. "A cat is a very lazy animal," she said. "They don't run. The only

exercise they get is when they go out and hunt for food. The rest of the time they sleep. And these guys don't have to go out and kill for a living."

Carpenter said she has been frustrated when she tries to get the animals to move about by putting them in a 36-foot-diameter exercise arena.

"They'll just walk around for a while and then go find a place to lay down. You give them ear flicks and bowling balls to play with, and then the suckers just lie down," she said.

The Department of Agriculture's animal and plant health inspection office in Fort Worth, Texas, said it was planning a surprise inspection of Carpenter's ranch because of the complaints from California. A department spokesman declined to give the results of previous inspections of the ranch.



PERFORMING ANIMAL WELFARE SOCIETY

P.O. BOX 842 • GALT, CA • 95632 • (916) 393-3340 office • (209) 745-2606 shelter

May 14, 1990

Dr. Joan Arnoldi
U.S.D.A.
Special Assistant to the Secretary
Hyattsville, Md.

Dear Dr. Arnoldi,

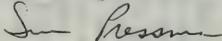
This letter is to update our original complaint filed in your office May 7, 1990.

Performing Animal Welfare Society's concern about the ability of Mrs. Helen Carpenter of Jefferson Texas to provide for her animals due to being stranded on a Micronesian island, then Hawaii, and finally Oakland's port, has continued. We are now filing a official request for information under the Freedom of Information Act for correspondence and 1808 forms for the past four years pertaining to Helen Carpenters operations.

Enclosed is my report to my California office, and I have delivered to your office a video tape on the inspection of the Carpenter home base.

It is the opinion of the Performing Animal Welfare Society that Helen Carpenter is out of minimal compliance on EVERY section of the act. There are no cages available, no system for cleaning the travel cages the animals live in, food and sanitation is below minimum. No chance for the animals to make social and postural adjustments. No on going veterinary care, or pest control. No professional management of the animals, in the area of trained personnel. In total, a completely unacceptable operation.

Sincerely,


Sue Pressman

"dedicated to the protection of performing animals"

Report to P.A.W.S.
From Sue Pressman
May 13, 1990

Inspection of Helen Carpenter

May 10 Arrived in Houston and stayed at the home of Bob Berry past curator of the Houston Zoo.

May 11 Drove with Bob and his friend to Jefferson Texas through very rough weather, hail rain and flooded roads. I presumed the same weather was slowing down Helen Carpenter too. Arrived about 4p.m. and waited outside her driveway. She is in a very rural area on a dirt road that has very few homes, mostly hunting camps. In order to find her road we checked with the police dispatcher in the town about 10 miles away. There was no sign of the truck and we assumed she had not arrived yet. I did not see any permanent structures on the property from my vantage point. About 8:30 p.m. the truck came down the road. It was very dark by this time, so we watched what we could and then decided to come back in the morning. She did not unload the animals that evening so we left without making our presents known. We drove to Longview Texas about one hour away and stayed at Bobs sisters house.

May 12 We returned to the area and called her to make sure we did not find them sleeping, and give them notice that we would be coming down the driveway shortly. Helen answered the phone and seemed surprised we were ready to inspect already, however she was not prepared to say no. I told her I would be right there and didn't ask for directions. I'm sure she thought it would take us about an hour to find the place, but we drove in 10 min. later. Helen had a keeper cleaning the truck that was still loaded with the animals. I ask how the trip was and for her to show us all around. I said the cameraman would follow and sometimes go off by himself. I took still shots of the 33 acres. As we had suspected there is no permanent structure on the property except for a tin shed large enough to be called a one car garage. One house trailer that she says she usually takes along except for this trip. A large wooden trailer that she keeps the bears in, but only in one small part of the trailer, her son lives in the other part. This is the trailer with the blue "awning". As the tape shows in the panorama view there is not one cage available to the animals on the truck. The tape shows raw sewage running from her house trailer. There was door slamming coming from the sons/bear trailer but no sign of him. She said she would let the cats out in the ring when it comes. You know that will not happen for all the reasons we understand not the least of which is being able to contain the cats. I asked if all her animals were taken with her and she said no. She left two tigers in the tin shed for the eight months she was gone. I told her we needed to see them. The tape shows the total blackness that these animals lived in, for we could not get any light with the doors open for the camera. I took some stills and don't know if they came out. However the stills will be enclosed with this packet. The first tiger was a hybrid siberian in a 4x8 on wheels the second tiger was a bengal in a 5x5 home made without wheels.

No possibility of getting rolled out side. This was the worst thing we saw. Those animals were light shy and nuts.

We continued to walk around filming and talking about where she got the animals, and I took a verbal inventory. The inventory is as follows.

1.0 siberian tiger 4 years old	can't remember where she got him
0.1 bengal tiger 4 years old	"
0.2 leopard	Dallas Zoo
1.0 Mt. lion	Clifton Tex. can't remember who
1.0 Jaguar 8 years old	Roxie Ingesser Fla.
4.0 bengal tigers 11 months old	born there
1.1 bengal tigers	bought in a cat act in Texas
0.2 european brown bears	someone in Zinia Ohio
1.0 black american bear	"
1.0 african lion	Roxie Ingesser
0.1 olive baboon (not on the premisses)	taken care of by friends

In my opinion there is not one part of the animal welfare act that this licensee is in compliance with.

May 14, Went to Hyattsville Md. to the U.S.D.A. office and left tape and report. All staff are in Tampa Fla. at a meeting I made an appointment upon their return. Reported my findings to the Forth Worth office while in the U.S.D.A. office. I also made a request for the 1908s

Submitted by,

Sue Pressman



18 February 1992

PERFORMING ANIMAL WELFARE SOCIETY

3347 S. 5TH STREET • ARLINGTON, VA 22204 • (703) 521-1689

Honorable E de la Garza
 Chairman, Committee on Agriculture
 U.S. House of Representatives
 1301 Longworth House Office Building
 Washington, D.C. 20515-6001

Dear Mr. Chairman:

You are no doubt aware of the tragedy that occurred on February 1 at a performance of the Great American Circus in Palm Bay, Florida, that resulted in the violent death of Janet the elephant.

Contrary to the protests of the circus manager, this was not an isolated incident, a "freak accident." It was, in fact, just the latest in a long series of problems and violations of law at this circus. Some important and disturbing information about the Great American Circus:

1. Last month, the USDA fined this outfit for a host of violations of the Animal Welfare Act discovered during four separate inspections conducted in 1990 and 1991. USDA finally decided to act only after a black leopard escaped during a performance and bit a little girl, but the consent order cited nine different violations.
2. In June 1990, one of the circus's elephants attacked a trainer during an appearance in Reading, PA; one spectator was injured.
3. In February 1989, an elephant escaped from its trainer during a show in Fort Myers. At that time the circus was cited for failure to maintain control of the animal and violation of an animal permit.
4. In July 1987, the elephant Irene escaped from her trainers during a show in Milwaukee. Unfortunately, she had two children on her back at the time, and they sustained injuries. This very same elephant was back giving rides just two days after the tragedy in Palm Bay!



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"dedicated to the protection of performing animals"

5. When news of Janet's gruesome death first broke, the circus identified her as "Kelly." It turns out that Kelly died several years ago and the circus had done some fancy paperwork to keep USDA from finding out.
6. While he was busy telling the media that he couldn't understand what had happened because "Kelly" (that is, Janet) "had been on the show for 25 years, giving rides every day without any other incidents," circus manager Tim Frisco was handing the police an entirely different story: The Orlando Sentinel reported that police records quote Frisco as saying, "She's been a problem, and she's just a bad one." Florida Today found a Miami circus owner who claims he sold Janet to Great American because she was "errant" and had broken his back and hips in 1983.
7. There are allegations that Janet had been abused, was in very poor health, and had recently attacked a couple of trainers.
8. Despite fairly recent experiences with losing control of animals, the circus had no tranquilizing equipment on hand--nor did it have such equipment on other occasions.

The regulations implementing the Animal Welfare Act address the question of public contact in two separate sections. Part 1, Subpart I, Section 2.131(b)(1) states, "During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public." Part 3, Subpart F, Section 3.135(c) of the regulations states, "During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between animal acts and the viewing public to assure safety to both the public and the animals." (Emphasis added.)

Mr. Chairman, given these specific provisions in the law, how is it that a circus with the kind of record Great American has is still allowed not only to operate, but also to jeopardize the safety of children and welfare of animals day after day?

The sad truth is that, while this was a particularly egregious incident, it is by no means a rare occurrence among such unprofessional animal exhibits. There are file folders full of similar stories involving ride elephants, leopards, wrestling bears, boxing kangaroos, you name it. In each case, the injuries sustained by members of the public and the resulting animal suffering can be attributed to abuse, carelessness,

mismanagement--and failure to enforce the law.

This raises a larger question: Why are situations where harm to animals and people has occurred, or is simply waiting to occur, allowed to persist despite the prohibition in the law? The Animal Welfare Act clearly outlaws this kind of public contact with wild animals--whether elephant rides, wrestling bears, or photo sessions with lion cubs--precisely because of the ever-present danger to the public and to animals. Yet time after time, USDA ignores blatant violations of the law, even though injuries occur repeatedly. Fortunately no one was killed this time, but it seems that is what it is going to take to force USDA to stop looking the other way since the agency has ignored repeated requests to enforce the law and end this kind of public contact with wild animals.

In order to avert calamity in the future, Mr. Chairman, we believe that your committee must call to task those in USDA responsible for enforcing the Animal Welfare Act. We respectfully request that you call for an oversight hearing to force USDA to account to Congress for its intransigence in this matter. It is time the law was used as Congress intended it to be used--to protect both the public and animals.

Sincerely yours,

Nancy Blaney
Director, Government Affairs
Performing Animal Welfare Society

Nanci Alexander
Animal Rights Foundation of Florida, Inc.

Katherine Coleman
Voices for Animals

Nancy Daves
Animal Protection Institute

Kathy Gerard
International Fund for Animal Welfare

Florence Lambert
Elephant Alliance

Cam McQueen
Friends of Animals/Committee for Humane Legislation

Circus has string of fines

Elephant's rampage sparks latest probe

By Cory Jo Lancaster Feb. 4, 1992

OF THE SENTINEL STAFF

COCOA — The Groot American Circus has been cited for neglecting its animals for almost two years and was fined by federal officials in early January — just weeks before one of its elephants went on a rampage in Palm Bay and injured six people.

Records released Monday by the national Humane Society stated that the circus owner, Allan C. Hill Entertainment Corp. of Sarasota, has been cited at least four times by the U.S. Department of Agriculture for neglecting the animals since May 7, 1990.

After more violations were found in February, April and October last year, the company was fined \$1,500, and three other months were each fined \$1,000, according to USDA records.

Inspectors with the USDA and the state Game and Fresh Water Fish Commission visited the circus at its stop in Palm Coast on Monday to try to determine what caused Janet Kelly, a 37-year-old Asian elephant, to go berserk Saturday while giving rides in Palm Bay.

The game commission expects to complete its investigation today. Federal officials are unsure when their investigation will be done.

In a federal consent order signed by Allan C. Hill on Jan. 9, 1990, the circus was ordered to

The Orlando Sentinel
TUESDAY, February 4, 1992

Elephant rampage wasn't first for circus

ELEPHANTS from B-1

In June 1990 in Reading, Pa., an elephant attacked its trainer during a circus performance and 1,000 spectators scattered. One received minor injuries when the elephant charged toward the crowd.

Spectators told police they saw an animal trainer stick a metal hook in the elephant's mouth just before the rampage and, afterward, hit it on the left side of its head with a metal pole, according to newspaper reports in the *Reading Times*.

In July 1987, an Asian elephant named Irene broke away from its handlers on a road in Milwaukee and caused minor injuries to two

children riding on her back, according to a Milwaukee newspaper story.

Irene still travels with the circus and was giving rides to circus visitors this week, said Philip Anthony Giordano, executive director of Hill Entertainment Corp. The circus, which visits 300 cities each year, stops in Apopka.

Giordano denies any allegation that the circus abused Kelly or any other elephants.

"For Janet Kelly to have a lifetime as a faithful employee, she could never have received the treatment," he said.

The feared statement, the Humane Society called for a thorough investigation of the circus and more laws to protect elephants and other circus animals.

To: Leah Leivnce 2 pages
 From: Lancaster / Orlando Sentinel

The Orlando Sentinel

MONDAY, February 3, 1992

B

Rampage was 'freak accident'

Circus goes on after elephant is shot dead

By Cory Jo Lancaster

THE SENTINEL STAFF

TIUSVILLE — News that a berserk circus elephant had to be killed Saturday didn't stop people lining up for rides Sunday on her understudy, 3,000-pounder named Irene.

Just before the Great American Circus' final show Palm Bay on Saturday, Kelly, a 27-year-old elephant, went on a rampage while giving rides under a big top.

"I think people understand that it was a freak accident," said circus elephant trainer and general manager Tim Frisco. "It's very odd. Kelly had been on a show for 25 years, giving rides every day without any other incidents."

Five riders, including four children, were rescued from the elephant's back by police before the 8,000-

Rampage at circus doesn't discourage elephant riders

RAMPAGE from B-1

-pound elephant took off through the circus grounds, police reports show. Hundreds of people in her path scrambled for safety, and six people were treated for minor injuries at Holmes Regional Medical Center in Melbourne.

Fearing for the crowd's safety, circus workers asked Palm Bay police to kill Kelly after she rammed circus vehicles and could not be calmed.

But reports of the rampage didn't scare away circus-goers in Titusville, the next stop for the Sarasota-based circus. More than 2,000 people attended the 2 p.m. show Sunday, and people had to be turned away from the line for \$2 rides on Irene and a baby African elephant, Frisco said.

Circus workers had thought they needed to conduct an autopsy on Kelly, under regulations from the U.S. Department of Agriculture and the Florida Game and Fresh Water Fish Commission. But since the cause of death already was known, Kelly was

buried late Saturday, Frisco said.

The elephant was pulled with chains and ropes onto a large flatbed wrecker truck, covered with canvas and taken to a landfill, Palm Bay police Cpl. Mark Genesiejevski said.

After the show in Titusville, the circus was heading for a show today in Inverness. Inspectors with the USDA and the game commission were expected to show up there this morning to ask questions about the incident, Frisco said.

The circus, owned by Allan C. Hills Entertainment Corp., will pay all hospital bills for those injured in the rampage, he said. But the company does not have insurance to pay for the loss of Kelly, valued at \$100,000.

Even though animal rights activists and some spectators questioned the need to kill Kelly, circus workers stand by their decision.

"There are a lot of people out there second guessing us," Frisco said. "But they weren't responsible for 2,000 people's lives."

Please see **RAMPAGE**, B-4

APPENDIX E

Las Vegas Review-Journal/Wednesday, May 13, 1992

Ailing leopard taken from Las Vegas animal trainer

By Mary Hynes
Review-Journal

Flanked by four law enforcement officers, four U.S. Department of Agriculture officials Tuesday evening took custody of an ailing leopard from Las Vegas animal trainer Otto Berosini.

The officials seized the leopard when Berosini failed within a 24-hour deadline to secure the services of a veterinarian specializing in exotic feline medicine. They took the leopard, Siam, to an undisclosed location for veterinary treatment.

"You are going to burn in hell for this injustice," Berosini shouted at the officials as they were leaving the compound where his eight cats have been staying. The officials were accompanied by two United States marshals and two Las Vegas police officers.

On the advice of his attorney, Berosini did not attempt to stop the impoundment of the animal.

"They're going to have to answer for everything they do in court," he said.

The agency on Monday told Berosini it was prepared to seize all eight lions and leopards if he failed to line up the services of a veterinarian specializing in feline medicine. Berosini contended the demand was impossible to meet on short notice.

But the agency backed off from this position Tuesday. Dr. William R. DeHaven, a department supervisor, said the agency has limited jurisdiction over Berosini in the wake of revoking his license to exhibit the cats in stage shows.

"We are not authorized to confiscate animals that are healthy," said V. Wensley Koch, a department veterinarian on the scene.

The department in March revoked Berosini's license for alleged violations of the Animal Welfare Act.

4-5-92

Berosini tiger dies in new home

A tiger owned by animal trainer Otto Berosini died Saturday in the custody of the Humane Society of Southern Nevada.

Berosini gave up custody of Pasha, an 18-year-old male Siberian tiger, and eight other large cats early last week after the U.S. Agriculture Department revoked his show permits. Berosini is appealing the revocation.

Humane society Director Dart Anthony said an examination was being performed Saturday on the tiger, an endangered species, to determine the cause of death. The animal died at 2:45 p.m., and Berosini later attended the necropsy.

"We were optimistic. We were pulling for him," Anthony said. "These kind of cases, all you can do is keep your fingers crossed and hope your inner thoughts come true."

Victor Smith, Berosini's brother-in-law, said Pasha was the tiger that attacked the trainer's daughter, Bridget, in November.

Anthony said he is arranging with the Craig Road Pet Cemetery to bury Pasha, who had been suffering from an infection.

"PASHA" DIED
IN TRANSPORT
CAGE AT THE
ANIMAL INN
BOARDING KENNEL.

APRIL 28, 1992

I, LOUIS G. KIRK JR., WORKED FOR OTTO BEROSINI FROM NOVEMBER 1, 1991 TO DECEMBER 8, 1991. DURING THIS TIME PERIOD I WITNESSED OTTO, AKA OTAKAR BEROUSEK, COMMITTING SEVERAL FORMS OF ABUSE AND NEGLECT AGAINST HIS ANIMALS.

I ALSO WITNESSED MR. BEROSINI'S ATTEMPTS TO DECEIVE THE ANIMAL CONTROL OFFICERS, USING HIS WIFE, DAUGHTER AND CAST TO BACK HIS LIES TO THE ANIMAL CONTROL OFFICERS.

I SHALL ADDRESS THESE ACCUSATIONS ONE AT A TIME. FIRST, THE ABUSE I WITNESSED WAS ONE OF THE REASONS I LEFT THE SHOW. I WITNESSED OTTO BEROSINI VICIOUSLY BEAT A SIX MONTH OLD TIGER CUB FOR PLAYING WITH THE CURTAIN ON STAGE. THE AUDIENCE WITNESSED MR. BEROSINI BEATING THE CUB WITH A 1/2 INCH THICK TO 3/4 INCH THICK CHAIN, THAT WAS 5 1/2 FEET IN LENGTH. MR. BEROSINI BEAT THE CUB, "SHEBA", FOR ABOUT 1 1/2 MINUTES ALTERNATING BETWEEN THE CHAIN AND A METAL DOWEL. WHEN MR. BEROSINI BEAT "SHEBA", HE WAS HOLDING HER IN PLACE WITH ONE HAND BY THE CHAIN AROUND HER NECK, AND BEATING HER VERY HARD WITH THE REMAINING LENGTH OF THE CHAIN. THEN MR. BEROSINI DRAGGED 'SHEBA' OFF STAGE AND PROCEEDED TO BEAT HER WITH A METAL DOWEL BEFORE HE SHOVED HER IN HER CAGE.

THE NEGLECT I WITNESSED CONSISTED OF A NUMBER OF THINGS. FIRST, MR. BEROSINI NEVER TOOK THE CATS OUT OF THEIR TRAVELING CAGES. SECOND, THERE WERE ONLY A FEW TIMES I ACTUALLY WITNESSED MR. BEROSINI TAKE THE CATS TO PAHRUMP, NEVADA, WHERE THERE TRANSPORT CAGES WERE THAT THEY LIVED IN. THE REST OF THE TIME THE CATS REMAINED IN MR. BEROSINI'S VAN. MR. BEROSINI KEPT 4 CATS IN A VAN WITH CAGES SMALLER THAN THEIR TRANSPORT CAGES. THE LEOPARD CAGES WERE ABOUT 2 FOOT TALL, BY ABOUT 4 FOOT WIDE, WHILE THE LIONS AND TIGER WERE KEPT IN CAGES ABOUT 2 1/2 OR 3 FT. WIDE AND ABOUT 4 FT. LONG. THESE LIVING CONDITIONS SEEMED TO ME TO BE VERY UNACCEPTABLE. THE SMELL OF URINE AND FECES WAS SO STRONG THAT IT MADE MY EYES BURN AND WATER, AND MADE MY STOMACH UPSET. I BELIEVE ROBERT S. LAPORTE ALSO WITNESSED THE BEATING OF THE TIGER CUB, 'SHEBA'. AS FAR AS I KNOW, THERE WAS NEVER A COMPOUND BUILT FOR OTTO'S CATS, AND THEY NEVER RECEIVED ANY VETERINARY EXAMINATIONS WHILE I WORKED FOR MR. BEROSINI.

ALSO WHILE I WORKED FOR MR. BEROSINI, I WITNESSED THE CATS ONLY BEING FED 1 CHICKEN A PIECE, SOMETIMES AS LITTLE AS 1 CHICKEN SPLIT BETWEEN 4 CATS.

ON OR AROUND DECEMBER 6, 1991, I WITNESSED MR. BEROSINI

AND HIS WIFE TRICK ANIMAL CONTROL OFFICERS OUT OF INSPECTING THE ANIMALS BACKSTAGE. WHEN THE ANIMAL CONTROL OFFICERS CAME OUT, THEY DID NOT EVEN INSPECT THE ANIMAL ROOM BACKSTAGE, WHICH CONFUSED ME, BECAUSE I THOUGHT THAT WAS THEIR JOB.

AFTER WE QUIT THE SHOW, WE ATTEMPTED TO CONTACT SOMEONE TO TELL THEM WHAT I HAD WITNESSED. AFTER HAVING ANIMAL CONTROL AND LOCAL AUTHORITIES GIVE ME THE RUN AROUND, I FINALLY GOT IN TOUCH WITH THE U.S.D.A. IN SACRAMENTO, CALIFORNIA. I GOT IN TOUCH WITH THE U.S.D.A., THE END OF DECEMBER, 1991, OR THE BEGINNING OF JANUARY 1992. I WAS ASSURED THAT THEIR WAS AN ONGOING INVESTIGATION AND THAT WE WOULD BE CONTACTED BY THEIR FIELD INVESTIGATOR. WHEN THIS DID NOT HAPPEN, I BECAME CONFUSED AND ANGRY, BECAUSE WE WERE INFORMED THAT THE U.S.D.A. WAS SUPPOSED TO PROTECT THE ANIMALS.

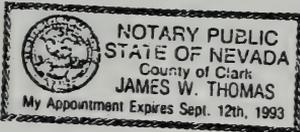
I ALSO CONTACTED THE HUMANE SOCIETY OF SOUTHERN NEVADA, 4 TO 6 TIMES LEAVING PHONE MESSAGES THAT SAID I HAD INFORMATION ABOUT THE ABUSE OF EXOTIC ANIMALS. BUT WE WERE NOT CONTACTED UNTIL THE MEDIA BECAME INVOLVED, ALMOST THREE MONTHS LATER.

IN MY OPINION THE U.S.D.A. AND THE HUMANE SOCIETY OF SOUTHERN NEVADA, DID NOT DO THEIR JOB, AND COME FORWARD TO HELP PROTECT THESE ANIMALS FROM FURTHER ABUSE. I ALSO THINK THAT THE U.S.D.A. NEEDS TO STRENGTHEN THEIR LAWS, TO PREVENT THIS TYPE OF ABUSE.

LOUIS G. KIRK JR.
2230 N. LAMB APT. #4
LAS VEGAS, NEVADA 89115
(702) 459-2186

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 6th DAY OF MAY,
1992 James W. Thomas
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE.



1-31-91 USDA INSPECTION REPORT

OTTO BEROSINI

LOGANDALE, NEVADA

#40 - ANIMAL #1 - "AFRICAN LION - THIS ANIMAL IS SEVERELY UNDERWEIGHT, RAW SORES ON BOTH TESTICLES. APPEARS WEAK IN FRONT LEGS. FRONT LEGS MAY BE SWOLLEN OR ENLARGED".

ANIMAL #2 - "AFRICAN LION - THIS ANIMAL IS MARKEDLY UNDERWEIGHT. BACK BONE, HIPS & RIBS ARE VISIBLE. APPEARS WEAK IN FRONT LEGS".

ANIMAL #3 - TIGER - " ANIMAL IS MARKEDLY UNDERWEIGHT HAS A GROSSLY MALFORMED LEFT HIP-LEG JOINT. ANIMAL STAGGERS ON TURNING, LEFT HIND DOES NOT SUPPORT WEIGHT."

ANIMAL #4 - TIGER - "ANIMAL IS DRAMATICALLY UNDERWEIGHT. WEIGHT-LOSS IS CRITICAL. APPEARS LAME IN FRONT. APPEARS WEAK. ANIMAL HAS SIGNIFICANT LOSS OF HAIR THROUGHOUT ENTIRE BODY (HAIR IS DOWN TO WHITE UNDERCOAT). RELATIONSHIP OF BODY MASS TO HEAD SIZE GROSSLY DISTORTED."

#41 - " ALL EXOTIC CATS DISPLAY STEREOTYPICAL BEHAVIOR CONSISTENT WITH LONG-TERM CONFINEMENT. ALL CATS HAVE SORES & SCARS ON BODY CONSISTENT WITH CAGE- SCRAPPING IN LONG-TERM CONFINEMENT."

DATE OF VIOLATION	SECTIONS AND PARAGRAPHS VIOLATED	NUMBER OF EACH VIOLATION	NUMBER OF ANIMALS	SPECIES	INDIVIDUAL TAG NO., TATTOO NO. OR OTHER IDENTIFYING MARKINGS	INVOICE NO.	DATE
April 22-23, 1980	3.125(a) (formerly 3.100)	No cages for two animals, resulting in housing of two tigers on dog-type leashes and rope, inside a semi-truck van with open doors, while animals unattended, and tiger locked in adequate structural strength to contain animals.	2	Siberian Tigers			
April 22-23, 1980	3.128 (formerly 3.103)	Permanent housing of a lion in a cage measuring 38 3/4" x 64 3/8" x 42 3/4" and leopard in cages measuring 27 1/2 x 48" x 32" and 27 1/2 x 48" x 32", not of sufficient size to allow adequate freedom of movement.	3	1 African Lion 1 Black Leopard 1 Spotted Leopard			
July 10, 1980	3.137(a) (c) (formerly 3.112 (a)(c))	Three tigers held in closed vehicle tied on rope and electric leashes (no enclosure); No handholds on lion and leopard enclosures. Two leopards in the same primary enclosure making insufficient space for turning about freely for both animals.	6	3 Tigers 1 Lion 2 Leopards			
July 10, 1980	3.138 (c)(f) (formerly 3.112 (c) (F))	Animals held in closed vehicle which had no means of ventilation or temperature control. Animals had jacks (or rubber padding) under the cage, which was covered by the electric and considered a potential hazard if ingested.	6	3 Tigers 1 Lion 2 Leopards			
July 10, 1980	3.139 (c) (formerly 3.116)	No food or water observed inside truck or enclosure.	6	3 Tigers 1 Lion, 2 Leopards			
July 8-10, 1980	3.140 (a)(b) (formerly 3.115 (a)(b))	Animals not visually checked by owner for periods of 7 and 9 hours. Three tigers without primary enclosures.	6	3 Tigers, 1 Lion 2 Leopards			

The following is a summarization of USDA inspection reports for Otto Berosini from 11/84 to 4/90.

11/10/84 Shrine Circus Fort Worth, Texas

Handling violation: Berosini was told that his cages needed to be locked at all times when the animals were not under his direct supervision. He was told to erect barriers, since the cats could reach through the cage bars and possibly hurt someone.

11/16/84 Shrine Circus Dallas, Texas

Handling violation: No locks had been put on the cages as recommended on the 11/10 inspection report. The animals that were left in the cages while Berosini performed with other animals were under no supervision. Berosini was warned by the inspector that if these animals were injured he would be responsible.

Feeding violation: The 3 lions, 5 leopards, and 5 tigers were being fed whole chickens only. No red meat was fed to them and no supplements given.

Veterinary care violation: One of the tigers suffered from pancreatic disease. He was thin, and had suffered from the disease for five years.

3/25/88 Shrine Circus Portland, Oregon

Transport enclosure violations: Two lions were held in one cage and the cage was too small. Berosini was told to correct this by 4/26/88.

Transport vehicle violations: The walls of the transport vehicle were torn up by the cats. There were splinters, dead wires, insulation, and ceiling materials coming down. Berosini was told to correct this by 4/26/88.

Sanitation and cleaning violations: The cage bars were rusted, and were covered with hair, fat particles and grime. Berosini was told to correct this by 4/1/88.

Veterinary care violations:

-One of the lions was holding up his front right foot and limping.

-One of the tigers had a left hind leg that was sore. Berosini was spraying the tiger with lidocaine prior to the show, but the inspector noted that the tiger appeared to be in severe pain and probably should not be worked. He ordered Berosini to have the tiger looked at by 3/26/88.

Handling violations: There were no locks on the cages. Berosini was told that he needed to either put a locked fence around the cages or put locks on all cage by 4/1/88.

Food storage violation: There was no refrigerated unit for food. Food was kept in a pouch that was sitting on his truck. This was to be corrected by 4/1/88.

Space requirement violation: Two lions were kept together in a cage and were unable to make normal postural movements. They were to be separated or put in a larger cage by 4/1/88.

Feeding violation: The inspector believed that the cats were only being fed poultry products. Berosini was told he needed to feed them a variety of foods including meat, possibly supplemented with vitamins and minerals. This was to be corrected by 4/1/88.

3/26/88

Shrine Circus

Portland, Oregon

Berosini corrected the food storage violation by installing a refrigerator unit, and had a veterinarian look at the lion and the tiger. The other violations had not yet been corrected.

4/1/88

Great Falls, Montana

Berosini was found to still have the same number of animals and the same transport vehicle. The cages were still rusted. There is no inspection report for this date.

9/23/89

Pahrump, Nevada

Veterinary care violation: One of Berosini's tigers had a problem with his left hip and leg. The spotted leopard was limping on his right front leg. This was to be corrected by 9/28/89.

Handling violation: There was no barrier between the public and the animals. (they were transferred to roped off area during the inspection to correct this violation)

Transport vehicle violation: The same problems as indicated in the 3/25/88 inspection report were found. The inside walls of the transport vehicle were torn up and splintered, and there were paint chips falling and exposed electrical wires. These violations were to be corrected by 10/20/89.

10/4/89

Pahrump, Nevada

Veterinary care violation: Berosini had not corrected the violation of 9/23, and was still not in compliance.

Space requirement violation: Berosini was told that he needed to find other means to house and exercise animals while not in

transport. This was to be corrected by 10/20/89.

Record-keeping violation: Berosini was told that he must initiate a record-keeping system by 10/20/89.

On 2/2/90, the Acting Supervisor of the Western Sector of APHIS sent a letter to Otto Berosini asking for his itinerary. They had been unable to locate him since the 10/4/89 inspection, and therefore unable to tell if he had brought his operation into compliance with the regulations.

4/27/90

Arizona

Space requirement violation: Berosini was again told that he needed to find other means to house and exercise animals while not in transport.

Veterinary care violation:

One of Berosini's tigers was markedly underweight and showed significant hair loss.

The other tiger was limping on his front leg and had a severe malformation of the left hip and leg region. This is the same violation cited on the 9/23/89 inspection report.

Record-keeping violations: Berosini was told that dogs must be added to his record keeping system.

Identification violations: Eight of Berosini's dogs did not have proper USDA identification.

**APHIS'S HANDLING AND DISPOSITION
OF THE OTTO BEROSINI CASE**

For many years, Mr. Otakar Berousek, a.k.a. Otto Berosini, has been operating a traveling animal show in which he has trucked around the country a variety of animals, including black and spotted leopards, Siberian and Bengal tigers, lions and camels. While members of his audience have at times been charmed, they have been unaware that performances have been conducted under expired and terminated USDA licenses, and that behind the scenes the animals have been consistently kept in poor conditions, often in violation of the Animal Welfare Act.

Berosini has allowed his animals to endanger school children and to eat poisonous plants, which likely killed his two camels. Because of poor feeding, it is no surprise that animals in his custody would have taken to eating plants by the roadside; there is evidence that tigers in his truck may have been desperate enough to ingest part of the rubber lining of the truck's trailer. Berosini's hired help have not been animal experts: one was known to have been picked up hitch-hiking, though Berosini described him to officials as having been "trained" in handling the cats in his show.

Through the Freedom of Information Act, PETA has learned much of the above, details of which have been documented as follows.

Berosini was first licensed by USDA as an animal exhibitor on August 22, 1977. On February 1, 1980, his license was automatically terminated because Berosini failed to renew prior to the end of his 60-day extension period after expiration of his license, following notification by certified mail that his license was past due for renewal. (Copy of USDA termination memo attached.) After termination of his license, Berosini showed animals at the Mains Elementary School in Calexico, California, Feb. 12, 1980 (letter attached); in the Bentley Brothers Circus at several locations during three weeks of May 1981 (letter attached); and at Caesar's Palace, Las Vegas, Nevada, in September 1982 (affidavit attached).

In November 1980, USDA animal care compliance officer Michael McCann submitted a lengthy report of Animal Welfare Act violations committed by Berosini in April and May of 1980, based on reports to him from USDA personnel, a veterinarian, a wildlife expert, and an official of the California Department of Fish and Game (DFG). (Copy of Mr. McCann's report and affidavits from others attached.) Animals in Berosini's custody had been seized by the California DFG on April 23, 1980, for violations of State animal care regulations. The animals were returned to Berosini, but California DFG again seized them on May 10, 1980, for Berosini's failure to obtain proper permits for the animals and failure to provide proper care and housing for the cats (one African lion, one Bengal tiger, two Siberian tigers, one spotted leopard, and one black leopard). The location where California DFG found Berosini's animals was a

property owned by a Mr. Anderson, who had given Berosini permission to keep horses on the property, but not cats.

The two Siberian tigers were housed in an unlocked semi truck van, with doors left open, and were attached by three-foot-long chains to opposite ends of the trailer. While officials were taking custody of the animals, one of the Siberian tigers broke its chain at the clip and had to be tranquilized. When the attendant opened a leopard cage to demonstrate an exercise routine, the leopard attacked the attendant and ran to a nearby barn. The lion and two leopards were in outside cages that were much too small. According to the official, only the Bengal tiger's cage appeared to meet minimum requirements for a transport enclosure under the Animal Welfare Act.

One California DFG official stated that he was told by the attendant who had been picked up by Berosini while hitch-hiking that he had been left with no food for the animals (Berosini was not present when this official arrived at the Anderson property), and that when he had food to give the animals, it consisted of chicken necks. Although Berosini denied this, a veterinarian who examined the animals noted hard stools from the tigers and stated that this had resulted from a diet limited to chicken parts, which also can result in serious digestive tract disturbances.

Mr. McCann concluded, in part,

It is felt that Mr. Berosini's facilities and methods of caring for his animals are far from meeting the requirements set forth in the [Animal Welfare Act] standards. This is further substantiated by the animal's (sic) need for veterinary care when examined, the loss of his two camels earlier in the year (possibly due to oleander poisoning), questionable feeding practices, and the use of inadequately trained personnel to care for the animals during his absence.

APHIS filed a complaint against Berosini on May 3, 1983, citing some of the violations in the above-mentioned report by Mr. McCann. (Copy of complaint attached hereto) After many delays, in a consent ruling issued by an Administrative Law Judge on Feb. 13, 1985, Berosini was fined only \$500.00. (Copy of ruling attached hereto) Thus, the several animals in Berosini's show had to go on living in miserable conditions throughout the five-year-long process of "evaluating" and "acting on" violations, and because the fine was nominal, Berosini was permitted--virtually encouraged--to go on abusing animals.

Subsequent USDA inspection reports (copies attached hereto) on Berosini's operation indicate that Berosini did continue without regard for the well-being of his animals or for the Animal Welfare Act standards. From November 1984 to April 1990, USDA inspection reports included numerous violations: unlocked cages and inadequate supervision; insufficient barriers enabling cats to reach through

cage bars and possibly hurt someone; feeding cats whole chickens only; a tiger suffering from pancreatic disease for five years; two lions held in a cage that was too small; walls of a transport vehicle torn up by cats, dangerous material coming down; rusted cage bars covered with hair, fat particles, and grime; lameness in a lion, a tiger, and a leopard (Berosini seen spraying the tiger with lidocaine before the show to make a performance possible); no refrigeration for food; and others.

Several inspection reports confirm that deficiencies were not corrected. A USDA agent's memo of April 12, 1988, reads in part, "We have made inspections of Mr. Berosini's operation before but it does appear that there were a lot more problems this time" (memo attached hereto). As recently as April 1990, a tiger was markedly underweight and showed significant hair loss. The other tiger was limping and had a severe malformation of the left hip and leg region, despite the fact that this had been cited on a September 1989 inspection report.

At this moment, despite a long record of animal abuse, Animal Welfare Act Violations, and endangerment of the public, Otto Berosini is permitted to drive large exotic cats from town to town and from state to state, making them give degrading performances that are of no real value to the public. If the Animal Welfare Act was adopted by Congress to ensure the well-being of animals, one might easily wonder why USDA allows this individual to go on inflicting suffering on innocent creatures year after year despite USDA's full knowledge of their situation.

Exhibits Attached to This Summary

1. March 5, 1980, memo from APHIS Veterinarian in Florida to APHIS veterinarian in Nevada, advising of termination of Berosini's USDA licence.
2. March 19, 1981, letter from Calexico Unified School District Assistant Superintendent Dr. Miyoshi Ikeda, listing Berosini performances at district schools, Jan. 1980 to Feb. 1980.
3. February 2, 1982, letter from Charles Clancy of Bentley Bros. Circus, stating that Berosini's show appeared in his circus in May 1981.
4. November 16, 1982, affidavit of Clara Snyder, stating that in September 1982, Berosini exhibited animals at Caesar's Palace in Las Vegas.
5. USDA Animal Care Compliance Officer Michael McCann's Nov. 18, 1980, report of Berosini's Animal Welfare Act violations.
6. Affidavits on which Michael McCann based his Nov. 18, 1980, report.

June 29, 1989

Officer Malone
P.O. 1284
5345 Sebastopol
Santa Rosa, CA 94502

To Whom It May Concern:

On Friday, June 23, 1989, I was working as a script supervisor on a movie entitled THE GREAT BAR 20. The scene where a steer gets roped, thrown and tied was filmed in a meadow adjacent to the Cresta Ranch in Santa Rosa. Before the first shot, the director of photography stepped into one of the many holes in the meadow and sprained his ankle. Luckily, none of the horses and steers used in the scene met with the same misfortune.

After the steer was thrown and left tied on his side, the camera moved in for closer coverage. Branding a large "38" on the flank of the steer was necessary for the scene, and this was done three times since the director didn't feel the animal was burnt enough, despite my protests. A cowboy muzzled the animal so there would be no bellowing during the procedure. At that time I was told by two cowboys that the steer had been given the tranquilizer "ACE" to calm him down during the filming. A back-up steer was also given the tranquilizer, as well as the horse, who was so listless that when a shot was fired near her head, she had no reaction. The scene described the horse galloping away, but they never got the shot.

It was a hot day and there was no shade in the meadow for the steer who was still laying on his side with three feet tied. Over an hour went by as the director rehearsed the actors. During this time, the steer made feeble attempts to raise his head and breathe, but after thirty minutes gave up and made gurgling sounds. Again I protested, but was told to "shut up" and "get out of here" by the director. Some cowboys poked a cigar into the steer's mouth and mugged for the camera. Finally, when the animal was slipping into unconsciousness, an actor held the steer's head up in between takes and warned the director that the animal didn't have much longer. However, the director continued to film. When the scene was completed, the steer was propped up into a kneeling position, but was too weak to get up. After kicking, pushing, slapping and goading the steer to move, the cowboys gave up and left. After fifteen minutes, the animal managed to struggle to his feet, only to wander into a wooded area and fall into a creek. When I expressed my concern, a rancher who lived nearby, explained that the steer was on ACE and wouldn't be normal for six hours.

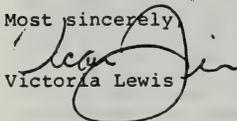
That afternoon the director requested the steer again, and he was dragged into the meadow, trembling. I don't know if it was from the ACE or just fear. He was thrown and tied, and lay still while the director rehearsed the actors. I began timing the times when the steer would stop breathing, which became more frequent and for longer durations as the director continued to let him lay there. This time I protested to the assistant director and production coordinator, but they could do nothing. It was only when I convinced the director that he wouldn't get the shot, since the steer was too weak to get up and run away (as per script) that he agreed to substitute the back-up steer.

At this time, I have decided to buy the steer and place him in a sanctuary where he can live out his remaining years in peace. My heart is troubled for the animals left behind on the ranch, and for all animals that suffer in rodeos and on movie sets as insensitive as THE GREAT BAR 20. I urge for stronger legislation to protect animals uniformly in every county and state in the country.

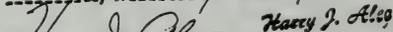
7-5-89

Most sincerely,

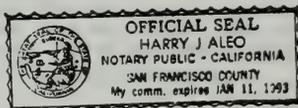
Victoria Lewis



Subscribed and sworn to before me this

5th day of JULY 19 89


Notary Public in and for the City and
County of San Francisco, State of California





14466 BOYSCOUT CAMP RD., STAR RTE 545-A
 FRAZIER PARK, CA 93225
 Off. (805) 245-2406 • FAX. (805) 245-3617

July 6, 1992

U.S. House of Representatives
 Committee on Agriculture
 Subcommittee on Department Operations
 Research and Foreign Agriculture
 Room 1301, Longworth House Office Building
 Washington DC 20515-6007

Dear Sirs,

The following are comments on Bill HR3252, the Kostmayer bill to amend Animal Welfare Act.

I own and operate a wild animal compound which uses animals for film, television and educational purposes. I am also Vice President of the California Animal Owners Association, an organization which consists of all facilities like my own throughout California and the United States. Our goal is to protect and regulate proper ownership, care and treatment of all animals used for exhibition purposes. I have been in the business of care, handling and housing of animals for twenty years.

I feel the above mentioned bill is both unenforceable and redundant to existing laws which more than adequately protect the welfare of performing and exhibition animals. As professional trainers for the motion picture and television studios, we practice the art of simulation of the real. This means the art of taming and training animals to act out a specific part as prescribed by the script. Just like the art of anyone, a painter for example, who uses his brush to express his own feelings, a trained animal actor is an extension of each trainers own unique individual ability. Trainers interpret a script then put together those behaviors that best express the moods and concerns set forth by the writer. The behaviors used most convincingly sell the home audience believability, or otherwise promote and enhance the emotional value of a particular scene. Trainers clearly understand the responsibility involved to safeguard the health and well being of an animal actor as well as the human factor involved. We have years of training and socializing these animals to trust us when we take them on set and on various locations. For example, an African lion takes five years to raise to adult size for film work. They live approximately twenty to twenty five years, so I can't imagine

Mistreating an animal you've spent years raising and training.

On page 2, lines 12 thru 19 of the bill are absolutely untrue! For example we are governed by all the following agencies to regulate housing, humane treatment and transportation of animals: US Dept. of Agriculture, US Dept. of Interiors, The American Humane Association, Calif. Fish and Game, Federal Fish and Wildlife, Local Animal Control, and local and state Health Depts. We have to obtain Special Purpose permits for housing our animals, and CITES permits for transportation of animals internationally. Various agencies inspect our facilities monthly. The American Humane Association places an officer on each and every shoot, both films and stills, in which an animal is being used. The facts on lines 12-19 are simply untrue. The person who wrote them is badly misinformed.

Page 4, lines 5 through 8

These are again written by one who is totally unaware of the filming process and the use of an animal in that process. There is not one animal compound who does film/television work who has not been hired and paid to do films for science research, education, or government purposes. We could all hand in a list of credits. Why would these animals not be entitled to the same rights, respect and protection as any other animal protected by current laws and guidelines?

Page 4, line 25 and Page 5, lines 1 through 11

Lines 1 through 11 on page 5 are totally unenforceable! Who will receive the thousands of phone calls and mounds of paperwork that will be generated on a daily basis with a law like this? All this would do is create a situation that is unbearable and unworkable to do day to day business. This should be governed by the individual state as California does.

Anytime films or commercials or any type of animal work is done in or out of the state of California, we notify Animal Control and the State Fish & Game.

Page 5, lines 22 through 25 and Page 6, lines 1 through 3

The wording such as striking, hitting, wrestling and shocking is totally

inappropriate language. Just to give you some examples:

Wrestling: Anyone who knows the training of animals, knows wrestling does not cause behavioral stress. We hand raise these animals and wrestle and play with them from babyhood to adulthood. They love to wrestle and play and look forward to it daily.

Shocking: When we work large packs of wolves we use an electric fence (also used for our large bears). These are electric fences that are used around the United States and the world to control horses, cattle, pigs and many types of exotic animals.

Hitting I feel the words, hitting and striking as used in this context are
Striking: inappropriate. The law enforcement agencies who use guard dogs, attack dogs, military dogs, drug enforcement dogs, all have to have a certain amount of discipline in handling these dogs.

We are truly against any abusive treatment of any animal but we do feel common sense should be used.

This bill would effect not only wild animal people but hundreds of people in the private sector who have house dogs and cats, all horses, all types of house pets such as birds, the raising of barnyard animals such as cattle, pigs and chickens. It would effect pet shop owners, legitimate dog and cat breeders, guard dogs, K9 dogs, military dogs and animal distributors. On the whole, this would effect hundreds of thousands of people and their livelihood.

Page 6, lines 20 through 24 and Page 7, lines 1 through 2

This section requires the exhibitor to do exactly what USDA already requires us to do. This is a total waste of time, energy and funding (which could be better spent on our animals).

Page 8, lines 5 through 20

Lines 5-20 on page 8 are again unenforceable and unnecessary! Animals are called onto film sets at times with less than 5 hours notice. That is why we have a Humane Representative on every set. This type of notice is just impossible to achieve! It is also useless to whoever is reading it if they are not in fact a reputable animal trainer in the industry. Only such a person would understand

how each sequence could be accomplished. He or she would personally have to know the animal being used in the script to fairly evaluate the action as safe or unsafe to the animal. Once again this bill seems to have had very little if any research done on it prior to its creation. This was all considered years ago and the only solution was to have an officer on every set. That is why there is a Humane Representative on every set.

Page 8, line 22 through Page 10, line 21

Putting a veterinarian not affiliated with the film industry on set is not sensible because he would have no knowledge of our industry. It would make more sense to have a veterinarian that has the experience in care, housing and transportation of exotic animals, both local and out of state.

Lines 23 on page 8 through line 21 on page 10 are unfair!

The only fair way to meet the concerns of the many different industries involved and affected by this bill is to have a representative of each industry (chosen by that industry) present. Anyone person who feels he or she knows enough about all the industries affected by the bill is obviously unqualified.

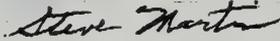
This bill is unnecessary due to the fact that we already have many agencies such as county, state, city and federal, that police us fully. American Humane governs us on all movie and Television sets, the county for caging and fencing, State Health Dept. for all food storage and animal waste, Fish and Game for housing and transportation of all animals. United States Department of Agriculture covers all of the above.

In summary, this bill is unnecessary and a waste of tax dollars, personal funds belonging to the exhibitors, time and energy. Inadequate research was done and all it will do is hurt the animals involved by depleting funds, which would be otherwise spent on the animals.

Everything addressed in this bill is already addressed in existing laws, both state and federal. The state of California has spent a great deal of time

and money and energy to address the concerns of H.R. 3252. It is truly a shame to have to channel more of the same time, money and energy to prove it.

Sincerely,

A handwritten signature in cursive script that reads "Steve Martin".

Steve Martin
Owner, Working Wildlife
Vice President, C.A.O.A.



TESTIMONY

REGARDING ANIMALS IN EXHIBITION

Submitted by

**RINGLING BROS. AND BARNUM &
BAILEY CIRCUS**

to

**SUBCOMMITTEE ON DEPARTMENT
OPERATIONS, RESEARCH, AND
FOREIGN AGRICULTURE**

CHAIRMAN CHARLIE ROSE

July 8, 1992



Mr. Chairman and Members of the Subcommittee, my name is Richard Houck. I have been a licensed veterinarian for more than thirty-five years, and I have been the staff veterinarian for Ringling Bros. and Barnum & Bailey Circus for almost ten years. I have worked with exotic animals for more than twenty years. These services have included administering preventive care, such as nutrition and husbandry programs, as well as administering surgical procedures. I have worked extensively in the area of captive breeding of animals such as elephants and tigers. I am pleased to be here today to present the procedures and policies of Ringling Bros. regarding the care and treatment of our Circus animals.

Ringling Bros. and Barnum & Bailey Circus has been caring for animals for over 120 years. It is regarded by knowledgeable entities as one of the world's leaders in both experience and knowledge regarding the needs and successful husbandry of animals. Ringling Bros. is the longest running live family entertainment enterprise in our country's history. We have two Circus units which travel throughout the United States each year and perform before millions of patrons throughout our country.

Ringling Bros. supports and adheres to the principle that those who exhibit animals must comply with appropriate regulations

to possess and exhibit these animals to ensure their health and well-being. These animals are amongst our most valuable assets -- thus, to provide the finest care is not only correct, but it is consistent with the image, philosophy and economic viability of our Circus.

Ringling Bros. maintains its animals in accordance with the provisions of the Endangered Species Act, 16 U.S.C. 1531 et. seq., the Animal Welfare Act, 16 U.S.C. 2131 et. seq., the Marine Mammal Protection Act, 16 U.S.C. 1361 et. seq., and all of their respective regulations, as well as the laws and regulations which have been adopted by virtually every state and many municipalities. These state and local laws include comprehensive anti-cruelty statutes which prohibit the cruel and abusive treatment of animals, and some states require permits and impose inspection requirements before an exhibitor may appear within the state.

Ringling Bros. is a licensed exhibitor under the Animal Welfare Act. As such, we must obtain an Exhibitor's License each year, and we are subject to the regulations promulgated under the Animal Welfare Act. These regulations were established as a result of extensive study, research and input by many knowledgeable people from the USDA and from the private sector. These regulations are comprehensive and provide appropriate standards for animal care, husbandry and handling and their veterinary

care.^{1./} The regulations address husbandry practices such as feeding, watering, bedding, sanitation, temperature control, ventilation and lighting. Also addressed are the space and construction of indoor and outdoor facilities of the animals. Standards of veterinary care, transportation, humane treatment, exercise plans and environmental enrichment are all regulated, as well.

Additionally, the general handling provisions in the regulations strictly prohibit any physical abuse of the animals.^{2./} For example, Section 3.135 forbids "unnecessary discomfort, behavioral stress or physical harm to the animal." 9 CFR Section 3.135. Failure to meet USDA standards exposes an exhibitor to federal sanctions, including revocation of its exhibitor's License.

The Animal Welfare Act regulations provide for detailed inspections, and Ringling Bros. is regularly inspected by the

^{1./}

See, e.g., 9 CFR Section 2.40 which requires each exhibitor to have an attending veterinarian to provide veterinary care to the animals. Additional provisions regarding veterinary care for the various categories of animals listed in Part 3 of this title are also set forth in Sections 3.10, 3.34, 3.59, 3.84, 3.111 and 3.134.

^{2./}

See 9 CFR Section 2.131. Section 2.131(a)(2)(i) provides that "[p]hysical abuse shall not be used to train, work or otherwise handle animals." Subparagraph (c)(i) of Section 2.131 requires that the animals "be exhibited only for periods of time and under conditions consistent with their health and well-being."

Animal and Plant Health Inspection Service ("APHIS") of the USDA for compliance with the regulations. No instances of mistreatment of our animals have been found by USDA inspectors.

The veterinary inspectors are empowered to inspect without giving any prior notice to exhibitors, and the regulations clearly empower the inspectors to request submission of additional relevant information necessary to enforce the provisions of the Act and the regulations. See 9 CFR Section 2.125 and 2.126. Detailed inspection reports are always issued by the veterinary inspectors after each inspection. While we agree that additional financial resources would certainly bolster the USDA inspection program, I have found the inspectors to be very thorough.

As Ringling Bros.' full-time veterinarian, I oversee the special medical needs and general health maintenance program of all the animals on each Circus Unit. It is my practice to administer preventive care to all animals performing with the Circus. I prescribe a balanced and regulated diet for each individual animal and make sure that all animals are parasite-free, both internally and externally. Each animal is vaccinated with vaccines designed for the particular animal in order to build up the animal's immunity to disease. I also prepare a daily husbandry program for each animal which addresses the feeding, watering, exercise, ambient temperature, cleanliness and sanitation requirements of each animal. This program is prepared in accordance with USDA

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guidelines. Routine dental care is provided as needed and the animals are treated in cases of illness. I also oversee the Asian Elephant breeding program established at our Florida Breeding Compound.

I am on the Circus or on call at all times. I also make arrangements with a veterinary colleague in every city to be on twenty-four hour call if I am not able to be on site. Additionally, all the animals are under constant observation by the Stable Master, who travels with each Unit and works in close concert with the animal grooms and animal trainers to ensure that the daily grooming, feeding and other care practices of the animals are maintained.

It is Ringling Bros. policy to have the animals' food brought directly to each arena by local suppliers to assure the foods' freshness: Raw fruit and vegetables, protein-enriched grains, vitamin- and mineral-enriched granular mix, fresh government-inspected meat or prepackaged vitamin-added meat are all part of the daily menu.

The more than 11 million annual patrons are a testament to the fine treatment our animals receive. The well-being of our animals has been lauded by the Director of Animal Care Staff of

Zoo and Exhibition Animals, Veterinary Services of USDA/APHIS, who stated the following with regard to our animals:^{3./}

I have rarely, if ever, seen signs of abnormal behavior in any of the primates, big cats or other of Ringling Bros. and Barnum & Bailey Circus animals. This is probably because of the amount of time the animals are kept active and the interaction that goes on between the animals and their trainers. Performing every day provides circus animals with physical and mental stimulation that animals in all but the most exceptional zoos just don't get.

Ringling Bros. policy is to train animals only through positive reinforcement. This method requires a great degree of trust and mutual respect between trainer and animal. Beating, whipping, physical or verbal abuse are strictly prohibited in animal training. Moreover, withholding food or water as a training method is strictly prohibited. While there are those who assert that such positive methods cannot be used, a recent study conducted in England by a famed animal behaviorist, Dr. Martha Kiley-Worthington, who was commissioned by the Royal Society for the Prevention of Cruelty to Animals to study circus animals, concluded to the contrary. Indeed, she found that "the essence of

^{3./} Statement of Dr. Richard Crawford, Fall 1989.

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circus training is that it concentrates on the individual [animal], and respect for him and her . . ."^{4./}

As I stated earlier, Ringling Bros. and Barnum & Bailey Circus is the longest running live family enterprise in our nation's history. We pride ourselves on the excellent health and well-being of our animals. We believe that the presentation of animals in our Circus provides a vital education to children and adults and fosters a respect for these animals, as well as an awareness of the importance of conservation and propagation of the species.

Dr. Kiley-Worthington concluded similarly in her study when she found that circuses are uniquely capable of educating the public about animals. Her report provides that circuses are "uniquely placed to be able to do research on the human animal relationship . . ." and [i]n this way they [circuses] could have an important role to play in educating the public and heightening

^{4./} Dr. Martha Kiley-Worthington was commissioned to carry out an independent scientific study of circus animals in comparison with animals in zoos and other husbandry systems and in the wild. See Kiley-Worthington, Animals in Circuses and Zoos Chiron's World, Little Eco Farms Publishing 1990. Considered preeminent in her field, Dr. Kiley-Worthington was one of the first ethologists to live with and study wild African animals and has been an Animal Behaviour Consultant since 1971.

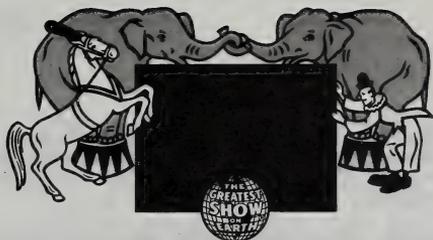
the respect for individual animals, their unique intelligences and amazing abilities."^{5./}

Ringling Bros. is committed to the proper treatment and care of all its animals, both domestic and exotic. We are committed to ensure that every exhibition is designed to enhance the animal's natural ability, agility and intelligence. We are committed to uphold the highest traditions and standards of animal presentation, and we respect and will abide by responsible laws and regulations regarding the care and handling of animals.

The Animal Welfare Act and its regulations appropriately address and provide for the care, transportation and husbandry standards of animals. Clearly, APHIS will be better served if additional funding is granted to further its inspection process. However, additional legislation is merely duplicative and will serve only to create layers of regulation, which end result will be an administrative burden and fiscal drain on the USDA. It is simply not necessary.

Mr. Chairman, Members of the Subcommittee, thank you for allowing me the opportunity to appear before you today. I welcome any questions you may have.

^{5./} See Kiley-Worthington at p. 222.



August 7, 1992

VIA HAND DELIVERY

Mr. Jerry DuVal
U.S. House of Representatives
Committee on Agriculture
1301 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. DuVal:

As you are aware, on July 8, 1992 the Subcommittee on Department Operations, Research and Foreign Agriculture held an Oversight Hearing on Animals in Exhibition. Ringling Bros. and Barnum & Bailey Circus was invited to speak at this Hearing, and I spoke on behalf of Ringling Bros. Written testimony was also submitted prior to the Hearing on July 6, 1992. The written testimony addressed those issues which the Subcommittee requested that we address.

The purpose of this submission to the Subcommittee is to provide clarification to the written testimony submitted by Holly Cheever, D.V.M. dated July 2, 1992. Therein, Dr. Cheever makes numerous statements regarding Ringling Bros. and Barnum & Bailey, which are inaccurate, misleading and without any scientific basis. Dr. Cheever has never personally examined any animals belonging to Ringling Bros. and Barnum & Bailey and for her to make medical and psychological evaluations of these animals without having conducted any kind of veterinary examination in and of itself is sufficient to refute her unsubstantiated allegations.

For example, Dr. Cheever refers to the "inherent abuse" in the "behind the scenes" training of animals. It is interesting that she is able to describe the methods of training when she herself has never been "behind the scenes" of Ringling Bros. and Barnum & Bailey. Dr. Cheever is absolutely incorrect in her allegation that any type of negative treatment or abuse is used in training our animals. This is untrue. To the contrary, our animals are trained by positive reinforcement, as we have already described in the written testimony we previously submitted. The use of positive reinforcement in the training of circus animals in general has been described at length in the study prepared by Dr. Kiley-Worthington, an animal behaviorist from England, who we have previously referenced in our written testimony. We have also

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submitted for the record a complete and original text of her study. Dr. Kiley-Worthington's results were based upon actual on-site observations of circus animals, unlike the uninformed opinions of Dr. Cheever.

Dr. Cheever makes other statements that are similarly irresponsible. For example, she states that circus bears are denied their period of hibernation "during cold weather." What she fails to acknowledge is that bears performing with circuses are not subject to cold weather. She also fails to acknowledge a well-documented fact concerning hibernation that in southern populations of American and Asian Black Bears, where food is readily available throughout the year, bears are able to remain active throughout the winter.

Similarly, it is irresponsible to allege that traveling is stressful on the animals. While Dr. Cheever represents that all household cats experience fear when they are transported by car, there are many cats, dogs and other animals that take great pleasure in being transported by car. There has been absolutely no objective research and resultant evidence which would support Dr. Cheever's allegation. Again, to the contrary, Dr. Kiley-Worthington in her text at pages 41-44 addresses the issue of transportation of circus animals in which she concludes at page 44 that "[t]here was no evidence to suggest that the transporting of circus animals is necessarily, or unusually, distressing or traumatic for the animals . . ." (Emphasis added.)

Dr. Cheever states, without any foundation, that some of our elephants are arthritic and lame because the elephants slowly descend the ramps from the railroad cars which transport the elephants. It is unconscionable that she would make such an inflammatory statement without having personally examined these elephants. These elephants are not arthritic or lame. Instead, as mammals with an excellent memory, these animals are able to recall that the angle of the ramp varies depending upon where the train has stopped. Therefore, descending the ramp cautiously is expected and logical behavior given their size and the varying degrees at which the ramps are placed.

Dr. Cheever irresponsibly cites a quote from a book written by John Ringling North regarding the training of "big cats." She, like the many other animal activists who like to cite this paragraph, conveniently failed to include the paragraph which immediately follows the one Dr. Cheever cited:

But Alfred did not use such methods. He did start off with the animals collared and chained to their pedestals, but he began by making friends with them. He went into the training ring with a

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leather pouch full of beef cut into small morsels. He would put a piece of beef on the end of a sharp stick and offer it to the animal, whatever it was. Then he would talk to it, coming closer until he was alongside. The next thing you know he was stroking it. Of course, it took several days to get an animal's confidence.

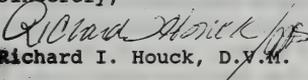
North, John Ringling, The Circus Kings at page 299.

Similarly misleading is Dr. Cheever's reference to the death of Queenie, an elephant who had performed with Ringling Bros. This unfortunate incident occurred on March 22, 1930 -- more than 62 years ago and many, many years prior to the enactment of the Animal Welfare Act.

In summary, Dr. Cheever's testimony was not based upon any actual examination of our animals and, therefore, her statements regarding Ringling Bros.' animals are as irresponsible as a medical doctor observing children at a playground and making a medical or psychological diagnosis of each child.

Thank you for the opportunity to submit additional information for the record.

Sincerely,


Richard I. Houck, D.V.M.

HOLLY CHEEVER, D.V.M.

RD #1, Box 363
 Voorheesville, NY 12186
 (518) 765-4213

July 2, 1992

The Honorable Charles Rose, Chairman
 Subcommittee on Department Operations,
 Research and Foreign Agriculture
 Committee on Agriculture
 1301 LHOB
 Unites States House of Representatives
 Washington, DC 20515

Dear Chairman Rose:

I am pleased to have the opportunity to address this Subcommittee concerning the treatment of animals, both domesticated and non-domesticated, used for exhibition and entertainment purposes. It is my firm belief that animals so used are not afforded sufficient protection from cruelty and misuse by the inadequate Animal Welfare Act, and that the Act is not used to its full extent to enforce even the very minimal anti-cruelty statutes that it contains.

I am a doctor of veterinary medicine practicing near Albany, New York. I obtained my undergraduate degree from Harvard University in 1971 and my veterinary degree from the College of Veterinary Medicine at Cornell University (D.V.M. 1980), from which I graduated first in my class. I assist in administering New York State's veterinary licensing exam annually, have served on various alumni councils to the Veterinary College, and have been honored to receive numerous awards, including the New York State Humane Association's Veterinarian of the Year Award for 1991.

As a consultant on cruelty cases, I am frequently called upon to examine performing animals, witness their various acts both live and videotaped, and render an opinion as to their health, behavior, and treatment. Unfortunately, I have seen serious mistreatment of the performing animals in all forms of animal exhibitions, including donkey basketball, mule diving, greased pig contests, rodeos, traveling petting zoos, and the worst offenders, circuses. Every one of these forms of entertainment is predicated upon animal abuse in some, if not all aspects of their housing, training, and transportation. The abuse and stress to the animals is evinced by their abnormal behaviors or their physical condition or their obvious terror when performing their acts -- mule diving is a good example of the latter. I have seen mules snorting and wide-eyed with fear at the top of their diving platform, and defecating with a loose stool (a common sign of nervousness in equines) before their dive. There is nothing in a mule's evolution and normal behavior that would prepare it for such an unnatural performance.

MEMBER, Association of Veterinarians for Animal Rights
 MEMBER, American Association of Equine Practitioners
 MEMBER, Advisory Board, Food Animal Concern Trust (FACT)

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Unfortunately, very few of the physical needs and none of the behavioral needs of the animal performers are met by the conditions in which they exist. I will focus on circuses as being the most inhumane offenders, in my opinion, starting first with their housing conditions. I was invited in 1990 to inspect The Moscow Circus' animals backstage by an Albany television newscaster with the consent and invitation of the Circus management. The Circus at that time had three species of animals, namely bears, tigers and horses. Although I was given a full tour of the tigers' and horses' conditions, I was forbidden to see the bears and was given several lame and conflicting excuses for this refusal by way of explanation. The Circus management finally explained that I was barred from viewing the bears because the cages looked so "deceptively" small. Since it was precisely this issue of cage size that had earned The Moscow Circus cruelty citations during its previous tour, I could only assume that the bears were still being maintained in cages too cramped to allow normal postures. This is in violation of the Animal Welfare Act, Part 3, Subpart F, Section 3.137, paragraph C.

As for the animals I was permitted to view, I saw and was told the following:

1. Sixteen tigers were packed into an inadequate "exercise cage", too small to permit such a large number of animals to move freely.
2. One female tiger had abandoned her litter, born in transit, the previous year. This form of behavior is exceedingly rare in the wild, and is a common indicator of extreme maternal stress.
3. Their diet as described to me was imbalanced, and could potentially produce nutritional secondary hyperparathyroidism, with resulting pathological bone fractures, over time.
4. There were 11 light horses and four draft horses. Some were recent replacements for four that had died during the Canadian portion of their tour due to various forms of colic (an equine abdominal disorder). Also, the entire band had experienced an outbreak of a viral disease (rhinopneumonitis) requiring a quarantine period. If a private stable were to exhibit such a large number of health problems, any knowledgeable equine practitioner would point to poor care, extreme stress, and stable mismanagement as the multiple causes.

During the Ringling Brothers and Barnum & Bailey tour in May 1990, I witnessed elephants standing in dirty railroad cars shackled by fore and hind limbs. I saw many with old scars, some fresh puncture wounds and abscesses, and many exhibiting stereotypic, repetitive behavior which indicates mental stress. Some were so arthritic and lame that they crept down the unloading ramps in obvious pain.

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What makes the elephants' plight so distressing is the complete lack of an attempt to address their behavioral needs. They are complex, highly intelligent animals who live in matriarchal family groups, form long attachments, and express grief over dead relatives. To isolate them and prevent them from bonding with the social group so necessary for their overall health and well-being is undeniably stressful and cruel. As for their confinement, I hope that the abuse in chaining these naturally nomadic animals into immobility for 23 hours a day is too obvious to require mention.

One of the most obvious departures from the expression of normal behavior is seen in the circus bears who are forced to perform in the winter months. Any school child will tell you that bears hibernate during cold weather; it is an instinctive drive second only to the drives to find food and to reproduce. Clearly, denying a hibernating species the opportunity to perform this basic biological rhythmic pattern imposes both physical and psychological stress in the animal.

The manner in which performing animals are transported constitutes a second area of inherent mistreatment. As with the housing situation, animals are transported in enclosures too small to satisfy normal behavioral and physical needs. Their enclosures are frequently soiled. Animals who may not be adapted to our climates are exposed to extremes of heat and cold, resulting in documented deaths (e.g. Ringling Brothers' "Queenie"). Food and water may be withheld, as has been noted in several humane investigators' reports, vastly increasing the animals' discomfort and stress.

However, it is not only the cramped and dirty quarters and the physical discomfort that constitutes mistreatment to these animals, it is also the constant travel itself, from civic arena to railroad car to civic arena interminably for 50 weeks per year. This existence is unreasonably stressful on any animal, domesticated or wild. Any owner of a housecat can attest to the fear and distress that cat exhibits when transported by car, no matter how briefly, by its trusted human companion. The distress exhibited by a wild member of the family Felidae in the company of human handlers whom it fears must be many times greater, and is a constant facet of its existence.

The final area of inherent abuse is the training which goes on behind the circus' glittering facade. The information gathered by animal protection agencies on training methods derives from various sources, including ex-trainers, circus workers, videotapes, and unabashed statements from the circus management itself. Consider this quote from Henry Ringling North, descendant of the original founder of Ringling Brothers Circus, from his book The Circus Kings (1960):

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"It is not usually a pretty sight to see the big cats trained... When he (the trainer) starts off they are all chained to their pedestals, and ropes are put around their necks to choke them down and make them obey. All sorts of other brutalities are used to force them to respect the trainer and learn their tricks. They work from fear."

I don't know which is more disturbing, the way the big cats are trained, or the implication that the author assumes the public will find these practices acceptable.

The bottom line in the behind-the-scenes training is that one cannot induce animals, particularly the undomesticated species, to perform frightening (e.g. rings of fire), painful (bears on bicycles), and unnatural tricks without using severe negative reinforcement to obtain unvarying compliance. I remind this Committee that unvarying compliance is an absolute requirement to successfully compete in the animal entertainment business. Information from informants within the industry reveals paw burnings, choke ropes to render animals unconscious, electric shocks, food deprivation, etc. I speak not as a veterinarian, but as a mother when I say that to pass off this kind of cruelty as wholesome, all-American family entertainment is outrageous and is seen as unacceptable by an increasing percentage of the American public.

We could expect some improvement in these animals' lives if the Animal Welfare Act were properly enforced. Part 3 of Standards, Subpart F, 3.128 discusses space requirements which should allow normal postural movements, and lists as evidence of improper space and care "malnutrition, poor condition, debility, stress, or abnormal behavior patterns." Every performing animal act I have seen has exhibited at least one, and usually many, of these symptoms. A Freedom of Information request for USDA inspection records of The Moscow Circus in February 1990 revealed no violations of the Animal Welfare Act, despite the many health problems and the stereotypic behaviors exhibited by the animals during that tour. It seems, therefore, that the USDA is failing to perform its function in enforcing this act, as dictated by Congress.

However, enforcement is not the only problem with the Animal Welfare Act. It simply does not address the cruelties inflicted on performing animals in their training, for instance. Some of my veterinary peers support donkey basketball, mule diving, circuses, etc. as supplying an adequate existence for the animal performers, but I have to disagree. The question here is not what is survivable, but what is humane.

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At present, the Federal Animal Welfare Act does not prevent cruelty and is not sufficiently enforced to provide even its bare minimum of humane care. I hope this Committee will see fit to recommend strengthening and increasing enforcement of this Act to mitigate some of the suffering in these animals' lives.

Thank you for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Holly Cheever, DVM". The signature is written in dark ink and is positioned above the printed name.

Holly/Cheever, DVM

Dolphin Project



Richard O'Barry
Director/President

Lincoln O'Barry
Vice President

Dedicated to the Welfare and Understanding of Dolphins and Other Whales Throughout the World

July 8, 1992

My name is Richard O'Barry, and I am the Director of the Dolphin Project, a non-profit organization dedicated to the welfare and understanding of dolphins and other whales throughout the world. I represent a coalition of twenty-two groups opposed to dolphin captivity. These intelligent, free-ranging and most social of animals languish and die in aquariums, hotels, night clubs, amusement parks, or any number of unnatural places for our casual amusement, even a Las Vegas gambling resort.

I have been involved in this issue for over thirty years. For ten of those years I was working on the other side of the captivity issue in various capacities, including training the five dolphins who played "Flipper" on the television series.

Dolphins in captivity are suffering and dying needlessly, while the government agencies in place to monitor their care and protect them from cruelty and neglect are ineffective and indifferent at best, and at worst are unresponsive and incompetent. Over the years, these agencies have been presented with volumes of material pointing to permitholders' various violations of the Marine Mammal Protection Act and/or the Animal Welfare Act. Routinely, they drag their feet and are seemingly reluctant to act upon information provided them. When a private citizen or organization finally manages to get the attention of the governing agency, it can take two to three years to actually bring charges. In the meantime, these animals remain in the unhealthy or dangerous situation until a determination is made.

The National Marine Fisheries Services (NMFS) is responsible for establishing catch quotas and tracking captive marine mammals. To its discredit, it relies upon records that are woefully inaccurate and out of date. A study undertaken by staff members Craig Dezern and Cindy Schreuder of The Orlando Sentinel (June 10-11, 1990) to determine the accuracy of reports, recordkeeping and the ultimate fate of captive dolphins, revealed many disturbing findings. An inventory of

1206 dolphins captured or born into captivity since 1973 contained hundreds of mistakes or omissions. There appeared to be no analysis by the National Marine Fisheries Service of its available data, and attempts to track some dolphins led to a dead end, with the dolphins "disappearing" altogether, their whereabouts or condition unknown. In other instances, tracking a dolphin's captivity history through inventory reports reflected a new birthdate or sex than what was originally entered. In an attempt to determine how long dolphins live in captivity, hundreds of National Marine Fisheries Service records had to be discarded because they were incomplete or contradictory. It was found that there is often a delay by NMFS in entering information which would update the records, and delays by the permit holders in providing it are common. Consequently, "current" inventory reports were found to be almost two years out of date for some facilities.

It is not possible to cover all the abuse that occurs in this billion-dollar dolphin amusement park industry. Several examples of these abuses are attached and made a part of this testimony; however, I would like to provide the Committee with an overview of why the current system simply does not work. The Marine Mammal Commission, The National Marine Fisheries Service, the United States Department of Agriculture and the Animal Plant and Health Inspection Service all have failed miserably to uphold the 1972 Marine Mammal Protection Act. We might as well rename the Act "The 1972 Marine Mammal Park Protection Act", because rather than providing protection for the dolphins, it is the industry that is being protected. The industry has failed to educate the public as it claims to do because it is based on deception, greed and exploitation. If what they do is truly educational, this industry could have solved the tuna dolphin problem twenty years ago and saved the lives of 6 million dolphins. They didn't involve themselves though because it would have meant disrupting the complacency of their paying guests.

I just came back from St. Louis, Missouri where we protested an amusement park called "Worlds of Fun", which is operated by Marine Animal Productions. This is a tiny, substandard, chlorinated box right under the ferris wheel. It is surrounded by bleachers of cash customers. The show was nothing but a display of dominance, certainly a form of bad education. They paid to see this abuse and they applauded it. And that's where they got ripped off. If they were educated about what they were really seeing, they would most likely be rebelling. I rebelled. I protested the show and produced for them the 1992 Marine Mammal Inventory Report for Marine Animal Productions. There are 77 dead dolphins on that report. Even the trainer who was there had never seen a Marine Mammal Inventory Report and didn't know that Marine Animal Productions had so many deaths.

What the industry is doing is educating people to accept this abuse as normal and natural, and that is really the heart of the problem. To teach a child not to step on a caterpillar is as important to the child as it is to the caterpillar. The same principle can be applied to the issue of captivity. This issue is as much about education as it is about animal rights.

At the other end of the spectrum from Worlds of Fun is Sea World. It is the same story, only on a larger scale. Sea World can afford to hire scientists and veterinarians to defend their position. Let's take a look at "Shamu", for example, Sea World's corporate name for whichever orca happens to be performing. They have to do that because they have 20 dead orcas out of 26. Eighty percent of all the orcas we have captured are dead. They are telling us that they exhibit whales to educate and sensitize the public, so the public will, in turn, defend and protect these orcas. The truth of the matter is, the orca doesn't have any predators other than Sea World and the captive display industry.

We need to find alternatives to captivity, but it seems that wherever an alternative exists, such as the Dolphin Connection in Corpus Christi, Texas, it is quickly shut down by the authorities.

If there was a way for Worlds of Fun, or Sea World, the National Aquarium or ZooAmerica at Hersheypark, or any of these places to display a free-ranging, large-brained, gregarious sonic creature such as a dolphin or a whale so that it serves to acquaint the public with their behavior in nature, then captivity would have some positive educational value. But they can't do that, so instead they have to bastardize the very definition of education. We are not trying to close down the industry; what we want to do is replace the dolphins and whales with waterslides, or other forms of amusement. If you are amused by Shamu, you are probably going to be equally amused by a boxing kangaroo or a dancing bear, because it is the same thing.

The Shamu experience only serves to perpetuate our insidious utilitarian perceptions of nature. It is a form of bad education. Shamu and the rest of these victim dolphins are a reference point in our relationship with nature. Congress must look at this relationship and look at what we are doing in the name of education and research. If we can't at least abolish the travelling, rent-a-dolphin show, which is certainly one of the most abusive aspects of this industry, or abolish the petting/fondling pools, then how can we even begin to find solutions to the larger, more complex environmental problems facing dolphins? Most of the rent-a-dolphin facilities are

substandard. Clear regulations are in place which should prohibit petting pools, and yet the Animal Plant and Health Inspection Service allows them to operate. Although examples of these violations are attached, I would like to invite any member of this Committee to join me for a week and I will show them first-hand undeniable abuse of dolphins and whales in our society.

Dolphins and whales are self-aware creatures that routinely make choices and decisions regarding the details of their lives. They are entitled to freedom of choice; thus, they are entitled to freedom. Capturing them and dragging them kicking and screaming into captivity is simply wrong. Even if you don't do anything with them, confinement in itself is abusive. For this reason alone the industry should be phased out. Animals that would be good candidates for readaptation and release should be identified and returned to their families.

I believe it could be proven from a scientific standpoint that keeping these sonic creatures in concrete boxes doesn't work. The problem in doing so is that the marine mammal scientists and veterinarians who would be the logical people to accomplish this are financially dependent on the industry. Science is very, very slow anyhow. For example, years ago on the battlefield when the soldiers fired cannons, they knew absolutely that when they fired the cannon, the cannonball went through the air in a trajectory, in an arch, and that it didn't go in a straight line. They knew this years before the scientists were willing to admit it. The fact that science is so slow is compounded by the problem that marine mammal scientists and veterinarians are beholden to the industry for their livelihood. Given this interdependent relationship, it will be a long time before it will be proven that dolphins do not belong in captivity.

Dolphins are imperiled by the very agencies designated to protect them. We are calling for Congress to conduct an immediate and thorough investigation of the National Marine Fisheries Service, The United States Department of Agriculture, the Animal Plant and Health Inspection Service, and the Marine Mammal Commission. An immediate ban must be imposed on all captures, at least until the problems are solved. We also need to have representatives of anti-captivity groups placed on the Marine Mammal Commission, which so far has only been comprised of individuals who are pro-captivity or big business.

Thank you for the opportunity to address this very important issue.

(Attachments follow:)

**SUPPLEMENTAL INFORMATION PREPARED
FOR THE DOLPHIN PROJECT**

The Fund for Animals, 1992

The following examples are cited as alleged non-compliance of APHIS standards pertaining to the public display of marine mammals. Many of the samples do not reflect outright right animal abuse per se, but illustrate USDA/APHIS alleged failure to cite facilities for non-compliance, failure to recognize concerns affecting animal welfare, preventable injury/death of both animals and trainers/handlers, negligent husbandry practices, questionable procedures, and exploitive treatment of captive marine mammals. Considering that cetaceans naturally form strong social bonds, complex groupings, and may encompass home ranges exceeding 60 miles, capable of deep diving and reaching speeds of 18-22 mph (depending on species), there is a growing belief that their confinement in and of itself is abusive.

In 1979, NOAA Fisheries, APHIS, and the U.S. Fish and Wildlife Service entered into a Cooperative Agreement to ensure that standards (of the Animal Welfare Act) were applied uniformly to all marine mammals in captivity. NOAA's Discussion Paper (March 1989, Permit Policies and Procedures for Scientific Research and Public Display Under the Marine Mammal Protection Act and the Endangered Species Act), states that: "NOAA Fisheries relies heavily on periodic APHIS inspections to monitor compliance..." A sampling of such inspection reports indicates irregular and inconsistent inspections, where "compliance" is open to broad interpretation and spot judgments. Veterinarians experienced in marine mammal medicine having no association with the captive industry are nearly non-existent. The Florida Department of Natural Resources (DNR) made unsuccessful attempts in 1990 to locate qualified veterinarians with no affiliations to the public display community to inspect all 18 of Florida's facilities maintaining cetaceans. Charles Futch of Florida's DNR said "We're finding that most of them [veterinarians] have a potential conflict of interest." (Tampa Tribune, August 1990).

The National Marine Fisheries Service (NMFS), as the enforcement authority of the Marine Mammal Protection Act (MMPA) has its own procedures in dealing with violators of the Act. Both NMFS and APHIS have been ineffective in their respective enforcement, their inability to address public concerns, and in communicating with each other. NMFS has

demonstrated itself overly permissive in authorizing permit requests (99.4% are authorized for public display), and by its continued reliance on APHIS to enforce standards of the Animal Welfare Act. APHIS has repeatedly illustrated its inadequacy to inspect facilities, and detect violations of non-compliance. APHIS and NMFS have both shown that leniency is the rule, not the exception, for the enforcement of administrative procedures.

The following examples represent alleged non-compliance of APHIS standards and public concerns which remain unaddressed with respect to captive marine mammals:

§2.5 Duration of license and termination of license

(a) A license issued under this part shall be valid and effective unless: (2) The license is voluntarily terminated upon request of the licensee, in writing, to the APHIS, REAC Sector Supervisor.

Class "B" Dealer license 58-NP issued to Dr. Jay Sweeney, DBA Dolphin Services International, 4467 Saratoga Avenue, San Diego, CA 92107 was voluntarily surrendered to USDA/APHIS, Gainesville, Florida on 4/9/89.

Supplementary information provided in the Federal Register 8/31/89 (Animal Welfare Act; Final Rules) defines that Class "B" license means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§1.1), and whose business includes the purchase and/or resale of any animal. This term includes brokers, and operators of an auction sale, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce. Such individuals do not usually take actual physical possession or control of the animals, and do not usually hold animals in any facilities. A Class "B" license may also exhibit animals as a minor part of the business.

Sweeney participated in the following known activities subsequent to the surrender of his license on 4/9/88 as documented in MMIR's: two tursiops captured for the National Aquarium in Baltimore 11/26/89 and 11/28/89 at Tampa Bay, Florida; two tursiops captured for Miami Seaquarium 4/15/89 at Taiji, Japan; two Risso's dolphins captured for Miami Seaquarium 4/15/89 at Taiji, Japan; and two sea lions transferred to "Dolphin Services" 7/5/90 from Sea World. Sweeney reportedly oversaw the capture and transport of two beluga whales for the Shedd Aquarium 8/1/89 at Manitoba Canada (News Tribune, 8/15/89); and is believed to have captured two Risso's dolphins for the Navy at Taiji, Japan on 4/19/89 due to the proximity of date and capture site.

He is currently licensed with USDA as an exhibitor (#86C029) DBA Dolphin Quest, Inc., 2059 East Quartz, AZ 85203, operating a swim-with facility at the Hyatt Regency, Waikoloa, Hawaii.

Evidence indicates that APHIS inspections are not uniformly enforced. Additionally, citing of repeated non-compliance, suspension and revocation of licenses are not subject to criminal penalties. Administrative prosecutions allow violators to agree to sanctions without admitting or denying guilt, and fines, when imposed, are often suspended.

§2.9 Officers, agents and employees of licensees whose licenses have been suspended or revoked ... Any person who has been or is an officer, agent, or employer of a licensee whose license has been suspended or revoked and who was responsible for or participation in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

§2.10 Licensees whose licenses have been suspended or revoked or terminated automatically.

(a) Any person whose license has been suspended for any reason shall not be licensed in his or her own name or in any other manner within the period during which the suspension is in effect.

The following examples indicate leniency by APHIS following "investigations" of facilities repeatedly found in non-compliance of standards:

Sealand of Cape Cod, located in Brewster, Connecticut, had its license revoked in 1984 for violations of the Animal Welfare Act citing inadequate pool sizes and water-quality systems, and the deaths of two dolphins from ingesting foreign objects. The license was revoked again on 7/24/87, citing inadequate pool sizes and water-quality systems and the facility was temporarily closed until 2/26/87 when the license was reinstated. The aquarium closed again briefly in January 1992 for financial reasons. The facility remains open today DBA Aqua Circus of Cape Cod, maintaining a single Atlantic bottlenose dolphin. (The Marine Mammal Commission considers maintenance of a single dolphin in captivity unacceptable.)

A joint agency inspection (including APHIS) took place 2/22/88 at Clearwater Marine Science Center located Clearwater, Florida, as result of numerous public complaints. The facility held a single Atlantic bottlenose dolphin ("Sunset Sam") received as a beached/stranded animal in 1984. (The MMPA requires that all beached/stranded animals be released if determined feasible.) The inspection report indicated

inadequacies in water quality, pool size, filtration, lighting, air circulation, and questionable record-keeping of required coliform counts. Clearwater had not been inspected in more than 3 1/2 years. The facility was upgraded and a permit (#661) was authorized 2/8/89 to obtain a second dolphin from "captive stock." A second dolphin was finally acquired 3/4/90 from Gulf World, which had captured the animal from the wild 8/10/89 (Tampa Tribune, 3/6/90 and NMFS permit authorization).

Cleveland Metroparks Zoo in Ohio agreed to pay a \$2,000 civil penalty and comply with all standards of the Animal Welfare Act, particularly those that cover proper care for live animals in transit and those requiring necropsy reports for any marine mammal that dies in captivity. The zoo agreed to these sanctions without admitting or denying USDA charges that it violated transportation standards of the Act. Specifically, USDA charged that the zoo transported three sea lions from Cleveland, Ohio to Memphis, Tennessee, in poorly ventilated vehicles and failed to provide the animals with adequate veterinary care while they were in transit. The animals were found dead on arrival 4/24/89. The monetary penalty was suspended as long as the zoo refrains from any future violations and uses appropriate temperature-control mechanisms in every vehicle it uses to transport marine mammals. (USDA News, 1/4/91)

Ocean World, located in Fort Lauderdale, Florida, closed on 6/6/92 and ordered to pay \$20,000 in fines for alleged USDA violations including charges of handling marine mammals in a way that caused trauma, behavioral stress, physical harm, and unnecessary discomfort. The park reopened after two weeks without admitting or denying USDA charges.

Another case in point is that of the facility Gulfarium, located in Ft. Walton Beach, Florida. Gulfarium applied for permits to obtain two Atlantic bottlenose dolphins in 1987. Their records had shown deaths of 3 sea lions due to guard dog attacks, that 3 CA sea lions had died from heat exhaustion and the death of an Atlantic bottlenose dolphin which struck and broke a one-inch observation window, sucking out the animal which died later from a severe abdominal gash. Another dolphin had also died. APHIS senior staff veterinarian R.L. Crawford noted prior deficiencies and deaths, yet wrote: "We find no abnormal or excessive death losses which appear to be due to mismanagement or improper care of the animals, and therefore recommend that [Gulfarium's] permit request be granted." St. Petersburg Times, 4/15/90)

§3.101 Facilities, general

(a) Construction requirements. (1) Indoor and outdoor housing facilities for marine mammals shall be

constructed sound and shall be maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of unwanted animals.

Epcot Center: Atlantic bottlenose dolphin ("Geno") died 12/29/85 after becoming trapped in a pool net and suffocated. (Orlando Sentinel, 8/22/90); **Gulfarium:** 9/30/83 a guard dog attached and killed a sea lion ("Mate") at Gulfarium, located at Fort Walton, Beach, Florida. Sea Lion ("Sushi") killed by guard dog 1/11/84 at Gulfarium. A third sea lion ("Jose") killed by guard dog 12/14/85 at Gulfarium. (MMIR)

§3.101 Facilities, general (continued)

(2) All marine mammals shall be provided with protection from abuse and harassment by the viewing public by the use of a sufficient number of employees or attendants to supervise the viewing public, by physical barriers, such as fences, walls, glass partitions, or distance, or both.

§3.101 Facilities, general (continued)

(4)(c) Drainage. Adequate drainage shall be provided for all primary enclosure pools and shall be located so that all of the water contained in such pools may be rapidly eliminated when necessary for cleaning the pools or for other purposes. Drainage effluent from primary enclosure pools shall be disposed of in a manner that complies with all applicable Federal, State and local pollution control laws.

§3.101 Facilities, general

(e) Waste disposal. Provisions shall be made for the removal and disposal of animal and food wastes, dead animals, trash and debris. Disposal facilities shall be provided and operated in a manner which will minimize vermin infestation, odors and disease hazards. All waste disposal procedures must comply with all applicable Federal, State, and local laws pertaining to pollution control, protection of the environment, and public health.

Regional Water Quality Control issued a clean up order to Sea World, San Diego 10/3/88 for its "chronic lack of compliance" by discharging wastes into Mission Bay. The report cited Sea World for excessive coliform and chlorine levels in waste water, exceeding limits on 26 occasions, sometimes as much as 700% (Los Angeles Times, 10/4/88).

§3.103 Facilities, outdoors

(b) Shelter. Natural or artificial shelter which is appropriate to the species concerned, when the local climatic conditions are taken into consideration, shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight.

Since additional details are lacking, the following deaths as listed in MMIR's and other sources indicate questionable non-compliance of this section:

Atlanta Zoo: CA sea lion ("Big Mac") died 7/11/90 - "heat stroke, hemorrhage" (MMIR). Dinnes Memorial Veterinary Hospital: CA sea lion ("Flipper") died 7/25/86 - "heat stroke" (MMIR). Gulfarium: CA sea lion ("Snoopy") died 5/13/88 - "heat exhaustion" (had fallen into a moat where Gulfarium personnel watched him breathe harder and harder through his mouth for four hours until he died. (St. Petersburg Times, 4/15/90; two CA sea lions ("Micah" and "Tara") died 6/13/89 and 6/13/89 "hyperthermia." Smithsonian Institute, Nat'l Zoo: CA sea lion died 8/2/90 - "heat stress" (MMIR). Additional examples were found prior to 1979.

§3.105 Feeding

(a) The food for marine shall be wholesome, palatable, and free from contamination, and shall be of sufficient quantity and nutritive value to maintain all of the marine mammals in good health.

Since additional details are lacking, the following deaths as listed in the MMIR's indicate questionable non-compliance of this section:

Naval Comm. Control & OC Surveillance Center: Atlantic bottlenose dolphin died 3/25/86 - "possible toxic fish" (MMIR). Sea Life Park: bottlenose dolphin died 10/28/82 - "enterotoxemia & food poisoning (MMIR). Other examples were found prior to 1979 including "probably botulism" and "bad fish".

§3.105 Feeding (continued)

(c) Food, when given to each marine mammal individually, shall be given by an employee or attendant responsible to management who has the necessary knowledge to assure that each marine mammal receives an adequate quantity of food to maintain it in good health. Such employee or attendant is required to have the ability to

recognize deviations from a normal state of good health in each marine mammal so that the food intake can be adjusted accordingly. Public feeding shall only be permitted if it is done in the presence of and under the supervision of a uniformed employee or attendant. Such employee or attendant must assure that the marine mammals are receiving the proper amount and type of food.

§3.106 Water quality

(a) General. The primary enclosure shall not contain water which would be detrimental to the health of the marine mammal contained within.

Since additional details are lacking, the following deaths as listed in the MMIR's indicate questionable non-compliance of this section:

Dinnes Memorial Veterinary Hospital: 3 CA sea lions ("Cupcake", "Shasta" & "Stormy") died 2/1/85, 2/2/85, 2/3/85 - "chlorine toxicity". Marine Animal Productions: two CA sea lions ("Jinx" & "Rockey") died 10/23/88 - "acute selenium toxicity" (MMIR). Riverbanks Zoological Park: harbor seal ("Dennis") died 6/11/91 - "chronic dermatitis" (MMIR). Sea World: two CA sea lions died 11/27/82 & 10/24/90 - "chronic dermatitis" and "chronic ulcerative dermatitis" (MMIR). St. Paul's Como Zoo: harbor seal ("Rosie") died 5/22/84 - "chronic fungal dermatitis" (MMIR).

§3.107 Sanitation

(2) Particular animal and food waste, trash, or debris that enters the primary enclosure shall be removed as often as necessary to maintain the required water quality and to prevent health hazards to the marine mammals contained within.

One of the most seemingly negligent occurrences in marine mammals deaths may be the ingestion of foreign objects. Since additional details are lacking, the following deaths listed in the MMIR's (and from other sources) indicate questionable non-compliance of this section:

Atlanta Zoo: CA sea lion ("Cecil") died 2/9/82 - "gastric obstruction, vomiting and drowning" (MMIR). Children's Fairyland USA: CA sea lion ("Nikki") died 5/30/80 - "stomach blockage" (MMIR). Detroit Zoological Park: CA sea lion died 8/7/85 - "ingestion of foreign object" (MMIR). Dinnes Memorial Veterinary Hospital: Atlantic bottlenose dolphin ("Slick") died 3/23/84 - "palm frond toxicity" (15 coins, a number of rocks, screws and plastic fittings found in

stomach (Orlando Sentinel, 6/10/90); Atlantic bottlenose dolphin ("Neelo") died 5/1/86 - "acute toxemia, due to oleander poisoning" (MMIR); Atlantic bottlenose dolphin ("Chubb") died 9/10/87 - "intestinal obstruction" (MMIR); Atlantic bottlenose dolphin ("Sushi") died 8/7/88 - "zinc poisoning" (31 deteriorated pennies, 7 nickles, 3 dimes and 2 quarters found in stomach (Orlando Sentinel, 6/10/90). Dolphin Research Center: Atlantic bottlenose dolphin ("Tai") died 8/7/85 - "gastric impaction" (MMIR). Ft. Worth Zoological Park: CA sea lion ("Frothy") died 12/7/88 - "ingested a foreign object" (MMIR). Henry Villas Park Zoo: harbor seal pup died 9/17/87 - "foreign body ingestion" (MMIR). Hogle Zoological Garden: harbor seal died 9/16/80 - "gastric obstruction" (MMIR). Lincoln Park Zoological Gardens: harbor seal died 6/12/81 - "foreign body impaction" (MMIR). Naval Comm. Control & OC Surveillance Center: Atlantic bottlenose dolphin died 1/23/80 - "gastric impaction" (MMIR). Sealand of Cape Cod: 2 Atlantic bottlenose dolphins repeatedly died in 1980 from swallowing foreign objects, including a plastic football, staples, and nails; grey seal ("Dennis") reportedly died in 1987 from swallowing unknown substance (Cape Cod Times, 4/1/5/88). Sea Life Park: CA sea lion ("Zap") died 10/17/90 - "blockage of small intestine" (MMIR). Sea World: Atlantic bottlenose dolphin died 6/24/88 - "possible zinc intoxication" (MMIR); harbor seal died 8/21/88 - "zinc toxicity" (MMIR); walrus died 7/26/88 during surgical procedure to remove foreign body - ingestion of a styrofoam show prop (necropsy report); walrus died 12/20/88 from cardiac arrest while under sedation for x-ray procedure to verify ingestion of palm fronds (necropsy report); orca ("Kanduke") died 9/20/90, necropsy revealed a 55x20x13 cm deflated fishing buoy, a 2x8 cm piece of wood, and a dozen small stones found in stomach. St. Louis Zoo: baikal seal ("Big") died 1/28/80 - "copper toxicity, kidney failure" (MMIR), Zoological Society of Cincinnati; harbor seal died 9/5/82 - "possible copper poisoning" (MMIR). Additional examples were found prior to 1979.

§3.107 Sanitation (continued)

(d) Pest control. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests should be established and maintained ...

According to Jim Antrim, general curator, Sea World, San Diego, the park had practiced its own "in-house pest control" by routinely shooting unwanted waterfowl for 14 years. The shooting was justified necessary to prevent the unwanted birds from breeding with the park's waterfowl. A former employee claimed that "hundreds were shot" during her employment from 1985 to 1987. Although the shootings were highly publicized, APHIS did not investigate the incident when made public. Such a drastic measure is an inappropriate and

unacceptable means of so-called pest control, and the legality of discharging firearms within city limits is questioned as well. (San Diego Tribune, 10/12/88; Los Angeles Times, 10/13/88)

§3.108 Separation

Marine mammals which are not compatible shall not be housed in the same enclosure. Marine mammals shall not be housed near animals that would cause them stress or discomfort, or interfere with their good health.

(Note: Supplementary information in the Federal Register 8/31/89 (Animal Welfare Act; Final Rules) comments on social grouping: We believe that this term is commonly understood to refer to animals that coexist peaceably and with a sense of well-being, without exhibiting aggressive or hostile behavior towards other animals. Certain species behave hostilely towards others, or exhibit aggressive behavior which would be detrimental to the other animals. Within species, some animals may exhibit this type of behavior which would be a source of harmful stress to fellow members of the same species. These animals would not be considered compatible.)

Although there are several examples of obvious incompatibility which were highly publicized, it should also be noted that dominance hierarchies may be the typical social system for captives. Within tursiops, adult males are dominant over all other tankmates. Adult males captured from the same groups have been maintained together with little aggression; yet when captive groupings contain adult males from different capture localities, such animals have been known to fight viciously during breeding season with reports of violence against calves. Therefore, most oceanaria now maintain a single adult male per tank. (Shane et al., 1986.) In the case of Orcas, females are the dominant species.

Sea World's orca "Kandu" died 8/21/89 after a fatal collision with another animal ("Corky"). Sea World characterized the death as a freak accident resulting from normal behavior between females seeking dominance within the social grouping. While other individuals (all of which had associations with the captive industry) supported Sea World's assessment of the death, none of the researchers who study wild populations agreed with the conclusion. While dominance displays may occur in wild populations, orcas generally solve problems cooperatively. Animals so intimidated are afforded the opportunity to escape; animals in captivity cannot. But even more alarming is that Kandu had a history of aggression toward both trainers and other animals, and Corky in particular. Sea World officials admitted that Kandu had made repeated attempts to exert dominance over Corky - ever since Corky's arrival three years earlier.

Disney's Epcot Center's Living Seas Pavilion originally maintained 6 Atlantic bottlenose dolphins - four males - and two females captured in 1985. By August of 1990 only two were alive, and both males. The dominant male "Bob" contributed to one of the deaths by roughhousing the already ailing female ("Katie"), who died 8/21/90. Disney officials believed Bob had contributed to two other deaths within three days of each other. "Christie" died 10/3/87 of a brain hemorrhage, and "Tyke" died 10/6/87 after his vertebrae were fractured from colliding with the pool wall. Disney officials suspected Bob's aggression provoked the animals because dolphins almost never run into objects in their tanks due to their abilities of sonar and echolocation. (Orlando Sentinel, 8/22/90)

The beluga whale "Anore" died tragically at the National Aquarium in Baltimore 12/23/91 after being struck by an Atlantic bottlenose dolphin. The animal suffered fractures of the ribs and sternum, which lacerated a coronary artery. It should be noted that belugas are naturally found in cold northern waters, whereas dolphins are found in temperate and tropical waters. (Baltimore Sun, 12/25/91) and necropsy report).

Since additional details are lacking, the following deaths listed in the MMIR's (and other sources indicate questionable non-compliance of this section:

Cleveland Metroparks Zoo: harbor seal died 2/1/88 - "trauma, internal hemorrhage" (MMIR). Dinnes Memorial Veterinary Hospital: Atlantic bottlenose dolphin ("Gypsy") died 10/30/84 - "stingray spine penetration of the liver" (MMIR); harbor seal ("Mickey") died 5/17/84 - "fractured neck" (MMIR). Gulfarium: Atlantic bottlenose dolphin ("Sheba") died 12/12/85 - "brain hemorrhage" (MMIR). Henry Vilas Park Zoo: harbor seal died 5/9/86 - "traumatic hemorrhage" (MMIR). Memphis Zoo: CA sea lion died 9/15/86 - "spinal trauma, pneumonia" (MMIR). Naval Comm. Control & Surveillance: Atlantic bottlenose dolphin died 7/18/79 - "pneumonia after trauma by male dolphin" (MMIR). Ocean World - five-day old Atlantic bottlenose dolphin ("Bobi") died 8/26/83 - "acute hypovolemic shock, torn liver" (MMIR). Additional examples were found prior to 1979 including "killed by another animal", "related to jaw fracture", "trauma", and "jumped out".

It should be noted that while facilities are not required to report miscarriages, stillbirths, or infant mortalities, a high incidence in captive born pinnipeds of questionable deaths was noted.

§3.109 Separation (continued)

... Captive marine mammals must be given access to

other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention.

The following facilities maintain single species of marine mammals: Aqua Circus of Cape Cod: one Atlantic bottlenose dolphin; Pittsburg Zoo: one butu, Amazon porpoise; Sea Life Park: one Hawaiian monk seal; Seaside Aquarium: one spotted seal; Sugarloaf Lodge: one pre-act Atlantic bottlenose dolphin.

§3.110 Veterinary Care

(d) Newly acquired marine mammals shall be isolated from resident marine mammals until such newly acquired marine mammals can be reasonably determined to be in good health. Any communicable disease condition in a newly acquired marine mammal must be remedied before it is placed with other resident marine mammals.

§3.111 Handling

(a) Handling marine mammals shall be done as expeditiously and carefully as possible in a manner that does not cause unnecessary discomfort, overheating, behavioral stress, or physical harm. Care should also be exercised to avoid harm to the handlers of such marine mammals.

Although more than 14 trainers of various severity occurred at Sea World, San Diego during 1987 and were highly publicized, APHIS did not investigate the incidents. It is significant that of the three trainers who filed lawsuits (Jonathan Smith, injured 3/4/87; Joanne Webber, injured 6/15/87; and John Sillick, injured 11/21/87), all three were settled out of court in a confidentiality agreement, thereby concealing all evidence of possible mismanagement, safety procedures (or lack of) relevant husbandry practices, and level of risk in working with killer whales. Due to the high potential of risk to trainers/handlers and subsequent death of Canadian trainer Keltie Byrne on 2/20/91, it is hereby recommended to subpoena all court documents pertaining to the Smith, Webber and Sillick lawsuits to determine the cause and prevention of future incidents.

[The above list is representative of the alleged non-compliance of APHIS standards pertaining to the public display of marine mammals, but it is by no means conclusive.]

SYNOPSIS OF OTHER ISSUES CONCERNING DOLPHIN CAPTIVITY

C.A.U.S.E.D., 1992

HIGH DEATH RATES FROM CAPTIVITY OF MARINE MAMMALS

The Atlantic bottlenose dolphins commonly found in Florida waters can live to be 45 years old in the wild. Once in captivity, young dolphins live only on the average of 5.13 years. Half of the dolphins captured die within the first two years in captivity (NMFS SWIM Draft EIS).

AFTER SCIENTIFIC STUDY,
OTHER NATIONS PROVIDE FULL PROTECTION

After scientific study, other nations have provided full protection from exploitation. In 1985, Victoria, Australia adopted laws forbidding the siting of marine parks, the capture, or transport of dolphins and that all aquariums be phased out. Australian scientist concluded, "dolphins and whales have paid a high price for the dubious advantages of captivity." (Reference - Dolphins and Whales in Captivity; (Australian) Select Committee Report on Animal Welfare). Only one marine amusement park remains in operation. All other parks have been phased out.

Experts who oppose marine circuses include Jacques Cousteau and Dr. Paul Spong. Argentina has banned marine parks and keeping dolphins in captivity. In anticipation of Japan raiding Ireland's waters, Ireland became a declared dolphin/whale haven. On June 1st, 1992, South Carolina became the first state in the United States to adopt laws banning dolphin and whale displays and requiring stranded animals to be returned to the sea after rehabilitation. NMFS presently permits stranded animals to be taken by the industry as attractions or for terminal experiments without record.

Three laws prohibited the capture of United Kingdom dolphins resulted in many Florida dolphins being captured and exported for the English amusement industry. Protests against UK marine parks and substandard facilities unable to upgrade have closed approximately thirty parks, leaving only two in operation, both of which are expected to phase out in 1992.

CONTINUING RECORD DOLPHIN
DIE-OFF POPULATIONS NOT PROTECTED

Fifty percent of the nearshore Atlantic bottlenose dolphin population died between 1987 and 1989 of an unknown

epidemic. The nearshore dolphin is preferred by dealers since dolphins from shallow waters survive longer in captivity than the offshore (deeper water) dolphins.

In 1990, the Marine Mammal Commission reported to Congress, "Perhaps fifty percent or more of the population died, and at least some of the survivors were severely debilitated and therefore unlikely to breed." (Reference - 1990 Marine Mammal Report to Congress.) No definitive cause has been given for die-offs.

Because of the die-off, a moratorium on capturing the Eastern Atlantic bottlenose dolphin was enacted, but NMFS did not include dolphins of the Indian River which travel back and forth to the Atlantic Ocean. The Indian River dolphins can be captured when the volunteer moratorium ends, although they inhabit the Eastern Atlantic coast.

Dolphins in the Gulf of Mexico continue to die in record numbers from unknown causes. Only a "temporary ban" has been imposed by the National Marine Fisheries Service for Gulf dolphins on a "volunteer" basis by dealers. Captures could resume despite record deaths.

NEEDLESS DEATHS

Besides deaths from capture and the stress of captivity, a large number of marine mammals have died needlessly from: starvation, heat stroke, transport injuries, ingestion of foreign objects, asphyxiation, drowning, guard dog attacks, several forms of poisoning; aggression, fractured skulls, broken jaws, and blood loss (Marine Mammal Inventory Reports (MMIR) to NMFS). These deaths do not include the most amazing aspect that annually, NMFS permits NMFS to kill thousands of marine mammals for what has all the appearances of being redundant research. Shootings on the rookeries must create chaos among reproducing animals in very close proximity (NMFS Permits #537 and #313 becoming #734).

"SWIM" PARTICIPANTS AT RISK OF INJURY OR DISEASE

Many dolphins subjected to the public for two or three years become increasingly aggressive. Injuries have been down-played by the industry as "accidents."

Equally important is that children and adults may be at risk by injury or diseases related to close encounters with a known (and growing) list of opportunistic and pathogenic organisms associated with marine mammals. Available evidence describes a potential risk of disease and infection transmission from humans to marine mammals, and from marine mammals to humans, most of which would not be recognizable to a

general medical practitioner. Physicians would have to be expert in marine zoonoses to discern symptoms (EIS NMFS SWIM Draft & CRC Handbook of Marine Mammal Medicine 1990).

MORTALITIES DESPITE "STATE OF THE ART"

Although considered the most advanced aquarium in the world, twenty of the twenty-six Orcas captured by Sea World have died. Only six calves born in captivity have survived. The twenty dead Orcas do not include stillborns, aborted fetas' or animals killed during capture.

Even "state of the art" facilities reflect a high death/low birth survival rate since approximately fifty percent of Sea World's dolphins captured from the wild have died, as well as many other animals. Sea World's annual reports reflect one hundred and one dolphins are dead, only sixty-nine are alive.

Sea World has imported an Orca from Canada known as "Tillicum" who with two other killer whales participated in drowning a twenty-year old trainer last year. A breeding male may be important, but the animal may subject employees to further risk of injury or death.

Another "state of the art" facility, Walt Disney World Epcot's Living Seas, captured six dolphins from the wild in 1985. Four of the six young dolphins were dead by 1990.

PROPER ENVIRONMENT CANNOT BE PROVIDED IN CAPTIVITY

Over millions of years, evolution formed dolphins and whales into the shape of a torpedo to swim fifty to one hundred miles a day. Some Florida dolphins may travel fifteen hundred miles to Cape Cod in the summer before returning home. Even with "state of the art" aquariums, seventy percent of dolphins must still come from the wild since captive births are low and have a poor survival rate. Dolphins are highly social creatures and are credited for having a high intelligence. They play, seek special partners and tenderly care for their young.

EXTINCTION THREATENS MANY CETACEAN SPECIES

A recent study reveals as many as five species of dolphin may be extinct by the year 2000 (Environmental Investigation Agency). NMFS has permitted exports to countries which continue to kill thousands of marine mammals despite the Marine Mammal Protection Act mandating foreign countries'

policies must be consistent with the Act in order to receive United States mammals.

NMFS PERMITS SUBSTANDARD CONDITIONS

Only through public protest have some facilities been forced to meet the requirements of the Animal Welfare Act. Ocean World was permitted and operated in substandard conditions for twenty years before a \$20,000 fine and closure for two weeks was imposed in June 1992. The Clearwater Marine Science Center held captive a stranded animal by the name of "Sunset Sam" in total isolation and substandard conditions until once again, public protest forced the facility to upgrade. Other marine amusement parks continued to operate and to be permitted conditions. In 1991, Tampa Bay's WFLA Investigative Team received high awards for reporting on "Dolphins, Dying to Please." The film was provided to NMFS, but no action was taken.

In addition NMFS admits to having no knowledge of the whereabouts of dolphins held by certain facilities. It grants questionable "Letters of Agreement" for certain facilities to transport, import and export marine mammals without applying for permits or filing required reports.

AN EXTREME LACK OF ACCOUNTABILITY

NMFS has permitted the export of marine mammals to uninspected foreign facilities. A facility's statement of compliance has simply been accepted at face value. NMFS has been characterized as permissively and consistently allowing a lack of accountability for animals in the United States. It comes as no surprise, therefore, that foreign facilities have shown an extreme lack of accountability for animals purportedly under regulation of the Act.

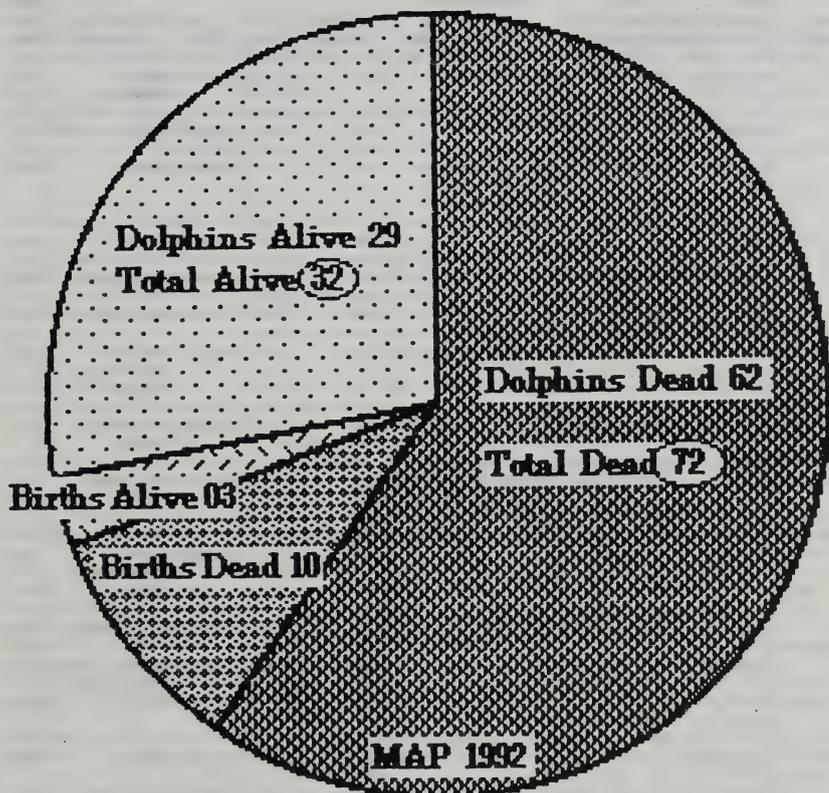
Failure to properly regulate and monitor foreign, as well as domestic applicants, has resulted in dire consequences to animals such as severe electrocution and overheating. Other animals are being subjected to stress and high risks from being continuously transported.

Marine mammals have been sold to countries whose laws and policies are inconsistent with the Act. There is evidence of misrepresentation by foreign applicants. Animals in substandard conditions or those acquired by misrepresentation should be returned to the U.S.

C.A.U.S.E.D, a coalition of twenty-five conservation, environmental and humane organizations submitted a letter to NMFS on September 24, 1992 and the Marine Mammal Commission (MMC) asking the status and location of certain marine mammals

which had been exported. To date, NMFS has not responded. The MMC recommended that a comprehensive review be conducted and exports be discontinued. Despite the recommendation of the MMC, NMFS continues to permit exports.

MARINE ANIMAL PRODUCTIONS 1992



Legend: Statistics taken from Marine Mammal Inventory Reports (MMIR).

MMIR: An annual report remitted to the National Marine Fisheries Service by facilities stating whether marine mammals are alive, dead, or transferred. Physicals are not required.

Key: "Dolphins Alive 29" represents animals living at MAP acquired by wild capture, transfers, etc.
 "Dolphins Dead 62" represents animals living at MAP acquired by wild capture, etc. which died.

Births: MAP had only 13 births. 03 are alive - 10 are dead.

Totals: Status of 104 dolphins. 32 alive - 72 dead.

MARINE MAMMAL INVENTORY REPORT

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Date of Report: 03/12/92

NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS

COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)

ASN: 94 LEX:
ANREP: YES FNUM: P106

ANIMAL NAME / IDENTIFICATION	SEX	EST BIRTH YEAR	AUTHOR DOCUMENT	DATE TAKEN OR ACQUIRED	TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION		MECRP FILED
									DATE	EXPLANATION		MMFS
09 ROADMAP	M	1970	P/A		HP		MAP	D-N	06/12/77	HEPATITIS, PANCREATITIS	YES
12 EDDIE	M	1968	P/A		HP		MAP	D-N	01/31/78	STOMACH IMPACTION	YES
13 BUDDY	M	1969	P/A	11/21/72	EX	FROM SPA ENTERPRISES; PERMANENT TRANSFER EFFECTIVE 9/28/82.	N/A	D-N	05/21/88	PNEUMONIA	YES
14 SPARKLE	F	1970	P/A		HP		MAP	D-N	12/31/75	PNEUMONIA	YES
16 JUDY	F	1968	P/A	11/15/72	HP		MAP	D-N	01/30/80	HEPATIC NECROSIS	YES
17 PUNCH	F	1965	P/A		HP		MAP	D-N	11/17/78	LUNG ABSCESS	YES
20 ALICE	F	1965	P/A	06/13/74	EX	FROM ROBELLE ENTERPRISES	N/A	T-N	05/17/77	CARE TRANS TO TIEBOK, FL DELP SHOW, UGER	N/A
24 DPJ	M	1970	P/A	08/26/72	HP		MAP	D-N	07/28/86	STAPHYLOCOCCUS INFECTION	YES
25 STICHES	M	1967	P/A	11/21/72	EX	OWNED BY SPA ENTERPRISES; UNDER MAP'S CARE	N/A	D-N	06/09/79	LIVER ABSCESS	YES
26 TARZAN	M	1965	P/A	12/08/72	HP		MAP	D-N	08/21/90	HEPATIC DEGENERATION, PNEUMONIA	YES
28 JECKLE	M	1969	P/A	05/21/72	HP		MAP	D-N	03/22/82	CHRONIC PNEUMONIA	YES
29 HECKLE	M	1969	P/A		HP		MAP	D-N	11/19/76	PNEUMONIA; GASTRIC FOREIGN BODIES	YES
30 ROMAN	M	1969	P/A	08/01/72	HP		MAP	G-N			
31 MARTIN	M	1969	P/A		HP		MAP	D-N	09/04/76	PNEUMONIA	YES
32 SALTY	M	1969	P/A		HP		MAP	D-N	04/03/78	STRESS, ANORIXIA	YES
34 ZACK (CLYDE)	M	1970	P/A		HP		MAP	D-N	03/23/77	GASTRIC ULCERS	YES
36 PEPPER	F	1967	P/A	10/30/71	HP		MAP	G-N			

MARINE MAMMAL INVENTORY REPORT
Date of Report: 03/12/92

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NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS
COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)

ASN: 94	LEX:
ANREP: YES	FRUM: P108

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR DOCUMENT	DATE TAKEN OR ACQUIRED	TAKES TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION		MECRP FILED
									DATE	EXPLANATION		MF5
37 JIMBO	M	1962	P/A	06/01/66	HP		MAP	D-N	12/24/88	SYSTEMIC MYCOSIS	YES
39 PRINCESS	F	1962	P/A		HP		MAP	D-N	08/13/78	PNEUMONIA	YES
40 MARIE	F	1960	P/A		HP		MAP	D-N	04/22/76	HEPATIC DEGENERATION	YES
41 CHERYL	F	1961	P/A		HP		MAP	D-N	04/20/76	HEPATIC DEGENERATION	YES
42 DOMI	M	1943	P/A	06/13/74	EX	FROM ROBELLE ENTERPRISES	N/A	D-N	11/06/76	PNEUMONIA	YES
43 MELBORNE	F	1967	P/A	06/13/74	EX	FROM ROBELLE ENTERPRISES	N/A	T-N	05/17/77	CARE TRANS TO TIEBOR, FL DELP SHOW, WGER	N/A
44 VENUS (BONNIE)	F	1965	P/A	06/13/74	EX	FROM ROBELLE ENTERPRISES	N/A	D-N	05/18/90	CHRONIC ABSCESSING PNEUMONIA	YES
47 JENNY	F	1961	P/A	03/15/74	EX	FROM HARVY HAMILTON, FL	N/A	D-N	07/17/90	CHRONIC BRONCHOPNEUMONIA	YES
49 JILL	F	1965	P/A	03/15/74	EX	FROM HARVY HAMILTON, FL	N/A	G-N			
75 JULIE	F	1973	884	05/05/75	HP	NISS SOUND, NS, CAT ISLAND	MAP	D-C	09/24/77	HEPATITIS; FOREIGN BODY INJECTION	YES
76 JAKE	M	1971	884	05/09/75	HP	NISS SOUND, LA, 30 07N 89 12W	MAP	D-C	07/01/79	LIVER DEGENER	YES
77 SILVER	M	1972	884	05/10/75	HP	NISS SOUND, NS, 30 14N 89 06W	MAP	D-C	11/12/85	CHRONIC PURULENT PNEUMONIA	YES
78 KOKO	M	1971	884	05/10/75	NT	NISS SOUND, NS	MAP	R-N	05/23/75	RELEASED; NOT ADAPTING	N/A
79 BUBBLES	F	1971	884	05/10/75	HP	NISS SOUND, LA, 30 07N 89 11W	MAP	D-C	07/12/78	PNEUMONIA; GASTRIC FOREIGN BODIES	YES
80 PRETTY GIRL	F		884	05/10/75	HP	NISS SOUND, NS	MAP	D-N	05/21/75	HEMORRHAGIC PNEUMONIA	YES
81 FRECKLES	F	1970	884	05/10/75	HP	NISS SOUND, LA, 29 58N 89 12W	MAP	D-C	08/24/89	CHRONIC RECURRING PNEUMONIA	YES

MARINE MAMMAL INVENTORY REPORT
Date of Report: 03/12/92

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NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS
COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)ASH: 94 LEX:
ANREP: YES FNUM: P108

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR	TAKEN OR ACQUIRED	DATE	TAKE TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION		NECRP FILED
										DATE	EXPLANATION		HWFS
85 DIXON	M		#84	10/19/75	HT	MISS SOUND, MS	NAP	R-W	11/05/75	HOT ADAPTING	N/A	
86 LUKE	M	1972	#84	10/19/75	HP	MISS SOUND, MS, 30 21N 88 48W	NAP	D-C	08/11/83	SEVERE GASTRIC ULCERATION	YES	
87 PYE	F	1972	#84	04/08/76	HP	MISS SOUND, LA, 30 03N 89 15W	NAP	D-C	03/08/88	CHRONIC PNEUMONIA RENAL FAILURE	YES	
88 SWEETIE	F		#84	04/08/76	HP	MISS SOUND, MS	NAP	D-C	01/19/77	PANCREATITIS	YES	
99 MATHILDA	F	1975	#132	05/09/77	HP	MISS SOUND, MS, 30 13N 89 10W	NAP	D-C	11/01/78	LUNG ABSCESS	YES	
100	F		#132	05/09/77	HP	MISS SOUND, MS, 30 13N 89 10W	NAP	D-C	08/17/77	GROSS LESIONS	YES	
101 ANNA	F	1974	#132	05/09/77	HP	MISS SOUND, MS, 30 13N 89 10W	NAP	D-C	12/04/78	LUNG ABSCESS	YES	
102 GIPPER	M	1973	#132	05/13/77	HP	MISS SOUND, MS, 30 22N 89 03W	NAP	D-C	07/13/85	MYCOTIC TRACHEITIS	YES	
105 SAL	M	1972	#132	10/05/77	HP	MISS SOUND, MS, 30 12N 89 02W	NAP	D-C	04/24/85	ACUTE PNEUMONIA	YES	
106	F		#132	05/13/77	KW	MISS SOUND, MS	NAP	D-C	05/13/77	DURING CAPTURE	NO	
107 KAI	M	1973	#229	04/24/78	HP	MISS SOUND, LA, 30 05N 89 22W	NAP	D-C	09/09/79	PNEUMONIA	YES	
108 TATOO	M	1976	#229	04/27/78	HP	MISS SOUND, AL, 30 16N 88 04W	NAP	D-C	03/19/81	BACTERIA AT MEXICO	YES	
109 LAYLA	M	1974	#229	06/05/78	HP	MISS SOUND, MS, 30 15N 89 07W	NAP	D-C	10/03/84	ULCERATIVE HEMORRHAGIC ENTERITIS	YES	
110 JACKI	F	1974	#229	06/09/78	HP	MISS SOUND, LA, TURKEY BAYOU, 30 06N 89 17W	NAP	G-C				
111 KELLY	F	1974	#229	06/09/78	HP	MISS SOUND, MS, CAT ISLAND, 30 13N 89 18W	NAP	G-C				
112 KONA	F	1976	#229	10/21/78	HP	MISS SOUND, MS, 1 MI W GULFPORT	NAP	T-C	12/19/87	TRANS TO THEATER OF THE SEA - AN109	N/A	

MARINE MAMMAL INVENTORY REPORT
Date of Report: 03/12/92

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NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS
COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)ASN: 94 LEX:
ANREP: YES FNUM: P108

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR DOCUMENT	DATE		LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION		FILED MFS
				TAKEN OR ACQUIRED	TAKE TYPE				DATE	EXPLANATION	
113 SKY	F	1975	#229	10/21/78	HP	MISS SOUND, MS, 1 MI W GULFPORT	MAP	D-C	11/17/80	PNEUMONIA; LIVER DEGENERATION	YES
114 MAGOO	M	1975	#229	10/21/78	HP	MISS SOUND, MS, 1 MI E GULFPORT	MAP	D-C	10/17/80	MYCOTIC GRANULOMATOUS PNEUMONIA	YES
115 SQUEAKY	M	1973	#229	10/21/78	HP	MISS SOUND, MS, 1 MI E GULFPORT	MAP	D-C	04/20/90	SUBACUTE BRONCHOPNEUMONIA	YES
116 BASHFUL	M	1973	#229	10/21/78	HP	MISS SOUND, MS, 1 MI E GULFPORT	MAP	G-C			
122 COSMOS	M	1974	#259	05/05/79	HP	MISS SOUND, MS, 1/4 MI S BILOXI	MAP	G-C			
123	F	1974	#259	05/05/79	HP	MISS SOUND, MS, 1/4 MI S BILOXI	MAP	D-C	06/13/79	HEMORRHAGIC PNEUMONIA	YES
124 LANI	F	1976	#259	05/11/79	HP	MISS SOUND, LA, THREE NILE BAY	MAP	D-C	12/16/85	TOXEMIA SEPTICEMIA DYSTOCIA	YES
125 APOLLO	M	1976	#259	05/11/79	HP	MISS SOUND, LA, THREE NILE BAY	MAP	D-C	07/12/79	PNEUMONIA	YES
121 TESSIE	F	1974	#259	05/15/79	HP	MISS SOUND, LA, WEST KARAKO BAY	MAP	G-C			
(NOT NAMED)	F		#259	05/15/79	KV	MISS SOUND, LA, NW CREOLE GAP	MAP	D-H	05/15/79	CAPTURE SHOCK	YES
26 BANDIT	M	1976	#259	08/25/79	HP	MISS SOUND, MS, GULFPORT, S OF COURTHOUSE PIER	MAP	D-C	12/22/79	PNEUMONIA	YES
27 LEANA	F	1975	#259	10/07/79	HP	MISS SOUND, MS, 1 MI S GULFPORT	MAP	G-C			
28 CLEOPATRA	F	1975	#259	10/07/79	HP	MISS SOUND, MS, 1 MI S GULFPORT	MAP	D-C	10/25/86	ULCERATIVE GASTRITIS	YES
29 NOAH	M	1973	#259	10/07/79	HP	MISS SOUND, MS, 1 MI S GULFPORT	MAP	D-C	12/25/83	CHRONIC PLEURITIS AND ACUTE PNEUMONIA	YES

MARINE MAMMAL INVENTORY REPORT
Date of Report: 03/12/92

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NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS
COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)ASN: 94 LEX:
ANREP: YES FMNM: P108

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR DOCUMENT	DATE ACQUIRED	TAKEN OR TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION DATE EXPLANATION	RECRP FILED NMFS
130 SAMPSON	M	1975	#274	10/28/79	HP	MISS SOUND, NS, S CAT ISLAND	MAP	D-C	03/27/87 CHRONIC ABSCESSING, PNEUMONIA	YES
131	F		#274	10/28/79	HT	MISS SOUND, NS, SW CAT ISLAND	MAP	R-N	11/05/79 RELEASED	N/A
132 THOR	M	1975	#274	10/28/79	HP	MISS SOUND, NS, SW CAT ISLAND	MAP	D-C	06/18/87 ACUTE PNEUMONIA & PULMONARY EDEMA	YES
133 ALFIE	M	1975	#274	10/28/79	HP	MISS SOUND, NS, SW CAT ISLAND	MAP	G-C		
134 COOTER	M	1976	#259	05/31/80	HP	MISS SOUND, LA, SE JACK WILLIAMS BAY	MAP	G-C		
(NOT NAMED)	F	1979	#274	05/31/80	KV	MISS SOUND, LA, NE OF ISLE AU PITRE	MAP	D-N	05/31/80 CAPTURE SHOCK	YES
135 CINDY	F	1977	#274	06/14/80	HP	MISS SOUND, NS, SW CAT ISLAND	MAP	D-C	06/30/83 RESPIRATORY INFECTION/ASPHYXIA TION	YES
136 LUCY	F	1977	#274	06/14/80	HP	MISS SOUND, NS, SW CAT ISLAND	MAP	T-N	10/18/83 TO AQUARIUM OF NIAGARA FALLS (P59A)	N/A
141 WARDI	M	1981	P/A	03/02/81	CB	BORN OF JENNY	N/A	D-N	09/18/88 SCHOLEGOSIS, PANCREATITIS, HEPATITIS	YES
144	F	1982	#229	04/10/82	CB	BORN OF KELLY	N/A	D-N	05/25/82 UNKNOWN	YES
145 JODY	F	1978	#369	06/28/82	HP	MISS SOUND, NS, CAT ISLAND	MAP	D-C	08/29/85 ACTIVE BRONCHOPNEUMONIA	YES
146 GINGER	F	1978	#369	06/28/82	HT	MISS SOUND, NS, CAT ISLAND	MAP	R-N	07/25/82 RELEASED	N/A
147 BARBIE	F	1978	#369	06/28/82	HP	MISS SOUND, NS, CAT ISLAND	MAP	D-C	06/04/86 HEMORRHAGIC PNEUMONIA	YES
148 SHAMMA	F	1978	#369	08/02/82	HP	MISS SOUND, NS, NEAR CAT ISLAND	MAP	D-C	06/08/88 PNEUMONIA	YES

MARINE MAMMAL INVENTORY REPORT

Date of Report: 03/12/92

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NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS
COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)

ASN: 96	LEX:
ANREP: YES	FNUM: P108

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR DOCUMENT	TAKEN OR ACQUIRED DATE	TAKE TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION		MCRP FILED
									DATE	EXPLANATION		NMFS
X	F	1983	P/A	01/17/83	CB	BORN OF PEPPER #36	N/A	D-W	01/17/83	STILLBORN	YES
X	M		#369	06/22/83	HT	MISS SOUND	MAP	R-W	07/19/83	RELEASED	N/A
MAP-13	F		#369	08/23/83	HP	MISS SOUND	MAP	D-C	08/28/83	PERACUTE PNEUMONIA	YES
(MAP1783) 150SADIE	F	1979		10/18/83	EX	FROM AQUARIUM OF NIAGARA FALLS (TAKEN UNDER PERMIT NO 408)	N/A	G-C			
X	F	1979	#369	08/23/83	HT	MISS SOUND	MAP	R-W	09/29/83	RELEASED	N/A
151 DIXIE	F	1983	P/A	12/01/83	CB	BORN OF JENNY AT MARINE LIFE, GULFPORT	N/A	D-W	12/01/84	ACUTE PNEUMONIA	YES
152 MAP-18	F	1979	#369	09/28/83	HP	MISS SOUND, MS, 1/2 MI S OF DEER ISLAND	MAP	T-C	06/18/84	TO MARINELAND SA (AM71)	N/A
153 SHERRI	F	1981	#369	09/05/84	HP	MISS SOUND, MS	MAP	T-C	07/01/86	TRANSFERRED TO MYSTIC (AM3M)	N/A
155	F	1986	P/A	01/28/86	CB	BORN OF PEPPER	N/A	D-W	02/04/86	HEPATIC NECROSIS	YES
154-SPOT	M	1981	4/10/86	04/10/86	EX	TRANS FROM MARINELAND SA (PERMIT 441)	MAP	D-C	12/16/91	CHRONIC ABSCESSING PNEUMONIA	YES
D-PA-F-47	M	1986	P/A	03/06/86	CB	BORN OF JENNY	N/A	D-W	03/12/86	PERACUTE HEMOLYTIC PNEUMONIA	YES
UN-NAMED CALF	M	1986		05/22/86	CB	KINGS DOMINION ZOOLOGY, DOSWELL, VA	N/A	D-W	05/27/86	PNEUMONIA	YES
160 FATHOM	F	1978	AM94	07/02/86	EX	FROM MYSTIC MARINELIFE AQUARIUM	N/A	D-C	02/19/88	GASTRITIS; PNEUMONIA; ARTERIOSCLEROSIS	YES
66 AMBER	F	1984	#444	07/16/86	HP	MISS SOUND, MS	MAP	G-C			
167 WALLY	M	1984	#444	07/16/86	HP	MISS SOUND, MS	MAP	G-C			
58 CALYPSO	F	1984	#444	07/16/86	HP	MISS SOUND, MS	MAP	G-C			
169 WINDY	F	1984	#444	07/24/86	HP	MISS SOUND, MS	MAP	D-C	05/16/91	ACUTE INTERSTITIAL PNEUMONIA	NO

MARINE MAMMAL INVENTORY REPORT

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Date of Report: 03/12/92

NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS
COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)ASH: 94 LEX:
ANREP: YES FMUN: P10B

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR DOCUMENT	TAKEN OR ACQUIRED DATE	TAKEN TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION DATE EXPLANATION	NECRP FILED HMFS
165 APRIL	F	1986	#229	04/29/86	CB	BORN OF KELLY AT MARINE LIFE, GPT	N/A	D-W	12/05/86 CHRONIC ABSCESSING HEPATITIS	YES
173 MAX	M	1970	AN94E	10/08/86	EX	TRANSFERRED FROM MYSTIC MARINELIFE AQUARIUM	N/A	D-C	07/24/87 ACUTE HEMORRHAGIC PNEUMONIA	YES
178 TERI	F	1984	#593	07/23/87	HP	MS, CHANDELEUR SOUND	NAP	G-C		
179 MIKKI	F	1984	#593	08/19/87	HP	MS, CHANDELEUR SOUND	NAP	G-C		
180 SANDI	F	1984	#593	08/20/87	HP	MS, CHANDELEUR SOUND	NAP	G-C		
181 LEA	F	1984	#593	08/20/87	HP	MS, CHANDELEUR SOUND	NAP	G-C		
UNNAMED	U	1987		05/22/87	CB	MARINE ANIMAL PRODUCTIONS	N/A	D-W	06/05/87 HEPATIC LIPIDOSIS	YES
182 SALLY G	F	1984	AN94H	12/13/87	EX	TRANS FROM MYSTIC MARINELIFE AQUARIUM	NAP	G-C		
189 TONI	F	1988	#229	03/29/88	CB	BORN OF JACKI AT MARINE LIFE, GULFPORT	N/A	G-N		
185 ERICA	F	1985	#593	05/06/88	HP	MS, MISSISSIPPI SOUND	NAP	D-C	03/30/90 HEMORRHAGIC ENTERITIS, PANCREATITIS	YES
186 CHERIE	F	1985	#593	05/06/88	HP	MS, MISSISSIPPI SOUND	NAP	G-C		
187 SCOOBIE	M	1985	#593	05/11/88	HP	MS, MISSISSIPPI SOUND	NAP	G-C		
188 MICHELLE	F	1985	#593	07/15/88	HP	MS, MISSISSIPPI SOUND	NAP	G-C		
190 ECHO	M	1985	#649	08/19/88	HP	MS, MISSISSIPPI SOUND	NAP	G-C		
195 KATIE	F	1986	#649	04/06/89	HP	MS, MISSISSIPPI SOUND	NAP	G-C		
196 WEE-TEE	M	1986	#649	05/01/89	HP	MS, MISSISSIPPI SOUND	NAP	G-C		
200 TURBO	M	1986	#649	10/26/90	EX	TRANSFERRED FROM PERMIT #521, HAGENBECK TIERPARK	N/A	G-C		
201 EVELYN	F	1986	#649	10/26/90	EX	TRANSFERRED FROM PERMIT #521, HAGENBECK TIERPARK	N/A	G-C		

MARINE MAMMAL INVENTORY REPORT

Page: 8

Date of Report: 03/12/92

NAME OF ANIMAL HOLDER: MARINE ANIMAL PRODUCTIONS INC

ASN: 54	LEX:
ANREP: YES	FINUM: P108

SPECIES SCIENTIFIC NAME: TURSIOPS TRUNCATUS

COMMON NAME: ATLANTIC BOTTLENOSE DOLPHIN (code=054)

ANIMAL NAME / IDENTIFICATION	SEX	BIRTH YEAR	AUTHOR DOCUMENT	DATE		TAKEN OR ACQUIRED TYPE	LOCATION OF TAKE PLACE NAME AND LATITUDE-LONGITUDE	COLLECTOR OR SOURCE	CURR STAT	DEATH OR DISPOSITION		NECRP FILED MNFS
				TAKEN	ACQUIRED					DATE	EXPLANATION	
202 JAI	M	1990	#229	09/22/90		CB	BORN OF JACKI AT MARINE LIFE, GULFPORT	N/A	G-N			
203 UNNAMED	F	1990	#259	11/02/90		CB	BORN OF LEAMA	N/A	D-N	11/10/90 UNKNOWN		YES
212 THUNDER	M	1986	AN940	01/02/92		EX	DIMNES MEMORIAL VETERINARY HOSPITAL	N/A	G-N			
213 ARIEL	F	1991	#229	03/20/91		CB	BORN OF KELLY	N/A	G-N			

DOLPHIN PROJECT
Post Office Box 224
Coconut Grove, FL 33237

July 08, 1992

Contact:

Richard O'Barry, President
Dolphin Project
P.O. Box 224
Coconut Grove, FL 33233
Phone 1-305-443-9012

Contact:

Mary Mosley, President
CCAW, Inc.
321 East Tarpon Avenue
Tarpon Springs, FL 34689
Phone 1-813-938-5303

MARINE MAMMALS BEING SLAUGHTERED BY THE NATIONAL MARINE
FISHERIES SERVICE

Rather than providing protection for marine mammals as mandated by the Marine Mammal Protection Act 1972, the National Marine Fisheries Service (NMFS) is responsible for massive slaughter being conducted in the name of research. NMFS not only issues the permits for this slaughter, but has done the actual killing.

Sea lions are killed in Alaska and the Antarctic Treaty area when they are gathered in close proximity for the purpose of reproduction. NMFS shoots and/or slits the throats of unsuspecting marine mammals. Other sea lions are disturbed by being given enemas and having their stomachs washed out just to count the number of krill they may have eaten. Being shot creates chaos among the surviving animals which may cause large bulls to accidentally trample newborn pups when bulls stampede to escape. Skulls are conveniently collected from healthy animals just for museum exhibits rather than collecting craniums when available from stranded (dead) animals (Reference Permit # 359 1986 and Permit #537 1989 - 1990 for the killing of 3000 Crabeater seals in the Antarctic Treaty Area).

The Antarctic Treaty calls for the preservation of flora and fauna. After learning of the large number of "sacrifices", we believe that members of the Treaty may not approve of such wanton waste of Antarctic wildlife.

Another example of NMFS failing to provide marine mammals with any semblance of protection is by the permitting of Russian scientists to kill marine mammals in United States waters. For years, NMFS has climbed aboard Russian boats for an annual "cruise" to kill marine mammals for the Russians in the Alaskan area (Permit 313 1980 updated to #734 1991).

NMFS claims the killing is necessary for research, but the kills may be for redundant research to obtain grant money. We believe that at least 23,000 animals have been shot or had their throats cut since the adoption of the Marine Mammal Protection Act. The figure may be much higher since information is difficult to obtain.

The very same agency designated to protect and nurture the populations of a protected species is the marine mammal's worse enemy.

SYNOPSIS
EXCERPTS/TABLES
ANTARCTICA

***Where are - Stranded/Exchanged Taken/Kept Alive, & Who Killed in Captivity?**

DOLPHIN PROJECT
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Prepared by

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MARINE MAMMAL PROTECTION ACT OF 1972

ANNUAL REPORTS

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Northwest & Alaska Fisheries Center

F/NWC Oct. 29, 1985

TO: F - William G. Gordon
FROM: F/NWC *B. J. [unclear]* William Aron
SUBJECT: Application for a Marine Mammal Permit Under Marine Mammal Protection Act

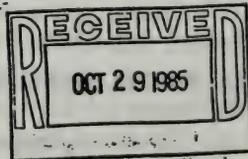
Attached is an application for a marine mammal permit under the Marine Mammal Protection Act of 1972. This application is a request for permission to conduct scientific research on Antarctic pinnipeds in support of the program of Antarctic research developed within NMFS during the past year.

If you have any questions concerning technical aspects of this request, please contact Dr. John Bengtson, National Marine Mammal Laboratory, Northwest and Alaska Fisheries Center, Seattle, Washington (FTS-392-4016).

Attachment

CCAW, INC.
Mary Mosley
321 E. Tarpon Ave.
Tarpon Springs, FL 34689

Ph. 813-938-5303



CCAW, INC.
Mary Mosley
321 E. Tarpon Ave.
Tarpon Springs, FL 34689
Ph. 1-813-938-5303



1985

I. Application for a Permit for Scientific Research under the Marine Mammal Protection Act.

II. Date of the application:
24 October 1985

III. Identity of the applicant:

Director
Northwest and Alaska Fisheries Center
National Marine Fisheries Service
7600 Sand Point Way N.E.
Seattle, Washington 98115
Telephone: (206) 526-4000

IV. Description of animals to be taken and/or imported:

A. Annual number* of individuals and type** of take:

- | | | |
|---|---|------|
| → | 1. Crabeater seal (<u>Lobodon</u> <u>carcinophagus</u>) | |
| | - capture/tag/handle/release: | 500 |
| | - sacrifice: | 600 |
| | - capture/instrument/release: | 100 |
| | total annual take: | 1200 |
| → | 2. Leopard seal (<u>Hydrurga</u> <u>leptonyx</u>) | |
| | - capture/tag/handle/release: | 200 |
| | - sacrifice: | 150 |
| | - capture/instrument/release: | 100 |
| | total annual take: | 450 |
| → | 3. Weddell seal (<u>Leptonychotes</u> <u>weddelli</u>) | |
| | - capture/tag/handle/release: | 200 |
| | - sacrifice: | 20 |
| | - capture/instrument/release: | 50 |
| | total annual take: | 270 |
| → | 4. Ross seal (<u>Ommatophoca</u> <u>rossi</u>) | |
| | - capture/tag/handle/release: | 100 |
| | - sacrifice: | 20 |
| | - capture/instrument/release: | 30 |
| | total annual take: | 150 |
| → | 5. Antarctic fur seal (<u>Arctocephalus</u> <u>gazella</u>) | |
| | - capture/tag/handle/release: | 600 |
| | - sacrifice: | 20 |
| | - capture/instrument/release: | 100 |
| | total annual take: | 720 |
| → | 6. Southern elephant seal (<u>Mirounga</u> <u>leonina</u>) | |
| | - capture/tag/handle/release: | 300 |
| | - sacrifice: | 20 |
| | - capture/instrument/release: | 50 |
| | total annual take: | 370 |

Page 2

6. Southern elephant seal: This sub-Antarctic species was reduced by sealing in the 1800's, but increased by the 1970's to a population of 500,000 to 700,000 (Laws, 1977) or 759,000 (SCAR/SCOR, 1983; McCann, 1984). Preliminary South African data suggest that stocks in the Indian Ocean sector may be declining at a rate of approximately 8-11% annually.

* Notes regarding the potential effects of sacrificing seals on the status of stocks:

Permission has been requested to sacrifice a relatively large number of crabeater seals to allow the analysis of age-specific population parameters such as age at maturity, cohort strength, and reproductive rates. Because crabeater seals are long-lived (up to 40 years of age), relatively large numbers must be sampled to ensure adequate representation within various age classes.

The SCAR Group of Specialists on Seals (SCAR/SCOR, 1985) noted that there is no evidence to suggest that the numbers of Antarctic seals taken for research purposes represent any threat to species or stocks of antarctic seals. Furthermore, they agreed that in addition to the current level of seal takes, increased collections of crabeater seals for scientific research would be considered desirable. In light of the need for additional data on the food habits, reproduction, and stock discreteness of this species, the SCAR Group of Specialists on Seals encouraged that increased takes and collection of specimen material of crabeater seals be undertaken.

The number of seals to be sacrificed as proposed in this application represents only a tiny fraction of each species' population, and therefore cannot be considered to have any potential adverse affect on the total populations. In regard to local populations, care will be taken to distribute collecting efforts as much as possible over a large area to limit any potential local effects.

- E. Reasons for removing a live animal from the wild rather than using a beached/stranded one:

N/A

- F. Imported animals:

ganads
Permission is requested to import to the United States all biological specimens taken as authorized in the requested permit. Imported specimen material would include samples obtained from living seals captured and released (e.g., vaginal smears, blood samples), and from seals sacrificed in Antarctica (e.g., teeth, reproductive organs, stomach and gut contents). No live seals would be imported.

2. Objectives of the proposed research:

The objectives of the proposed research will support work within two programs: 1) Antarctic Marine Ecosystem Research at the Ice Edge Zone (AMERIEZ) pinniped studies, and 2) U.S. Antarctic Marine Living Resources (AMLR) pinniped studies being proposed by the National Marine Fisheries Service. The goals of both of these programs are inter-related and complementary, although the AMLR objectives are much broader. A description of the relevant portions of both of these programs is given in Appendices B and C.

The AMERIEZ research seeks to investigate pack ice seals' trophic role in the pack ice community and to study how predators' proximity to the ice edge zone affects their feeding strategies and success. Specific objectives are to investigate how sites at various distances from the ice edge zone differ in regard to:

- a) the species composition, body size, reproductive status, and relative abundance of prey taken by seals, and
- b) the feeding rates and diving profiles of foraging seals.

The proposed AMLR pinniped research seeks to fulfill the information needs of the CCAMLR Scientific Committee by supporting its ecosystem monitoring and stock assessment programs. Of the six species of Antarctic pinnipeds, the AMLR program will initially focus on crabeater, leopard, and Antarctic fur seals. Studies of crabeater seal demographics and behavior will have the highest priority because of this species' importance to pack ice systems. Fur seal studies will also be undertaken to provide demographic and behavioral information on local populations. Additional studies on the abundance and ecology of leopard, Ross, Weddell, and southern elephant seals will be undertaken incidentally to these priority topics. The AMLR program has the following objectives relative to this permit application:

- a) investigate the feeding and reproductive ecology of pack ice seals,
- b) refine estimates of population size for pack ice seals,
- c) evaluate the daily and seasonal movements and stock separation of pack ice seals,
- d) investigate the functional relationships among Antarctic pinnipeds, their prey, and their environment,
- e) survey Antarctic fur seal and southern elephant seal rookeries and haulout areas, and

Who are these people?

- d. Instrumenting: Three general types of instruments may be attached to seals: radio frequency transmitters, satellite-linked sensors, and self-contained recorders (e.g., time-depth recorders). Radio transmitters have been deployed successfully on Weddell, crabeater, leopard, and Antarctic fur seals (D.B. Siniff, J.L. Bengtson research groups). Time-depth and other self-contained recorders, which must be retrieved manually from seals, have been deployed on Weddell and Antarctic fur seals (G.L. Kooyman, J.P. Croxall, W.M. Zapol research groups). Satellite-linked instrument packages have not yet been successfully deployed, but are likely to be available shortly (e.g., W.M. Zapol, M. Fuller, A. Martin). Because the design and capability of electronic hardware suitable for monitoring the behavior and location of pinnipeds is developing rapidly, it is not possible to describe the specific aspects of all instruments that may be attached to seals. Radio transmitters, satellite-linked sensors, and self-contained recorders used under the requested permit would be those that have been successfully demonstrated on pinnipeds, or those that are newly developed and state-of-the-art.

Solvents to remove
instruments very
toxic.

Instruments attached by epoxy, if not retrieved, would fall off at the individuals' next molt. Harness and bracelet attachments would be designed with corrodible links, assuring that the instrument would fall off if not retrieved. Most of the self-contained recorders would be left on seals for less than one month at a time. No instruments of any type would remain on seals for longer than one year.

- e. Release: The holding time for all individuals to be captured and released would be kept to a minimum. For tagging purposes, most individuals would be held less than 2 minutes prior to their release. Correctly placing electronic instruments on seals requires additional time, but this period would be kept as short as possible. All seals captured and handled by physical restraint (without anesthesia) would be released in less than one hour after their capture. All seals captured and handled with the use of anesthesia would be allowed to recover fully prior to their release.

★ →

- f. Sacrifice: Individuals will be sacrificed only in those cases where important scientific information can be gained by no other means. In all cases, great efforts will be taken to ensure a swift humane death for all seals taken by sacrifice. Individuals will be dispatched by gunshot through the cranium, resulting in instantaneous death. Shells of .3006 or larger caliber will be used for crabeater, leopard, Weddell, Ross, and elephant seals. Shells of .22 or larger caliber will be

used for fur seals. In the few cases where intact skulls are required, individuals will be shot through the neck and heart at point-blank range, followed immediately by bleeding of the brachial artery.

★
Cuts their throats!

- g. Collection of specimen material: To make optimum use of those seals that are sacrificed, permission is requested to allow the collection of specimen material from any part of dead seals. Specimens collected may include, but would not necessarily be limited to, teeth, skeletal material, urine, blood, reproductive tract, body organs, stomach and intestinal tract and their contents, and blubber.

Gonads

- h. Field plans for AMERIEZ II Cruise: From February - April, 1986, the USCGC Glacier will support the AMERIEZ II Cruise in the Weddell Sea. The stomach contents, feeding activity, diving patterns, and reproductive status of crabeater, leopard, and Ross seals will be investigated along transects running from the ice edge deeper into consolidated pack ice areas. Seals will be collected along these transects to provide data on feeding ecology (stomach and gut contents), reproductive status (reproductive tracts), and age structure (teeth). In this season, the numbers of seals taken by sacrifice may reach the maximum levels requested. As much as possible, these collections will be distributed along the cruise track to ensure representative samples from different locales at various distances from the ice edge.

The ship is planning to make several multiple-day stations, lasting up to 4 days at a time. During these opportunities, time-depth recorders and radio transmitters will be deployed on crabeater, leopard, and Ross seals to monitor their feeding and diving behavior. The time-depth recorders will be microprocessor-controlled units measuring 12 x 6 x 4 cm and weighing about 400 grams. These units will be fastened to the pelage on the backs of individuals using cyanoacrylic glue or quick-setting epoxy, as has been successfully used on Weddell and other hair seals. Recorders will be retrieved from seals at about 2 - 6 days after initial deployment.

4. Potential for adverse impact on individuals:

Seals would be taken in two general categories under the proposed permit: 1) sacrificed, and 2) captured and released. In the first category, the one potentially adverse impact on the individual, inhumane killing, will be avoided by ensuring a swift and efficient death as described above. The steps to be taken to minimize a potentially adverse impact on individuals in the second category, seals captured and released, are described below:

APPENDIX A. EXCERPTS FROM "REVIEW OF ANTARCTIC MARINE FAUNA"

REVIEW OF ANTARCTIC MARINE FAUNA

John L. Bengtson
National Marine Mammal Laboratory
National Marine Fisheries Service
7600 Sand Point Way N.E.
Seattle, Washington 98115 USA

August 1984

Final Report to the U.S. Marine Mammal Commission
in Partial Fulfillment of Contract MM269914-1

Prepared for

U.S. Marine Mammal Commission
1625 I Street, N.W.
Washington, D.C. 20006

CCAW, INC.
Mary Mosley
321 E. Tarpon Ave.
Tarpon Springs, FL 34689

Bengtson
BIOGRAPHICAL SKETCH

John L. Bengtson, Principal Investigator

Point Reyes Bird Observatory
Stinson Beach, CA -- and --

National Marine Mammal Laboratory
Seattle, WA

Education

Carthage College, Kenosha, WI: B.A. (Biology) 1975
Cornell University, Shoals Marine Laboratory, ME: attended 1973
University of Alaska, Fairbanks, AK: attended 1975
University of Minnesota, Minneapolis, MN: M.S. (Ecology) 1980
University of Minnesota, Minneapolis, MN: Ph.D. (Ecology) 1981
British Antarctic Survey, Cambridge, UK: postdoctoral study 1981-83

Professional Experience

Research Associate (1983-present), Department of Ecology and Behavioral Biology, University of Minnesota, Minneapolis, MN.
(On contract to the U.S. Marine Mammal Commission to develop a long-range plan to detect and monitor the potential effects of commercial fisheries on Antarctic marine living resources).

Research Associate (1981-1983), British Antarctic Survey, Madingley Road, Cambridge, England. (Antarctic seal research).

Research Assistant (1976-1981), Department of Ecology and Behavioral Biology, University of Minnesota, Minneapolis, MN. (Antarctic seal, sea otter, and manatee studies).

Scientific Consultant (1978), U.S. Marine Mammal Commission, Washington, D.C. (Conservation of living resources of the antarctic marine ecosystem).

Teaching Assistant (1978), Department of Ecology and Behavioral Biology, University of Minnesota, Minneapolis, MN. (Assisted herpetology class).

Visiting Staff Scientist (1976), Los Alamos Scientific Laboratory, Los Alamos, NM. (Arctic fox study).

Research Fellow (1975), Alaska Cooperative Wildlife Research Unit, University of Alaska, Fairbanks, AK. (Arctic fox study).

Professional Experience, cont.

- Research Assistant (1975), Archbold Biological Station, American Museum of Natural History, Lake Placid, FL. (American kestrel study).
- Research Trainee (1974), Oak Ridge National Laboratory, Oak Ridge, TN. (Evaluation of natural areas for endangered species).
- Laboratory Assistant (1972-1975), Department of Biology, Carthage College, Kenosha, WI. (Assisted ecology classes).

Research Experience

- Census of Antarctic fur seals and ecology of pygoscelid penguins (1984), King George Island, South Shetland Islands, Antarctica.
- Behavior and reproduction of Antarctic fur seals (1982-83), Bird Island, South Georgia, Falkland Islands Dependencies.
- Reproductive ecology of crabeater and leopard seals (1981-82), Antarctic Peninsula, Antarctica.
- Reproductive biology of grey seals (1981), Farne Islands, England.
- Movements and habitat use of wild horses (1981), Pine Nut Mountains, Nevada.
- Ecology and behavior of West Indian manatees (1978-80), Blue Spring Run and St. Johns River, Florida.
- Population ecology of Weddell seals (1980), McMurdo Station and vicinity, Antarctica.
- Distribution of manatees in Belize (1977), Coastal waterways and offshore keys, Belize.
- Social and reproductive behavior of crabeater and leopard seals (1976-78), South Shetland Islands, Antarctic Peninsula, Antarctica.
- Movements and activity patterns of Alaskan sea otters (1977), Prince William Sound, Alaska.
- Ecology and behavior of arctic foxes (1975-76), North Slope oil fields and coastal areas, Prudhoe Bay and Umiat, Alaska.
- Territorial behavior of American kestrels (1975-77), Archbold Biological Station, Lake Placid, Florida.
- Intertidal ecology of rocky seashores (1973), Shoals Marine Laboratory, Appledore Island, Maine.

Appendix D

② ③ ④

Funding

- Past: University of Minnesota Graduate School, Manatee Survey in Belize (with J.R. Tester), Aug 77-Sep 77: \$2,500.
- U.S. Marine Mammal Commission, Conservation of Antarctic Marine Living Resources, Apr 78-May 78: \$5,368.
- U.S. Fish and Wildlife Service, Manatee Ecology in Florida (with D.B. Siniff), Apr 78-Dec 80: \$47,800.
- U.S. Army Corps of Engineers, Manatee Ecology and Behavior in Florida, Jan 79-Jul 81: \$88,000.
- British Antarctic Survey, Fur Seal Ecology and Behavior, Oct 82-Jun 82: \$13,100.
- U.S. National Science Foundation, Division of Polar Programs, Antarctic Biology Symposium, Sep 83: \$2,049.
- U.S. National Marine Fisheries Service, Commercial Fisheries/ Marine Mammal Interactions Workshop, Oct 83: \$1,370.
- U.S. National Science Foundation, Division of Polar Programs, Antarctic Seal Reproductive Ecology, Aug 81-Dec 83: \$78,492.
- Current: U.S. Marine Mammal Commission, Management and Research of Antarctic Marine Living Resources, Nov 83-Jun 84: \$45,763.

Honors

Beta Beta Beta
 Graduated B.A. cum laude with honors in biology
 Honors list, NSF Graduate Fellowships
 Honors list, University of Alaska.

Membership in Professional Societies

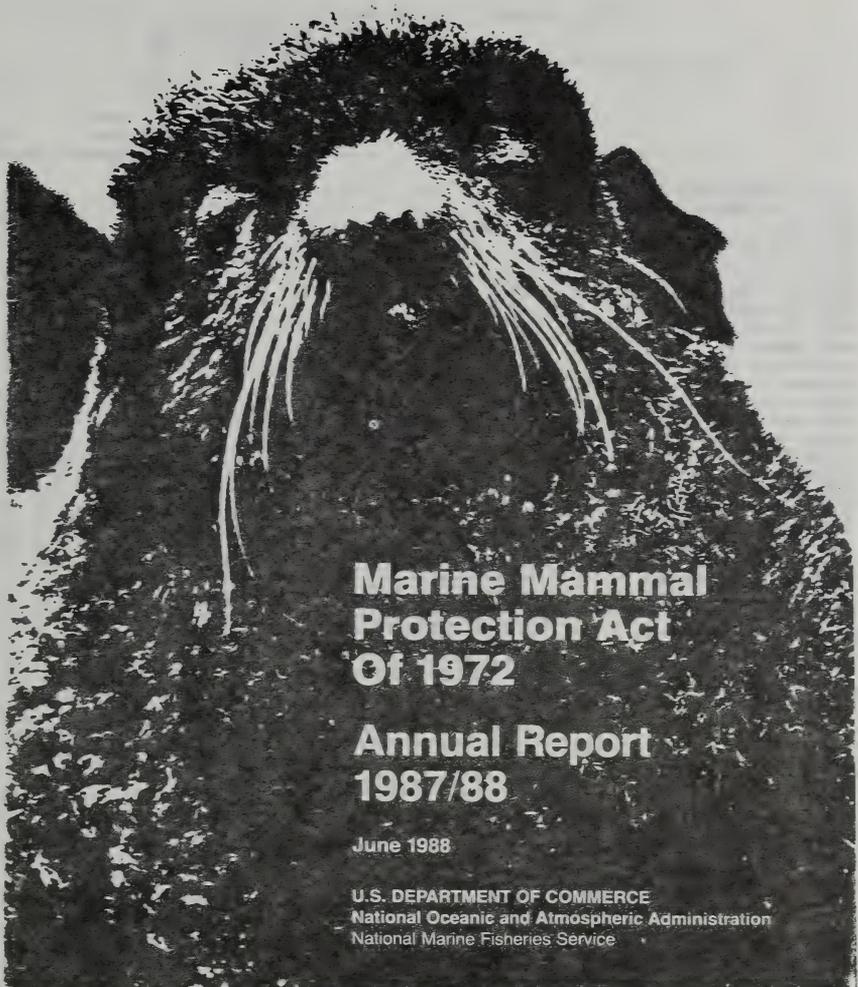
American Society of Mammalogists
 American Society of Marine Mammalogy
 Ecological Society of America
 Wildlife Society

Publications

Siniff, D.B., and J.L. Bengtson. 1977. Observations and hypotheses concerning the interactions among crabeater seals, leopard seals, and killer whales. *J. Mammal.*, 58:414-416.

Publications, cont.

- Siniff, D.B., I. Stirling, J.L. Bengtson, and R.A. Reichle. 1977. Biota of the Antarctic pack ice: R/V Hero cruise 76-6. *Antarctic J. U.S.*, 12:10-11.
- Siniff, D.B., R.M. Laws, T. Øritsland, I. Stirling, J.L. Bengtson, D.P. DeMaster, and R.A. Reichle. 1978. Biota of the Antarctic pack ice: R/V Hero cruise 77-5. *Antarctic J. U.S.*, 8:161-162.
- Bengtson, J.L., and D. Magor. 1979. Manatee survey in Belize (British Honduras). *J. Mammal.*, 60:230-232.
- Siniff, D.B., I. Stirling, J.L. Bengtson, and R.A. Reichle. 1979. Social and reproductive behavior of crabeater seals (*Lobodon carcinophagus*) during the austral spring. *Canadian J. Zool.*, 57:2243-2255.
- Suter, W.R.; J.L. Bengtson, K.A. Wendland, and W.H. Wade. 1980. Ecological succession in water hyacinth communities. *Chicago Acad. Sci.*, 207:1-9.
- Bengtson, J.L., and D.B. Siniff. 1981. Reproductive aspects of female crabeater seals along the Antarctic Peninsula. *Canadian J. Zool.*, 59:92-102.
- Testa, J.W., J.L. Bengtson, and D.B. Siniff. 1981. Population ecology of Weddell seals in McMurdo Sound. *Antarct. J. U.S.*, 16:153.
- Bengtson, J.L. 1982. Reproductive ecology of crabeater and leopard seals along the Antarctic Peninsula. *Antarct. J. U.S.*, 17:185.
- Eberhardt, L.E., W.C. Hanson, J.L. Bengtson, R.A. Garrott, and E.E. Hanson. 1982. Arctic fox home range characteristics in an oil-development area. *J. Wildl. Manage.*, 46:183-190.
- Medway, W., M.L. Bruss, J.L. Bengtson, and D.J. Black. 1982. Blood chemistry of the west Indian manatee (*Trichechus manatus*). *J. Wildl. Diseases*, 18:229-234.
- Bengtson, J.L. 1983. Estimating food consumption of free-ranging manatees in Florida. *J. Wildl. Manage.*, 47:1186-1192.
- Bengtson, J.L., and D.J. Schneider. 1983. Fur seal research at Bird Island, South Georgia. *Antarct. J. U.S.* (in press).
- Bengtson, J.L., and R.M. Laws. 1984. Trends in crabeater seal age of maturity: an insight into Antarctic marine interactions. *Proceedings of the Fourth SCAR Symposium on Antarctic Biology; Wilderness, South Africa* (in press).



**Marine Mammal
Protection Act
Of 1972**

**Annual Report
1987/88**

June 1988

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

TABLE 5 - NUMBER OF CETACEANS AUTHORIZED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS
APRIL 1, 1987 THRU MARCH 31, 1988

	TAKEN BY KILLING	TAKEN AND KEPT ALIVE	KILLED IN CAPTIVITY	TAGGED OR TAKEN AND RELEASED	FOUND DEAD/ STRANDED	TOTAL REQUESTED
ATLANTIC WHITE-SIDED DOLPHIN	0
BLACK RIGHT WHALE, NORTHERN RIGHT	0
BLUE WHALE	10	.....	10
BOTTLENOSE DOLPHIN	53	.....	.....	.....	53
BOWHEAD WHALE	0
BRYDE'S WHALE	0
COMMERSON'S DOLPHIN	0
COMMON DOLPHIN	0
DALL'S PORPOISE	0
DUSKY DOLPHIN	0
FALSE KILLER WHALE	14	.....	.....	.....	14
FIN WHALE, FINBACK	0
FRASER'S (sarawak) DOLPHIN	0
GRAY WHALE	200	.....	200
HARBOR PORPOISE	0
HUMPBACK WHALE	165	.....	165
KILLER WHALE	1	.....	.....	.....	1
LONG-FINNED PILOT WHALE	0
MELON-HEADED WHALE, ELECTRA	0
MINKE WHALE	0
NORTHERN RIGHT WHALE DOLPHIN	0
PACIFIC WHITE-SIDED DOLPHIN	4	.....	.....	.....	4
PILOT WHALES UNSPECIFIED	0
PYGMY KILLER WHALE	0
PYGMY RIGHT WHALE	0
RISSEO'S DOLPHIN, GRAMPUS	8	.....	.....	.....	8
ROUGH-TOOTHED DOLPHIN	0
SEI WHALE	0
SHORT-FINNED PILOT WHALE	0

TABLE 5 - NUMBER OF CETACEANS AUTHORIZED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS
APRIL 1, 1987 THRU MARCH 31, 1988

SOUTHERN RIGHT WHALE	.....	.....	.....	.....	.....	0
SPERM WHALE	.....	.....	.....	.....	.....	0
SPINNER DOLPHIN	.....	.....	.....	.....	.....	0
SPOTTED DOLPHIN	.....	.....	.....	.....	.....	0
STEMELLINE DOLPHINS	.....	.....	.....	.....	.....	0
STRIPED DOLPHIN, STREAKER	.....	.....	.....	.....	.....	0
UNSPECIFIED CETACEANS	.....	.....	.....	.....	.....	0
VAGUITA, COCHITO	.....	.....	.....	.....	.....	0
WHITE WHALE, BELUKHA	.....	15	.....	.....	.....	15
WHITE-BEAKED DOLPHIN	.....	.....	.....	.....	.....	0
TOTALS:	0	95	0	375	0	470

- (1) SPECIMEN IMPORTS AND HARASSMENT ACTIVITIES NOT INCLUDED IN THIS TABLE.
(2) WHERE A PERMIT SPECIFIED THE TOTAL NUMBER OF ANIMALS TO BE TAKEN WITHOUT SPECIFYING THE NUMBER TO BE TAKEN FROM A PARTICULAR SPECIES, THE NUMBER AUTHORIZED WAS LISTED UNDER SPECIFIED CETACEA.

TABLE 6 - NUMBER OF PINNIPEDS AUTHORIZED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS

APRIL 1, 1987 THRU MARCH 31, 1988

NMFS Annual Report
1987-1988

	TAKEN BY KILLING	TAKEN AND KEPT ALIVE	KILLED IN CAPTIVITY	TAGGED OR TAKEN AND RELEASED	FOUND DEAD/ STRAND	TOTAL REQUESTED
ARCTOCEPHALINE FUR SEALS	.....	.....	.....	.....	.....	0
BAIKAL SEAL	.....	.....	.....	.....	.....	0
BEARDED SEAL	300	.....	.....	.....	.....	300
CALIFORNIA SEA LION	.....	1	.....	.....	4	5
CASPIAN SEAL	.....	.....	.....	.....	.....	0
CRABEATER SEAL	.....	.....	.....	.....	.....	0
GRAY SEAL	.....	.....	.....	.....	.....	0
HARBOR SEALS	200	.....	.....	1,075	.....	1,275
HARP SEAL, GREENLAND SEAL	.....	.....	.....	.....	.....	0
HAWAIIAN MONK SEAL	.....	.....	.....	300	.....	300
KERGUELEN FUR SEAL	.....	.....	.....	.....	.....	0
LARGHA SEAL, SPOTTED SEAL	100	.....	.....	.....	.....	100
LEOPARD SEAL	.....	.....	.....	.....	.....	0
NORTHERN ELEPHANT SEAL	.....	.....	.....	.....	.....	0
NORTHERN FUR SEAL	400	.....	.....	200,000	.....	200,400
NORTHERN SEA LION/STELLER SEA LION	200	.....	.....	5,000	.....	5,200
RIBBON SEAL	100	.....	.....	.....	.....	100
RINGED SEAL	100	.....	.....	.....	.....	100
ROSS SEAL	.....	.....	.....	.....	.....	0
SOUTH AFRICAN FUR SEAL	.....	.....	.....	.....	.....	0
SOUTH AMERICAN SEA LION	.....	.....	.....	.....	.....	0
SOUTHERN ELEPHANT SEAL	.....	.....	.....	.....	.....	0
UNSPECIFIED MARINE MAMMALS	.....	.....	.....	.....	.....	0
UNSPECIFIED PINNIPEDS	.....	.....	.....	.....	.....	0
WALRUS	.....	.....	.....	.....	.....	0
WEDDELL SEAL	.....	.....	.....	1,320	.....	1,320
TOTALS: (2)	1,400	1	0	207,695	4	209,100

(1) SPECIMEN IMPORTS AND HARASSMENT ACTIVITIES NOT INCLUDED IN THIS TABLE.

(2) WHERE A PERMIT SPECIFIED THE TOTAL NUMBER OF ANIMALS TO BE TAKEN WITHOUT SPECIFYING THE NUMBER

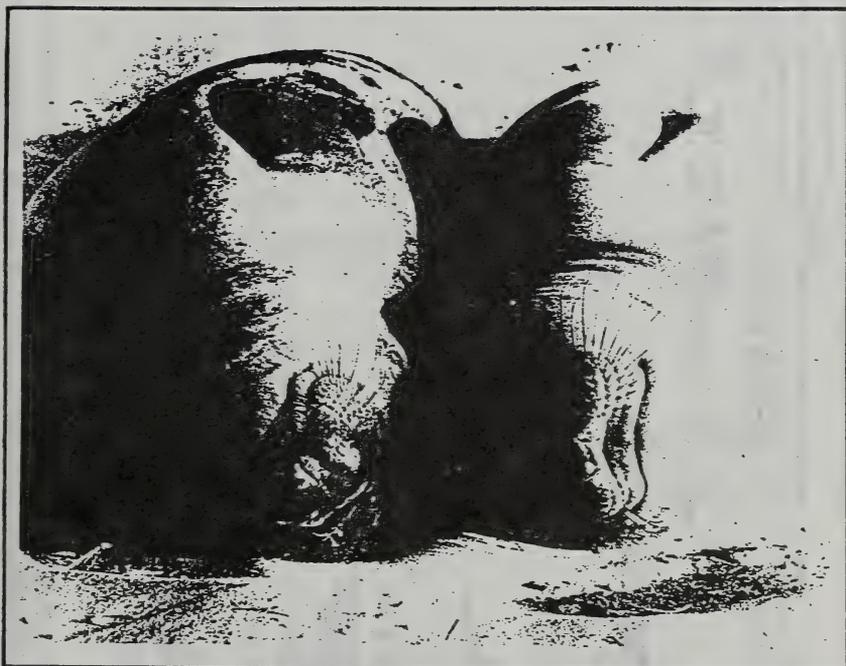
TABLE 7 - SUMMARY OF ALL PERMITS FOR PERMANENT REMOVAL FROM THE WILD - CETACEANS FROM 1973 THRU MARCH 31, 1988

SPECIES	***** PERMITS *****		*****NUMBER OF ANIMALS*****		*****		*****		*****	
	ISSUED	EXPIRED	CURRENT	REQUESTED	AUTHORIZED	REPLACEMENTS	AUTHORIZATION	TAKEN	TAKE	REMAINING
ATLANTIC WHITE SIDED DOLPHIN	2	2	0	6	6	0	6	0	0	0
BOTTLENOSE DOLPHIN	126	109	17	686	656	37	144	455	57	57
COMMON DOLPHIN	7	7	0	181	173	5	151	27	0	0
DALL'S PORPOISE	1	1	0	960	960	0	960	0	0	0
FALSE KILLER WHALE	11	6	5	34	34	0	7	15	12	12
FRASER'S (SARAWAK) DOLPHIN	3	3	0	70	70	0	70	0	0	0
HARBOR PORPOISE	2	2	0	6	6	0	6	0	0	0
KILLER WHALE	9	7	1	24	22	0	10	12	0	0
LONG-FINNED PILOT WHALE	1	1	0	2	2	0	2	0	0	0
MELON-HEADED WHALE, ELECTRA	4	4	0	49	49	0	47	2	0	0
PACIFIC WHITE-SIDED DOLPHIN	7	5	2	35	35	0	20	3	12	12
PYGMY KILLER WHALE	5	5	0	53	49	0	49	0	0	0
RISSO'S DOLPHIN, GRAMPUS	7	5	2	88	86	0	77	1	8	8
ROUGH-TOOTHED DOLPHIN	5	5	0	79	79	2	79	2	0	0
SHORT-FINNED PILOT WHALE	13	13	0	101	98	3	81	17	0	0
SPINNER DOLPHIN	4	4	0	2,956	2,956	3	2,779	174	0	0
SPOTTED DOLPHIN	3	3	0	4,935	4,935	0	4,676	259	0	0
STRIPED DOLPHIN, STREAKER	1	1	0	100	100	0	100	0	0	0
UNSPECIFIED CETACEANS	4	4	0	383	383	1	383	0	0	0
WHITE WHALE, BELUKIA	15	10	5	71	70	1	26	36	8	8
WHITE-BEAKED DOLPHIN	1	1	0	2	2	0	2	0	0	0
TOTAL NUMBER OF ANIMALS:				10,833	10,777	51	9,675	1,015	97	97

(1) ANIMALS TAKEN INCLUDE THOSE INADVERTENTLY KILLED DURING THE COURSE OF RESEARCH AUTHORIZING TYPES OF TAKE OTHER THAN PERMANENT REMOVAL.

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Pinnipeds

TABLE 7
NUMBER OF PINNIPEDS AUTHORIZED IN SCIENTIFIC (RESEARCH/PUBLIC DISPLAY) PERMIT APPLICATIONS(1)

COMMON NAME	A U T H O R I Z E D AS OF March 31, 1985			A U T H O R I Z E D April 1, 1985 THRU March 31, 1986			CUMULAT- IVE TOTAL AUTHORIZED				
	TAKEN BY KILLING ALIVE	TAKEN AND KEPT ALIVE	TAKEN OR DEAD/ RELEAS- ED	TAKEN AND KEPT ALIVE	TAKEN OR DEAD/ RELEAS- ED	TAGGED OR FOUND AND DEAD/ RELEAS- ED		TAGGED OR FOUND AND DEAD/ RELEAS- ED			
ARCTIC/CEPHALINE FUR SEALS	2	8	80				82				
BALPHAL SEAL		8	400				8				
BRANDED SEAL	960	357	27,052	70		30	1,468				
CALIFORNIA SEA LION	534	2	9,055	488		2	28,432				
CASPIAN SEAL		2			3,085		15,428				
CHAMBERLAIN SEAL	3,288		5	250			284				
GRAY SEAL		29	98,802	568		435	101,620				
HARPO SEAL	1,662	100					40				
HARP SEAL, GREENLAND SEAL		40					40				
HAWAIIAN MONK SEAL	16	3	3,976			475	4,470				
ISLAND FUR SEAL	11		980			3,000	4,131				
LACOMBE SEAL	1,120		3,130	80		1,000	2,260				
LEOPARD SEAL	688	8	63,698	286			64,153				
NORTHERN ELEPHANT SEAL	154	11				5	30				
NORTHERN FUR SEAL		20					29,156				
NORTHERN SEA LION, STELLER SEA LION	880	4	28,189	83			1,237				
RIBBON SEAL	855	2	400				2,443				
RINGED SEAL	1,500	12	704	125		2	1,904				
ROSS SEAL	283	6	1,115			500	10				
SOUTH AFRICAN FUR SEAL		2	10				10				
SOUTHERN SEA LION			690			1,500	2,142				
SOUTHERN ELEPHANT SEAL	153		15				30				
UNSPECIFIED MARINE MAMMALS	20		12	100	25		157				
UNSPECIFIED PINNIPEDS	609	25	37	14,181		1,000	200				
WEDDELL SEAL					45		15,897				
TOTALS:(2)	13,090	647	51	253,482	1,900	3,210	0	52	7,915	139	280,486

(1) SPECIMEN IMPORTS AND HARASSMENT ACTIVITIES NOT INCLUDED IN THIS TABLE.

(2) WHERE A PERMIT SPECIFIED THE TOTAL NUMBER OF ANIMALS TO BE TAKEN WITHOUT SPECIFYING THE NUMBER TO BE TAKEN FROM A PARTICULAR SPECIES, THE NUMBER AUTHORIZED WAS LISTED UNDER UNSPECIFIED PINNIPEDS OR UNSPECIFIED MARINE MAMMALS, IF CETACEANS WERE ALSO INVOLVED.

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 Scientific Research

SYNOPSIS OF PERMIT APPLICATIONS
 TABLE 3

	AS OF March 31, 1985		April 1, 1985 to March 31, 1986		AS OF March 31, 1986	
	SCIENTIFIC RESEARCH	PUBLIC DISPLAY	SCIENTIFIC RESEARCH	PUBLIC DISPLAY	SCIENTIFIC DISPLAY	CUMULATIVE TOTAL
NO. OF APPLICATIONS SUBMITTED	307	340	14	37	20	718
NO. OF ANIMALS REQUESTED(TOTAL)	849,891	2,033	6,434	58,542	84	916,944
OF THESE:						
TAKEN BY KILLING	24,032	0	0	3,210	0	27,242
TAKEN AND KEPT ALIVE	419	1,410	122	1	37	1,969
TAKEN AND KEPT ALIVE IN CAPTIVITY	711,316	44	431	8,464	0	720,260
FOUND DEAD	4,924	1	0	235	5	5,160
STRANDED/EXCHANGED	118	272	3	35	35	433
IMPORTS	3,092	0	0	20	1	3,113
BARABS	105,921	300	5,836	46,515	0	138,754
ACTION TAKEN						
NO. OF APPLICATIONS FORWARDED TO MARINE MAMMAL COMMISSION	261	230	7	34	11	563
NO. OF APPLICATIONS RETURNED BY MARINE MAMMAL COMMISSION	239	247	7	28	9	530
NO. OF APPLICATIONS WITHDRAWN	6	18	1	0	1	26
NO. OF APPLICATIONS REFERRED TO FISH AND WILDLIFE	1	0	0	0	0	1
NO. OF APPLICATIONS REFERRED TO STATES	14	1	0	0	0	15
NO. OF APPLICATIONS REFERRED TO REGIONS	5	14	2	0	0	21
NO. OF APPLICATIONS RETURNED DUE TO INSUFFICIENT OR INAPPROPRIATE SUBMITTAL	23	62	4	1	4	94
NO. OF APPLICATIONS DENIED	2	8	0	0	0	10
NO. OF APPLICATIONS APPROVED	255	233	0	14	6	508
NO. OF APPLICATIONS PENDING	0	0	0	0	0	0
NO. OF ANIMALS APPROVED(TOTAL)	636,346	1,067	5,913	47,122	33	690,481
OF THESE:						
TAKEN BY KILLING	22,535	0	0	3,210	0	25,745
TAKEN AND KEPT ALIVE	77,789	852	96	0	12	78,749
KILLED IN CAPTIVITY	49	0	0	52	0	101
TAKEN AND RELEASED	708,107	0	265	7,970	5	716,347
FOUND DEAD	4,187	0	0	235	0	4,422
STRANDED/EXCHANGED	3,193	209	0	20	1	3,423
IMPORTS	3,092	0	0	20	1	3,113
BARABS	97,924	0	5,530	35,635	0	139,479

NOTE: APPLICATIONS AND PERMITS INVOLVING HARASSMENT OF MARINE MAMMALS OR TAKING/IMPORTING OF MARINE MAMMALS FOUND USUALLY DO NOT SPECIFY NUMBERS, AND THEREFORE ARE NOT REFLECTED IN THE NUMBERS OF ANIMALS FOR THESE CATEGORIES.

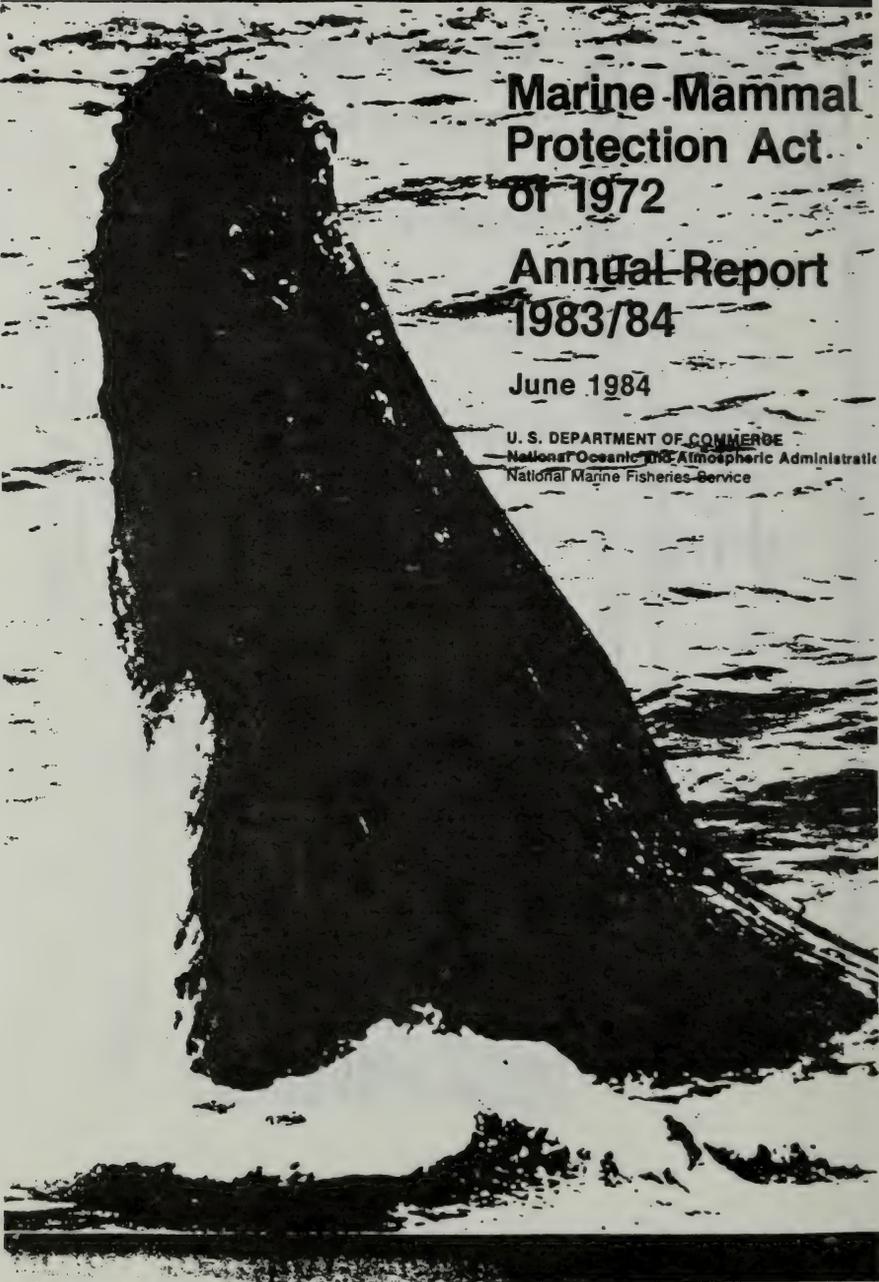
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Pinnipeds

TABLE 9
SUMMARY OF PERMITS FOR PERMANENT REMOVAL FROM THE WILD - PINNIPEDS
AS OF March 31, 1986

SPECIES	***** PERMITS *****		***** NUMBER OF ANIMALS *****		***** AUTHORIZATION TAKE *****	
	ISSUED	EXPIRED	REQUESTED	AUTHORIZED	REPLACEMENTS	REMAINING
ARCTOCEPHALINE FUR SEALS	1	1	0	2	0	2
BAIKAL SEAL	2	2	0	8	0	4
BEARDED SEAL	8	6	2	930	0	453
CALIFORNIA SEA LION	73	1	1	869	13	185
CASPIAN SEAL	1	1	0	2	0	320
CRABEATER SEAL	8	4	4	6,373	0	42
GRAY SEAL	4	4	0	26	0	460
HARBOR SEALS	34	29	5	1,656	0	10
HELVETIC SEAL	1	1	0	19	0	324
HAWAIIAN MONK SEAL	1	0	1	19	0	20
KERGUELEN FUR SEAL	3	2	1	151	0	3
LARGHA SEAL, SPOTTED SEAL	6	4	2	1,020	0	26
LEOPARD SEAL	3	2	1	776	0	328
NORTHERN ELEPHANT SEAL	8	6	2	1,160	0	95
NORTHERN SEA LION, STELLER SEA LION	3	2	1	160	0	5
NORTHERN FUR SEAL	2	1	1	20	0	19
RIBBON SEAL	8	5	3	860	0	195
ROSE SEAL	8	6	2	830	0	456
ROSS SEAL	6	3	3	1,269	0	74
SOUTH AMERICAN SEA LION	3	3	0	259	0	343
SOUTHERN ELEPHANT SEAL	4	3	1	153	0	38
UNSPECIFIED HARLINE MAHUALS	1	1	0	15	0	28
UNSPECIFIED PINNIPEDS	2	1	1	12	3	4
WALRUS	1	1	0	200	0	11
WEDDELL SEAL	10	7	3	716	0	20
TOTAL NUMBER OF ANIMALS:			16,544	16,535	16	180
						3,327
						3,220
						316,037

(1) ANIMALS TAKEN INCLUDE THOSE UNADVERTENTLY KILLED DURING THE COURSE OF RESEARCH AUTHORIZING TYPES OF TAKE OTHER THAN PERMANENT REMOVAL.



**Marine Mammal
Protection Act
of 1972**

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National Oceanic and Atmospheric Administration
National Marine Fisheries Service**

Pinnipeds Research/Display
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TABLE B
NUMBER OF PINNIPEDS AUTHORIZED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS(1)

COMMON NAME	A U T H O R I Z E D AS OF March 31, 1983		A U T H O R I Z E D APRIL 1, 1983 THRU March 31, 1984		CUMULAT- IVE TOTAL AUTHORIZED
	TAKEN AND KILLED ALIVE	FOUND AND DEAD/ STAND	TAKEN AND KILLED ALIVE	TAGGED OR FOUND AND DEAD/ STAND	
ARCTIC MARLINE FUR SEALS	2	80	---	---	82
BALBOA SEAL	4	---	---	---	4
BEARDED SEAL	660	400	---	---	1,138
CALIFORNIA SEA LION	534	5,127	2	444	6,503
CASPIAN SEAL	2	---	---	---	25
CRABEATER SEAL	3,288	9,055	---	---	12,343
GRAY SEAL	29	6,362	---	---	6,391
HARBOR SEALS	1,662	---	---	---	1,662
ISLAND SEAL	140	---	---	---	140
GREENLAND SEAL	16	3,536	---	---	3,552
HAWAIIAN MONK SEAL	3	---	---	---	3
KERGUELEN FUR SEAL	151	980	---	---	1,131
LARGHA SEAL, SPOTTED SEAL	920	1,100	---	---	2,020
LEOPARD SEAL	688	3,130	---	---	3,818
NORTHERN ELEPHANT SEAL	154	29,298	202	---	30,654
NORONHA SEA LION, STELLER SEA LION	800	---	---	---	800
NORWICH SEAL	20	12,619	---	---	12,639
ORINOCO SEAL	655	400	---	---	1,055
RINGED SEAL	1,400	704	125	---	2,241
ROSS SEAL	283	1,115	---	---	1,404
SOUTH AFRICAN FUR SEAL	---	10	---	---	10
SOUTH AMERICAN SEA LION	12	---	---	---	12
SOUTHERN ELEPHANT SEAL	153	475	---	---	630
UNSPECIFIED MARINE MAMMALS	20	100	25	---	157
UNSPECIFIED PINNIPEDS	200	---	---	---	200
WALRUS	609	11,181	37	---	11,852
WEDDELL SEAL	---	---	---	---	---
TOTALS:(2)	12,210	85,707	51	1,016	9,515
	643	0	0	0	595
	109,737				

(1) SPECIMEN IMPORTS AND HARASSMENT ACTIVITIES NOT INCLUDED IN THIS TABLE.
 (2) WHEN PERMIT SPECIFIED THE TOTAL NUMBER OF ANIMALS TO BE TAKEN WITHOUT SPECIFYING THE NUMBER TO BE TAKEN FROM A PARTICULAR SPECIES. THE NUMBER AUTHORIZED WAS LISTED UNDER UNSPECIFIED PINNIPEDS OR UNSPECIFIED MARINE MAMMALS, IF CETACEANS WERE ALSO INVOLVED.

S. Research/Display Cetaceans Authorized 1983-1984
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NUMBER OF CETACEANS AUTHORIZED IN SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMIT APPLICATIONS(1)

COMMON NAME	AUTHORIZED AS OF MARCH 31, 1983				AUTHORIZED APRIL 1, 1983 THRU MARCH 31, 1984				CUMULATIVE TAKEN AND KILLED IN TAKEN AND DEAD/RELEASED STRAND	CUMULATIVE TAKEN AND KILLED IN TAKEN AND DEAD/RELEASED STRAND	
	TAKEN BY	TAKEN AND KEPT ALIVE	KILLED IN CAPTIVITY	TAKEN OR FOUND/RELEASED	TAKEN AND KEPT ALIVE	TAKEN OR FOUND/RELEASED	KILLED IN CAPTIVITY	TAKEN AND DEAD/RELEASED STRAND			
											TAKEN AND KEPT ALIVE
ATLANTIC WHITE-STEED DOLPHIN			6	5						11	
BLACK BLIGHT WHALE, NORTHERN RIGHT				40						10	
BLUE WHALE										40	
BOTTLENOSE DOLPHINS	70	487		51,309	21	12				51,699	
BOWHEAD WHALE				170	190					360	
BRIDE'S WHALE				410						410	
COMMONER'S DOLPHIN						12				12	
COMMON DOLPHIN	155	18		75,727						75,900	
COMMON PORPOISE	900			910						1,810	
DUSKY DOLPHIN				6						6	
FALSE KILLER WHALE			12							18	
FIN WHALE, FINBACK										18	
FRASER'S (BARABAR) DOLPHIN	70			370						370	
GRAY WHALE				1,050						1,120	
HARBOR PORPOISE			6	232	100					332	
HUMPBACK WHALE			6	105	1				1,250	1,262	
KILLER WHALE		24		175				80		259	
LONG-FINNED PILOT WHALE		2			30					32	
MELON-HEADED WHALE, ELECTRA	45	4		300						349	
NORWICH WHALE DOLPHIN				130						130	
ORCA		29		527						548	
PACIFIC WHITE-STEED DOLPHIN										349	
PILOT WHALES UNSPECIFIED	45	4		300						349	
PYGMY KILLER WHALE	70	8		1,105						1,183	
RISSEO'S DOLPHIN, GRAMPUS	70	9		5,050						5,129	
ROUGH-TOOTHED DOLPHIN										440	
SEI WHALE			70	135		2				207	
SHORT-FINNED PILOT WHALE		29		135						236	
SPINNAKER DOLPHIN		2,929		103,960						106,917	
SPOTTED DOLPHIN	4,925	10		157,781						162,728	
STENELINE DOLPHINS					100					100	
STRIPED DOLPHIN, STRAKER	100			50,050						50,150	
UNSPECIFIED CETACEANS	360	43		914						1,297	
VAQUITA, COCHITO					2					2	
WHITE BELLY PELUHA		24		870	80					1,002	
WHITE-BEAKED DOLPHIN		2								2	
TOTALS:(2)	9,874	766	0	454,721(3)	424	0	34	0	60	1,250	467,109

- (1) SPECIMEN IMPORTS AND MANAGEMENT ACTIVITIES NOT INCLUDED IN THIS TABLE.
 (2) WHERE A PERMIT SPECIFIED THE TOTAL NUMBER OF ANIMALS TO BE TAKEN WITHOUT SPECIFYING THE NUMBER TO BE TAKEN FROM A PARTICULAR SPECIES, THE NUMBER AUTHORIZED WAS LISTED UNDER UNSPECIFIED CETACA AND ACCOUNTS FOR NEARLY THE TOTAL NUMBER IN THIS CATEGORY.
 (3) A SINGLE PERMIT AUTHORIZED 432,850 CETACEANS AND ACCOUNTS FOR NEARLY THE TOTAL NUMBER IN THIS CATEGORY.

US-USSR Marine Mammal Project, Environmental Protection Agreement



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

DEC 5 1980

2/221:PM

Mr. S. A. Studenetskii
Director
All-Union Scientific Institute *Russian*
of Fisheries and Oceanography
USSR Ministry of Fisheries
Moscow, USSR

Dear Mr. Studenetskii:

Enclosed is a signed copy of the Permit issued under the provisions of the Marine Mammal Protection Act of 1972 which authorizes the taking by killing of a total of 650 walrus and ice seals in the Bering Sea as described in the application. It is required that you review and comply with the Permit, the General Conditions attached thereto, and the enclosed Act and Regulations, prior to engaging in the activities authorized by the Permit. As provided in Section C-2e of this Permit, I have determined that the collection techniques and procedures described in the application are acceptable, and shall, therefore, be the manner by which the authorized marine mammals are taken.

Please note that Special Condition B-5 requires the submission of summary reports on the results of the research. These need not be special reports, but may be copies of articles submitted to scientific journals. You are advised that compliance with the conditions of this permit, including reporting requirements, will be considered in our review of any future permit applications.

The fee for this permit is waived.

Sincerely yours,

W Terry L. Leitzell
Assistant Administrator
for Fisheries

Enclosures



tional agreements for the conservation of a natural resource.

The purpose of the Commission was to achieve the maximum sustainable productivity of the fur seal herd through the coordination of research programs and conservation measures carried out by the member governments. In an effort to renew international efforts for the conservation of the Northern fur seal, the United States hosted informal consultations in September 1987, emphasizing coordinated international research and a continued ban on pelagic sealing, and proposed that a new international agreement be considered.

International North Pacific Fisheries Commission (INPFC)

The United States and Japan signed a memorandum of Understanding (MOU) on marine mammals on June 8, 1987, which remains in effect until June 1990. The MOU was developed in connection with the International Convention for the High Seas Fisheries of the North Pacific Ocean and was a condition of the General Permit issued by the United States in June 1987 to Japanese salmon fishermen who operate in the U.S. Exclusive Economic Zone (EEZ). As with three previous MOUs, the agreement provides for cooperative research on Dall's porpoise and other marine

US-USSR Marine Mammal Project, Environmental Protection Agreement

This project promotes joint research and exchange of information by U.S. and Soviet scientists on the biology, ecology and population dynamics of marine mammals of concern to both countries. The 1987 studies included the following.

Three U.S. scientists participated in a joint research cruise aboard a Soviet scaler/trawler, the ZRS ZAKHAROVO, during September-October to study the biology and population structure of Pacific walrus and bearded seals in the Bering and Chukchi Seas. The data obtained will help determine the current status of these populations. A total of 623 walrus and 2 bearded seals were collected during the cruise, and extensive information was obtained on food habits, size, and condition factor, pregnancy rate and age structure of the population.

In October and November, two Soviet scientists worked at Hubbs Marine Research Institute, the NMFS Southwest Fisheries Center, and the Smithsonian Institution in Washington, D.C. to develop information on distinguishing variations in color patterns of harbor seals, a species widely distributed in the North Pacific Ocean, and to

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continue work on the development of approaches to the taxonomic study of dolphin osteological materials.

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SUPPLEMENTARY INFORMATION ON WALRUSES

(prepared by F. K. Fay, Institute of Marine Science, University of Alaska-Fairbanks, S. Hills, Alaska Fish and Wildlife Research Center, U. S. Fish and Wildlife Service, and D. Seagers, Marine Mammal Management, U. S. Fish and Wildlife Service)

The Pacific walrus comprises a single population that resides in the Bering and Chukchi seas and ranges occasionally into the East Siberian and Beaufort seas in summer (Fay, 1982). The subspecies is, therefore, virtually limited to the Soviet and American economic zones of those areas.

The Pacific walrus is neither endangered nor depleted. The latest, authoritative estimate of the size of the population is that of Gilbert (1989), based on the results of a cooperative Soviet-American census in September-October 1985. The mean estimate from that work was 232,518 individuals, with 95% confidence limits of about $\pm 10\%$, which is believed to be about the size of the population in the 17th century, prior to European contact. Similar mean estimates were obtained in 1975 (221,360) and 1980 (246,140) (Ibid.). The data from the 1990 cooperative census are still being analyzed. The population appeared to have reached or even exceeded the carrying capacity of its environment around 1980 and to have been heavily harvested subsequent to that (Fay et al., 1989). The combined effects of natural density-dependent adjustments to carrying capacity and concurrent large harvests in the early 1980s may have been sufficient to bring about a slight decline in the size of the population.

The Soviet request is for killing 100 individuals of each sex by shooting. These will be primarily adults and subadults, mostly ranging in age from about 5 to 35 years. About 40% of the adult females will be newly pregnant (blastocyst stage); about 60% will be carrying full-term fetuses, and about 30% will be reproductively inactive. Beached and stranded animals are not appropriate to meet the objectives of the cruise, since samples are required for assessment of the status of the living population. Samples from the Native, shore-based catch also are unsatisfactory, as they are strongly biased by hunter selection and are not representative of the population as a whole. Therefore, the Soviet government authorizes the taking of non-selective samples periodically in Soviet waters, under the direction of their scientific staff. To satisfy the need for representative sampling, they are asking for permission to take part of their sample in U.S. waters. This is justified on the grounds that there can be some geographic segregation of the different parts of the population. That segregation could lead to bias, if the sampling is not uniform over the entire range of the population.

The cruise is tentatively scheduled to begin on 25 March 1991 and to end about 30 April, but the requested 1 September expiration date suggests that it could be delayed until late summer. If it takes place as scheduled, the collecting will be done in the Bering Sea; if the cruise takes place after mid-June, the collecting could be all or mostly in the Chukchi Sea. More exact dates of taking in U.S. waters

cannot be predicted at this time, as they will be determined by many factors including ice conditions, weather, and the presence/absence of animals.

The animals will be shot where they lie on the ice. The hunters are very skilled at taking entire groups of walrus this way in a non-selective manner. The processing protocol is simple and straightforward. Each animal taken will be winched aboard the ship within a few minutes after it is killed, a numbered metal tag will be attached to it at once. All subsequent samples and data from that specimen will be recorded with reference to that identifying number. Each specimen will be weighed immediately to the nearest 10 kg, various standard body measurements will be taken, and its sex, approximate age, and external signs of disease, injury, and molt will be recorded. A 10 ml blood sample will be collected from the hepatic sinus as the animal is eviscerated. As the animals are being processed, tissue samples, stomach contents, and reproductive organs will be collected for analysis, the viscera will be examined for helminth parasites, and teeth will be collected for age determination. A selection of skulls and skeletons will be prepared for museum use.

The primary purpose of this sampling is to estimate the current productivity and health of the Pacific walrus population. For the Soviets, this cruise is designed to provide the Marine Mammal Laboratories in Moscow and Magadan with biological information that can be applied in setting regulations on the annual catches of walrus in Soviet waters for the next few years. The American participants will make use of the opportunity because it is a unique chance to obtain unbiased samples that would be impossible to obtain in any other way. These samples are especially important in providing a cross-reference for comparison with the strongly biased shore-based catch, especially as regards age composition and productivity. The Americans and Soviets also will conduct visual sex/age composition counts, whenever feasible, to obtain information on survivorship of the young cohorts and for use in estimating recruitment rates (Pay and Kelly, 1989). The Americans also will continue to examine stomach contents, in order to learn more about the kinds and the quantities of food consumed in the different areas at different times of the year, as there are still many gaps in our knowledge of the feeding relationships of this population (Pay et al., 1977; Pay, 1982; Pay et al., 1984, 1986). Samples from the stomach contents also will be collected to be analyzed for environmental contaminants. The Americans also will take tissue samples for use in mitochondrial DNA analysis, and blood and selected tissues will be collected for use by other researchers in screening for viral pathogens (A. W. Smith, Oregon State University), environmental contaminants (Everett Robinson-Wilson, USFWS, Anchorage), and biochemical indicators of energetic and metabolic condition (M. Castellini, University of Alaska-Fairbanks).

During the cruise, up to 10 satellite-linked radio transmitters will be placed on walrus to trace their migratory movements and document their haul-out behavior, as authorized previously, under permit PRT-690715 to the Alaska Fish and Wildlife Research Center, USFWS. Combined with this will be aerial surveys (authorized under PRT-750950, issued to Marine Mammals Management, USFWS) that are

planned to take place at the same time or immediately following the cruise, in the areas where the transmitters are deployed. Comparisons will be made between the daily counts of walrus on the ice, as determined from the aircraft, and the proportion of walrus hauled-out, as determined from the telemetry. This will be the first methodological test of its kind to link aerial observations with satellite telemetry, in a long-term program to develop the means to relate aerial counts to actual population size (i.e., by compensating for the proportion of animals not seen).

As a whole, the collected samples from the walrus population are expected to be sufficient to provide estimates of the current and recent reproductive rates and general physical condition of the animals, as well as to provide enough blood and other tissues for the several tangential studies that will contribute to the latter and to a number of other projects (as specified above) having to do with both resource management and basic scientific research. The common goal is to obtain enough information to provide the foundation for sustained-yield management of the walrus population, primarily for the benefit of the coastal Natives of Alaska and Chukotka, for whom these animals are subsistence resources of major importance.

In the U.S.A., the data from the collected walrus will be used jointly by the U.S. Fish and Wildlife Service, the Alaska Department of Fish and Game, and the University of Alaska as part of their ongoing programs for monitoring the status of the population. The data also will contribute to the development of management plan by the USFWS, as well as to the completion of several joint scientific publications currently in preparation on morphometrics, reproduction, feeding, genetics, movements, habitat selection, haul-out behavior, and population dynamics. The data obtained on this cruise will contribute also to the ongoing development of population models used in study of the demography of walrus populations in general and of the Pacific walrus population in particular.

LITERATURE CITED

- Fay, F. H. 1982. Ecology and biology of the Pacific walrus, Odobenus rosmarus divergens Illiger. N. Amer. Fauna 74:1-279.
- Fay, F. H., Iu. A. Bukhtiyarov, S. W. Stoker, and L. M. Shults. 1984. Food of the Pacific walrus in winter and spring in the Bering Sea. NOAA Tech. Rep. NMFS 12:81-88.
- Fay, F. H., H. M. Peder, and S. W. Stoker. 1977. An estimate of the impact of the Pacific walrus population on its food resources in the Bering Sea. PB-273-505, National Technical Information Service, Springfield, VA, 38 pp.
- Fay, F. H., and B. P. Kelly. 1989. Development of a method for monitoring the productivity, survivorship, and recruitment of the Pacific walrus population. Final rep. OCS Study MMS 89-0012. Minerals Management Service, Anchorage, AK, 51 pp.

SUPPLEMENTARY INFORMATION RELATIVE TO THE SOVIET APPLICATION OF
OCTOBER 1990
FOR A MARINE MAMMAL COLLECTING PERMIT

GENERAL REMARKS

U.S. Agencies and other organizations cooperating in this cruise

1. National Marine Mammal Laboratory (NMML), AKFSC, NMFS, Seattle
2. Marine Mammal Management, USFWS Region 7, Anchorage
3. Alaska Fish and Wildlife Research Center, USFWS Region 8, Anchorage
4. Game Division, Alaska Department of Fish and Game, Fairbanks
5. Institute of Marine Science, University of Alaska, Fairbanks

Potential Participants:

1. Bruce Robson, NMML
2. Dana Segars, MMH
3. Susan Hills, AFWRC
4. Kathryn Frost or Lloyd Lowry, ADF&G
5. Francis H. Fay or Brendan P. Kelly, IMS, UAF

The research cruise for which the permit is requested is a single event in a long chain of joint research efforts since 1973, under the "US-USSR Marine Mammal Project," which is Project 6, Area-V of the Agreement on Cooperation in the Field of Environmental Protection between the USA and the USSR (Fay and Fedoseev, 1984). That project has as its primary goal "to develop collaborative research on the biology, ecology, and population dynamics of marine mammals of interest to both countries, thereby contributing to sound management and conservation of those animals" (Miller, 1984, p. 1). The marine mammals of the North Pacific region in general and of the Bering and Chukchi seas in particular have been the primary objects of our joint research, and we have made rather considerable headway together, in ways that would have been impossible alone.

For the biologists concerned with marine mammal research and conservation in Alaska, the opportunity to work with the Soviets on their ships is invaluable, inasmuch as we have no such convenient and capable logistic support available to us in this country, and we have no possible way of getting unbiased samples from those marine mammal populations, except through this program. From the American point of view, that kind of logistical support and the resultant samples from it are as important to our side as to the Soviet side, for they allow joint monitoring of the status of those populations, which are of equal economic importance to coastal residents on both sides of the Bering and Chukchi seas. These cruises have many values beyond the mere acquisition of scientific data, for they also provide opportunities for a scientific forum, in which the results of the joint research can be discussed objectively and mutual plans for further research and management can be developed. The Soviets and Americans are thereby able to complement one another's efforts, rather than to duplicate them.

For the scientists at the working level, this is the best, most informal opportunity available for effective scientific collaboration and exchange, which are essential for the welfare of the shared marine mammal populations.

LITERATURE CITED

- Fay, F. H., and G. A. Fedoseev (editors). 1984. Soviet-American cooperative research on marine mammals. Vol. 1 - Pinnipeds. NOAA Tech. Rep. NMFS 12, 104 pp.
- Miller, R. V. 1984. The US-USSR Marine Mammal Project. NOAA Tech. Rep. NMFS 12:1-4.

SUPPLEMENTARY INFORMATION ON BEARDED SEALS

The Pacific bearded seal is thought to inhabit nearly half of the Arctic Ocean, from the central Canadian Arctic to the central Soviet Arctic, and its range extends southward through the Chukchi and Bering seas into the Okhotsk Sea (Manning, 1974). It is thought to comprise several local populations, one of which inhabits the Bering and Chukchi seas.

The bearded seal population of the North Pacific region, including the Okhotsk, Bering and Chukchi seas was estimated to comprise 250,000 to 300,000 individuals in the 1970s and early 1980s (Popov, 1976; Burns, 1981; Beržin and Peřlov, 1986). In the latest evaluation by Fedoseev et al. (1988), it was judged to be about the same.

Under the Environmental Agreement, Soviet and U.S. scientists share the responsibility of protecting and managing the bearded seal population in the Bering Sea and its adjacent waters. This responsibility requires the ability to detect changes (either natural or anthropogenic) in the "health" of the bearded seal population. Such changes are only detectable from long-term studies.

Scientists from both countries collaborated in the collection of information on age, sex, diet, reproductive rates, morphometrics, parasites, diseases, and condition indices of bearded seals in the spring of 1981. In the proposed study for 1991, we will have the opportunity to collect the same kind of information for comparison with the 1981 data. Such a comparison becomes increasingly important in view of the changes which may be influencing some top predators in the Bering Sea ecosystem. Two marine mammal populations (northern fur seals and northern sea lions) have undergone significant population declines over the last two decades. For sea lions, this may be related to a depleted prey resource base, as indicated by changes in age specific condition indices of growth over the last 15 years. It is important to determine if condition indices or vital biological parameters of the bearded seal population have also undergone similar changes.

The lethal take of bearded seals is necessary, because there is no other way to obtain the information outlined in the permit application. This study is a unique opportunity to collect a wide range of biological information for the evaluation of long-term changes in the "health" of the bearded seal population in U.S. waters. The request for 200 lethal takes of bearded seals does not present a threat to the overall population, which as mentioned above, is currently estimated at 250-300,000 animals.

soon as the research is completed summarizing the significance of the research results. All required reports shall be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, 1335 East-West Hwy., Suite 7324, Silver Spring, Maryland 20910.

5. Ivory collected and maintained by the Permit Holder shall not be returned to the United States. All ivory maintained by the American scientists must be turned over to the Associate Regional Director for Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 92597, Anchorage, Alaska 99509 (907/786-3311).
6. This Permit is valid with respect to the taking authorized herein until December 31, 1991.

C. All General Conditions attached as Section C shall apply and are made a part hereof.

Date: MAR 19 1991

Date: MAR 19 1991

W. Fox, Jr.
 William W. Fox, Jr.
 Assistant Administrator
 for Fisheries
 National Marine Fisheries Service

R. K. Robinson
 Richard K. Robinson
 Chief, Permit Branch
 Office of Management Authority
 U.S. Fish and Wildlife Service



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Alaska Fisheries Science Center
National Marine Mammal Laboratory
600 Sand Point Way N.E., Bin C15700
Seattle, Washington 98115-0070

Post-It brand fax transmittal memo 7071		# of pages = 1
To Alata Hahn	From R.V. Miller	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

206) 526-4045

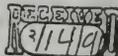
FTS: 392-4045

March 13, 1991

F/AKC3:djr

MEMORANDUM FOR: To The Record

FROM: R.V. Miller

SUBJECT: Necessity for Lethal Take During Soviet-American Walrus-Bearded Seal Cruise

Lethal take of both species is essential during this cruise because it is the only means of obtaining certain information on vital rates, food habits and other life history parameters. The application summarized the need for lethal takes under "Supplementary Information on Bearded Seals", paragraphs 4 and 5, and under "Supplementary Information on Walruses", page 2, paragraphs 2 and 3, and page 3 paragraph 2. These sections describe the kinds of samples and other data to be taken. Identifying current reproductive and growth rates, age composition of the populations, and current food habits in comparison with previous years sampling are all essential to understanding the dynamics of these populations, and their current status. These kinds of data, for all practical purposes, can only be obtained by lethally taking these ice-dwelling species. While a number of alternative methods are being effectively used on animals that haul out on beaches, such as levaging for stomach contents, these techniques rely on anesthetizing the animal and are not feasible for use on the ice to obtain a large sample size. Further, some information, such as pregnancy or reproductive history can only be obtained from examination of the reproductive tracts of dead animals.





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1335 East-West Highway
Silver Spring, MD 20910
THE DIRECTOR

MAR 19

1991

Dr. Anatolii A. Elizarov
Director
All-Union Scientific Research Institute
of Fisheries and Oceanography (VNIRO)
USSR Ministry of Fisheries
17 V. Krasnosalskaya
Moscow, B-140 107140
USSR

Dear Dr. Elizarov:

Enclosed is Permit No. 734 issued under the provisions of the Marine Mammal Protection Act of 1972. The Permit authorizes the killing of up to 200 Pacific walrus (Odobenus rosmarus) and up to 200 bearded seals (Erignathus barbatus).

It is required that you review and comply with the Permit, the General Conditions attached thereto and the enclosed Act and Regulations prior to engaging in the activities authorized herein. In this regard, the Permit requires, among other things, that a comprehensive report be submitted following the research cruise and a final report summarizing the results of the research be submitted to the Assistant Administrator for Fisheries. Please see Section B.4 for specifics of this report.

You are advised that any future permit applications should, address the problem of accidental take of nursing females and should request authorization to accidentally take nursing females and their pups. The application needs to describe the steps that will be taken to prevent take of nursing females and describe the disposition of nursing pups, should such take occur.

Finally, inasmuch as publication of research results is a key factor considered in judging whether scientific research is bona fide, the final report describing activities conducted under the permit should include, as possible, an indication of when and where the study results have been or will be published. In this regard, it is not self-evident from the information provided in previous reports or in the permit application precisely how the information that has been and is being collected will be analyzed, made available for peer review, and utilized in making

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, Maryland 20910

February 28, 1991

MEMORANDUM FOR: The Record
FROM: F/PR1 - Ruth Johnson *Ruth Johnson*
SUBJECT: USSR Scientific Research Application (P194E)

Call RVMiller FTS 392-4045

Will females with nursing pups be taken, and if so, what will be done with orphaned pups?

Nursing females will not intentionally be taken. Occasionally a female will haul up on ice flows away from their pup or move out into the water. In these cases the researchers may not be able to associate the two (i.e., a mother/calf). However, all kills will be counted within the 200 requested takes. Efforts will be made not to take nursing females. If, for some reason, nursing females are taken, pups will probably be taken also and counted against the authorized number. Walrus sometimes congregate in groups by gender making it easier for Researchers, using small boats, to view herds before taking and can avoid that situation.



U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Permit for Marine Mammals Permit No. 734

All-Union Scientific Research Institute of Marine Fisheries and Oceanography (VNIRO), USSR Ministry of Fisheries, 17 V. Krasnosalskaya, Moscow, B-140 107140, USSR, is hereby authorized to take the marine mammals specified below for scientific research as cited in the Permit Holder's application. The taking is subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Parts 18 and 216), and the Conditions hereinafter set out.

A. Number and Kind of Marine Mammals

1. The following marine mammals of either sex may be taken by killing as described in the application:
 - a. ~~200~~ 200 Pacific walrus (Odobenus rosmarus)
 - b. 200 bearded seals (Erignathus barbatus)

B. Special Condition

1. This research effort shall be conducted by the means, in the areas, and for the purposes set forth in the application.
2. If any nursing females are accidentally taken, the Permit Holder shall make every effort to locate, retain and maintain in captivity or to euthanize any orphaned pups not old enough to survive on their own whose mothers have been intentionally or accidentally killed. All such females and their young shall be considered taken and counted against the number authorized in Section A.1.
3. The Holder shall make every effort to recover animals wounded in the course of the take. All such animals whether recovered or not shall be considered taken and counted against the number authorized in A.1.
4. The Holder shall submit a report within 90 days of the completion of the research cruise. The report should include: when, where, and how many animals were taken; the sex and age or age class, standard measurements, blubber thickness, general condition, reproductive status and stomach contents of each animal. Additionally, the report should include the number of animals shot but lost and the number of females intentionally or accidentally killed that may have had dependent pups. A final report shall be submitted as

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE

1980

AND

U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

Permit to Take Marine Mammals Permit No. 313

The USSR Ministry of Fisheries, All-Union Scientific Institute of Fisheries and Oceanography, Moscow, USSR, is hereby authorized to take the marine mammals specified below for scientific research purposes as cited in the Permit Holder's application subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Parts 18 and 216), and the Conditions hereinafter set out.

A. Number and Kind of Marine Mammals

1. The following marine mammals of either sex may be taken by killing as described in the application:
 - a. 200 Pacific walrus (Odobenus rosmarus)
 - b. 100 ribbon seals (Phoca fasciata)
 - c. 100 large seals (Phoca largha)
 - d. 100 ringed seals (Phoca hispida)
 - e. 100 bearded seals (Eriqnathus barbatus)
 - f. 50 Steller sea lions (Eumetopias jubatus)

B. Special Conditions

1. This research effort shall be conducted by the means, in the areas, and for the purposes set forth in the application.
2. No female walrus with pups shall be taken.

SUPPLEMENTAL INFORMATION PREPARED
FOR THE DOLPHIN PROJECT

The Fund for Animals, 1992

The following examples are cited as alleged non-compliance of APHIS standards pertaining to the public display of marine mammals. Many of the samples do not reflect outright right animal abuse per se, but illustrate USDA/APHIS alleged failure to cite facilities for non-compliance, failure to recognize concerns affecting animal welfare, preventable injury/death of both animals and trainers/handlers, negligent husbandry practices, questionable procedures, and exploitive treatment of captive marine mammals. Considering that cetaceans naturally form strong social bonds, complex groupings, and may encompass home ranges exceeding 60 miles, capable of deep diving and reaching speeds of 18-22 mph (depending on species), there is a growing belief that their confinement in and of itself is abusive.

In 1979, NOAA Fisheries, APHIS, and the U.S. Fish and Wildlife Service entered into a Cooperative Agreement to ensure that standards (of the Animal Welfare Act) were applied uniformly to all marine mammals in captivity. NOAA's Discussion Paper (March 1989, Permit Policies and Procedures for Scientific Research and Public Display Under the Marine Mammal Protection Act and the Endangered Species Act), states that: "NOAA Fisheries relies heavily on periodic APHIS inspections to monitor compliance..." A sampling of such inspection reports indicates irregular and inconsistent inspections, where "compliance" is open to broad interpretation and spot judgments. Veterinarians experienced in marine mammal medicine having no association with the captive industry are nearly non-existent. The Florida Department of Natural Resources (DNR) made unsuccessful attempts in 1990 to locate qualified veterinarians with no affiliations to the public display community to inspect all 18 of Florida's facilities maintaining cetaceans. Charles Futch of Florida's DNR said "We're finding that most of them [veterinarians] have a potential conflict of interest." (Tampa Tribune, August 1990)

The National Marine Fisheries Service (NMFS), as the enforcement authority of the Marine Mammal Protection Act (MMPA) has its own procedures in dealing with violators of the Act. Both NMFS and APHIS have been ineffective in their respective enforcement, their inability to address public concerns, and in communicating with each other. NMFS has

demonstrated itself overly permissive in authorizing permit requests (99.4% are authorized for public display), and by its continued reliance on APHIS to enforce standards of the Animal Welfare Act. APHIS has repeatedly illustrated its inadequacy to inspect facilities, and detect violations of non-compliance. APHIS and NMFS have both shown that leniency is the rule, not the exception, for the enforcement of administrative procedures.

The following examples represent alleged non-compliance of APHIS standards and public concerns which remain unaddressed with respect to captive marine mammals:

§2.5 Duration of license and termination of license

(a) A license issued under this part shall be valid and effective unless: (2) The license is voluntarily terminated upon request of the licensee, in writing, to the APHIS, REAC Sector Supervisor.

Class "B" Dealer license 58-NP issued to Dr. Jay Sweeney, DBA Dolphin Services International, 4467 Saratoga Avenue, San Diego, CA 92107 was voluntarily surrendered to USDA/APHIS, Gainesville, Florida on 4/9/89.

Note: Supplementary information provided in the Federal Register 8/31/89 (Animal Welfare Act; Final Rules) defines that Class "B" license means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§1.1), and whose business includes the purchase and/or resale of any animal. This term includes brokers, and operators of an auction sale, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce. Such individuals do not usually take actual physical possession or control of the animals, and do not usually hold animals in any facilities. A Class "B" license may also exhibit animals as a minor part of the business.

Sweeney participated in the following known activities subsequent to the surrender of his license on 4/9/88 as documented in MMIR's: two tursiops captured for the National Aquarium in Baltimore 11/26/89 and 11/28/89 at Tampa Bay, Florida; two tursiops captured for Miami Seaquarium 4/15/89 at Iki Island,, Japan; two Risso's dolphins captured for Miami Seaquarium 4/15/89 at Taiji, Japan; and two sea lions transferred to "Dolphin Services" 7/5/90 from Sea World. Sweeney reportedly oversaw the capture and transport of two beluga whales for the Shedd Aquarium 8/1/89 at Manitoba Canada (News Tribune, 8/15/89); and is believed to have captured two Risso's dolphins for the Navy at Taiji, Japan on 4/19/89 due to the proximity of date and capture site.

He is currently licensed with USDA as an exhibitor (#86C029) DBA Dolphin Quest, Inc., 2059 East Quartz, AZ 85203, operating a swim-with facility at the Hyatt Regency, Waikoloa, Hawaii.

Evidence indicates that APHIS inspections are not uniformly enforced. Generally, facilities cited for non-compliance are given a specified period of time to correct deficiencies; frequently, repeated extensions are given for such corrections. Additionally, citing of repeated non-compliance, suspension and revocation of licenses are not subject to criminal penalties. Administrative prosecutions allow violators to agree to sanctions without admitting or denying guilt, and fines, when imposed, are often suspended.

§2.9 Officers, agents and employees of licensees whose licenses have been suspended or revoked ... Any person who has been or is an officer, agent, or employer of a licensee whose license has been suspended or revoked and who was responsible for or participation in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

§2.10 Licensees whose licenses have been suspended or revoked or terminated automatically.

(a) Any person whose license has been suspended for any reason shall not be licensed in his or her own name or in any other manner within the period during which the suspension is in effect.

... The following examples indicate leniency by APHIS following "investigations" of facilities repeatedly found in non-compliance of standards:

Sealand of Cape Cod, located in Brewster, Connecticut, had its license revoked in 1984 for violations of the Animal Welfare Act citing inadequate pool sizes and water-quality systems, and the deaths of two dolphins from ingesting foreign objects. The license was revoked again on 7/24/87, citing inadequate pool sizes and water-quality systems and the facility was temporarily closed until 2/26/87 when the license was reinstated. The aquarium closed again briefly in January 1992 for financial reasons. The facility remains open today DBA Aqua Circus of Cape Cod, maintaining a single Atlantic bottlenose dolphin. (The Marine Mammal Commission considers maintenance of a single dolphin in captivity unacceptable.)

A joint agency inspection (including APHIS) took place 2/22/88 at Clearwater Marine Science Center located in Clearwater, Florida, as result of numerous public complaints. The facility held a single Atlantic bottlenose dolphin ("Sunset

Sam") received as a beached/stranded animal in 1984. (The MMPA requires that all beached/stranded animals be released if determined feasible.) The inspection report indicated inadequacies in water quality, pool size, filtration, lighting, air circulation, and questionable record-keeping of required coliform counts. Clearwater had not been inspected in more than 3½ years. The facility was upgraded and a permit (#661) was authorized 2/8/89 to obtain a second dolphin from "captive stock." A second dolphin was finally acquired 3/4/90 from Gulf World, which had captured the animal from the wild 8/10/89. (Tampa Tribune, 3/6/90 and NMFS permit authorization)

Cleveland Metroparks Zoo in Ohio agreed to pay a \$2,000 civil penalty and comply with all standards of the Animal Welfare Act, particularly those that cover proper care for live animals in transit and those requiring necropsy reports for any marine mammal that dies in captivity. The zoo agreed to these sanctions without admitting or denying USDA charges that it violated transportation standards of the Act. Specifically, USDA charged that the zoo transported three sea lions from Cleveland, Ohio to Memphis, Tennessee, in poorly ventilated vehicles and failed to provide the animals with adequate veterinary care while they were in transit. The animals were found dead on arrival 4/24/89. The monetary penalty was suspended as long as the zoo refrains from any future violations and uses appropriate temperature-control mechanisms in every vehicle it uses to transport marine mammals. (USDA News, 1/4/91)

Ocean World, located in Fort Lauderdale, Florida, closed on 6/6/92 and was ordered to pay \$20,000 in fines for alleged USDA violations including charges of handling marine mammals in a way that caused trauma, behavioral stress, physical harm, and unnecessary discomfort. The park reopened after two weeks without admitting or denying USDA charges.

Another case in point is that of the facility Gulfarium, located in Ft. Walton Beach, Florida. Gulfarium applied for permits to obtain two Atlantic bottlenose dolphins in 1987. Their records had shown deaths of 3 sea lions due to guard dog attacks, that 3 CA sea lions had died from heat exhaustion and the death of an Atlantic bottlenose dolphin which struck and broke a one-inch observation window, sucking out the animal which died later from a severe abdominal gash. Another dolphin had also died. APHIS senior staff veterinarian R.L. Crawford noted prior deficiencies and deaths, yet wrote: We find no abnormal or excessive death losses which appear to be due to mismanagement or improper care of the animals, and therefore recommend that [Gulfarium's] permit request be granted." (St. Petersburg Times, 4/15/90)

§3.101 Facilities, general

(a) Construction requirements. (1) Indoor and outdoor housing facilities for marine mammals shall be constructed sound and shall be maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of unwanted animals.

Since additional details are lacking, the following deaths as listed in MMIR's and (other sources) indicate questionable non-compliance to this section:

Epcot Center: Atlantic bottlenose dolphin ("Geno") died 12/29/85 after becoming trapped in a pool net and suffocated. (Orlando Sentinel, 8/22/90); Gulfarium: a guard dog attacked and killed CA sea lion ("Mate") 9/30/82. CA Sea lion ("Sushi") killed by guard dog 1/11/84. A third CA sea lion ("Jose") killed by guard dog 12/14/85 (MMIR).

Indianapolis Zoo: Atlantic bottlenose dolphin ("Ran") died 12/30/88 - "drowned, jaw caught in net" (MMIR). Marine Animal Productions: CA sea lion ("Poco") died 5/21/81 - "found lodged in intake pipe" (MMIR). Additional examples were found prior to 1979 including "shark attack".

§3.101 Facilities, general (continued)

(2) All marine mammals shall be provided with protection from abuse and harassment by the viewing public by the use of a sufficient number of employees or attendants to supervise the viewing public, by physical barriers, such as fences, walls, glass partitions, or distance, or both.

Petting pools.

§3.101 Facilities, general (continued)

(4)(c) Drainage. Adequate drainage shall be provided for all primary enclosure pools and shall be located so that all of the water contained in such pools may be rapidly eliminated when necessary for cleaning the pools or for other purposes. Drainage effluent from primary enclosure pools shall be disposed of in a manner that complies with all applicable Federal, State and local pollution control laws.

§3.101 Facilities, general (continued)

(e) Waste disposal. Provisions shall be made for the removal and disposal of animal and food wastes, dead animals, trash and debris. Disposal facilities shall be

provided and operated in a manner which will minimize vermin infestation, odors and disease hazards. All waste disposal procedures must comply with all applicable Federal, State, and local laws pertaining to pollution control, protection of the environment, and public health.

Regional Water Quality Control issued a clean up order to Sea World, San Diego 10/3/88 for its "chronic lack of compliance" by discharging wastes into Mission Bay. The report cited Sea World for excessive coliform and chlorine levels in waste water, exceeding limits on 26 occasions, sometimes as much as 700%. (Los Angeles Times, 10/4/88)

§3.103 Facilities, outdoors

(b) Shelter. Natural or artificial shelter which is appropriate to the species concerned, when the local climatic conditions are taken into consideration, shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight.

Since additional details are lacking, the following deaths as listed in MMIR's and other sources indicate questionable non-compliance of this section:

Atlanta Zoo: CA sea lion ("Big Mac") died 7/11/90 - "heat stroke, hemorrhage" (MMIR). Dinnes Memorial Veterinary Hospital: CA sea lion ("Flipper") died 7/25/86 - "heat stroke" (MMIR). Gulfarium: CA sea lion ("Snoopy") died 5/13/88 - "heat exhaustion" (had fallen into a moat where Gulfarium personnel watched him breathe harder and harder through his mouth for four hours until he died. (St. Petersburg Times, 4/15/90); two CA sea lions ("Micah" and "Tara") died 6/13/89 and 6/13/89 "hyperthermia." Smithsonian Institute, Nat'l Zoo: CA sea lion died 8/2/80 - "heat stress" (MMIR). Additional examples were found prior to 1979.

§3.105 Feeding

(a) The food for marine mammals shall be wholesome, palatable, and free from contamination, and shall be of sufficient quantity and nutritive value to maintain all of the marine mammals in good health.

Since additional details are lacking, the following deaths as listed in the MMIR's indicate questionable non-compliance of this section:

Naval Comm. Control & OC Surveillance Center: Atlantic bottlenose dolphin died 3/25/86 - "possible toxic fish" (MMIR). Sea Life Park: bottlenose dolphin died 10/28/82

- "enterotoxemia & food poisoning (MMIR). Other examples were found prior to 1979 including "probably botulism" and "bad fish".

§3.105 Feeding (continued)

(c) Food, when given to each marine mammal individually, shall be given by an employee or attendant responsible to management who has the necessary knowledge to assure that each marine mammal receives an adequate quantity of food to maintain it in good health. Such employee or attendant is required to have the ability to recognize deviations from a normal state of good health in each marine mammal so that the food intake can be adjusted accordingly. Public feeding shall only be permitted if it is done in the presence of and under the supervision of a uniformed employee or attendant. Such employee or attendant must assure that the marine mammals are receiving the proper amount and type of food.

"Petting Pools" and public feeding of marine mammals contained within their confines is a high-profile example of exploitation of such marine mammals. Public feedings make it impossible to monitor each animal's food consumption. Crowd fluctuations cannot assure that the animal's safety is continuously monitored by an adequate number of attendants, easily distracted by visitors' questions, and cautiously watching for the accidental or intentional dropping of foreign objects into the pool. Petting pools encourage contact of a destructive nature, contrary to most zoological exhibits. The animals are being fed at no charge to the facility, which actually profits by the sale of dead fish. Although AWA standards address shelter appropriate to the species concerned, few "petting pools" offer shade for the animals. USDA veterinarian Homer Malaby concluded that intense sunlight reflecting the pool's bright bottom could create problems for the animals. Furthermore, there is increasing evidence of disease transmission from such animals to man, posing a public health aspect with this kind of marine mammal interaction. All mammals are susceptible to a variety of infectious organisms which may enter through breaks in the skin, via the respiratory route or via the oral route. (Handbook of Marine Mammal Medicine) Facilities which offer petting pools and public feedings must be discontinued for both the safety of the animals and the public as well.

§3.106 Water quality

(a) General. The primary enclosure shall not contain water which would be detrimental to the health of the marine mammal contained within.

Since additional details are lacking, the following deaths as listed in the MMIR's indicate questionable non-compliance of this section:

Dinnes Memorial Veterinary Hospital: 3 Atlantic bottlenose dolphins ("Cupcake", "Shasta" & "Stormy") died 2/1/85, 2/2/85, 2/3/85 - "chlorine toxicity". Marine Animal Productions: two CA sea lions ("Jinx" & "Rockey") died 10/23/88 and 10/23/88 - "acute selenium toxicity" (MMIR). Micke Grove Zoo: CA sea lion died 4/28/83 - "dermatitis" (MMIR). Riverbanks Zoological Park: harbor seal ("Dennis") died 6/11/91 - "chronic dermatitis" (MMIR). Sea World: two CA sea lions died 11/27/82 & 10/24/90 - "chronic dermatitis" and "chronic ulcerative dermatitis" (MMIR); ringed seal died 4/3/90 - "septic shock, ulcerative dermatitis" (MMIR). St. Paul's Como Zoo: harbor seal ("Rosie") died 5/22/84 - "chronic fungal dermatitis" (MMIR).

§3.107 Sanitation

(2) Particular animal and food waste, trash, or debris that enters the primary enclosure shall be removed as often as necessary to maintain the required water quality and to prevent health hazards to the marine mammals contained within.

One of the most seemingly negligent occurrences in marine mammals deaths may be the ingestion of foreign objects. Since additional details are lacking, the following deaths listed in the MMIR's (and from other sources) indicate questionable non-compliance of this section:

Atlanta Zoo: CA sea lion ("Cecil") died 2/9/82 - "gastric obstruction; vomiting and drowning" (MMIR). Children's Fairyland USA: CA sea lion ("Nikki") died 5/30/80 - "stomach blockage" (MMIR). Detroit Zoological Park: CA sea lion died 8/7/85 - "ingestion of foreign object" (MMIR). Dinnes Memorial Veterinary Hospital: Atlantic bottlenose dolphin ("Slick") died 3/23/84 - "palm frond toxicity" (15 coins, a number of rocks, screws and plastic fittings found in stomach (Orlando Sentinel, 6/10/90)); Atlantic bottlenose dolphin ("Neelo") died 5/1/86 - "acute toxemia, due to oleander poisoning" (MMIR); Atlantic bottlenose dolphin ("Chubb") died 9/10/87 - "intestinal obstruction" (MMIR); Atlantic bottlenose dolphin ("Sushi") died 8/7/88 - "zinc poisoning" (31 deteriorated pennies, 7 nickles, 3 dimes and 2 quarters found in stomach (Orlando Sentinel, 6/10/90). Dolphin Research Center: Atlantic bottlenose dolphin ("Tai") died 8/7/85 - "Gastric impaction" (MMIR). Ft. Worth Zoological Park: CA sea lion ("Frothy") died 12/7/88 - "ingested a foreign object" (MMIR). Henry Villas Park Zoo: harbor seal pup died 9/17/87 - "foreign body ingestion" (MMIR). Hogle Zoological Garden:

harbor seal died 9/16/80 - "gastric obstruction" (MMIR). Lincoln Park Zoological Gardens: harbor seal died 6/12/81 - "foreign body impaction" (MMIR). Naval Comm. Control & OC Surveillance Center: Atlantic bottlenose dolphin died 1/23/80 - "gastric impaction" (MMIR). Sealand of Cape Cod: 2 Atlantic bottlenose dolphins reportedly died in 1980 from swallowing foreign objects, including a plastic football, staples, and nails; grey seal ("Dennis") reportedly died in 1987 from swallowing unknown substance (Cape Cod Times, 4/15/88). Sea Life Park: CA sea lion ("Zap") died 10/17/90 - "blockage of small intestine" (MMIR). Sea World: Atlantic bottlenose dolphin died 6/24/88 - "amelanosis, possible zinc intoxication" (MMIR); harbor seal died 8/21/88 - "zinc toxicity" (MMIR); walrus died 7/26/88 during surgical procedure to remove foreign body - ingestion of a styrofoam show prop (necropsy report); walrus died 12/20/88 from cardiac arrest while under sedation for x-ray procedure to verify ingestion of palm fronds (necropsy report); orca ("Kanduke") died 9/20/90, necropsy revealed a 55x20x13 cm deflated fishing buoy, a 2x8 cm piece of wood, and a dozen small stones found in stomach. Seneca Park Zoo: CA sea lion died 9/25/80 - "foreign bodies" (MMIR). St. Louis Zoo: baikal seal ("Big") died 1/28/80 - "copper toxicity, kidney failure" (MMIR), Zoological Society of Cincinnati; harbor seal died 9/5/82 - "possible copper poisoning" (MMIR). Additional examples were found prior to 1979.

§3.107 Sanitation (continued)

(d) Pest control. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests should be established and maintained ...

According to Jim Antrim, general curator, Sea World, San Diego, the park had practiced its own "in-house pest control" by routinely shooting unwanted waterfowl for 14 years. The shooting was justified necessary to prevent the unwanted birds from breeding with the park's waterfowl. A former employee claimed that "hundreds were shot" during her employment from 1985 to 1987. Although the shootings were highly publicized, APHIS did not investigate the incident when made public. Such a drastic measure is an inappropriate and unacceptable means of so-called pest control, and the legality of discharging firearms within city limits is questioned as well (San Diego Tribune, 10/12/88; Los Angeles Times, 10/13/88).

§3.108 Separation

Marine mammals which are not compatible shall not be housed in the same enclosure. Marine mammals shall not be housed near animals that would cause them stress or discomfort, or interfere with their good health.

(Note: Supplementary information in the Federal Register 8/31/89 (Animal Welfare Act; Final Rules) comments on social grouping: We believe that this term is commonly understood to refer to animals that coexist peaceably and with a sense of well-being, without exhibiting aggressive or hostile behavior towards other animals. Certain species behave hostilely towards others, or exhibit aggressive behavior which would be detrimental to the other animals. Within species, some animals may exhibit this type of behavior which would be a source of harmful stress to fellow members of the same species. These animals would not be considered compatible.)

Although there are several examples of obvious incompatibility which were highly publicized, it should also be noted that dominance hierarchies may be the typical social system for captives. Within tursiops, adult males are dominant over all other tankmates. Adult males captured from the same groups have been maintained together with little aggression; yet when captive groupings contain adult males from different capture localities, such animals have been known to fight viciously during breeding season with reports of violence against calves. Therefore, most oceanaria now maintain a single adult male per tank. (Shane et al., 1986) In the case of orcas, females are the dominant species.

Sea World's orca "Kandu" died 8/21/89 after a fatal collision with another animal ("Corky"). Sea World characterized the death as a freak accident resulting from normal behavior between females seeking dominance within the social grouping. While other individuals (all of which had associations with the captive industry) supported Sea World's assessment of the death, none of the researchers who study wild populations agreed with the conclusion. While dominance displays may occur in wild populations, orcas generally solve problems cooperatively. Animals so intimidated are afforded the opportunity to escape; animals in captivity cannot. But even more alarming is that Kandu had a history of aggression - toward both trainers and other animals, and Corky in particular. Sea World officials admitted that Kandu had made repeated attempts to exert dominance over Corky - ever since Corky's arrival three years earlier.

Disney's Epcot Center's Living Seas Pavilion originally maintained 6 Atlantic bottlenose dolphins - four males - and two females captured in 1985. By August of 1990 only two were alive, and both males. The dominant male "Bob" contributed to one of the deaths by roughhousing the already ailing female ("Katie"), who died 8/21/90. Disney officials believed Bob had contributed to two other deaths within three days of each other. "Christie" died 10/3/87 of a brain hemorrhage, and "Tyke" died 10/6/87 after his vertebrae were fractured from colliding with the pool wall. Disney officials suspected Bob's aggression provoked the animals because

dolphins almost never run into objects in their tanks due to their abilities of sonar and echolocation (Orlando Sentinel, 8/22/90).

The beluga whale "Anore" died tragically at the National Aquarium in Baltimore 12/23/91 after being struck by an Atlantic bottlenose dolphin. The animal suffered fractures of the ribs and sternum, which lacerated a coronary artery. It should be noted that belugas are naturally found in cold northern waters, whereas dolphins are found in temperate and tropical waters (Baltimore Sun, 12/25/91) and necropsy report).

Since additional details are lacking, the following deaths listed in the MMIR's (and other sources) indicate questionable non-compliance of this section:

Cleveland Metroparks Zoo: harbor seal died 2/1/88 - "trauma, internal hemorrhage" (MMIR). Dinnes Memorial Veterinary Hospital: Atlantic bottlenose dolphin ("Gypsy") died 10/30/84 - "stingray spine penetration of the liver" (MMIR); harbor seal ("Mickey") died 5/17/84 - "fractured neck" (MMIR). Gulfarium: Atlantic bottlenose dolphin ("Sheba") died 12/12/85 - "brain hemorrhage" (MMIR). Henry Vilas Park Zoo: harbor seal died 1/16/85 - hemorrhage (MMIR); harbor seal died 5/9/86 - "traumatic hemorrhage" (MMIR). Memphis Zoo: CA sea lion died 9/15/86 - "spinal trauma, pneumonia" (MMIR). Naval Comm. Control & Surveillance Center: Atlantic bottlenose dolphin died 7/18/79 - "pneumonia after trauma by male dolphin" (MMIR). Ocean World: five-day old Atlantic bottlenose dolphin ("Bobi") died 8/26/83 - "acute hypovolemic shock, torn liver" (MMIR). Pt. Defiance Zoo & Aquarium: day-old harbor seal died 6/19/87 - "crushed diaphragm & ruptured liver" (MMIR). Riverbanks Zoo: South American sea lion ("Easter") died 3/27/90 - "bite wound" (MMIR); CA sea lion died 2/12/81 - "attacked by male So. sea lion" (MMIR). San Diego Zoological Garden: harbor seal died 8/15/78 - "trauma" (MMIR). Sea World - orca ("Kahana") died 5/14/91 - "severe trauma, intestinal ganglioneuroma," fracturing her skull from colliding with the pool wall in a panicked response (MMIR & necropsy report); Pacific white-sided dolphin died 3/20/86 - "traumatic cerebral hemorrhage" (MMIR); Northern right whale dolphin died 2/9/82 - "cerebral hemorrhage" (MMIR). St. Louis Zoo: baikal seal ("Shy") died 9/13/82 - "bleeding disorder of unknown cause, open" (MMIR). Tulsa Zoological Park: CA sea lion ("Sandy") died 5/14/90 - "self-inflicted trauma" (MMIR). Additional examples were found prior to 1979 including "killed by another animal", "related to jaw fracture", "trauma", and "jumped out".

Marine Mammal Inventory Reports indicate prolific reproduction of captive pinnipeds, many of which are transferred to foreign facilities. While facilities are not required to report miscarriages, stillbirths, or infant

mortalities, it should be noted that a significantly high incidence of captive born pinnipeds of questionable deaths was revealed. Such deaths suggest incompatible social groupings and inadequate observation by staff. The deaths include numerous instances of trauma, head injury, hemorrhage, drownings, and asphyxiation. Since these animals are readily available as unreleasable, beached/stranded animals, it is recommended that all such animals be sterilized, deemphasizing captive breeding where reproduction rates create surplus animals.

§3.109 Separation (continued)

... Captive marine mammals must be given access to other animals except when they are temporarily maintained in isolation for such purposes as medical treatment or training and given special attention.

The following facilities maintain single species of marine mammals: Aqua Circus of Cape Cod: one Atlantic bottlenose dolphin; Pittsburg Zoo: one butu, Amazon porpoise; Sea Life Park: one Hawaiian monk seal; Seaside Aquarium: one spotted seal; Sugarloaf Lodge: one pre-act Atlantic bottlenose dolphin.

§3.110 Veterinary Care

(d) Newly acquired marine mammals shall be isolated from resident marine mammals until such newly acquired marine mammals can be reasonably determined to be in good health. Any communicable disease condition in a newly acquired marine mammal must be remedied before it is placed with other resident marine mammals.

No facility, however large, can possibly be spacious enough to maintain a considerable number of additional animals at one time, without violating standards of the Animal Welfare Act. When Sea World purchased the Marineland animals, they acquired 2 orcas, 1 pilot whale, 16 bottlenose dolphins, 1 common dolphin, 19 harbor seals, 32 CA sea lions, and 7 walruses.

One healthy seven-year old bottlenose dolphin ("Sundance") died within 24 hours of transport from Marineland to Sea World 2/19/87 - "cerebral hemorrhage, trauma" - after being struck by another male dolphin. This was a captive-born Pacific/Atlantic hybrid, known to be a subordinate and sensitive animal. Marineland trainers had specifically warned Sea World not to place this particular animal with other males. Two harbor seals died within 24 hours of transport from Marineland to Sea World 2/19/87 due to "chronic pneumonia".

The necropsy reports for both animals notes that "labored breathing" was observed during transport. Convoy departing approximately 12:30 a.m. pinniped transport cages were not covered. These, and other concerns regarding the holding of walrus were brought to the attention of APHIS inspector Frank Enders by the Fund for Animals with extensive documentation. APHIS did not cite Sea World for non-compliance. Additionally, three Atlantic bottlenose dolphins ("Echo", "Billy" & "White-Pec") died within 3 months of acquisition; two CA sea lions died within two months of acquisition.

§3.110 Veterinary care (continued)

(e) Any primary enclosure containing a marine mammal with an infectious or contagious disease shall be cleaned and sanitized in a manner prescribed by the attending veterinarian. Any marine mammal exposed to a diseased animal shall be isolated for an appropriate period of time as determined by the attending veterinarian.

Note: Supplementary in the Federal Register 8/31/89 (Animal Welfare Act: Final Rules) comments isolation in regard to marine mammals means the physical separation of animals to prevent contact and a separate, noncommon, water circulation and filtration system for the isolated animals.

Numerous smaller facilities and other larger facilities do not have separate holding or medical tanks with separate, noncommon, water circulation and filtration systems. It is recommended that such facilities be identified. Marine Mammal Inventory Reports indicate numerous deaths due to infectious diseases. It is unknown how many animals were exposed to diseased animals.

§3.111 Handling

(a) Handling marine mammals shall be done as expeditiously and carefully as possible in a manner that does not cause unnecessary discomfort, overheating, behavioral stress, or physical harm. Care should also be exercised to avoid harm to the handlers of such marine mammals.

Note: Supplementary information in the Federal Register 8/31/89 (Animal Welfare Act: Final Rules) definitions: handling means petting, feeding, watering, cleaning, manipulating, loading, crating, shifting, transferring, immobilizing, restraining, treating, training, working or moving, or any similar event with respect to any animal.

Because stress directly affects metabolic processes, including immune functions, examples of possible stress-included deaths are just listed here. Stressors may include inadequate nutrition, overcrowding, housing with over-aggressive pen mates, poorly designed enclosures, noise, excessive light, transportation, and housing conditions. (Handbook of Marine Mammal Medicine). Since additional details are lacking, the following incidents listed in the MMIR's (and other sources) indicate questionable non-compliance of this section:

Cleveland Metroparks Zoo: harbor seal died 6/14/85 - "ulcerated stomach stress" (MMIR). Dinnes Memorial Veterinary Hospital: harbor seal ("Misty") died 10/26/82 - "primary ulcerative enteritis" (MMIR). Henry Vilas Park Zoo: CA sea lion died 1/8/80 - "gastric ulcers" (MMIR). Kahala Hilton: Atlantic bottlenose dolphin ("APA") died 9/11/84 - "drowning" (MMIR). Kansas City Zoo: CA sea lion died 2/17/79 - "asphyxiation" (MMIR). Marine Animal Productions: Atlantic bottlenose dolphin ("Cleopatra") died 10/25/86 - "ulcerative gastritis" (MMIR); CA sea lion ("Jane") died 10/15/81 - enterotoxic shock"; Atlantic bottlenose dolphin ("Layla") died 10/3/84 - "ulcerative hemorrhagic ulcers" (MMIR). Marineland, Inc.: Atlantic bottlenose dolphin ("Eva") died 11/11/80 - "chronic ulcerative gastro-enteritis" (MMIR); CA sea lion ("Spike") died 12/4/84 - "gastric ulcers" (MMIR). Mystic Marinelife Aquarium: beluga whale ("Nanuk") died 11/22/84 - "gastroenteritis" (MMIR). Miami Seaquarium: 4 CA sea lions died 5/6/79, 5/17/79 and 5/27/79 - "non-lactation of performing mother" (MMIR). Micke Grove Zoo: CA sea lion died 8/11/82 - "gastric ulceration" (MMIR). Mystic Marinelife Aquarium: Northern fur seal ("Sasha") died 1/14/80 - "drowning" (MMIR); CA sea lion ("Betsy Rat") died 10/14/83 - "drowning" (MMIR). Naval Comm. Control & OC Surveillance Center: beluga whale died 11/7/82 - "drowned" (MMIR). Atlantic bottlenose dolphin died 4/9/84 - "pneumonia & gastric ulcerations" (MMIR); CA sea lion died 5/22/79 - "drowned" (MMIR); CA sea lion died 11/4/81 - "drowned" (MMIR); CA sea lion died 6/22/85 - "stress, shock, gastric ulcer" (MMIR). Pt. Defiance Zoo & Aquarium: Atlantic bottlenose dolphin ("Cat") died 2/10/83 - "post pyloric ulcer" (MMIR); Pacific white-sided dolphin ("Sounder") died 2/28/86 - "ulcers" (MMIR). San Diego Zoological Garden: CA sea lion ("Tiny") died 1/14/81 - "shock" (MMIR); CA sea lion ("Buddy") died 4/17/87 - "behavioral/environmental" (MMIR). Sea Life Park: rough-toothed dolphin ("Meaolamakani") died 8/30/84 - "drowning" (MMIR). Sea World: Northern sea lion died 11/9/89 - "hemorrhagic gastroenteritis" (MMIR); CA sea lion died 12/9/89 - "hemorrhagic gastroenteritis" (MMIR). Zoological Society of Cincinnati: CA sea lion died 2/25/80 - "stomach intestinal tract ulceration" (MMIR). Additional examples were found prior to 1979.

Other alarming examples of seemingly negligent deaths include: **Depot Bay Aquarium:** 11 harbor seals died between 2/1/81 and 4/22/81 attributed to "unknown; during construction" (MMIR); 2 harbor seals died 6/4/82 - attributed to "poisoned by burglar" (MMIR).

Although more than 14 trainer injuries of various severity occurred at Sea World, San Diego during 1987 and were highly publicized, APHIS did not investigate the incidents. It is significant that of the three trainers who filed lawsuits (Jonathan Smith, injured 3/4/87; Joanne Webber, injured 6/15/87; and John Sillick, injured 11/21/87), all three were settled out of court in a confidentiality agreement, thereby concealing all evidence of possible mismanagement, safety procedures (or lack of), relevant husbandry practices, and level of risk in working with killer whales. Due to the high potential of risk to trainers/handlers and subsequent death of Canadian trainer Keltie Byrne on 2/20/91, it is hereby recommended to subpoena all court documents pertaining to the Smith, Webber and Sillick lawsuits to determine the cause and prevention of future incidents.

§3.116 Care in Transit

(b) An employee or attendant of the shipper or receiver of the cetaceans or sirenians being transported, in commerce, shall provide for such cetaceans and sirenians during period of transport by (1) keeping the skin moist or preventing the drying of the skin by such methods as intermittent spraying with water or application of a nontoxic emollient, such as lanolin ...

New York Zoological Society: Atlantic bottlenose dolphin ("Sasha") died 2/18/83 - "dermatitis, subacute (in transit)" (MMIR).

§3.116 Care in transit (continued)

(b)(2) assuring that the pectoral flippers shall be allowed freedom of movement at all times; (3) making adjustments in the position of such marine mammals when necessary to prevent necrosis of the skin at weight pressure points.

Dolphin Research Center: Atlantic bottlenose dolphin ("Arrow") died 7/16/88, three weeks after a 19-hour trip from California. She was old and overweight. The stretcher she was shipped on left her with pressure sores that never healed. (Orlando Sentinel, 6/10/90)

§3.117 Terminal facilities

(a)(1) Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the marine mammals from the direct rays of the sun and such marine mammals shall not be subjected to surrounding air temperatures which exceed 29.5° C. (45° F), and which shall be measured and read in the manner prescribed in §3.117 of this part for a period of more than 45 minutes unless such animals are accompanied by a certificate of acclimation to lower temperatures as prescribed in §3.112(c).

Since additional details are lacking, the following deaths listed in the MMIR's indicate questionable non-compliance of this section:

Cleveland Metroparks Zoo: 4 CA sea lions died 4/24/89 - "died in transit to Memphis (MMIR). Hogle Zoological Garden: harbor seal died 9/16/80 - "shock, to Denver Zoo 7/76 and return 9/80" (MMIR). Kansas City Zoological Gardens: CA sea lion ("Nick") died 9/10/87 - "stress transportation related" (MMIR); CA sea lion ("Pee Wee") died 9/10/87 - "stress, transportation related" (MMIR). Marine Animal Productions, Inc.: CA sea lion died 5/8/77 - "heat stroke (in transit)" (MMIR); Milwaukee County Zoo: harbor seal died 6/28/79 - "stress during transport" (MMIR). Mystic Marinelife Aquarium: white-beaked dolphin died 3/28/83 - "shock syndrome; in transit" (MMIR). Naval Comm. Control & OC Surveillance Center: grey seal died 6/12/74 - "overheating in transport" (MMIR). Riverbanks Zoological Society: 3 South American sea lions died 10/12/80 - "arrived dead at Kennedy Airport", shipped from Uruguay (MMIR).

Unfortunately, the U.S. Fish & Wildlife Service (which has jurisdiction over walrus, sea otters, manatees, and polar bears under The Endangered Species Act) does not maintain marine mammal inventory reports on these species. Therefore, less documentation is available regarding their captive management.

WALRUS

Sea World, San Diego held three adult walruses (2 males and 1 female) from 2/27/87 to 3/14/88 contrary to the following USDA/AWA standards:

§3.103 Facilities, Outdoor

(b) Shelter. Natural or artificial shelter which is appropriate for the species concerned, when the local climatic conditions are taken into consideration, shall be provided for all marine mammals kept outdoors to afford them protection from the weather or from direct sunlight.

§3.104 Space Requirements

(d) Pinnipeds. (1) Primary enclosures housing pinnipeds shall contain a pool of water and a dry resting or social activity area that must be close enough to the surfact to allow easy access for entering or leaving the pool.

§3.104 Space Requirements (continued)

(d)(2)(ii) If two or more sexually mature males are maintained together in a primary enclosure, the dry resting or social activity area shall be divided into two or more separate barriers with sufficient visual barriers (such as fences, rocks, or foliage) to provide relief from aggressive animals.

§3.104 Space Requirements (continued)

(d)(3)(i) The minimum surface area of a pool of water for pinnipeds shall be at least equal to the dry resting or social activity area required.

Despite written complaints from The Fund for Animals to USDA Dr. Frank Enders (San Ysidro) and USDA Dr. James Rosswurm (Sacramento) beginning on 12/18/87, Sea World was not cited for non-compliance. The three adult walruses were held under the above conditions beyond public view for more than one year before their transfer to San Antonio on 3/14/88. Two of the animals died within two months of transfer, on 3/29/88 and 5/3/88 (ORD-8728 & ORD-8726).

§3.110 Veterinary Care

(f) Temporary holding facilities with adequately and properly designed pools, tanks, restraining devices or primary enclosures shall be provided for isolation, medication, treatment, and other purposes such as transfer and training of marine mammals. The pools, tanks and primary enclosures may be less than minimum size in both lateral dimensions and depth when prescribed by the professional staff for temporary usage.

USDA would not define what time period constitutes "temporary" pertaining to the conditions in which walruses were held; the pool was half-filled with water during the day and drained at night. There was no dry resting or haul-out area, and no shade to protect these arctic animals from the sun. More than one year is clearly unacceptable to be considered a "temporary" period. The necropsy report for one animal indicated it was active up to one hour before death; the other

indicated "open skin lesions which appeared to be the result of the skin drying and cracking open ... skin over body was dry with cracks which weeped blood." The cause of death for both animals was determined as old age.



Pro Rodeo

Professional Rodeo Cowboys Association
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July 1, 1992

Rep. Charlie Rose, Chairman
Subcommittee on Dept. Operations,
Research & Foreign Agriculture
Room 1301, Longworth House Office Bldg.
Washington, D.C. 20515-6007

Chairman Rose and Members of the Committee:

My name is Myron E. Etienne, Jr., and I am appearing for the Professional Rodeo Cowboys Association.

I am Chairman of the Rodeo Advisory Committee for the PRCA, and have been involved with the use of animals in the sport of rodeo for more than twenty years. It is important to understand that there is a basic philosophical difference between those who advocate a position of animal rights and those who advocate animal welfare. The animal rightist takes the position that animals have rights equal to those possessed by citizens of these United States, and that animals should not be used for entertainment, medical research, or exploited in any way. The animal rightist in the ultimate scenario would have all citizens be vegetarians and not wear leather belts or shoes or use animals for any purpose. The animal welfare advocate takes the position that animals can be used for all purposes as long as such use is done in a humane manner. Animal rightists initiate legislation not so much for the concern for the treatment of animals but as an expression of their wish to impose their view on all citizens of the country. As a result, for years there have been charges of cruelty and abuse to rodeo animals. That was the reason why I became interested in this issue. Are these charges true? The answer to this question is that they are not.

The Professional Rodeo Cowboys Association adopted a set of rules governing the events of the sport of rodeo many years ago. There are two sections of that rulebook which deal with rodeo livestock and the humane treatment of rodeo animals. It is interesting to note that the title of the rule reflects the concern of the Association with treatment of its animals.

Rep. Charlie Rose, Chairman
July 1, 1992
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Basically, the rules require that the animals be strong and healthy; must meet minimum weight requirements; must not be used in any event other than the contest events at the rodeo; cannot be confined or transported in vehicles for a period beyond twenty-four hours without being unloaded, properly fed and watered; must not be given stimulants or hypnotics for contest purposes; chutes must be humanely constructed so as to prevent injury to the stock; no equipment is permitted that will result in injury or pain to the animal; all animals must be inspected for use in the sport and no sore, lame, sick or injured animal or animal with defective eyesight is permitted to be used at any time.

Violation of these rules will result in substantial fines or in disqualification.

Cowboys regard rodeo stock as animal athletes. They are loved and respected.

All PRCA rodeos are open to inspection by humane officers who have free access to all activities, both before and during the event. To my knowledge, there has never been a reported case of a humane officer being denied access to a rodeo sanctioned by the Professional Rodeo Cowboys Association.

For years activist humane organizations, in the furtherance of their philosophical agenda, have leveled charges of cruelty and inhumane treatment at the sport of rodeo. On a personal level, I became concerned over whether or not these charges had any validity at all. In the mid 80s the PRCA Board of Directors authorized the taking of two surveys of rodeo stock. One occurred in 1987 and the other occurred in 1988. A group of large animal veterinarians were convened in order to define how the surveys were to be conducted. The panel of veterinarians defined injury as follows:

"Injury incurred in performing resulting in a significant change that would affect the animal's immediate well being, general health and/or ability to perform."

Rodeos which were to be the subject of the survey were contacted. This effort began in 1985, with the survey actually being conducted in 1987. A copy of the communication to the concerned rodeos is submitted with this statement as Exhibit 1. You will note that at each of the rodeos surveyed it was required that there be an attending veterinarian. The attending veterinarian was to examine the stock on arrival at the rodeo

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grounds for general condition, and was to note any pre-rodeo sickness or injury that occurred in transport.

The attending veterinarian was requested to note if injury was suffered during actual competition, in the holding pens or during incidental handling of the stock on the grounds. The type of injury, severity, treatment and prognosis for the animal's future was to be included. The attending veterinarian was requested to examine and comment on the condition of the stock at the end of the rodeo.

A copy of the survey form is submitted with this statement as Exhibit 2.

The result of these surveys demonstrated that the incidence of injury was virtually negligible. For example, in the 1987 survey, in 771 runs in the steer wrestling event, one animal was injured. The 1988 survey indicated that the injury rate for animals at Professional Rodeo Cowboys Association rodeos was so low as to be statistically negligible. In 6,933 outings, just twelve animals (less than two tenths of one percent) were injured. The injury rate in calf roping was .78% in the 1988 survey, and slightly over 1% in the 1987 survey. In the 1988 survey, twelve injuries occurred in 1,546 calf roping runs. As previously stated, no injuries were noted in the six other PRCA events. Bottom line, the incidence of injury is extremely low.

In other words, while the sport of rodeo has been characterized as a rough sport, the fact is that it is rough on the contestant, not the animal utilized in the sport.

Unless animals are healthy and strong, they will not perform. The same is true of a human athlete. As will probably be noted by others, it would be contrary to the economic interest of the stock contractor to ill treat his animals. A good bucking horse can cost up to \$15,000, while some rodeo bulls sell for as much as \$20,000. It would make no sense at all for a rodeo stock contractor not to protect that investment.

The proof of the pudding is the condition of rodeo stock (which can be observed at any time should any member of this committee desire to attend a PRCA rodeo and visit the holding pens), and their longevity. Horses are still bucking at twenty years of age. The career of a breeding bull on a ranch is generally over at seven or eight years, while a bucking bull is still going at fifteen years of age. The blunt fact is that bucking stock, due to the care that the animals receive, are in

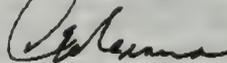
Rep. Charlie Rose, Chairman
July 1, 1992
Page 4

better health and condition than the average saddle horse in the United States.

I am submitted a copy of a booklet entitled "Humane Facts" which deals with the care and treatment of professional rodeo livestock, which reflects some of the statements that I have made in this presentation. We respectfully request that you read it. It is our position that existing laws and regulations are more than adequate to protect rodeo livestock. The condition of the animals is living testimony to that assertion.

Again, thank you for the opportunity to appear at this hearing.

Respectfully,



Myron E. Etienne, Jr.
Chairman
Rodeo Advisory Committee
for the PRCA

MEE:ng

Enclosures

Concerned Rodeos

The Professional Rodeo Cowboys Association has determined to take a survey during the calendar year 1985 for the purpose of developing reliable statistics on the incidence of injury to rodeo stock.

As you know, we have an ongoing dispute with the more radical humane associations concerning those associations' allegations that rodeo is a cruel sport. It is our belief that a reliable survey will demonstrate that the incidence of injury is extremely minor, but in order to make that assertion stick, we need to have the figures.

Consequently, your cooperation in participating in this survey would be very much appreciated. We are picking the following rodeos in the country as suitable for giving the association a reliable sample statistic. They are: Fort Worth, Salinas, Tucson, Houston, Sidney, Iowa, Reno, Cow Palace, National Finals Rodeo, North Platte, Venito, Oklahoma, Prescott and Colorado Springs.

There should be an attending veterinarian in each of these rodeos, and if there is none in any one rodeo, please advise the undersigned immediately so that we can substitute a rodeo for the purpose of this survey.

The attending veterinarian should examine stock on arrival at the rodeo grounds for general condition, and note any pre-rodeo sickness or injury incurred in transport. An entry on the form

is available for that purpose.

The attending veterinarian should fill out the survey if any animal incurred injury during any performance of the rodeo or during any slack. For purposes of this survey, the definition of injury is as follows:

"Injury incurred in performing resulting in a significant change that would affect the animal's immediate well being, general health and/or ability to perform."

The attending veterinarian should note if injury was suffered during actual competition, in holding pens, or during incidental handling of the stock on the grounds. The type of injury, severity, treatment and prognosis for the animal's future should be included.

The attending veterinarian should examine and comment on the condition of the stock at the end of the rodeo.

We would appreciate it if the attending veterinarian would comment on the following:

1. The facilities at each rodeo
 - a) ground conditions (type and depth of soil in the arena);
 - b) type of chutes and holding pens available;
 - c) feeding and watering practices used.
2. Type of stock
 - a) breed, weight and condition of calves coming in to the rodeo;
 - b) whether calves had been roped at previous rodeos or were "fresh".

If new or "fresh" calves:

- (1) origin of the calves and how long contractor has had them (if this information is available);
- (2) what "preconditioning" factors have been applied (this is, vaccination, antibiotics or running through the chutes and/or switching around on the rope);
- (c) Spacing of runs on the animals during the rodeo.

Your assistance would be very much appreciated. If you have any problem, kindly call the undersigned as indicated.

Cordially yours,

Myron E. Etienne, Jr.
P. O. Box 1818
Salinas, California 93902
(408) 424-1414

SURVEY OF RODEO STOCK

Name of Rodeo: _____ Dates: _____

Injury Defined: "Injury incurred in performing resulting in a significant change that would affect the animal's well being, general health and/or ability to perform.

Condition of stock on arrival at rodeo: _____

Description of injury or sickness incurred during rodeo

A) Injury incurred in actual competition: _____

_____B) Injury incurred in holding pens or other facility: _____

_____C) Type of Injury (severity, treatment and prognosis): _____

_____Examination and comments on condition of stock at end of rodeo: _____

FORM P. 66

<u>Number of Animals</u>		<u>Number of Injuries</u>
Calves	Number of runs	
Bulldogging steers	Number of runs	
Team roping steers	Number roped	
Steer roping steers	Number roped	
Bareback horses	Number bucked	
Saddle Broncs	Number bucked	
Bulls	Number bucked	

I hereby certify that the foregoing survey results are true and accurate to the best of my knowledge.

Date: _____

_____ signature

Please comment on the ground conditions and any other matters which you might feel to be appropriate.



2770 Groveport Road, Columbus, Ohio 43207 • 614-497-2181

March 11, 1986

Exhibits A-1

Bruce Lehrke
General Manager
The Long Horn World Championship Rodeo
P. O. Box 8160
Nashville, Tenn. 37207

It is our policy to contact the local, lawfully empowered agency in a community where a rodeo is held and invite them to inspect the animals and facilities.

Dear Mr. Lehrke:

On Friday, March 28, 1986, the Capital Area Humane Society's Staff Veterinarian, Kenneth A. Brush, D.V.M. and Senior Humane Officer, Kerry J. Manion inspected your livestock at the Ohio State Fairgrounds.

Dr. Brush's findings are most positive in reflecting the excellent physical condition of your rodeo's bulls, calves and horses. The housing conditions for your stock was more than acceptable to Dr. Brush and Officer Manion. It was also noted that your Stock Manager, Bill Barnes had provided for veterinary care for your stock should it be needed during the rodeo's stay in Columbus, Ohio.

It is the purpose of our Humane Society to provide direct animal care and inspection services to all special events including animals that perform or visit Franklin County, Columbus, Ohio.

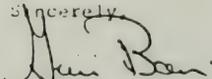
Furthermore, our organization dedicates itself to prevent cruelty and suffering for all animals within our jurisdiction. The Ohio Revised Code Section 959.13 impowers our organization to inspect all animals and intervene on their behalf, should any inproprieties be evident.

In the opinion of our organization, The Long Horn World Championship Rodeo is exceptional in the care and treatment of its livestock. We appreciate the time and openness that you exhibited towards our inspection.

The Capital Area Humane Society maintains the philosophy of opening communication with all businesses and agencies that use animals as part of their operation. We believe a greater understanding and open communication will ultimately benefit the animals through these endeavors.

With best wishes,

Sincerely,


Gerri Bain
Interim Director

cc: Governor Richard F. Celeste

FEB 27 1987

*The Hamilton County**Society for the Prevention of Cruelty to Animals*Harold F. Dates
General Manager3949 Colerain Avenue
Cincinnati, Ohio 45223
(513) 541-6100

February 25, 1987

W. Bruce Lehrke
President and General Manager
Longhorn World Championship Rodeo
P.O. Box 8160
Nashville, TN 37207

Dear Mr. Lehrke:

During your rodeo's visit to Cincinnati, Deputy Charles Yocom was assigned to inspect your animals living conditions and treatment. In his report to me he indicated your floor supervisor, Bill Barnes, to be most helpful and cooperative.

Mr. Yocom found all bucking and flank straps to be padded according to the Ohio Revised Code. He saw no use of twisted wire snaffles, electric or other prods, or similar devices. He found all animals to be healthy and housed in a safe, prudent environment.

He also found wholesome food and water in such quantity to sustain all animals properly.

I wish to thank you for allowing Deputy Yocom easy access to all equipment and animals. He indicated his presence at all performances was respected, as well as desired. His assignment was made a bit easier because of your organization's and the Coliseum's complete cooperation.

Sincerely,

*Harold F. Dates*Harold F. Dates
General Manager

HD/da

HUMANE SOCIETY OF MACOMB

FOR THE PREVENTION OF CRUELTY TO ANIMALS

11350 22-MILE ROAD
UTICA, MICHIGAN 48087

April 13, 1984

Longhorn Rodeo, Inc.
P.O. Box 8160
Nashville, TN 37207

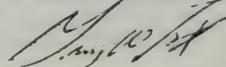
To Whom It May Concern:

As director of the Humane Society of Macomb Animal Shelter and Medical Clinic, I have been inspecting the Longhorn Rodeo performances at the Pontiac Silverdome for the past five years. I inspect all their animals and equipment before they perform and at performance time I am at the chutes along with one of our staff veterinarians, who is also on hand

Our society not only protects small animals, but we have two large barns on our six acres to enable us to confiscate neglected and mistreated farm animals. At the present time we have horses, ponies, goats and sheep in our barns.

All the Longhorn animals have been in excellent physical condition, and their equipment in good repair. Their performances have been without incident.

Humanely Yours,



George W. Fox, Director

dd

"Dedicated to All Aspects of Animal Welfare"

Exhibit A

Congress has never passed legislation against child abuse that intrudes in the lives of people to the extent that animal abuse legislation intrudes.

...Congress also takes a hands-off position with people who own pets. With both children and pets, abuses of the grossest kind occur.

Owner faces charge in dog's death

Autopsy: Starving animal ate dirt trying to survive

By JIM EAST

FRANKLIN — Beo, a 2-year-old Great Dane, died a slow, agonizing death while chained for weeks to a metal pipe in a doghouse without any food or water, an animal control official said yesterday.

"It's tragic," said Judith Ladebauche, Williamson County Animal Control director. "There's no way on this Earth that this should have happened."

Williamson

A veterinarian who performed an autopsy on the dog found dirt in its lower intestines, a sign that Beo resorted to eating the ground around him in a desperate fight to stay alive, Ladebauche said.

Confronted last Thursday by animal control officers, a child psychologist and his former roommate said they did not feed Beo because they were trying to teach responsibility to the woman's 21-year-old son who owned the dog.

A Nov. 4 General Sessions Court hearing has been set for Yuri Shane Fulmer, 21, of 834 Bluff Road, the owner.

Fulmer declined to discuss the charges in court and who lives at the home, were both unavailable for comment.

Ladebauche said charges also may be filed against Turk and Fulmer's mother, whose name was unavailable.

"George Turk, who is the gentleman who lives at the home of and evidently is a friend of Mrs. Fulmer, told me that he was attempting to teach this young man responsibility so therefore he did not feed the dog," Ladebauche said.

"When he (Fulmer) appears in court, if he says this was a family pet, then we can turn around and charge the other adults in the

home."

The case began last week when animal control officers received a telephone report.

"When we got out there we were amazed at what we found because this dog had literally been starved," Ladebauche said. "A great Dane can easily weigh 110 pounds to 130 pounds. This was a full-grown dog and probably weighed in the vicinity of 40 pounds. It was pretty much skeletal."

Animal control officers immediately took the animal to a veterinarian, but it was too late.

"He lived about three to four hours, but he couldn't be stabilized. His body was too far gone," Ladebauche said. ■

June 29, 1992 The Tennessean

Daughter 'in fact a victim,' mother writes

Starving baby tied to her own abuse

KIRK LOGGINS
Staff Writer

Claudette Bordis' mother says in an open letter that she believes Bordis, convicted June 4 of starving her infant son to death, "is in fact a victim."

Bordis' mother, Elizabeth Pittman of Glen Ellyn, Ill., said she believes her daughter was a victim of both abuse by her husband, Michael Arthur Bordis, and of "society's unwillingness to educate themselves" on the seriousness of the "battered-woman syndrome."

Pittman, who is raising her daughter's 4-year-old son by another man, said most people "cannot even begin to comprehend the grasp that the abuser has on you... unless you've been there."

Pittman testified during Claudette Bordis' trial in Davidson County Criminal Court that her own ex-husband physically and verbally abused her and her daughter.

"A battered woman in today's society is still regarded as an alien from another world," Pittman said in a letter addressed "to the people of Nashville."



BORDIS

LETTER

Full contents, on SB.

Dr. Irene Ratner, a psychologist who evaluated Claudette Bordis at the request of the public defender's office, testified on June 3 that Bordis' subservience to her husband "is no different than what she did her whole childhood," referring to Bordis' testimony about her demanding, sometimes violent father.

"That's the way she related to men," Ratner testified.

Claudette Bordis, 23, testified that Michael Bordis, 33, isolated her from her family when the couple moved from the Chicago suburbs to Joliet, Ill., in 1990 and then to Nashville in 1991.

Michael Bordis is scheduled to go to trial for murder in October.

Claudette Bordis testified June 3 that she did not know why she let her second son, who weighed 9 pounds, 7 ounces when he was born in Illinois on Jan. 10, 1991, starve to death 13 weeks later.

A jury found Bordis guilty of first-degree murder, and she was sentenced to life in prison. She will have to serve about 18 years before being eligible for parole. ■

Exhibit B

The cost of federal programs should be looked at as a deterrent to escalating animal welfare/abuse programs. There is not enough money to adequately run federal programs that presently exist, and in the case of The Wild Free-Roaming Horse and Burro Act of 1971, the results have been disastrous.

Since passage, the herds have grown by 20% a year from an estimated 35,000 to between 50,000 & 75,000. Too many animals and an extended drought in their range has resulted in the slow and agonizing death of thousands of animals. We know the authors of this legislation did not want the population of wild horses to be controlled in this fashion. Sadly, it appears they did not consider what the country would do with an ever increasing number of animals that nobody is allowed to use.



Battle-scarred hides: An emaciated herd fights for scarce resources at Nellis Air Force Range in southern Nevada

Death on the Range

Too many wild horses, too little food or water

Two vultures circle low over the parched range. Below them, just yards from a dried-up watering hole, is the rotting carcass of a wild horse. The mare had kicked her newborn foal away. Then, as her stallion stood guard, the weakened horse lay down to die, the latest victim of a punishing drought—and of the arcane politics of land management in the West.

The Nellis Air Force Range in southern Nevada is home to the country's largest herd of wild horses. Soon it could become their graveyard. These days the depleted range 175 miles northwest of Las Vegas is dotted with emaciated mustangs. Their ribs are barely concealed by hides that are scarred from battles fought over the dwindling supply of food and water. Mares, no longer able to produce milk, have abandoned their young. And stallions have worn down their front hooves digging for water in dried-up mudholes. Just to keep the animals alive, the Air Force has been trucking 18,000 gallons of water a day onto the range since April 1. "We've got one helluva mess out here," says Harley Dickensheets, chief of facilities on the Air Force range. "We've got too many horses [and] not enough water. This range is beat. It couldn't sustain a herd of jack rabbits. A lot of these horses are walking dead."

The drought has caused the immediate crisis at Nellis, but managing America's wild horses has been a problem ever since

the West was won. In 1971, under pressure from animal-rights groups, Congress enacted special legislation to protect wild free-roaming horses, declaring them "living symbols of the historic and pioneer spirit of the West." The law worked all too well; no longer subject to capture, sale or slaughter, the horses thrived. In the past two decades, the number of wild horses in the United States has grown from an estimated 35,000 to between 50,000 and 75,000.

The job of protecting the horses—while maintaining an ecological equilibrium on the ranges where they roam—belongs to the federal Bureau of Land Management (BLM). Balancing the demands of wildlife activists, cattle ranchers, wild-horse advocates and an impassioned public has not been easy for the cash-strapped bureau. Popular sentiment makes it impossible to sell or destroy the animals, so the BLM has tried to control the population's growth by rounding up horses and putting them up for "adoption." But there are more horses than the adoption system can absorb. And animal-rights groups have sometimes disrupted the program by convincing judges that the BLM failed to provide sufficient evidence that the range was overburdened. At Nellis, a two-year interdiction against roundups in the late '80s may have added 2,000 horses to the range.

During the recent sustained drought, as many as 6,000 horses have been searching

the Nellis range for food and water. That has upset the delicate balance between flora and fauna, turning a once thriving ecosystem into an environmental nightmare. The horses' overgrazing has forced deer and antelope off their habitat at Nellis in search of better forage. Their natural predators, mountain lions, have come down from the hills in search of other prey: orphan foals and mares too weak to trek long distances in search of vegetation. "The wildlife is just about gone," says Curtis Tucker, BLM area manager in charge of Nellis. "Now what's left are predators and carrion eaters. I've just seen one of the fattest, surliest coyotes of my life out there. He acted like he owned the range."

No money: In Senate hearings last month, Nevada Sen. Harry Reid called the government's management of wild horses "an outright failure and total disaster" but refused to blame the crisis on the land-management agency. "We've asked BLM to perform miracles without any money," he said. Reid proposed a series of measures to ease the crisis, including appropriation of \$1.4 million in emergency funding. In the meantime, the BLM has earmarked \$230,000 to restart a roundup of adoptable horses that foundered last month for lack of funds. Since May wranglers have shipped 1,182 horses off the range for adoption, including 225 orphan foals. With the BLM's cash injection, up to 800 more horses could be saved by August. But that won't answer the long-term question of how to handle America's wild horses—a debate that must be resolved before the mustang, once a living symbol of the Western range, becomes one of its casualties.

DONNA FOOTE on the Nellis Air Force Range

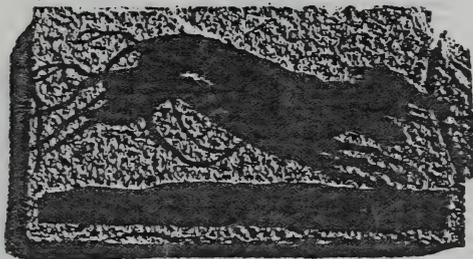
Exhibit C

In his recent book, "The Covenant of the Wild: Why Animals Chose Domestication," Stephen Budiansky says that in an evolutionary sense, the animals that we think of as domesticated chose us as much as we chose them--that domestication was a product of nature, an evolutionary process driven by the animals' own need to adapt to the rapidly changing climatic conditions at the end of the ice age.

The New York Times Magazine / DECEMBER 22, 1991

IN FROM THE COLD

Since the ice age, it has been
in the best interests of some animals to
ignore the call of the wild.



By Stephen Budiansky

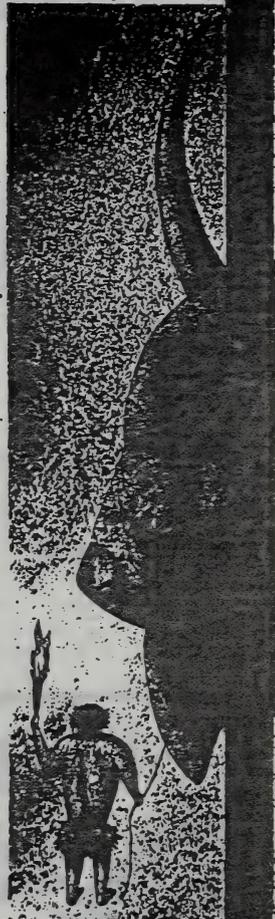
THE CITIZENS HUMANE COMMISSION OF BERKELEY, CALIF., a city that can always be counted upon to encapsulate America's best of knowledge about the real world, not long ago conducted a spirited debate over exempting miniature pet pigs from an ordinance banning farm animals within the city limits. The issue, a spokesman told *The Wall Street Journal*, was not whether the pigs posed a threat to hygiene, or whether they would create a nuisance to neighbors, but "whether it is humane to impose domesticity on yet another animal." One commissioner argued that domestication of any animal "deprives that animal of living its own life," and vowed to fight the commission's mildly pro-pig recommendation.

Even those who don't equate the domestication of animals with their enslavement, as today's increasingly strident animal rights activists would have it, readily accept the idea that domestication of animals was something "imposed" by man, just as we imposed our will in countless other ways on the world around us. A not too far-fetched distillation of this view was in one of Mel Brooks's 2,000-Year-Old Man routines: It was a cave man named Bernie who "discovered" the woman, the 2,000-Year-Old Man recalls. "I think there's ladies here," Bernie announces one morning. It is a central myth of our culture that we are the authors of our destiny, the limitless power of human invention is something we simply take for granted.

Castigating domestication as a human act reinforces not only this heroic vision

Stephen Budiansky is a senior writer at *U.S. News & World Report*. This article is adapted from his book "The Covenant of the Wild: Why Animals Chose Domestication" to be published in February by William Morrow. Copyright © 1991 by Stephen Budiansky.

The biologist
debated a number of
arguments that
supported the
ban on domestic
animals.
On these pages
read the story
of the matter.





—M.C. ESCHER: BARNYARD—

of human progress but also the modern, environmentalist world view that draws an uncrossable line between the natural and the artificial. This sentimental if perhaps understandable reaction to the excesses of the Industrial Revolution sees nature as a pristine world, perfect but for modern man, the khuts in heavy boots trampling the flowers. Domesticated animals are performed, artificial — along with highways, nuclear power plants, clear-cut forests and all the other ugly ways human beings have devised to spoil nature.

Yet archaeological evidence, animal-behavior studies and evolutionary theory have all begun to indicate that domestication was in fact an act of nature — a remarkable and rather humbling explanation for the 10,000-year-old alliance between man and beast. The evidence suggests that it would have been impossible for humans willfully to domesticate animals in the way most people — indeed, most scientists — have long believed. Rather than a crime against nature, domestication was a product of nature, an evolutionary process driven by the animals' own need to adapt to the rapidly changing climatic conditions that swept the earth at the end of the ice age.

Anthropologists, focusing on human intent as the determining factor, still often suggest that domestication grew out of the practice of pet-keeping, or arose in response to the pressures of an expanding human population or of environmental degradation. There are inherent contradictions, however, in supposing that domestication was an idea that just struck Bernie some fine Mesolithic morning: there are plenty of good reasons why no hunter-gatherer would have adopted a life of raising crops and tending stock by free choice. And there are fundamental biological obstacles that would have thwarted any primitive man determined to ignore good reason.

The biological obstacles are manifest in the extraordinarily high failure rate of man the domesticator. American Indians, for example, kept moose, raccoons and bears as pets, but not one exists as a domesticated species today. The ancient Egyptians, whose very civilization was based on cattle herding, and who were well versed in the mysteries of animal husbandry, tried but failed to domesticate gazelles, ibexes, hyenas and antelopes. Egyptian art depicts these and other animals with collars around their necks or being herded. Yet even for this highly developed agricultural civilization, such experiments proved to be failures. By contrast, several thousand years earlier,



the very first agriculturists, people who had never built a fence or mowed a hayfield, had "succeeded" in domesticating virtually every animal that even today continues to occupy a place of importance in our homes and fields.

Moreover, if we are to believe that domestication resulted from human exploits alone, we run into a biological paradox: the only way to produce an animal with the desirable traits is through captive breeding, yet the only way they could have been captively bred is if they had the desirable traits to start with. This paradox is the crux of the entire counterintuitive line of evidence that argues for domestication as an evolutionary, rather than human, invention. Those traits that would have made an animal amenable to domestication or profitable from a human standpoint — docility, lack of fear, high reproductive rate — were simply not present in the wild type that early man first encountered. It was not until the rigors of the ice age selected for those traits, which would prove so crucial to domestication, that the process could begin.

In an evolutionary sense, the animals that we think of as domesticated chose us as much as we chose them. And that leads to a broader view of nature, which sees humans not as the arrogant despoilers and enslavers of the natural world, but as part of that natural world — and the custodians of a remarkable evolutionary compact among the species.

THE SEARCH FOR AN EXPLANATION THAT OVERCOMES THE inadequacy of purely cultural theories of domestication must begin with biology. Even if some primitive man or woman did set out into the woods and bring home a wolf pup, even if a thousand of them did, that act of human initiative could not have resulted in domestication, the biological differences between a wolf and a dog are too vast. Many people have raised raccoons, skunks and wolves in human households, but such tame animals are far from domesticated. They show a degree of aggressiveness and unpredictability that sets them well apart from the behavior of dogs and cats, and their behavior often becomes disruptive once they reach sexual maturity.

Domesticated animals display many other characteristics, in particular a loss of defensive, fearful and territorial behaviors that reflect basic biological changes — not just training or taming. One anecdotal but nice example can be found in the tracks of dogs and cats in snow. The tracks of wild animals like

wolves and felines move in straight and purposeful lines; at the trot, each hind foot is carefully placed exactly in the spot where the corresponding front foot first fell. Dog and cat tracks are a testimony to carefree fearlessness. They meander, circle, zigzag and drag; the hind feet sloppily miss the mark. The basic biological changes that underlie this loss of fearfulness have been well documented in that most studied of animals, the laboratory rat, which is a domesticated version of the Norway rat. The laboratory rat has been found to

have undergone substantial changes in its major hormone-producing glands, including a reduction in size of the adrenal glands, associated with the hormones that trigger the "fight or flight" response.

Interestingly, the consequences of domestication at times not only have nothing to do with human intention but in some cases actually work in opposition to it. Much of the mythology surrounding the domestication of the dog, for example, focuses on his utility as a guardian or hunter or herder. No one would deny that the dog has served man well. But even when the benefits are very broadly defined to include companionship, the success of dogs and cats in association with human society far outstrips the benefits to humans.

The reproductive success of the United States' 118 million dogs and cats far outruns our generosity; witness the millions of unwanted cats and dogs in animal shelters. Even in parts of the world where cats and dogs are considered vermin and are the targets of occasional extermination campaigns, they continue to flourish. But their survival has nothing to do with being rewarded for their utility to man. It has to do, rather, with their superb adaptation to human society. In particular, the dogs' submissive behaviors — cringing, looking away or rolling over — are readily recognizable as such to humans, and generally succeed in deflecting human aggression.

Even the domestication of food animals and the rise of animal husbandry, which conventional wisdom has always portrayed as a revolutionary advance for mankind, now appears to have been something less than that. A mounting body of archaeological evidence indicates that the shift from foraging and hunting to growing crops and tending herds was, as Jared M. Diamond, a physiologist at U.C.L.A., has written, "in many ways a catastrophe from which we have never recovered."

Studies show that, at least initially, agriculture triggered an epidemic of injuries, malnutrition and infectious disease. The anthropologist George J. Armelagos, now at the University of Florida at Gainesville, studied the skeletons of Indians who lived in what is now Illinois from A.D. 950 to 1300; their adoption of intensive agriculture around A.D. 1200 was accompanied by a sudden increase, from 16 percent to 64 percent, in the incidence of iron-deficiency anemia and a sudden drop, from 28 years to 19 years, in average life expectancy. The explanation for this may be that the diet of hunter-gatherers was often nutritionally superior. The daily intake of calories and protein of one group of modern hunter-gatherers, the !Kung of the Kalahari Desert, is well above the recommended daily allowances, and the average time per week spent gathering food may be only 12 to 18 hours, according to one study. Agriculturalists, by contrast, may rely primarily on a single vegetable crop, as even such relatively recent catastrophes as the Irish potato famine illustrate, and their food supply is susceptible to drought and other environmental stresses. (Diamond goes on to blame agriculture not only for malnutrition and starvation, but also for epidemic diseases related to the rise of cities, and "another curse upon humanity: deep class divisions.")

Direct evidence that the agricultural way of life was not an obvious improvement is buttressed indirectly by evidence that it was adopted slowly — one might even say reluctantly — rather than embraced in an enthusiastic "revolution." Hunting survived alongside agriculture and herding for thousands of years in the Middle East and Europe, just the opposite of what had long been thought.

The implication of all this is that if we are to make sense of how and why domestication happened — in spite of tremendous obstacles — we need to stop looking at domestication as a human phenomenon and start seeing it also through the eyes of animals. The question is not what's in it for us, but what's in it for them.

WITH THE EXCEPTION OF THE DOG, WHOSE APPEARANCE AMONG the ranks of the domesticated preceded all other plants and animals by several thousand years, the first signs of domestication appear about 9,000 years ago, give or take a thousand years, in places as varied as the Middle East,



—MARSHALL ARISMAN—

Mesoamerica, Peru and the Far East. These first permanent agricultural settlements show evidence of domesticated cereal grains and, in the Middle East, domesticated sheep and goats. Something very unusual was happening, both geologically and biologically, at this time. It marked the end of the Pleistocene — a tumultuous million years in the history of North America, Europe and Asia when glaciers repeatedly swept the continents and strange new animals came and went. As recently as 18,000 years ago, at the peak of the last major cycle of glacial advance, ice sheets covered about a third of the earth's present land area. What is now New York City lay beneath a mile of ice; glaciers reached as far south as Cincinnati, St. Louis, Kansas City, London, Amsterdam and central Germany. In much of North America, Europe and Asia, expanses of open tundra stretched thousands of miles.

How might the climatic upheavals of the Pleistocene have set the stage for the rise of domestication? First, simply by forcing man and animals together. Across these treeless expanses, man and the wild horses, bison, mammoths, reindeer and cattle he hunted lived on terms of intimacy that have scarcely been duplicated since. But there is something else that was biologically special about this time in laying the groundwork for domestication: the rigors of climate change acted to select those very biological traits that would prove crucial to domestication.

The million years that preceded the final retreat of the glaciers was not just a single "ice age," but more correctly a series of ice ages, marked by enormous swings in climate that occurred with — geologically speaking — enormous rapidity. Glaciations occurred about every 100,000 years, alternating with interglacial periods when temperatures rose to within a few degrees of today's and the ice sheets retreated northward. Analysis of fossil pollen samples show that the retreat of the glaciers was followed by the replacement of tundra and grassland plants with spruce forests and then oak. The ice sheets moved as much as 200 feet per year at their swiftest. The entire process was accompanied by other environmental swings — in precipitation, ocean levels and lake sizes. A series of smaller and faster fluctuations occurred within each major glacial period, but even these small cycles were on the order of several degrees over a few hundred years, much greater than anything in historical experience.

Raymond P. Coppinger, a biologist at Hampshire College in Massachusetts, writing with Charles K. Smith, a professor of English at the University of Massachusetts, advances the argument that such a traumatic fluctuation in habitat would have "penalized" any high degree of specialization within a species. As ranges expanded and contracted, as the forests moved northward behind the retreating ice cover and then were covered by the returning glaciers, a species that was locked into a single, highly specialized mode of existence would be less competitive. It is risky to make correlations between extinctions and climate, but the entire glacial epoch was marked-by the displacement of many animals from their accustomed ranges and by sudden extinctions that may have left many ecological niches unfilled. An enormous variety of new animals appeared and disappeared — including mastodons, mammoths, giant sheep and goats, saber-toothed tigers and huge-horned rhinos.

But others came through the Pleistocene with flying colors. Those who succeeded apparently were able to take quick advantage of expanding ranges in the wake of the retreating glaciers, to adapt to a new environment and to fill the vacant niches. The wild sheep was one example of successful adaptation, spreading its range throughout most of the world during the intervals of glacial retreat.

Adaptability is of course not a directly selectable genetic trait, like eye color. Rather, whether a species successfully adapts to a changing environment depends in part on the amount of natural variation that exists within the species. That variation, as Darwin demonstrated, is essential for the working of evolution: it makes it possible for new advantageous traits to be selected or new species to branch out when environmental conditions so dictate. A species of hare whose members come in shades from white to dark gray, for example, will have more genetic raw material to draw on if environmental changes — say, the advance of glaciers — suddenly make a pure white coat preferable for camouflage.

The variation within a species is normally limited, however, both by natural

selection itself and by basic rules of genetics and development. But there is one source of enormous variation within a species that can be tapped — the change that all mammals and birds undergo in the course of developing from an infant to an adult. The range of variation in any adult population is minuscule compared with the differences that separate the average adult from the average juvenile. Physical characteristics — everything from body shape and color to internal organs — and behavior both change dramatically during development. If the genes that control this development process change in such a way that adulthood is reached before the "normal" process of development is complete, youthful characteristics will be locked in. This process is called neoteny and has been well documented in the physical evolution of many modern species, man included. Human and chimpanzee babies, for instance, are in many respects similar to facial appearance, with high, domed foreheads and rounded cheeks; adult humans retain more of these characteristics than do adult chimps.

Even relatively small changes in the genes that determine the rate of development can produce enormous changes in the adult form. Through the process of neoteny a whole slew of new traits may be introduced very rapidly, thereby increasing the variation available for natural selection to act upon. But more important, the very characteristics of neotenes, even unrefined by further selection, could themselves have proved advantageous in a changing world.

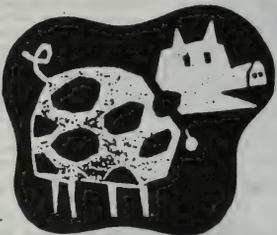
The environmental changes that directly preceded the era of domestication would have been a powerful force favoring the selection of neotenic characteristics in many animals. Young mammals and birds show a curiosity about their surroundings, an ability to learn new things, a lack of fear of new situations and even an undiscriminating willingness to associate and play with members of other species — all of which are lost as they mature into adults and develop the more

predictable and fixed sequences of behavior needed to hunt or forage, maintain their place in the social hierarchy and compete for mates. But curiosity, a willingness to move into new territory and an ability to learn throughout life are advantageous characteristics for individuals faced with a swiftly expanding or contracting ecosystem.

Behavioral studies by the biologist Valerius Geist at the University of Calgary suggest that that is precisely what happened in the case of sheep. In both physical appearance and in behavior, the farther today's wild sheep live from the eastern Mediterranean region, their point of geographic origin in the Pleistocene, the more pronounced their neotenic traits. The North American bighorn sheep, for example, whose ancestors arrived in America via the Bering Strait, act in distinctly more juvenile ways than do the Stone's sheep of British Columbia, the more primitive types they descended from. Typically, as rams mature, their behavior becomes more "adult" in several distinct ways: they display their horns more frequently, kick subordinates with their front legs and are less likely to mount ewes that are not in heat. In all of these characteristics, fully adult bighorn sheep behave in less adult ways than do Stone's sheep.

The curiosity, the lack of a highly species-specific sense of recognition and the retention into adulthood of juvenile care-soliciting behavior (like begging for food) of neotenes would all have been factors in inducing dogs, sheep, cattle, horses and many other occupants of the Asian and European grasslands of the late glacial era to approach human encampments and to allow humans to approach them. In the same way, the neoteny that is part of our own evolutionary heritage may have made us willing to tolerate the proximity of other species: of dogs scavenging hunting parties, cats invading granaries to hunt mice, cattle and sheep robbing crops from fields.

If the rise of agriculture and animal husbandry was not a revolution, it was perhaps a slow subversion that, once begun, could not be stopped. Agriculture changed human society in demographics and structure; the animals that entered into an alliance of mutual dependence with human beings changed in biology and behavior. The environment, too, changed — first by forces purely natural as the glaciers retreated and the grassland habitat of many of the domesticates' forebears vanished in the forward march of oak forests across the landscape, then by forces artificial as a society built upon tillage and pasture aligned, burned and uprooted those forests to meet its growing needs. If there was nothing



inevitable about the emergence of agriculture, there was everything inevitable about its spread, its triumph over older ways of subsistence and its irreversibility.

The triumph of agriculture was part of a larger story of evolutionary change, in which nature itself was redefined. The template for evolution for at least the last 10,000 years has included man and the environment created by his agricultural symbioses. The romantic conception of nature that is still with us, one in which noble, independent creatures proudly live free in unspoiled splendor, is almost a sort of racial memory of our hunter-gatherer past. The nature of nature was forever changed by agriculture, even if our conception of nature was not.

The animals that entered into a symbiosis with humans are now biologically adapted to a way of life that largely precludes a return to their predestinated ways. Their expectation of care and feeding is a part of their very biological makeup. The transformation of the environment by agriculture has erected an equally formidable barrier against evolutionary revanchism: there is less and less "wild" for domesticated species to return to.

Looking at the dependence of domesticated animals is much broader terms, it may be that evolution and time are now on the side of these species that some biologists classify as "degenerated." Dependence not only means there is no turning back; it has actually become such a powerful evolutionary force that it is ushering in a new evolutionary age — what Coppinger terms an "age of interdependent forms." The dominance of species living in this kind of symbiotic relationship will inevitably lead to a mass extinction of more specialized and independent species as great

as that which struck the earth 65 million years ago with the vanishing of the dinosaurs: "The king of beasts will have been outcompeted by the cooperative strategy of the house cat," as Coppinger says.

A glance at the population-growth of man and his fellow degenerates readily substantiates that species outside the dependent alliance simply are incapable of reproducing as swiftly as those within. In 1860, man and domestic species accounted for 5 percent of terrestrial animal biomass — the net total weight of all animal life on the continents. Today the figure is approximately 20 percent; by 2039 it may be 40 percent, and, if world population reaches 12 billion, as seems possible before it levels off, the figure will be 60 percent sometime in the middle of the next century.

All of which is not necessarily the environmental disaster that is so often depicted by those who posit with alarm teache extinction of species and the "appropriation" of ever more of the earth's resources by humans. Change, to an evolutionist, is not good or bad; it is simply inevitable. The dominance of man and domesticated animals and plants is not the end of nature; it is no more than the beginning of yet another new period in nature's long and varied history. The same evolutionary forces that have brought forth new species, our own included, have eliminated species as well. New ecological balances have repeatedly replaced old as mass extinction has followed mass extinction.

The dependence of domestic plants and animals upon humans is part of something much larger that us-of them. In a moral sense, it represents a responsibility that has been thrust upon us that it is too late for us to renounce. In an evolutionary sense, it may be something that we could not renounce even if we tried. ■

MANY ANIMALS HAVE found it to their advantage to associate with humans. We've just been slow to recognize the fact.

"Must we kill the mouse?" a little girl asks her mother in an advertisement in *The Animals' Agenda*, an animal rights magazine: "No, honey," the mother replies, "the world is big enough for all of us. The mouse is intelligent and wants very much to live. We just want him out of our home and into the woods where he belongs." The solution — available for a mere \$19 — is a live-animal trap complete with a patented "Freedom Door" ("delays escape so mouse must eat thru cracker to freedom, avoiding contact with captor," though it is not clear which party this feature is meant to benefit).

The significant feature of this advertisement, however, is the contention that what the mouse really wants is to be out in the woods — back in "nature." It is a view that fits well with the simple picture of nature as a place where animals live out their peaceful lives, far from the disturbing influence of man. In Takoma Park, Md., which has the distinction of being a nuclear-free zone, one of the handful of American cities that can boast of having elected a Marxist mayor and home to a number of local animal rights activists, this nice picture of an orderly natural world came into play on a slightly grander scale a

'MUST WE KILL THE MOUSE?'



few years ago when the town was overrun with rats. After poison was found to be too dangerous, the local government decided to provide residents with glue traps. The animal activists swung into action and demanded that live traps be offered instead to those who wanted them.

Coming to the defense of an animal usually considered a public-health menace was at least ideologically laudable — as the animal rights movement, in spite of its philosophical credo of equal rights for all species, tends to be partial to the rights of cute, furry animals ready a memento is anthropomorphic projections. But the problem then arose about what to do with a large collection of captured rats in what is a very urban suburb of Washington. The animal rights activists suggested that the rats could be released into

a "natural" habitat. Where?

Frederick County, suggested one. The farmers of that rural county, who are among those who bear the brunt of an estimated \$1 billion nationally every year from mice and rats, were not amused.

But the mice and rats in question would probably not have been amused either. The image of furry animals safely nesting in the woods has little to do with the evolutionary reality of rats and mice. After eating its way through the Freedom Door, the trapped mouse will either head for a nearby house, be eaten or freeze or starve to death in the woods.

Neither rats nor house mice are native to North America or Europe. To be sure, the house mouse (*Mus musculus*) will on occasion nest in meadows or grainfields (not woods); in temperate areas like California

and Florida, the black rat (*Rattus rattus*) will nest in trees, and the Norway rat (*Rattus norvegicus*) will summer in grainfields. But all live in close association with man by preference. By virtue of several thousand years of co-evolution and an ability to eat anything that we do, rats and house mice are supremely adapted to living inside walls and garbage dumps. Biologists call the species "humans commensals" — they eat at our table, sometimes literally.

The warmth, incidental protection from predators (we like sharing our shelter with apples even less than with mice and rats) and bountiful food supply of a house provided a niche that allowed rat and house mouse populations to explode and spread over the face of the earth. House mice, in fact, compete poorly with most wild indigenous small mammals; their success is a direct result of their ability to colonize human habitations. The black rat and Norway rat, which originated in the Far East, likewise became humans commensals as soon as the first permanent human settlements were established.

So the solution is not so neat and simple as one of restoring the mouse to "nature." When it's in our house it already is in nature. By its evolutionary history, by its feeding habits and by its nesting habits, cohabitation with man is the way of life the house mouse has adapted to. — S.B.

Exhibit D

In the wild, animals experience discomfort, fear, pain and agony. In trying to justify the harshness of nature with the idea of animal rights, Michael Fox, Vice President of The Humane Society of the U.S., wrote that wild animals have adapted to the idea of being eaten by other wild animals--that a deer "expects" to be killed--that it lives to be eaten.

If that is true, it would follow that animals which have adapted to domestication would, likewise, expect something other than a free ride--that they, too, are willing to sing for their supper, whether that be in a feed lot, a research lab, or rodeo arena.

By Michael Joff
Vice President
HSUS

treat as he chooses the life that he has created. Such would be animal slavery. In fact, he has a greater responsibility to see that they do not suffer under his care.

Some will argue against the rights of wild animals the relationships of which in nature constantly violate such rights. An example that might be given is that of a wolf killing a deer. It may seem that the wolf is violating the deer's intrinsic right to life. But the relationship is more complex. First, the wolf kills only for survival and not, like man, for sport or financial gain, which are certainly violations of the deer's rights. Also, the deer fulfills its right to escape or defend itself and indeed sometimes does so successfully. Third, and most important, the deer is adapted from the point of view of population to such predation. It "expects" to be killed, or it lives to be eaten. This evolved relationship is in the best interests of both species. The wolves are fed, and the deer population is regulated. There is an impressive analogy here with man and his domesticated farm livestock. Domestication is a special form of evolved relationship, but the benefit is not as mutual as between the wolf and deer, unless it is argued, wrongly, that having given them life, man has free license to do as he chooses to such domestic animals. Objectively the relationship between man and pig, sheep, cow, or horse is more one-sided. The animals are exploited solely for man's benefit. The relationship becomes less one-sided only when such creatures are treated humanely and allowed some degree of fulfillment under social and environmental conditions as natural as possible. Economic considerations here should take second place over our ethical obligations. It must also be remembered that unlike the wolf, man can choose not to kill such creatures (or to consume less of them) and avoid the ethical dilemma of humane concerns versus economic exploitation by seeking alternative food sources.*

* Vegetarianism is becoming less of a health fad and more of an ethical response to factory farming animal abuse (a recent Roper poll indicates that there are some 7 million ethical vegetarians in the United States). It is also an economically and ecologically sound practice since it is estimated that in order to produce one pound of meat, anywhere from eight to twenty pounds of vegetable protein is wasted, and the latter is no less nutritious for man than flesh per se.

The rights of animals cannot be adequately comprehended or deflated simply on the most basic grounds of survival and utilitarian needs or on the grounds of aesthetic and emotional valuation. It is at the highest transpersonal level of awareness and relatedness that sentient beings can be seen to have rights. Acceptance of the fact that our animal kin possess equally the intrinsic right to life will not only be to their benefit but also to the ultimate well-being of humankind. The growing concern for animal rights today reflects a positive trend in the evolution of human consciousness.

Animal rights are based not only upon the existence of the animal per se but also upon its capacity to suffer, to feel pain, to experience fear and anxiety. While it may be argued that since a "dumb" pig doesn't know it's being fattened for slaughter, it cannot suffer anxiety, this evades the issue. An animal, not knowing what is going to happen to it, may suffer more and not less than a man who "knows." Any vet experienced in treating animals, especially wild species, is aware of this and the fact that some may die of fear/anxiety. Even pigs, on the way to slaughter, develop stomach ulcers under the emotional and physical stress of transportation.

To rate the degree of pain sensitivity and capacity to suffer in terms of an animal's evolved proximity to man is a racist extension if rights are based upon such logic. The forebrain is not involved with pain perception anyway; that is the role of the thalamus, which is well developed in all mammals, including man. To avoid pain actively is a survival mechanism in all creatures, and their right to freedom from unnecessary pain, and associated fear and anxiety, is intrinsic to their existence.

Suffering is particularly pertinent in discussing our moral obligations toward animals. Some factory farming methods, various biological experiments, housing of wild animals in captivity, and keeping pets confined may produce considerable physical and psychological suffering. We must first determine objectively whether the animals are suffering, and if no alternatives are available to eliminate such proved or possible suffering, that suffering must be justified in terms of the ultimate benefit to others (both man and animal alike). The basic right of an animal to life implies also the right to live without suffering. For some species this may also entail

October 1990



Letters To The Editor

Humane Aspects Noted

Dear Rodeo News Readers:

Just before reading El Batidor's opinion that animals do not have feelings and reactions like human beings and that they do not worry or fret or become nervous wrecks brooding about the past, I read a communication from The Gorilla Foundation in Woodside, CA that claims a gorilla named Michael which was orphaned in his birthplace of Cameroon, Africa, uses sign language to relate how he was captured; signing "big trouble" and "chased" and using violent gestures to explain how the men "hit" him and his mother.

Whether they are sentient or highly developed, we know animals feel pain. It would be good for us to rethink what experiences animals comfortably endure and what they stoically endure.

Sincerely,
Sheila Lehrke
Nashville, TN

Russian Tour A Possibility

Dear Mr. Smith:

I wonder if you would be kind enough to permit me a few column inches to correct some misconceptions in the recent article on Double R Rodeo's outstanding effort in the Southeast (Vol. 30 No. 8).

severe losses and was forced to restructure its special events and promotion budget.

But, this is a project too good to be put to rest and so we have continued to pursue a myriad of paths. Currently, we are most excited by a possibility involving one of Double R's committeemen. Andy Camp, who will coordinate the production aspect of this project, has fired-up the imagination of a committeeman with wide contacts in the entertainment industry and, it appears, some of them are very interested in participating.

We are committed to seeing this project become a reality. What a wonderful thought — 50 American rodeo cowboys and cowgirls in Red Square, serving as ambassadors to the Soviet Union. We will keep you informed of our progress.

Very truly yours,
Ted Wornor
President
LMP Communications
Tarrytown, NY

N

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Exhibit E

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In the exchange of services and benefits between people and animals many of us strive to improve conditions for animals, but it is not necessary to become maudlin about every little inconvenience or discomfort to which a domesticated animal may be subjected.

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Improvements will continue to be made, but education is the key, not restrictive, repressive legislation.

County, she met many, many people and while she can not possibly remember all she met we are quite sure that they will never forget her. She is such a gracious person and she certainly made a very good, lasting impression on the folks here in northwest Arkansas. We were so pleased to have Nicki at our rodeo so the young ladies here could see how a real "Miss Rodeo" should look, act, ride and promote the sport of rodeo — and we were treated to an outstanding example.

Established

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The care and treatment
of professional
rodeo livestock

HUMANE FACTS



Provided by the
Professional Rodeo
Cowboys Association

PRCA animal-welfare guidelines set standards for rodeo

Members of the Professional Rodeo Cowboys Association believe, as do most people, that animals should be treated humanely. The PRCA staunchly protects its animals with rules designed to prevent cruelty or even unintentional mistreatment.

Rules governing the PRCA are so successful in protecting animals that the American Veterinary Medical Association recognizes PRCA guidelines in its position statement on the welfare of animals in spectator events. The AVMA position reads, in part, "The AVMA recommends that all rodeos abide by rules to ensure the humane treatment of rodeo livestock, such as those established by the Professional Rodeo Cowboys Association..."

Many people have questions regarding the treatment of animals in professional rodeo. The following information provides

brief answers to the questions asked most often. For more detailed information, please contact the Professional Rodeo Cowboys Association.



A bronc with a loose flank strap kicks high at a PRCA rodeo.

What is a flank strap?

The flank strap is a sheepskin-lined strip of leather placed behind the horse's rib cage in the flank area. The strap enhances the bucking action, but does not hurt the animal. PRCA rules strictly regulate the use of the strap, which must have a quick-release buckle. Sharp or cutting objects are never placed in the strap.

Veterinarians have testified that the flank strap causes no harm to the animals.

"I've never seen or heard of any damage caused by a flank strap, and as for the argument that it covers the genitals, that's impossible," said Dr. Susan McCartney, a Reno, Nev., veterinarian who specializes in large-animal care. Also, the horse's kidneys are protected by its ribs, and the flank strap

does not injure internal organs.

So, if not for the flank strap, why do horses buck? The answer is simple: instinct. It has to be in a horse's nature to buck, and a horse that is not inclined to buck cannot be forced to do so with the use of a flank strap.

"These are not animals that are forced to buck and perform out in the arena," said Dr. Eddie Taylor, the attending veterinarian for La Fiesta de los Vaqueros, a PRCA-sanctioned rodeo in Tucson, Ariz. "They thoroughly enjoy what they are doing."

Take a look for yourself

PRCA stock contractors welcome visitors behind the scenes at their rodeos, and the PRCA encourages anyone with questions to write or call:

Professional Rodeo
Cowboys Association
101 Pro Rodeo Drive
Colorado Springs, CO 80919
(719) 593-8840



How does the PRCA ensure that its animals are healthy?

Animals used in professional rodeo competition are top athletes.

"Only when horses and bulls feel good will they buck good, and basically in timed events, it's the same way. The fastest time or best score requires the best stock," said Shirley Churchill, supervisor of timed events at the Cheyenne (Wyo.) Frontier Days Rodeo.

By inspecting every animal before it is selected for competition, the PRCA ensures that only healthy livestock is used. If an animal becomes sick or injured between the time it is drawn and the time it is scheduled for competition, it will not be used.

Do rodeo cowboys use spurs during arena competition?

Dull spurs are used in professional rodeo's three riding events (barback riding, saddle bronc riding and bull riding). Spurs that meet PRCA guidelines have blunt rowels (the star-shaped wheel on spurs) that are about one-eighth of an inch thick so they can't cut the animals.

If a rider does use non-regulation spurs, he is disqualified from competition – the last thing any professional cowboy wants in his quest for prize money. The rowels must be loose so they roll easily over the horse's hide. Bull riding spurs have dull, loosely locked rowels to provide more grip on the loose-hided animals.

Sources, including Sisson's "Anatomy of the Domestic Animal" and Maximow and Bloom's "Textbook of Histology," indicate that the hides of horses and bulls are much thicker than human skin.

A person's skin is 1mm to 2mm thick, while horsehide is about 5mm thick and bull hide is about 7mm thick. The animals' thick hides resist cutting or bruising, and the spurs used at PRCA rodeos usually only ruffle the animal's hair.



Livestock Injury Survey

	Number of runs/Number of animals injured												
	CR	SW	TR	SR	BB	SB	Bulls						
Salinas	200	0	182	0	488	0	0	90	0	98	0	121	0
Fort Worth	412	4	450	0	0	0	0	300	0	300	0	300	0
Vinita, Okla.	99	0	80	0	0	104	0	26	0	33	0	72	0
San Francisco	210	0	220	0	250	0	0	120	0	144	0	250	0
Prescott, Ariz.	105	0	184	0	112	0	0	28	0	30	0	33	0
Colo. Springs	90	0	75	0	75	0	0	40	0	40	0	40	0
Houston	430	8	442	0	0	0	0	210	0	216	0	234	0
TOTALS:													
Runs/Inj.	1,546	12	1,633	0	925	104	0	814	0	861	0	1,050	0
% Injured	0.78	0	0	0	0	0	0	0	0	0	0	0	0

Are professional rodeo animals injured often?

A survey of veterinarians at some of the PRCA's top rodeos indicates that the injury rate for animals is so low it is statistically negligible. In 6,933 outings, just 12 animals (less than 2/10 of 1 percent) were injured. The data was compiled in 1988 by on-site veterinarians.

In the event that an injury does occur, PRCA rules require that a veterinarian be either on site or on call for every performance and every section of slack. In addition, many of the PRCA's competitors and committee members are veterinarians and can render medical treatment.

Who takes care of the animals before and after the rodeo?

The true experts on livestock care and management are those who do it everyday. PRCA rodeos are filled with people who are knowledgeable and well-educated about proper livestock handling and maintenance. And few are more attuned to the animals' needs than professional stock contractors.

"Today, rodeo is an investment. It's most important to take care of these animals. In fact, we probably take better care of them than people not involved with rodeo," said Harry Vold of Avondale, Colo., one of the top contractors in the PRCA.

Tommy Keith, a PRCA judge, said a visit behind the scenes would be educational for most spectators.

"The first thing the stock contractor does (after a rodeo performance) is make sure those animals are fed and watered," Keith

said. "He probably hasn't eaten since 7 in the morning and he's been out there working all day, but he makes sure those animals are taken care of before he thinks of himself. To the stock contractor, those animals really are just like his family."

What rules protect the livestock at PRCA rodeos?

The PRCA established rules regarding the humane treatment of animals in 1947, long before animal-rights organizations targeted rodeo. Those rules have been continually updated, and new regulations have been added. Today, the PRCA strictly enforces more than 40 rules geared specifically toward



the humane treatment of rodeo livestock, including one requiring horn wraps, such as those shown here, for steers.

"It's a common device," said Dr. Dave Ripple, a Dodge City, Kan., veterinarian. "It's certainly more humane than if you keep beating them with a piece of rope. The prod is used for only a fraction of a second. A number of veterinarians use the prod in their practice. I use the hot shot daily. I couldn't get along without it."

What is an electric prod?

The electric prod is a device developed by the cattle industry to move livestock. Use of the prod has become one of the most universally accepted and humane methods of herding animals on ranches, in veterinary clinics, and, on occasion, at professional rodeos. At PRCA rodeos, the prod is used only to herd livestock into pens and chutes – not to shock the animals into performing. The PRCA also regulates the use of prods. PRCA rules require that the prod be used as little as possible and that the animal be touched only on the hip or shoulder area.

Powered solely by flashlight batteries, the prod produces 5,000 to 6,000 volts of electricity, but virtually no amperage. And because amperage – not voltage – causes burns, the prod causes a mild shock, but no injury.



The care and treatment of
professional rodeo livestock

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101 Pro Rodeo Drive
Colorado Springs, Colorado 80919

Director of Media Relations: Steve Fleming
Publications Manager: Melissa Metzler
Graphic Design: Kimmell Graphics
Printing: Williams Printing

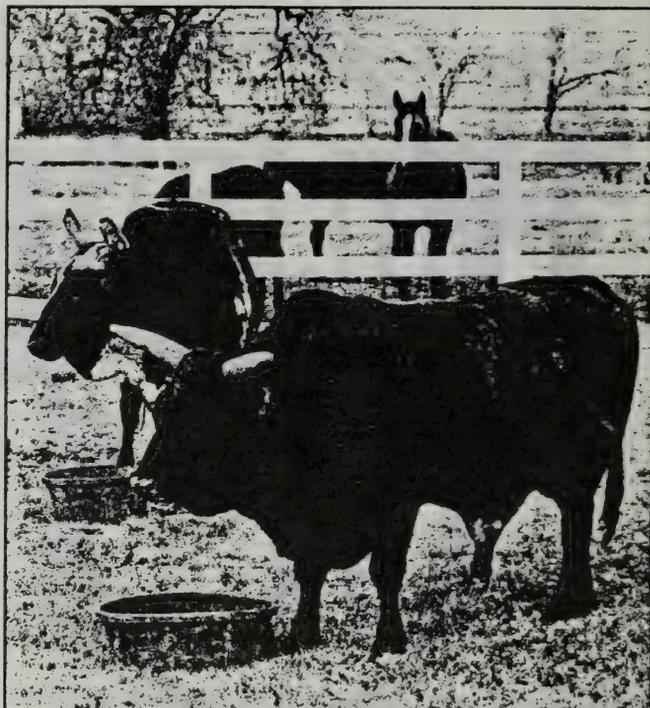


Photo by Sue Rosoff

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Humane Facts

The Care and Treatment of Professional Rodeo Livestock



That animals should be treated humanely and with dignity is a philosophy shared by almost everyone, especially members of the Professional Rodeo Cowboys Association. The PRCA values its animals, and staunchly protects them with rules specifically designed to prevent cruelty or even unintentional mistreatment.

Humane treatment of PRCA animals — both in and out of the arena — is a fact well-documented by veterinarians and research studies.

PRCA rules so successfully protect animals that the American Veterinary Medical Association recognizes PRCA guidelines in its position statement on the welfare of animals in spectator events.

The AVMA position reads, in part, "The AVMA recommends that all rodeos abide by rules to ensure the humane treatment of rodeo livestock, such as those established by the Professional Rodeo Cowboys Association ..."

Contrary to the unfounded and inflammatory statements of some special-interest groups, the PRCA goes to great lengths to ensure the proper care, handling and treatment of all animals involved

in PRCA-sanctioned rodeos.

Animal-rights activists often scream that rodeo exploits animals, but they do so without valid support of their argument. Professional rodeo animals, in fact, appear to enjoy their work, according to many large-animal experts.

The propaganda espoused by the so-called animal-rights groups appeals to emotionalism, not reason, and too often the hidden interest lies in raising funds rather than caring for animals. To accomplish their goals, these organizations commonly alter or even fabricate facts.

The truth is, it simply would be senseless for anyone connected with professional rodeo to give their animals anything but the best of care.

Like a well-conditioned athlete, an animal can perform well only if it is healthy. Any cowboy will tell you he takes home a paycheck only when the animal is in top form. Stock contractors, the ranchers who raise rodeo stock for a living, also have an obvious financial interest in keeping the animals healthy. Simple business logic dictates that only a fool would abuse an animal that is expected to perform in the future.

"The livestock is the rodeo; the rodeo is our living," said PRCA stock contractor John Barnes. "We're going to take care of it (the livestock). We always have, and we always will."

PRCA judge Duane Howard said professional rodeo animals "represent a major investment for the stock contractor. They give them the best of care."

Dr. Susan McCartney, a Reno large-animal veterinarian with no direct association with rodeo, says stock contractors would be spelling economic disaster for themselves if they allowed any

mistreatment of their animals.

"It's really not economically feasible for these stock contractors not to take good care of these animals, if for no other reason but their resale value," McCartney said.

But many — if not most — of the PRCA's 10,000-plus members have more than an economic tie to animals. Nearly all have been around animals most of their lives, and they possess a high degree of respect and fondness for the livestock.

"I think they participate because they have a deep interest in

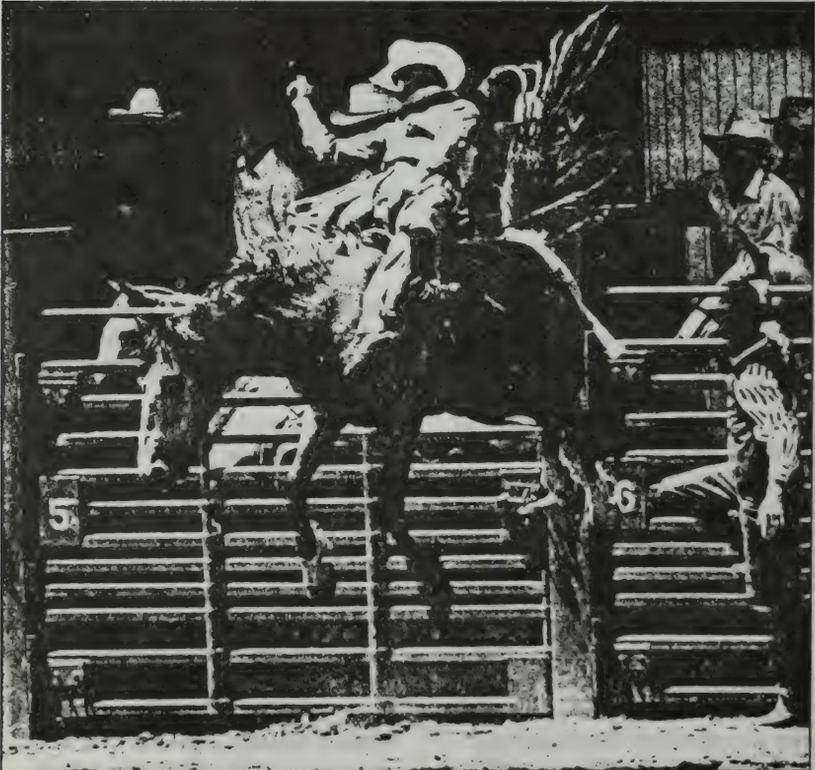


Photo by Karen Martin

World champion bareback rider Clint Corey sticks with a powerful horse.

animals," Pendleton, Ore., veterinarian Doug Corey said of the hundreds of veterinarians who compete in professional rodeo. "If there were any mistreatment going on, they wouldn't participate."

Stock contractor Harry Vold said he holds a special place in his heart for his animals.

"We keep our horses around forever. It's like an old folks home, and it can get costly," he said, "but they've earned their keep."

Anyone who attends a PRCA rodeo can be assured that the greatest care has been taken to prevent injury to animals or contestants.

All PRCA members are bound by the not-for-profit corporation's bylaws and rules, including a section that deals exclusively with the humane treatment of animals. Anyone who violates these rules may be disqualified and reported to the PRCA, which can levy fines.

Professional rodeo judges, who are charged with the enforcement of all PRCA rules, believe in these humane regulations and do not hesitate to report violations.

Among the three dozen PRCA rules that protect animals is one that authorizes the officials to disqualify a contestant and levy a \$250 fine on the spot for unnecessary roughness. The fine doubles with each offense.

"That means if I see a guy flank a calf in a way that he intentionally knocks the wind out of it, I can call him for unnecessary rough-

“

**The livestock is
the rodeo; the
rodeo is our
living.**

”

*John Barnes,
PRCA stock contractor*

ness, and he'll automatically be disqualified and have to pay a \$250 fine," said PRCA judge Tommy Keith. "And you bet I'll call it. There's not too many guys who are willing to risk that with thousands of dollars at stake."

Keith says the PRCA's professional judging system produces the desired effect of preventing mistreatment and abuse.

"It's just about completely eliminated the problem," he said.

But not all rodeos operate under guidelines as strict as the PRCA's. The PRCA sanctions about 30 percent of the rodeos in this country. Another 50 percent are sanctioned by smaller rodeo organizations, and only about 20 percent are not sanctioned. Most rodeo-sanctioning associations adopt and enforce regulations regarding the humane treatment of animals, though perhaps not as stringent as the PRCA's rules.

PRCA sanctioning is an absolute guarantee that a rodeo will be produced by people who truly care about the animals.



Pro Rodeo

July 20, 1992

Professional Rodeo Cowboys Association
101 Pro Rodeo Drive
Colorado Springs, Colorado 80919-9989
719/593-8840

VIA UPS OVERNIGHT DELIVERY

Rep. Charlie Rose, Chairman
Subcommittee on Dept. Operations,
Research & Foreign Agriculture
Room 1301, Longworth House Office Bldg.
Washington, D.C. 20515-6007

Dear Congressman Rose:

I indicated during the hearing that I would send you a letter correcting the litany of injuries which Mr. Mills referred to in his testimony. I am enclosing a copy of a letter dated June 13, 1991 from Mr. Mills to Lewis Cryer, Commissioner of the Professional Rodeo Cowboys Association. Mr. Cryer initiated his inquiry of Mr. Mills because of the statements that Mr. Mills was making about injuries to rodeo animals. Please note Mr. Mills' response as expressed in the third paragraph.

This is not to say that there are not occasional injuries to rodeo animals just as there are in any animal used in sport. As I pointed out in my testimony, however, the statistical information demonstrates that the incidence of injury is extremely low.

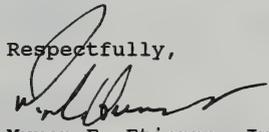
I would like to comment on Mr. Mills' statement concerning the photographs that the Monterey SPCA took of the rodeo bull and horses "with bloody flanks" from the bucking straws. That statement is categorically untrue. The SPCA was kind enough to show us all those photographs. There was one horse with a definite wound in the area of the flank. There is no possible way could the injury have occurred from a flank strap. It is probable that the horse was kicked by another animal, which occasionally happens, even in horses owned for private use. I can recall of one such instance where a friend of mine's horse suffered such a kick from his stablemate, which resulted in the necessity of putting the horse down because the resultant break was so severe. I have utterly no recollection of the breaking of the horn in the 1991 rodeo at Salinas, but I am going to inquire into the matter and will communicate with you further on that particular point.

Rep. Charlie Rose, Chairman
July 20, 1992
Page 2

You will recall my astonishment when Mr. Mills testified that steer roping is banned in Texas. The reason I was so surprised is because as far as I know, steer roping is a major event in Texas. The last one occurred just last month at North Forth Worth. It is called the Wendy Ryan Memorial Roping. There is a huge one at San Angelo, Texas, which occurs annually. I have understood for a number of years that steer roping is conducted almost on a weekly basis in Texas. That is the best information I can give you on that subject at this point.

I wish to thank you again for the opportunity to testify before the committee.

Respectfully,



Myron E. Etienne, Jr.
Chairman
Rodeo Advisory Committee

MEE:ng

Enclosure

cc: Lewis A. Cryer, Commissioner
Dale Moore

ACTION FOR ANIMALS

P.O. BOX 20184
OAKLAND CA 94620
(415) 652-5603

*"We need an ethics which will
include the animals also."*

Dr. Albert Schweitzer

June 13, 1991

Professional Rodeo Cowboys Association
101 Pro Rodeo Drive
Colorado Springs, CO 80919

Attention: Lewis Cryer, Commissioner

Dear Commissioner Cryer:

Please excuse this hastily written note. I'm on the way to the airport (it's now 5:00 a.m.), and I'm a bit bleary-eyed. Will be out of town until June 25.

Enclosed is some documentation regarding your request for info on injuries to rodeo animals.

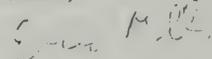
The only one that I know for sure was to a PRCA animal is the horse euthanized at the Solano County Fair in 1988 (which resulted in a very strong rodeo animal welfare policy there). That rodeo was produced by Cotton Rosser.

I have some rough footage on video from California and elsewhere (though not much): a bull with a broken leg, another with paralyzed hindquarters, some steer roping rough-and-tumble, and some California footage of charreada ("tailing" of steers and lassoing running horses by their front feet--I wish the PRCA and IPRA would take a role in banishing these latter two events. And, of course, substituting break-away calf roping for the standard variety.

Hope this will be of some use to you.

AB 1660 was to have been heard on 6/11, but state budget debate has put everything on hold--possibly later this week the bill will be heard before the Assembly Ways & Means Committee, where it is expected to pass handily. Shouldn't be any big deal, for it's been gutted nearly beyond recognition, exempting as it now does all the amateur, exactly where a veterinarian is most needed. Can you help strengthen it again? As it stands, only the professional rodeos (PRCA and IPRA) will be required to have a vet on-site. Maybe the bill can be strengthened on the Senate side.

Cheers,



Eric Mills, coordinator

enclosures

P.S. - Do you have a listing of all the IPRA rodeos in the state? The CVMA have asked me for it. Would appreciate.

NO VETERINARIAN WAS ON SITE FOR ANY OF THESE RECENT ACCIDENTS.



SADDLE BRONC RIDING

HAYWARD POLICE OFFICERS' ASS'N.
CHARITY RODEO,
HAYWARD ROWELL RANCH - 1986.

THIS SADDLE BRONC BROKE HIS LEG IN THE HOLDING CHUTE, THEN WAS ALLOWED TO SUFFER NEARLY AN HOUR BEFORE BEING DISPATCHED WITH A POLICE OFFICER'S REVOLVER.

Documentation: Oakland SPCA
and Action for Animals



CALF ROPING

HAYWARD POLICE OFFICERS' ASS'N.
CHARITY RODEO,
HAYWARD ROWELL RANCH - 1987.

CALF WITH BROKEN NOSE AND PALATE, AS A RESULT OF CRASHING HEADLONG INTO THE ARENA BARS, THEN LEFT BLEEDING IN THE HOT SUN FOR NEARLY 6 HOURS, WAITING IN VAIN FOR AN "ON CALL" VETERINARIAN.

Documentation: Oakland SPCA
and Action for Animals

NEWS CHRONICLE
 Thousand Oaks, Calif.
 MAY 2, 1988

Saddle bronc euthanized after suffering injury

By JIM BERTKEN
 News Chronicle

After three performances free of injury at the Conejo Valley Days Rodeo, two mishaps occurred in the final show Sunday.

A saddle bronc named Velvet Pride was euthanized after suffering what the veterinarian on hand said was "probably a spinal injury." The horse threw its mount, Todd Rice, against the railing, stumbled on its reign and flipped head over heels. The horse lay trembling on the ground as veterinarians and rodeo staff rushed to help it. Eight cowboys pushed it onto a metal skid and the animal was dragged from the arena by a truck.

About 20 minutes later, rodeo announcer Phil Berman reported to the crowd that the horse was "all right"; however, the animal was still lying on its side receiving injections from a rodeo veterinarian behind the arena.

According to the veterinarian on hand, Dr. Larry K. Dresher of the Conejo Valley Veterinary Clinic, the horse lost consciousness in the arena. He administered medication to control swelling and the horse seemed to respond to stimulus. He later determined the horse was paralyzed from the front legs back and the animal was "humanely euthanized," he said.

According to Flying U manager Meeko Moreno, the horse had tried to rise to its feet while being treated by the vet, who, he said, had a positive outlook toward the horse's recovery.

"They think he'll get up," Moreno said.

The horse was euthanized a few hours later.

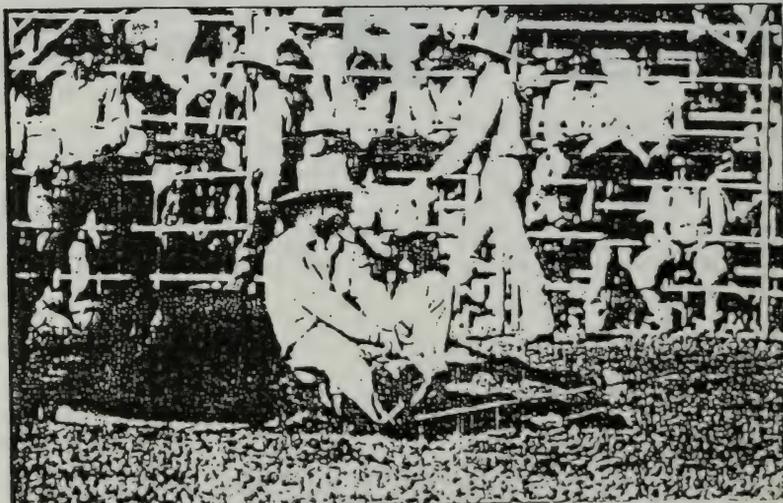
Dresher credited the rodeo staff with quick care and concern for the animal.

"It was an unfortunate incident," he said.

Earlier in the same event, Tony Buffalo, a saddle bronc rider, was thrown against the railing and lay still in the dirt for several seconds. He was taken from the arena by ambulance to Los Robles Regional Medical Center. He was treated in the emergency room and released.

BY JIM BERTKEN/News Chronicle

Professional cowboy Joe Price grits his teeth and stays astride Kibbles and Bits Sunday.



A cowboy holds the head of saddle bronc Velvet Pride as the horse is taken from the arena.

Thoroughbred's first try at rodeo proves fatal

By Gene Silverman
Times-Herald staff writer

VALLEJO — An injured horse that had to be shot following a fall at the Solano County Fairgrounds sparked anger among local animal activists Thursday.

The accident occurred after the evening performance of the rodeo although the horse was not part of the rodeo.

Patti Galle of the Bencia-Vallejo Humane Society said a veterinarian should have been on hand to euthanize any hopelessly injured animal immediately. The horse waited, untreated, for more than 30 minutes after its injury.

After the rodeo was over, an unidentified man brought a thoroughbred horse to the ring from the racetrack to see if she would buck,

according to Joe White, stable superintendent at the fairgrounds.

"He came over and kept asking and asking us to try her out," said Cindy Rosser of the Flying U Rodeo of Marysville, which put on the show.

"We told him we didn't have the time, but he got some bull-riding to get on her," said Rosser.

Then a "freak accident" followed, said Rosser: "She slipped and her foot went under the fence. It wasn't because of her bucking, or that the cowboy was bad. When she tried to get up, she hit the fence and broke her leg. Nobody was at fault."

Fairgoer Robert Linville, a Vallejo veterinarian, was called over to the site by his wife.

The horse's left hind leg was severely fractured, Linville said; "There was no function in it at

all."

Linville offered to fetch a euthanizing injection from his workshop, but that would have taken even more time, he said. As it was, the horse had been down about 30 minutes, the veterinarian said.

The police had been called and "handled it quite well, considering they're not the ones who should have been responsible," Linville said.

"Since I didn't have supplies with me, the owner opted to shoot the horse to put it out of its suffering," said Linville.

The owner shot the horse with a handgun, White said.

The Flying U Rodeo does not carry euthanizing drugs because such accidents are rare, said Rosser, and "I don't want to be responsible for carrying it (a deadly drug) with us."

"We were unaware that the rodeo did not have a vet or a vet tech with them. We now have one on call who is on the grounds," said Bob Talbott, manager of the fair.

"We will be meeting with the rodeo officials to explore what necessary policies or guidelines need to be implemented so the rodeo can continue at the fair."

"The very least the fair can do if they're going to have rodeo at all is have a veterinarian on the site, so animals can be euthanized immediately," said Galle.

Eric Mills of the Humane Farming Association in San Rafael and founder of the Independent Animal welfare group, Action for Animals, said he has been concentrating on rodeos.

7/27/88

To: Jerry Mooney
 THE FUND FOR ANIMALS, L.A.
 From: Arleen Rooney
 Per our telecon re wild horse cruelty: Narrative is as follows:

Event called Wild Horse Race, two horses released from chute (inside Equidome) at LA Equestrian Center on Saturday, 7/16/88 at the Bill Pickett Invitational Black Rodeo held both Sat., 7/16 and Sun., 7/17.

The horses were released from the chute with 30 foot drag lines around their necks. Two teams of three (3) men each on foot inside arena. Object to get the horse, saddle it and ride it. Two horses were running frantically, one horse light chestnut in color, in it's fright ran straight into the solid concrete wall fell down, had its front legs under it (like a newborn fawn would have). The three men grabbed a saddle, saddled the horse while it was still down. The horse wouldn't get up of it's own accord. It was dazed and they forced it up.

When it got up, it just stood there. One of the men got on the horse and rode it around. The horse was lame in the left front leg. Witness (Joann Rossi) states as the horse passed by her with the man astride, blood was running from the horse's nose and mouth and it was badly injured. The people were cheering and the emcee said to the audience, "how do you like that event folks". The audience cheered. One man yelled out that it stunk and Joann yelled out the horse was injured. No vet was called. The other horse went back into the chute unused. (Probably saved for the next day's event).

I, Arleen Rooney, called Events Dept. at LA Equestrian Center and was given the following info: Bill Pickett Rodeo, based in Denver, Colorado. No mailing address. Phone # is (303)373-1246. LA Equestrian Center said this was the third time the Pickett Rodeo played at the Center.

I called the Colorado # one evening last week (7/19) and got a recording. Asked for a callback. Haven't heard anything to date (7/27/88).

Witness: Joann Rossi said she would be happy to come forth and retell what she saw. Phone # is (213)318-5447 Work # (213)616-2318

Above submitted by Arleen Rooney, as told to me by co-worker, Joann Rossi.

ROONEY APPALOOSAS

ARLEEN ROONEY
 FREELANCE WRITER
 ANIMAL RIGHTS ACTIVIST
 "Compassion For All Animals"



Appaloosa(s) for Lease
 Published Writer
 Animal Abuse/Help Referral

(213) 318-5447

Re: Rodeo Event at Inglewood Forum, 1987

It was relayed to me that a complaint was filed after a horse was found inside injured inside a filthy cattle truck.

A gaping wound was laid open to the bone on the hind leg.

Since the handler assured the horse would be taken directly to a veterinarian in Newhall after the event, charges were not filed at that time.

The following day it was learned that no veterinarian existed in Newhall by the name given.

Rodeo injury/death

7 June 1988

To Whom It May Concern:

On June 5, 1988 at the Watsonville (CA) Fairgrounds where they were having a Mexican Rodeo which was sponsored by Promotion Grande, I was working as an A&B Security Guard. During the time I was working a horse which was being used for one of the rodeo events was injured (a broken back). At this point the horse was tied with rope from the front & back legs and one around the neck and dragged approximately 75 feet from the arena while the spectators watched, and then left to suffer for an hour and a half until a qualified vet was reached to determine the injury and then to put the horse to sleep. The inhumane treatment of the horse is inexcusable. If a qualified vet had been on the premises, for this event like any other event, he would have tranquilized the horse before he was removed from the arena. After the horse's removal from the scene he would have been diagnosed and then put to sleep, hopefully without any suffering. But due to the neglect of the persons organizing the rodeo, there wasn't a responsible or qualified person there to handle the situation. Due to such neglect an animal has suffered.

There is no excuse for the treatment of this horse or any other animal to have happened. If this is the type of organization we allow to have such events then whoever authorized this organization to hold such an event, with total disregard for the animals, should be the ones to explain as to why a situation such as this occurred. If it had been a loved one of who was involved in this event hurt, how would they feel if they had to see their loved ones suffer due to the inconsideration of someone who just didn't think. Just because a horse is not a human doesn't mean they are excluded from feelings. That horse suffered, and whoever is responsible should face the consequences.

A copy of this letter is being sent to the California Rodeo Association. If you need to speak to me personally, feel free to call me--my phone number is (408) 899-9633. I intend to pursue this so it doesn't happen again.

A Concerned Horse Lover,



MICHAEL E. BAILEY
1169 Trinity Avenue
Seaside, CA 93955



Pro Rodeo

July 2, 1992

Professional Rodeo Cowboys Association
101 Pro Rodeo Drive
Colorado Springs, Colorado 80919-9989
719/593-8840 Fax Ext. 409

Rep. Charlie Rose, Chairman
Subcommittee on Dept. Operations,
Research & Foreign Agriculture
Room 1301, Longworth House Office Bldg.
Washington, D.C. 20515-6007

Chairman Rose and Members of the Committee:

My name is Douglas G. Corey, D.V.M., and I am available to the committee on behalf of the Professional Rodeo Cowboys Association to provide expert testimony regarding the veterinary care and treatment of rodeo livestock.

I am a large animal practitioner from Pendleton, Oregon and have over many years observed the treatment and care of the animals used in professional rodeo. In my opinion, these animals receive extraordinarily good care. The rodeo people have a major investment in the livestock they use and are experts in the field of livestock management.

In my opinion, the special interest groups distribute a great deal of misinformation to the general public about the sport of rodeo. I have read articles and "fact" sheets regarding alleged abuse of livestock in rodeo that from experience I know to be totally untrue. The low incidence of injury to rodeo livestock, which has been statically proven in studies conducted by on-site veterinarians, confirms my observations.

As a licensed veterinarian who has spent many hours at rodeos, I firmly believe the accusations of cruelty at professional rodeos are without merit. The Professional Rodeo Cowboys Association was in the business of animal welfare long before many of the groups who charge them with misconduct in the care of their animals. I know from on-site observation that the PRCA strictly enforces the humane rules contained within the official rulebook.

I appreciate the opportunity to appear before this committee on behalf of professional rodeo.

Sincerely,

Douglas G. Corey, D.V.M., PRCA

DOUGLAS G. COREY, D.V.M.
ROUTE 1, BOX 111
ADAMS, OREGON 97810
15031 276-2349

July 15, 1992

Representative Charles Rose, Chairman
Subcommittee on Department Operations,
Research and Foreign Agriculture
Room 1301, Longworth House Office Buildings
Washington, D.C. 20515-6007

Chairman Rose and Members of the Committee:

Thank you, Mr. Chairman and Committee, for allowing me to appear on behalf of the Professional Rodeo Cowboys Association. My name is Dr. Douglas G. Corey and I am a graduate of Colorado State University Veterinary School. I am a member of the Oregon Veterinary Medical Examining Board and I am also Chairman of the Public Relations Committee for the American Association of Equine Practitioners and serve on that group's Animal Welfare Committee.

I am a Large Animal Practitioner and am involved in a family wheat and cattle ranching operation in Eastern Oregon and Southeastern Washington.

I have been involved with professional rodeo for 15 years, not as a contestant, but as a veterinarian, and a committee member and President of the Pendleton Round-Up.

The PRCA goes to great lengths to ensure the proper care, handling and treatment of its animals. The PRCA rule book, which is used by many Rodeo Associations, contains approximately 40 statements dealing with livestock care and humane treatment.

The American Veterinary Medical Association, in its position statement, "Recommends that all rodeos abide by rules to ensure the humane treatment of rodeo livestock, such as those established by the PRCA."

The PRCA began establishing rules regarding the humane treatment of livestock in 1947. Our rules are current and as a member of the PRCA Advisory Committee, we are continuously recommending updates.

Representative Charles Rose, Chairman

July 15, 1992

Page 2 of 3

Livestock used at PRCA rodeos receive better care than most saddlehorses and backyard pets. The animals used in professional rodeo competition are top athletes and, like a well conditioned athlete, an animal can perform well only if healthy.

These animals are fit and receive only the best feed and housing conditions. This is demonstrated by the condition they are in and the fact that rough stock horses can live to be 30 to 35 years old and some can still compete at this age.

These animals work only a few minutes per year and then are turned out in knee-deep grass pastures. If not for rodeo, these horses and bulls would probably not be alive. The fact is simply, if these animals were not living a rodeo life, they would be in a can or on your dinner table.

A truly great life is lived by a bucking bull or bronc.

Rodeo livestock is an investment and the livelihood of a Stock Contractor. They will not tolerate abuse and injuries to their animals. In addition, an abused animal will not perform.

I have seen abuse and cruelty to animals, it does not happen at PRCA level rodeos. I would not be here defending rodeo, if I did not believe this.

On a day-to-day basis, the general public probably causes more abuse to animals than the professional rodeo.

The PRCA is concerned with animal welfare. The animals under our care do have basic needs that must be taken care of and the PRCA assures this is being done. The basic needs include proper housing, water, feed, etc.

There is a tremendous amount of misinformation put out concerning the use of flank straps, hot shots and spurs. The flank strap is used around the flank of a horse to augment the bucking action, which is a natural instinct of some horses. The flank strap is made of leather and is sheepskin lined with nothing sharp protruding. It fits like a tight belt, not painful. If pulled too tight, the animal will simply not buck. Veterinarians use ropes around the girth and flanks and pull them tightly to put animals on the ground safely.

The hot shot is powered by flash light batteries and produces a very low voltage. Its use is restricted at PRCA rodeos. It can only be used on the shoulder and hips and is used to facilitate movement of these animals in a humane fashion. It is much more humane to use this on an animal than to twist the tail, beat the animal with a whip or to hit with a stick. It is used daily by large animal veterinarians.

Representative Charles Rose, Chairman

July 15, 1992

Page 3 of 3

The spurs used in professional rodeo must meet certain requirements. There will be no sharp points and no locked rowels. You need to remember an animal's hide is approximately 5 to 7 times thicker than a humans.

Our statistics show an extremely low injury rate, less than 2/10ths of 1%. A large number of veterinarians participate in rodeo and I don't feel they would if they thought it was abusive or cruel.

The PRCA requires that a veterinarian be on-site or on-call at all PRCA approved rodeos. Most rodeos already have a large amount of veterinary support from their communities.

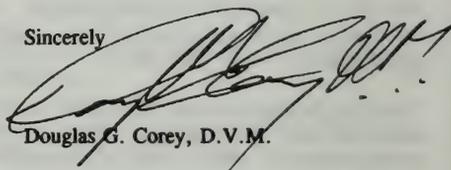
Much has been made of whether or not veterinarians are on-site or on-call, but you need to remember that on a daily basis, a large animal practitioner responds to emergencies as needed. He has to make a judgment of what is an emergency and how severe or life threatening it is.

On-site veterinarians would be ideal, I do not deny this. It would be a financial burden to some small, very rural rodeos. The fact still remains, many rodeos already have veterinarians present and on-site.

Professional rodeo has had its problems, as does any business, but we handle these problems. We deal with the problems as they arise and, most importantly, we correct what needs correcting.

The PRCA is taking care of our business.

Sincerely



Douglas G. Corey, D.V.M.

DGC:cj

DOUGLAS G. COREY, D.V.M.
ROUTE 1, BOX 111
ADAMS, OREGON 97810
—
(503) 278-2349

July 15, 1992

Representative Charles Rose, Chairman
Subcommittee on Department Operations, Research
and Foreign Agriculture
Room 1301, Longworth House Office Buildings
Washington, D.C. 20515-6007

Chairman Rose and Members of the Committee:

I feel a response is required to Mr. Eric Mills' testimony on July 8, 1992, to the Subcommittee.

Mr. Mills often referred to events, such as wild horse races, steer dressing, etc. These events are not PRCA sanctioned events. PRCA sanctioned events are bull riding, bareback riding, saddlebronc riding, calf roping, steer wrestling, team roping and steer roping.

He has made much of whether or not veterinarians are on-site or on-call at PRCA approved rodeos. As a veterinarian, I do not feel this is as big of an issue as it is made to be.

In my testimony, I stated that large animal veterinarians respond to emergencies on a daily basis. They need to decide how quick of a response is required and how life threatening. The injury has already occurred, it seems more appropriate that rodeos and facilities provide adequate equipment to remove the injured animal from the arena until help can arrive. The PRCA Rules do require sleds and stretchers to be on hand for rodeo performances. We have already handled this.

On-site veterinarians would be nice. I do not deny this. It would be a financial burden to some small, rural rodeos. The fact is, many rodeos already have veterinarians on-site.

Regarding Mr. Mills' statement of the Texas ban on steer roping. This is absolutely not true. No other way to put it. Mr. Mills was being very sensational without knowing the facts. They are currently steer roping in Texas.

Representative Charles Rose, Chairman

July 15, 1992

Page 2 of 2

The hot shot issue still comes up. The PRCA Rules answer all of his accusations. They are allowed to be used only on the hips and shoulders and to be used to move animals, or on animals that are down.

The hot shot is used as a humane way to move animals by large animal veterinarians and ranches. It is much easier on animals than using paddles, twisting tails and beating on them. This should be noted and this issue should be put to rest.

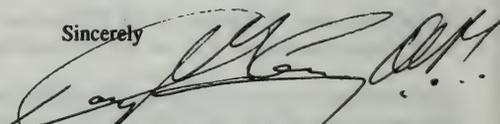
Mr. Mills referred to several flank straps injuring bucking animals. The PRCA requires flank straps to be sheepskin lined, with quick release buckles. Injuries and accidents can happen, however, they are extremely rare. His inferences that many bucking animals are subjected to injury by flank straps just is not true.

Large animal veterinarians still use ropes applied around the girth and flanks to lay some large animals on the ground. If the rope is pulled tight enough, the animal will go down. If a flank strap were pulled too tight, the animal would not buck or perform adequately. The flank straps are not pulled tightly enough to injure the animal.

His reference that most rodeos put calf roping at the end of the show because of the events alleged problems is not necessarily true. Come to the Pendleton Round-Up and it is the second event!

I would like to have these comments entered into the record. Thank you for your concern and help on these issues involving rodeo.

Sincerely



Douglas G. Corey, D.V.M.

DGC:cj

INTERNATIONAL PROFESSIONAL RODEO ASSOCIATION

P.O. Box 445 • 146 East McClure • Pauls Valley, Oklahoma 73075



Address to the Subcommittee on
Department Operations, Research, and Foreign
Agriculture of the Committee on Agriculture
U.S. House of Representatives

July 8, 1992

Chairman Rose and members of the Committee, thank you for the privilege of expressing my opinion on legislation concerning animal welfare and the proper role of government in this area.

I bring to this meeting a great deal of collective frustration from the people I represent in the rodeo industry. It is difficult for us to deal with a mindset that says cruelty is inherent in rodeo as well as in other commercial uses of animals.

Commercial use of animals can and does work for their benefit, but commercial involvement only tells you why it is not wise for a person to abuse their investment. The fact that we deliberately choose a way of life close to animals tells you why we would not want to abuse them.

Tens of thousands of people are active in rodeo by choice. Parents feel privileged to raise their children in the atmosphere of the rodeo way of life. Millions of people enjoy rodeo as spectators. The idea that we wouldn't recognize abuse is an insult to our intelligence, and the suggestion that we would condone cruelty is more than an insult to our decency.

Regarding charges that are made against our use of animals, I refer you to the inside of the pamphlet, To Protect An American Tradition, where the factual circumstances of use are explained.

As additional reasons why it is not necessary for Congress to legislate against rodeo, I offer the following:

1) Rodeo animals and other exhibition animals are under public scrutiny to a greater degree than any other use of animals, including household pets. Critics point out that the public does not see everything that goes on behind the scenes, but the condition of our animals is on display, and the condition

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International Rodeo for over 30 Years

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of an animal is a very good barometer of the kind of treatment that it receives around the clock.

2) Our trade associations fully realize the climate surrounding animal use and we know it is in our best interest to promote standards among our members that withstand public scrutiny.

3) It is our policy to contact the (Exhibit A-1)
 local, lawfully empowered agency in a
 community where a rodeo is held and invite them to inspect the
 animals and facilities.

4) For instances of abuse that are not adequately addressed by the above, there are local animal welfare organizations and animal rights groups that serve as watchdogs and initiate enforcement of animal abuse laws that are on the books in all states.

In addition to these reasons why federal legislation is not necessary, I ask that you consider where to draw the line so that zeal for animal protection does not infringe on good people. I also worry that something has been started on a federal level that cannot be equitably applied in all situations where possible abuse can occur.

For instance, abuses of the grossest (Exhibit A)
 kind are committed against children.
 There is federal legislation that shows concern for child abuse and provides funding for programs, but that legislation does not intrude in the lives of people to the extent that animal legislation intrudes. As a parent, I have never been required to report on the condition of my child or the nature of her care. I do not have to inform anyone of her whereabouts or show that her environment promotes her psychological well-being. When child abuse does occur, it is state law that mandates investigation and prosecution.

Congress also takes a hands-off position with people who own pets, and horrible abuses occur there too.

Of concern to all of us is deficit (Exhibit B)
 spending and the cost of federal programs.
 There is not enough money to adequately run existing animal welfare and abuse programs. An example of this and of a poorly conceived bill is The Wild Free-Roaming Horse and Burro Act of 1971 where the program has had disastrous results.

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Since passage, the herds have grown by 20% a year from an estimated 35,000 to between 50,000 and 75,000. Too many animals and an extended drought in their range has resulted in the slow and agonizing death of thousands of animals. We know the authors of this legislation did not want the population of wild horses to be controlled in this fashion. Sadly, it appears they did not consider what the country would do with an ever increasing number of animals that nobody is allowed to use.

Unaddressed, the proliferation of wild horses will present the same difficult and unmanageable problems communities have been struggling with for over 20 years with overpopulation of cats and dogs.

The best animal management occurs when the people involved have a vested interest.

If we use common sense and look to nature, we can see the big picture of how it is necessary that one form of life is dependent on another form of life. In a sense, everything serves as fodder or fertilizer, and that's how life continues. It is not always a pretty picture, however, and nature can be very cruel.

In his recent book, "The Covenant of the Wild: Why Animals Chose Domestication," (Exhibit C) Stephen Budiansky says that in an evolutionary sense, the animals that we think of as domesticated chose us as much as we chose them--that domestication was a product of nature, an evolutionary process driven by the animals' need to adapt to rapidly changing climatic conditions at the end of the ice age.

Domestication would not work nor would it have happened if there were not a mutual need and benefit.

In the wild, animals experience discomfort, fear, pain and agony. (Exhibit D) In trying to justify the harshness of nature with the idea of animal rights, Michael Fox, Vice President of The Humane Society of the U.S., wrote that wild animals have adapted to the idea of being eaten by other wild animals--that a deer "expects" to be killed--that it lives to be eaten.

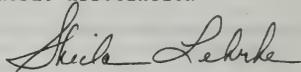
If that is true, it would follow that animals which have adapted to domestication would, likewise, expect something other than a free ride--that they, too, are willing to sing for their supper, whether that be in a feed lot, a research lab, or a rodeo arena.

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In the exchange of services and benefits (Exhibit E) between people and animals, many of us strive to improve conditions for animals. In this effort, however, it is not necessary to become maudlin about every inconvenience or discomfort to which a domesticated animal may be subjected. Improvements will continue to be made, but education is the key; not restrictive, repressive, intrusive legislation.

Respectfully

INTERNATIONAL PROFESSIONAL
RODEO ASSOCIATION



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Additional Enclosure:

Is Rodeo A Cruel Sport?
by Robert M. Miller, D.V.M.

Is Rodeo a Cruel Sport?

By ROBERT M. MILLER, D.V.M.

THE WESTERN HORSEMAN
FEBRUARY, 1966



The Ohio legislature recently passed a law prohibiting rodeos in that state. This bill, Number 451, was introduced by representative Frank Gorman (D) of Cleveland, and was supported by various humane associations and animal welfare groups.

I am opposed to this legislation and urge that it be revoked. I favor rodeo as a sport. I am qualified to express an opinion in this matter as a doctor of veterinary medicine actively engaged in large animal practice, and because I am intimately familiar with the sport of rodeo as an ex-contestant. The opinions expressed here are my own. They have not been solicited by any rodeo organization, by this magazine, or by any other group or individual. In fact, I am no longer particularly interested in the sport of rodeo. I was impelled to write this article because I object to the destruction of a wholesome sport by the well-intentioned but misinformed people who obtained this legislation.

Rodeo may be defended from many standpoints: it is a traditional native American sport; a product of our heritage. It has a code of good sportsmanship which surpasses that of any existing sport with which I am familiar.

Most rodeo skills are still a part of daily ranch work; skills mastered by ranching people of necessity. Most of these people work with livestock by choice. Their love for animals, though usually not emotional and sentimental, is nevertheless sincere.

Like other sports, rodeo serves as a mental and physical outlet for energies which, if not properly channeled, could easily lead to less desirable activities. This is particularly true in our young people at a time when juvenile delinquency and irresponsibility are rapidly becoming a national calamity. Through sports, young people can constructively earn recognition and work off physical energy that our modern sedentary life does not require.

Rodeo particularly satisfies the urge to compete, because it is exceptionally competitive. The rodeo contestant must beat both his human rivals and the animal he has drawn. Competitiveness is basic to the nature of man, and our American way of life acknowledges and fosters this fact. Ability and extra effort have traditionally merited rewards. For all of mankind, progress has been made by those who attack the mountain "because it is there." Competitive sports are a natural and beneficial outlet for man's indomitable spirit. Human beings must conquer things, be they an unriden bronc, an unclimbed mountain, an incurable disease, or space itself.

Rodeo has contributed much to our economy. Modern rodeo is big business, and the earnings of many people stem wholly or partially from it. These include rodeo stock contractors, announcers, those who maintain rodeo arenas, those who manufacture and sell equipment, and so on, including the contestants themselves. Rodeos have also stimulated many other facets of our economy. For example, it has done much to boost the Quarter Horse industry, and the western clothing business. Inter-collegiate rodeo has become an important sport in many of our colleges, particularly in the western states.

However, all of the good points I have mentioned are negated and inconsequential if rodeo is a cruel sport. No athletic activity can justify its existence if it is cruel. The law in question was passed because of a basic premise—namely, that rodeo is cruel. The entire argument therefore centers upon this premise, and I challenge it. Let's begin by examining the concept of cruelty:

"Cruelty," according to the Oxford Universal Dictionary, is "the disposition to inflict suffering—delight in another's pain—mercilessness."

Continued

Cruelty implies willful infliction of pain. In a cruel sport, injury is intended. Spanish bullfight is a cruel sport. The skill, traditions, symbolism and spectacle are irrelevant. The bull is intention. Apologists for bullfighting cannot deny this fact.

Dog fighting and cock fighting are cruel sports. Injury is deliberately inflicted.

Boxing is a cruel sport. Why? Because a knockout (a brain concussion) is the object of the game.

Rodeo, by contrast, is not cruel. It can be a dangerous sport. Injuries to both contestants and animal do occur. But such injuries are unintentional, accidental, and regrettable. Actually, rodeo is less dangerous to both human and animal participants than several other popular sports. In fact at the great majority of rodeos I've attended, there were no injuries to men or animals.

American football, for example, is an exceedingly dangerous sport that kills and injures many young men every year. There are many other sports that are dangerous to man and/or beast. They include lacrosse, hockey, steeplechasing, automobile racing, skin diving, horse racing, skiing, polo, mountain climbing, parachuting, and wrestling. But dangerous sports and cruel sports are not synonymous. The above sports are not considered cruel because every injury is undesirable and regretted. In fact, the rules of these games are set up to try to minimize injuries.

This question of intent should be explored thoroughly before outlawing a sport because it is considered cruel.

The Ohio bill stipulated that bucking and flank straps were to be outlawed, along with spurs, electric prods, and other such "devices."

Bucking and flank straps are not painful devices. They serve to increase the bucking animal's action and to cause him to kick higher. If pulled too tight the animal cannot buck. In fact he will be unable to stand. We veterinarians commonly cast fits for the treatment by simply pulling a rope tight around the body in the same place that a bucking strap fits.

Dull spurs may annoy a massive Brahma bull, but they can't possibly injure him. As for the electric prod I cannot think of a more humane device. Until its invention, the whip and club were the only means of moving cattle through a chute.

Next let's discuss fear. If rodeo animals are not ordinarily hurt physically, do they feel fear? Is the calf frightened as the roper streaks after it? Yes, I'm sure that it is. But let's not be maudlin about this. Fear isn't necessarily a terrible thing. That feeling one knows when adrenalin pumps through the blood stream isn't the worst sensation in the world. In fact, fear can even be stimulating or challenging, though a gentle old dowager might find that concept a bit incomprehensible. The mountain climber knows fear as he dangles in space. The bronc rider feels fear before he leaves the chute. A surgeon is fearful before he attacks a malignant growth. The high school valedictorian shakes with fear before rising to speak as does the clerk about to ask for a raise. Throughout life, in an infinite variety of ways, we face and cope with an endless succession of fears.

For animals, especially grazing animals, who in the wild state are constantly alerted for predators, fear is a part of life. Every strange sound and scent sends adrenalin rushing through their bodies, priming them for instant flight. This basic physiological mechanism persists under domestication. Thus, the colt is terrified when first haltered or saddled; the heifer, when first milked. A fluttering bit of paper can throw some horses into a fit of terror, and a clap of thunder has made cattle stampede in a blind frenzy. We see, then, that fear is a sensation that animals and humans both are well-equipped to endure. So let's not automatically assume that fear, per se, is bad. The most damaging kind of fear, in man at least, is probably fear of fear.

If I were a horse, I'd want to be a rodeo bucking horse. For a few minutes work a year, a bronc is well-fed and well-cared for. Most rodeo broncs enjoy bucking. They can be quite enthusiastic about it.

If you were a steer, which would you choose to be: a long-horned bulldogging steer, or a fat feedlot steer awaiting early slaughter?

I will not deny that cruelties have occurred at rodeos. I have seen these myself. There are people in this world who, because of indifference or mental illness, are deliberately cruel to animals. But let's not condemn an entire sport and all of the people involved in it because of the actions of a minority. Most rodeo people like animals. In fact, a love for animals leads many people to careers in rodeo. The person who dislikes animals will try to avoid being around them. Consideration for horses and livestock is traditional with rodeo folks, and the man who is known to be brutal is marked and condemned. "He's a good hand, but he's too rough on stock," has cost many men their jobs.

I believe that rodeo must be supervised to minimize injuries and prevent instances of cruelty. Rodeo contestants and personnel who are guilty of cruelty to animals ought to be penalized. But the person who decides what constitutes cruelty has to know what he's talking about.

Those of us who work with animals must also philosophically evaluate the relationship between man and beast.

Like most veterinarians, I chose my profession because I loved and was fascinated by animals since early childhood. My daily life is devoted to their welfare. Yet, I am always conscious that they serve us. Animals are here for us to use--not to abuse--but to use, for our sustenance, our amusement, our comfort, our physical and mental well-being. Unfortunately, in these capacities the animal must sometimes suffer discomfort, fear or even pain. Such is their lot. The steer entering the bloody abattoir, the dog in the medical research laboratory, the hen mechanically laying eggs in a wire cage, the lion bored with zoo confinement, the sweating cow pony, the chimpanzee in a space capsule, the trout at the end of a tired businessman's line, the overfed cat that substitutes for a spinster's family, the mink whose hide will adorn a lady's shoulders, and--yes--the rodeo bucking horse or roping calf all serve man in their various ways. There isn't anything immoral about this. It was meant to be this way.

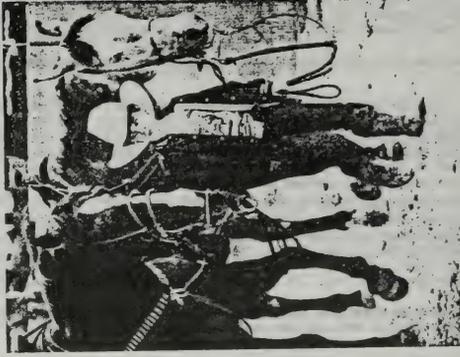
Moreover, the idea isn't new. It was first expressed many thousand of years ago:

"...and God said to them, 'Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air, and over the cattle and over every living thing that moves upon the earth.'"FROM GENESIS.

Footnotes: Dr. Miller refers to an Ohio law prohibiting rodeo. The law was later amended to allow rodeo.

The original magazine article is lost and the copy was reset for duplication.

To Protect An American Tradition For The Next Generation



RODEO
Looks At Its Critics

Figures from an Institute for Social Research study done in 1986 reports that 5% of the population lean toward animal rights; 10% hunt; 2% farm.

In looking at the big picture of animal use and criticism of it, we are convinced that dedicated non-users of animals have decided that they will determine what animal users will and will not do, and their ultimate goal is the elimination of all animal use.

We believe the decisions should not be made by people who —

- 1) are out of touch with nature and do not understand that animals have served one another since the dawn of time
- 2) know that people's lives are not perfect, yet insist we support utopia for animals
- 3) believe that animal utopia is being born in the wild and living there, undisturbed by humans
- 4) place an unrealistic, idealized animal existence before human needs
- 5) have no concept of the values of animal use nor the economic imbalance that would be created if their whimsy became reality.

Published Jan. 1991 by
International Pro Rodeo Assn
Humane Activities Office
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- Letters to the Editor
- Boycotting Sponsors
- Legislative Bans
- Picketing

Never dreaming that the idea of animal "rights" would be treated seriously by the press nor that the general public would be so gullible, animal users have been slow to respond to the eroding effect of animal activism.

It seemed like such an unproductive use of time to have to explain the traditions of animal use, the humane ethics employed, the extent that animal use is ingrained in our society, and how it fits into the natural world.

It seemed that it should be unnecessary to have to point out that we live in a country where freedom of choice is cherished and that if someone chooses not to wear wool, silk, fur or leather, not to eat meat, eggs nor drink milk, not to ride horses nor watch horsemen's games, that is just fine. And it is equally fine to choose to do all of it.

According to figures from the Animal Industry Foundation (an organization serving livestock and poultry production), there are approximately 7,000 animal protection organizations in the U.S. with 400 of them hard-core animal rights activist groups. These 400 represent an annual budget of between \$50-75 million.

Who Attacks Rodeo & Why

Rodeo is well received in many communities, but like every other possible use of animals — from hunting and the wearing of fur to animal research and farming practices — animal use has problems in the way it is perceived by a society that is 3-4 generations removed from the farm.

In today's ever-growing urban population, fewer and fewer people have had any experience working and living with horses and cattle. People who do not understand large animals and their needs are vulnerable to manipulation of the facts.

Some of the people who oppose rodeo and other animal uses are well-meaning individuals wanting to do something to prevent animal cruelty. Unfortunately, their views are often based on contrived, sensationalized materials designed by people who cannot be credited with the same worthy intentions.

The simple truth is that organizations that do little or no hands-on animal care work and exist solely to change people's attitudes toward animal use must have a target to exploit that will stir people and cause them to give freely of their money.

Rodeo's vulnerability rests mostly on the fact that as a sport and entertainment event it is easier to criticize than an animal enterprise that may be looked upon as a necessity, such as meat production.

If rodeo were not a profitable target for certain groups, it would make no sense for them to bother with it, because in terms of numbers of animals, rodeo is very small.

In all of rodeo there are about 20,000 bucking horses and bulls, and they kick up their heels in fine fashion for many years. Bulls are bucked until the age of 10-15, and many horses are still going strong at age 25.

Compare this to the fact that 15 million homeless dogs and cats are destroyed each year and the figure has not improved in 20 years! Why do these groups give high priority to 20,000 rodeo animals that live a long life instead of putting their resources to work correcting the suffering inherent in the ongoing problem of unwanted animals?

The truth is, they never would have been able to amass \$50-75 million asking the public to support forced spaying and neutering.

The truth is, many of the large, wealthy animal advocacy organizations are only interested in staying large and wealthy.

The truth is, some of the others have an agenda so bizarre, they believe companion animals represent a form of slavery and they would not impose any kind of restriction of the animals' freedoms.

There are reasonable and good people in some local animal welfare organizations who work with recreational and commercial users of animals. Unfortunately, they are overshadowed by mushrooming numbers of extremists and charlatans.



WHAT YOU CAN DO TO PROTECT RODEO

- 1) Be a watchdog for rodeo. Keep an eye on proposed legislation in your city, county and state. Call us at the first indication of unfavorable animal legislation.
- 2) Help us keep a pulse on what is happening across the nation. Send to us press clippings that are either favorable or unfavorable regarding rodeo's use of animals.
- 3) Help spread the truth about rodeo and its critics. This material is available in an 8 1/2x11" format for reproduction, and copies of this brochure are available at our printing cost of 20¢ each.
- 4) Become an IPRA Associate Member. Your support will aid our education efforts. Minimum membership contribution is \$30.
- 5) Become a member of Putting People First, a national lobbying organization fighting animal extremists for the protection of all animal users. Information is available through IPRA or contact Putting People First at 4401 Connecticut Ave. N.W., Suite 310-A, Washington D.C. 20008-2302, (202) 364-7277.

GO RODEO — GO PROUD

**ACTION FOR ANIMALS**

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Oakland, CA 94620
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*"We need a boundless ethics which
will include the animals also."*

—Dr. Albert Schweitzer

July 8, 1992

Congressman Charlie Rose, Chairman
Committee on Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture
Room 1301, Longworth House Office Building
Washington, D.C. 20515-6007

RE: The Animal Welfare Act, and
animals in exhibits

Rodeos

Good morning, Chairman Rose, and Members of the Subcommittee:

Thank you for this opportunity to testify about the need for improvements in the care and treatment of animals used in exhibits. My focus today will be on rodeo.

My name is Eric Mills. I live in Oakland, California, the nation's number two rodeo state, after Texas. I am the unsalaried coordinator of a grassroots environmental and animal protection organization called ACTION FOR ANIMALS, which I co-founded in 1982. I publish a monthly calendar of events for some 350 San Francisco Bay Area activists and 45 organizations. At different times, and in varying capacities, I have worked for The Fund for Animals, the Humane Farming Association, and the Animal Legal Defense Fund. I have written rodeo articles for The Animals' Agenda, The Animals' Voice, the Animal Protection Institute, and the Peninsula Humane Society.

I'm originally from Kentucky, where as a boy I spent considerable time around animals on my grandparents' farm. I have been active in animal protection issues for more than 30 years. For the past 6 or 7 years much of my time and energy has been spent on rodeo issues. Much of my information is first-hand, though I do have extensive documentation and other personal accounts of rodeo animal injuries from throughout the U.S. and elsewhere. Quite frankly, I look forward to the day when rodeos will be a thing of the past, and the American public will no longer condone such mistreatment of farm animals. As Mohandas Gandhi has written, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." Meanwhile, however, there is room for immediate improvement of the status quo.

Rodeo's appeal reaches into all corners of American society. Not long ago, Malcolm Baldrige, Secretary of Commerce under President Reagan, was killed in a rodeo accident just a few miles from where I live. There are rodeos of every stripe: professional and amateur, all-women's rodeos, black, gay, military, police, even "Little Britches" rodeos for the pre-school set.

According to the Professional Rodeo Cowboys Association (PRCA), they sanction some 800 professional rodeos annually in the U.S. There are probably twice that number of amateur events.

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This committee should be aware that every major animal welfare organization in the U.S. is opposed to all rodeos because of their inherent cruelty. The Canadian Veterinary Medical Association states that, "The success of rodeos inevitably rests on the exploitation of animals' reactions to pain, noise and fear and the animals' desire to escape."

I began my rodeo work in earnest after a weekend at the Hayward, CA Police Officers' Association rodeo in 1986, an amateur event. As our national anthem was being played, two lines of horses and riders slammed head-long into each other in the rodeo arena. The first three calves in the calf roping event crashed full-speed into the arena's iron railings, going to their knees. Also featured was a "pig scramble," with groups of 10-12 kids piling atop terrorized piglets. This was followed by the sexist and demeaning "steer dressing" event.

The capper of the day was a stallion who broke his leg in the holding chute. He was down for several minutes in the arena as stock handlers kicked him and used electric prods to get the animal back on his three good legs. Though I begged the SPCA humane officer to euthanize the suffering animal immediately, he refused, saying he "didn't want to upset the children." No veterinarian was present, and nearly an hour later, the horse was dispatched with a police officer's gun. Ironically, the rodeo was a benefit for crippled children, many of whom were leaving in tears.

The Police Association board promised me a veterinarian for the next year's rodeo, but did not follow through on their word. The very first calf out of the chute crashed into the fence, breaking both nose and palate. After falling down three times, he was still lassoed, then left bleeding in an adjoining corral, untended for nearly 6 hours before our own vet could arrive. There were numerous complaints from the general public. That particular rodeo has been cancelled for the foreseeable future due to public outcry.

I subsequently drafted a rodeo animal welfare policy for the rodeo grounds which was adopted by the board of directors. The policy requires veterinary presence at all rodeos, both professional and amateur, bans the use of the electric prod once the animals are in the holding chutes, and bans events such as "pig scrambles" and "steer dressing." The arena was also padded at my request, for the benefit of animals and riders alike.

We had a similar policy put in place the following year at the Solano County (CA) Fairgrounds, after a racehorse being tried out for the rodeo broke her leg at a PRCA-sanctioned event. Again, no vet was on-site, and the mare suffered for nearly an hour waiting to be euthanized.

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Both the PRCA and the International Professional Rodeo Association (IPRA) are to be commended for having some good humane guidelines. Inexcusably, though, neither organization requires veterinary presence at their rodeos. The PRCA rulebook states, "A veterinarian shall be present or on call (emphasis added) for every performance." The IPRA has a similar rule. Unfortunately, the "on call" option is often the choice, since it is cheaper. Yet the California Veterinary Medical Association has reported that it should cost only \$150-\$250 for an eight-hour vet. Rodeo injuries are almost always emergency situations, and an "on call" vet has repeatedly proved inadequate. Much avoidable animal suffering has been the result. As a recent editorial in the Contra Costa Times (CA) said, "If promoters can't pay a vet to be present, there shouldn't be a rodeo. There's no charity so important that animals must suffer needlessly."

Interestingly, PRCA rules require the presence of an ambulance and first-aid facilities for the cowboys. And federal and state laws require veterinary presence at horse races and horse shows. Why not at rodeos? And yes, cowboys do get injured, which is regrettable. But they're in the arena by their own choice, unlike the unwilling four-legged participants.

Cotton Rosser, stock contractor and member of the PRCA Board of Directors, tells me that only about half of the 800 annual PRCA rodeos have an on-site vet. The amateur rodeos rarely have a veterinarian present.

OTHER INJURIES

I have seen and am aware of many other injuries, often without benefit of immediate veterinary attention. I have a signed statement from a security guard at the 1987 Watsonville, CA rodeo who witnessed a bucking horse break her back, who was then left for 1 1/2 hours in agony awaiting an "on call" veterinarian. Horses have broken their necks running into arena posts, as at rodeos in Folsom and Salinas, CA. A horse at last year's Salinas rodeo broke his leg in the "Wild Horse Race," and had to be destroyed. This is a non-sanctioned event, and should be banned. Nevertheless, the same event is scheduled for next week's rodeo. The Monterey SPCA took photos last year at this same rodeo of a bull who broke off a horn in the chutes, leaving a bloody and painful stump, in addition to at least five horses with bloody flanks from the bucking straps, padded though they are. A stock contractor at this same rodeo in 1981 reported that 85% of his horses wouldn't buck without the strap. Both the bucking strap and the electric prod were recently banned in Pittsburgh, PA after the death of a bucking there.

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Calf roping - Of all sanctioned events, probably calf roping is the least defensible. In 1989 the State of Rhode Island banned the event due to the stress and injury to the young animals. Currently, only "break-away" calf roping is allowed, in which the running calves are neither jerked to a sudden stop, slammed to the ground, or tied up. In support of the bill, Dr. E.J. Finocchio, DVM, sent the following statement to the Rhode Island State Legislature on 2/28/89:

"Rodeo livestock do sustain certain injuries such as lacerations, sprains, strains, broken bones, and other related injuries that do need immediate professional attention. I have witnessed and tended to calves who became paralyzed from severe spinal cord injury and whose tracheas (windpipes) were totally or partially severed, causing a life-threatening situation."

That the PRCA knows that calf roping is a concern is evidenced by the growing trend to place the event last on the program, so that more sensitive folks can go home early. And in televised rodeo, almost never do you see the calf hitting the end of the rope at speeds of up to 27mph--the camera invariably pans back to the horse and rider. And for good reason. Imagine the public outcry if we were to treat our pet dogs thusly.

Another area of concern is steer roping. Though banned in Texas, this brutal event is still sanctioned by the PRCA in at least 10 states. One Dr. T.K. Hardy, a Texas veterinarian and sometime steer-roper, commented to Newsweek in 1972, "I keep 30 head of cattle around for practice, at \$200 a head. You can cripple 3 or 4 in an afternoon...so it gets to be a pretty expensive hobby."

Many of rodeo's non-standard events deserve closer scrutiny. A few years ago the Canadian "Calgary Stampede" made the national news when at least three horses were killed in a calamitous pile-up during the chuckwagon race. This event can be seen at the California Rodeo in Salinas and elsewhere. It is a disaster waiting to happen.

Professional rodeo would be wise to distance itself from such non-sanctioned events as "wild horse races," "chuckwagon races," "pig scrambles," "steer dressing," and the like, for they have little to do with life on a working ranch, which purportedly is what rodeo represents. They are all nonsensical, and put the animals at risk of serious injury, even death.

Charreadas - Two other events should be noted, though neither is sanctioned by the PRCA or IPRA. In California there are an estimated 40 charreada associations. These are Mexican-style rodeos, many of which are held most weekends throughout the year throughout much of the Southwest.

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One, "tailing," involves a mounted cowboy who grabs a running steer by the tail, then wraps the tail over his booted stirrup. Riding off at an angle, he attempts to jerk the animal off its feet and slam it to the ground. There are reports of the tail's being ripped off the steer's body.

Another charreada event involves the lassoing of a running horse by the front feet, sometimes throwing the animal head over heels. Such a horse broke his neck in San Antonio last fall.

Charreadas, unlike their American counterparts, often have horsemen in the arena with the bullriders. I have seen horses gored by the bulls--the potential for serious injury is there.

AB 1660 - California's Rodeo Veterinarian Bill - Two years ago I drafted AB 1660, authored by Assemblywoman Jackie Speier. The bill was initially written to include required veterinary presence at all California rodeos, both professional and amateur. Unfortunately, the bill has been badly weakened, due in part to opposition from the PRCA. As amended, the bill would now require veterinary presence only at the state's 100 professional rodeos, and an "on call" vet at the estimated 250 amateur rodeos. This is unfortunate, for it is at the amateur rodeos where most accidents and injuries occur, to cowboys and animals alike, as the PRCA likes to point out. The bill has passed the State Assembly, and will soon be heard before its second Senate Committee.

There is broad public support for this humane legislation, presenting as it does an "everybody wins" opportunity. More than 150 letters from organizations, veterinarians, and individuals have come in in support, more than on any other bill Assemblywoman Speier is carrying. The California Veterinary Medical Association supports the bill, and we've collected in excess of 10,000 signatures on petitions, nearly 2,000 of them from rodeo fans, including a number of rodeo cowboys.

Rodeo is Big Business. According to a PRCA "California Fact Sheet," more than 3.5 million spectators attended California rodeos in 1988, paying \$18.5 million in ticket sales alone, bringing in an additional \$200 million spent on food, gas, local services, hotels, etc. Surely a tiny fraction of that amount is owed to the animals involved.

RECOMMENDATIONS

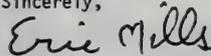
In closing, ladies and gentlemen, I would strongly urge that, at a minimum, the following changes be made on behalf of animals used in rodeos:

Committee on Agriculture - Charlie Rose, Chair
Rodeo testimony - Eric Mills
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1. That a veterinarian be required on site at all rodeos, both professional and amateur;
2. That "break-away" calf roping be substituted for the standard variety of calf roping now generally practiced;
3. That steer roping be banned outright, as it now is in Texas;
4. That a conveyance be provided at every rodeo to carry out any injured animals;
5. That the use of electric prods or "hotshots" be disallowed, once the rodeo animals are in the holding chutes immediately prior to entering the rodeo arena.

Again, thank you very much for this opportunity to help improve the lives of rodeo animals. I'd be happy to answer any of your questions.

Sincerely,

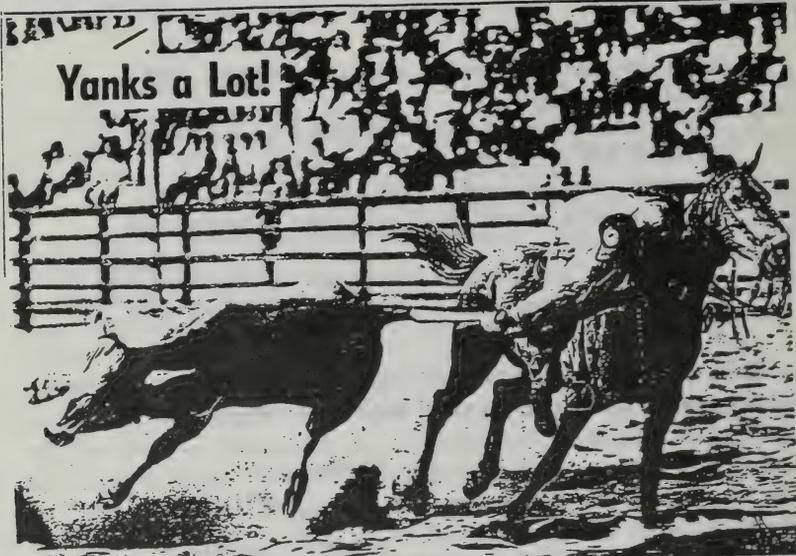


Eric Mills, coordinator

attachments

P.S. - For anyone desiring an in-depth look at the rodeo mystique and ethic, I strongly recommend the book Rodeo: An Anthropologist Looks at the Wild and the Tame, by Elizabeth Atwood Lawrence (1982). Dr. Lawrence is now at Tufts University in Boston.

"EL COLEO," OR "TAILING"



You've heard of taking the bull by the horns . . . but cowpokes in Brazil grab the steer by the tail! In

a Latin version of American rodeo bulldogging, the way south of the border cowhands compete to see

how fast they can make a steer bite the dust by yanking it off its feet by its tail.

"El coleo," or "tailing," is a standard event at most Mexican charreadas. A running steer is grabbed by the tail from horseback. The charro then throws his booted stirrup over the steer's tail for added leverage, runs his horse off at an angle, and throws the steer to the ground, putting the animal at serious risk of injury. Often the same steer is used repeatedly. Occasionally the tail is ripped from the animal's body. Another good reason for an on-site vet.

There are approximately 40 charro associations throughout California, more in Texas, New Mexico and Arizona. Many of them present charreadas throughout much of the year.



A horse, roped by its front legs, is slammed to the ground on its back and side as part of the brutal action in a charreada rodeo held in California.

Another standard charreada event which puts the animals a great risk involves lassoing a running horse by the front feet, sometimes throwing the animal head over heels. Such a horse broke his neck at a San Antonio charreada in the fall of 1991.

ACTION FOR ANIMALS

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"We need an ethics which will
include the animals also."
Dr. Albert Schweitzer

July 15, 1991

RECENTLY DOCUMENTED
RODEO ANIMAL INJURIES (A partial and very
IN CALIFORNIA incomplete listing)

Date	Injury	Where	Documentation
Summer/90	Horse with broken leg. Destroyed.	Laytonville Rodeo	Dr. Kerry Levin-Smith
5/90	Bull with broken leg, delayed slaughter. <u>NO VET PRESENT.</u>	Coachella - Mexican style rodeo (NON-PROF.)	Humane Sacramento
1989	Steer with broken horn (from steer wrestling). Left untreated. <u>NO VET.</u>	Orange County Fair (NON-PROF.)	Fund for Animals, L.A.
1989	Steer with broken horn.	Southern Calif.	Fund for Animals, L.A.
1989	Two: cow and calf, both with broken legs. Destroyed.	CA Gay Rodeo circuit (NON-PROF.)	Rodeo fan/E. Mills
7/16/88	Horse in "Wild Horse Race" hits concrete wall. Lame & bleeding from nose & mouth, still saddled and ridden. <u>NO VETERINARIAN PRESENT.</u>	L.A. Equestrian Ctr., Bill Pickett Black Cowboys Rodeo Assn. (NON-PROF.)	Fund for Animals, L.A.
7/88	Bucking mare with broken leg. Destroyed after 1-hour wait. <u>NO VETERINARIAN PRESENT.</u>	Solano Co. Fair (PRCA)	Vallejo Times-Herald, July 22, 1988
6/7/88	Bucking horse with broken back. <u>Lay for 1 1/2 hours awaiting on-call vet.</u>	Watsonville - charreada (NON-PROF.)	Sworn statement by eye-witness (a Security Guard at rodeo)
5/88	Saddle bronc euthanized, spinal injury.	Thousand Oaks, Conejo Valley Days (PRCA)	News Chronicle, 1000 Oaks, CA, 5/2/1988
1987	Wound open to the bone on horse's hind leg; untreated; horse in filthy trailer. <u>NO VET PRESENT.</u>	L.A. - Inglewood Forum	Fund for Animals - L.A.
1987	Roping calf with broken nose & palate--left bleeding & untreated for <u>six hours awaiting on-call vet.</u>	Hayward Rowell Ranch Hayward Police Offi- cers Assn Rodeo (NON-PROF.)	Eric Mills, Action for Animals - eye witness, & others
6/86	Bucking horse breaks leg in holding chute. Handlers kick and use electric prods to get him on 3 feet. Shot 1 hr. later. <u>NO VET PRESENT.</u>	"	" " "

There are some 100 professionally-sanctioned rodeos held annually in California, plus another 250 or so unsanctioned and amateur rodeos, second only to Texas. VETS ARE REQUIRED AT HORSE RACES. WHY NOT AT RODEOS?

CALIFORNIA RODEO INJURIES
PAGE TWO

Date	Injury	Where	Documentation
6/86	Three roping calves in a row crash into fence, going to their knees. NO VET PRESENT.	Hayward Rowell Ranch, HPOA Rodeo (NON-PROF.)	Eric Mills, Action for Animals, eye-witness, et al.
1984	Roping calf with broken leg. Stock handlers hide calf from Humane Officer.	Grand National Rodeo, S.F. Cow Palace (PRCA Rodeo)	Humane Officer, Peninsula Humane Society
1982	Horse with broken leg, taken out on stretcher; euthanized.	" "	" "
1982	Roping calf with broken leg. Medicated, then euthanized at ranch.	" "	" "
7/25/81	Two roping calves with broken legs--taken to slaughter house.	The California Rodeo, Salinas (PRCA)	Monterey SPCA, and S.F. <u>Chron.</u> , 7/25/81
7/80	Horse ran into iron pole, died. ("Wild Horse Race"?)	" " (PRCA)	" "
7/80	Steer - neck broken in team roping event, destroyed.	" " (PRCA)	" "
7/80	"Wild Cow Milking Contest" - cow knocked unconscious running into fence.	" " (PRCA)	" "
9/76	Pick-up horse dies of heart attack.	Folsom Rodeo (PRCA)	Humane Society U.S. (Sacramento)
9/76	Saddle bronc killed running into fence & breaking neck.	" " (PRCA)	" "

In the fall, 1990, at the Sunol (Alameda County) Mexican-style rodeo I (Eric Mills, Action for Animals) saw, and have on video tape:

1. A horse do a complete somersault, landing on his rider, putting both at risk of serious injury.
2. A bucking bull gore a horse twice.
3. A downed steer kicked repeatedly. Cowboys attempted to force him to his feet by forcing their fingers in his nose and twisting and pulling.
4. "Tailing" of steers (which sometimes rips the tail from the body); and the lassoing of running horses by their front feet, a life-threatening exercise. The horse being used both were under-weight and had open sores.

NO VETERINARIAN WAS PRESENT FOR ANY OF THIS. There are some 40 charro associations (Mexican-style rodeos) throughout California, many of which sponsor as many as a dozen charreadas annually.

AN ON-SITE VETERINARIAN AT ALL RODEOS, BOTH PROFESSIONAL AND AMATEUR, COULD DO MUCH IN PREVENTIVE MEDICINE, AND SPARE INNUMERABLE ANIMALS MUCH PAIN AND SUFFERING.

Documentation, photos and videos available upon request

by Tony LaRussa ... **Save the Animals**

The ANIMALS' AGENDA

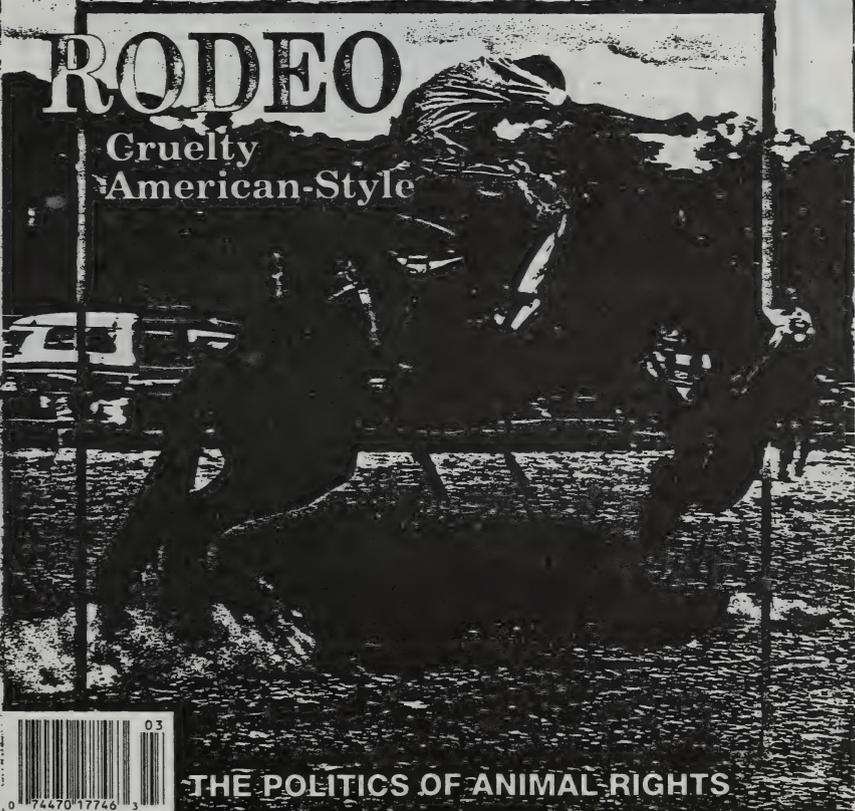
THE INTERNATIONAL MAGAZINE OF ANIMAL RIGHTS AND ECOLOGY MARCH 1990

\$7.75/USA
\$9.25/Canada



RODEO

Cruelty
American-Style



THE POLITICS OF ANIMAL RIGHTS

For about half an hour before the ride, the saddle bronc rider tormented the horse, administering backhand slaps to the animal's head again and again as it waited in the wooden chute.

Fear seemed to well in the beast's eyes, but when the chute finally opened the horse stopped dead in its tracks, as if to defy the cowboy, despite a ferocious tug on the leather bucking strap squeezed tightly around its loins.

Finally, after two pokes from an electric prod, the horse lurched forward and began to buck.

It was not a pretty ride. The cowboy, for all his provocation, finished with what at that time was the day's lowest score at the California Rodeo.—San Francisco Chronicle, "Rodeo Critics Call It 'Legalized Cruelty.'" 7/25/81

Touted as "a great American tradition" and "the last real family entertainment" by its legions of fans, rodeo is condemned nonetheless by every major animal protection organization in the U.S. Is it perhaps that cruelty, like beauty, is in the eye of the beholder? In 1982 the Humane Society of the United States and the American Humane Association formulated a joint rodeo policy which says, in part: "The HSUS and the AHA contend that rodeos are not an accurate or harmless portrayal of ranching skills; rather, they display and encourage an insensitivity to and acceptance of brutal treatment of animals in the name of sport. Such callous disregard of our moral obligations toward other living creatures has a negative impact on society as a whole and on impressionable children in particular."

Regarding the animals, one hears such callous remarks in the rodeo circuit as, "Aw, they're going to slaughter anyway." True enough, and all the more reason to treat them as humanely as possible before that time. Or, as one vegetarian activist likes to admonish the cowboys, "Don't play with your food!" The anti-cruelty laws of most states would seem to prohibit rodeos, yet it is difficult to find local district attorneys willing to prosecute alleged rodeo abuses.

America's rodeo heritage (from the Spanish "rodear": to round up extends back to the late 1800s, when the activities started as a break from ranchhands' everyday routine. "In those days," says the Professional Rodeo Cowboys Association, "the primary draw for the cowboys was to gain 'bragging rights' and win a few side bets."

But rodeo, and the times, have changed. These days rodeo is big business. The 10,000-member PRCA, based in Colorado Springs, Colorado, was incorporated in 1975 and now boasts its own commissioner. The PRCA annually sanctions some 700 rodeos, with prize monies totaling nearly \$17 million in 1989, and a broad spectrum of sponsors: cigarette and jeans companies, auto and truck manufacturers, and beer and soft drink bottlers. And today's rodeo participants are more likely to be professional athletes than ranchhands. Some are drawn to the sport because, as one cowboy put it, they're "too lazy to work, too nervous to steal and too jealous to pimp."

The United States is rodeo's principal stronghold, though the sport is also popular in parts of Canada and Australia. Touring shows periodically play the European circuit. Normally a warm-weather undertaking, the advent of large indoor arenas has allowed rodeo to become a year-round activity, with the National Finals taking place in Las Vegas each December.

Though rodeo may be republican in tone, it is certainly democratic in scope. There are rodeos of every stripe: "Little Britches" rodeos for children, high school and college rodeos, and police, military, and prison rodeos. Curiously, considering their own histories of oppression, there are even black, gay, and all-women rodeos. Nor are high-ranking politicians immune: former U.S. Secretary of Commerce, Malcolm Baldrige, was killed in a rodeo accident in 1987.

The animals

Rodeo's detractors claim that ordinarily docile farm animals are provoked into their wild behavior via bucking straps, electric prods, raking spurs, pain, and fear. Advocates respond that these are naturally "ornery" animals who like to buck, who would have gone to slaughter but for rodeo. They further claim that a bucking horse or bull is in the arena only about eight minutes a year. But those "eight minutes" do not account for the

Continued on next page

Rodeo:

AMERICAN TRADITION OR LEGALIZED CRUELTY?

SOME WOULD CALL IT BOTH...

by
Eric Mills,
coordinator

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Continued from previous page

hundreds of hours of unsupervised practice sessions, often on the same animal, where "anything goes."

Stock contractors say that many of their bucking animals perform well into old age, far longer than the average lifespan of these animals. Perhaps. But simple longevity does not justify what the animals are forced to endure in the arena. Nor could the same be said for the calves, steers, cows, sheep, and goats whose life on the rodeo circuit is a relatively short one. Their worth is valued at "cents per pound," and they are treated accordingly.

An added concern is the stress of constant travel on rodeo livestock, often in poorly-ventilated vehicles. Though there are state laws requiring that the animals be unloaded, fed, and watered at specified intervals, enforcement is spotty at best. The animals undoubtedly fare better with the PRCA than on the amateur rodeo circuit, however.

The events

"The horses and bulls enjoy what they're doing, and if you hurt them, they won't do it any more."—a PRCA stock contractor, in the PRCA's "Humane Facts: The Care and Treatment of Professional Rodeo Livestock" (1989), p. 10.

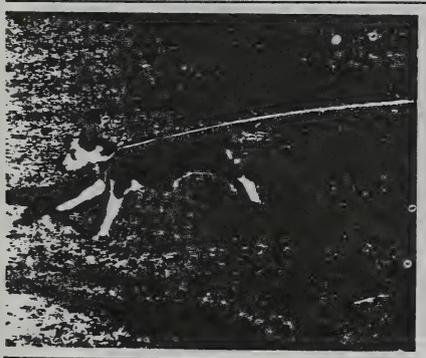
There are eight standard PRCA events: three bucking events (bareback, saddle bronc, bull riding); three roping events (calf, steer, team); plus steer wrestling and barrel racing. Barrel racing is confined to women only, and women

Unlike the horse-riding events, which have their origin in ranch life, bull riding was created for its crowd-pleasing aspects, and is the most dangerous event in all of rodeo for the human participants. Bulls, unlike horses, will often try to gore or trample fallen riders. Rodeo clowns play a critical rôle in protecting the riders from bulls' hooves and horns by distracting the enraged animals.

As a horse or bull bursts into the arena from the holding chute, a leather flank strap (also called bucking strap) is cinched lightly around the animal's sensitive inguinal region, just behind the rib cage. PRCA rules require that the straps be fleeces-lined; still, it is not uncommon to see sores caused by them. Rodeo proponents claim that the flank strap doesn't hurt the animals—that it's only an "irritant" to "tickle" them and make them kick higher. One stock contractor concedes that "85 percent of the animals won't buck without a bucking strap" (San Francisco Chronicle, *op. cit.*), and indeed most horses stop bucking the moment the strap is loosened.

Half a rider's score is based on the performance of the bucking horse or bull. Thus the wilder the ride, the more points for the cowboy, which translates into more prize money (i.e., big bucks equal Big Bucks).

Calf, steer, and team roping all have their origins in the everyday life of a working ranch. It's a rare cowboy who would intentionally harm livestock, yet the time and money constraints of rodeo competition do not encourage humane treatment. Some ranchers reportedly refuse to hire rodeo



do not compete in the other seven events.

To receive a score in the bucking events, the cowboy must stay on the horse or bull for a minimum of eight seconds, and he receives additional points for his spurring action.



cowboys, claiming they're too rough on the animals.

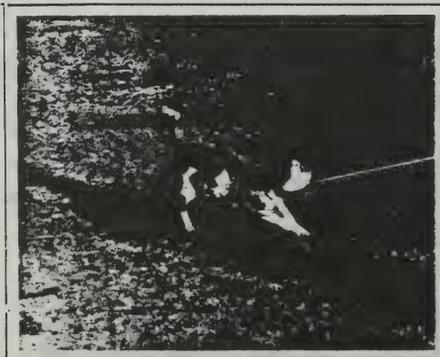
A 1975 study done for the PRCA concludes that, "with 95 percent confidence, there is no significant amount of roping stress incurred by rodeo calves during rodeo" ("Humane

Facts," *op. cit.*, p. 11). Nevertheless, last year the state of Rhode Island passed a law banning standard calf roping. The following testimony was given in support of the law by Dr. E.J. Finocchio: "As a large animal veterinarian for 20 years...I have witnessed firsthand the instant death of calves after their spinal cords were severed from the abrupt stop at the end of a rope when traveling up to 30 mph. I have also witnessed and tended to calves who became paralyzed ...and whose tracheas were totally or partially severed.... Slamming to the ground has caused rupture of several internal organs leading to a slow, agonizing death for some of these calves."

A viable alternative is "breakaway" calf roping, in which the specially-designed rope breaks upon impact, and the running calf is neither stopped abruptly, thrown to the ground, nor tied up. One would hope that the great public concern over the fate of "milk-fed" veal calves would carry over into concern for roping calves, for there are clear parallels. In both cases, infant animals are separated from their mothers and put into highly stressful situations, one for a gourmet item, one for entertainment—both unjustifiable.

Another particularly brutal event, even by rodeo's rough standards, is steer roping. In it, a mounted cowboy lassoes a running steer, then flips the animal into the air, slamming him to the ground. Afterwards, the cowboy dismounts to tie up any three legs of the stunned or unconscious animal. Dr. T.K. Hardy, a Texas veterinarian and sometime steer-roper, commented to *Newsweek* (10/2/72): "I keep 30 head of cattle around for practice, at \$200 a head. You can cripple 3 or 4 in an afternoon. Then your horse costs around \$5,000, so it gets to be a pretty expensive hobby." Steer roping was part of 40 PRCAs rodeos in 10 states in 1988: Oregon, Washington, Montana, Wyoming, Arizona, New Mexico, Texas, Oklahoma, Nebraska, and Kansas.

In team roping, each "team" is comprised of two riders. The "header" lassoes the horns of a running steer and the "heeler" ropes the animal's hind legs. The cowboys then stretch the steer out between them. Strained ligaments and tendons can result.



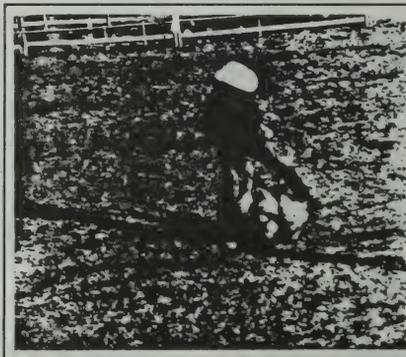
In steer wrestling, the cowboy slips from his horse at full gallop to grab the horns of a running steer and force the animal to the ground by violently twisting its neck. Consider the statement made to the International Society for Animal

Rights by Dr. C.G. Haber, a veterinarian with 30 years experience as a meat inspector for the USDA: "The rodeo folks send their animals to the packing houses where...I have seen cattle so extensively bruised that the only areas in which the skin was attached was the head, neck, legs, and belly. I have seen animals with 6 to 8 ribs broken from the spine and at times puncturing the lungs. I have seen as much as 2 and 3 gallons of free blood accumulated under the detached skin."

Barrel racing is restricted to women only. The cowgirl rides in a cloverleaf pattern through a set of 55-gallon oil drums in the fastest time possible. It is undoubtedly the most innocuous of all PRCAs events, but still a matter of concern, especially when unsound horses are used. As Dr. Kerry Levin-Smith (veterinarian and former rodeo competitor) wrote to the California State Fair Board in 1988: "I have seen horses compete successfully in the arena who show marked lameness before or after the event. Pickup riders frequently use lame horses for their job, too...I would like to see veterinary inspection of all rodeo stock and drug testing of winning rodeo entries instituted, as well as a requirement for a veterinarian on premises during all events."

Charreadas

Unfamiliar to the general public, Mexican-style rodeos known as "charreadas" (from the Spanish "charro"—horseman) are popular in some Western states, with an accent on pageantry and horsemanship. Charreadas do not use flank straps, and the bucking events are not timed. The charro rides until he is thrown or the horse or bull stops bucking. Two events in the charreada are of special concern. In "el coleo" (tailing), a running steer is grabbed by the tail, flipped into the air and slammed to the ground, often stunning the animal or knocking him unconscious. Occasionally the tail is ripped from the body. "Manganas a pie" (roping on foot) involves lassooing a running horse by the front feet, sometimes throwing the horse head over heels. Both these events are extremely dangerous for the animals.



Cesar Chavez, president of the United Farm Workers and an ethical vegetarian, wrote in 1980 to the Los Angeles City Council in opposition to a proposed "bloodless" bullfight. His

Continued on next page

Continued from previous page

words are as easily applicable to rodeos: "Cruelty, whether it is directed against human beings or against animals, is not the exclusive province of any one culture or community of people. Racism, economic deprivation, dog fighting and bullfighting are cut from the same fabric: violence."

Other events

In addition to the eight PRCAs-sanctioned events, there is an odd mix of "comedic" acts which appear at many rodeos, both professional and amateur. These include "steer

dressing," calf and greased pig "scrambles," goat tying, chuckwagon racing, and "wild cow" milking contests. Another crowd-pleaser is an act featuring a small (and probably terrified) monkey dressed in a miniature cowboy suit and tied to the back of a sheepdog herding a flock of ducks.

Few of these events have anything to do with ranch life, and many pose dangers to the animals. Three horses were killed in a calamitous pileup in a chuckwagon race at the Calgary Stampede in 1986. Five others have died since 1983 as a result of injuries in the Omsk, Washington "Suicide Race."

Asked his opinion of steer dressing and pig scrambles, one Texas bull rider told an Oakland, Calif., *Tribune* reporter (5/1/88), "I never heard of them events. Stuff like that should be banned from rodeo. It just degrades the professional athletes."

Rodeo injuries and veterinary care

PRCA rules do not prevent injuries, though they do help to minimize them. Indeed, many rodeo critics think the animals would benefit greatly if all rodeos were PRCAs-sanctioned, for the majority of animal injuries occur at amateur rodeos, some 1500 of which take place annually in the U.S. PRCAs Rule No. 7, 14.5 states: "An official veterinarian should [emphasis added] be available at all events." It is not required. An "on-call" vet has repeatedly proved inadequate, for rodeo injuries almost always require immediate attention.

More than 3.5 million spectators attended California rodeos in 1988, spending \$18.5 million on tickets alone. It seems only common decency that a few of those dollars should be spent for veterinary care. Regrettably, cowboys are injured, too, but paramedics and ambulances are provided for them.

In the past three years in northern California, there have been documented deaths of at least five animals due to injuries suffered in rodeos, ranging from broken legs and noses to broken backs—all without benefit of immediate veterinary aid. There's a crying need for state legislation in this area, and most veterinary organizations would probably

be supportive of it, even if only for monetary reasons.

Sexism in the rodeo

"Rodeo is an incredibly heavy male trip. It depends largely on the mystique of the cowboy, the proud, lonely figure who relies only on his own skills, the utter ethical integrity of his fellow cowboys and the luck of the draw. That leads to a lot of old-fashioned machismo. Women are either rodeo queens or groupies, interesting only as sexual rewards and diversions." —*Newsweek*, 10/2/72

Feminism and the women's movement notwithstanding,

present-day rodeo has changed little since that was written. Women are still relegated to one event only—barrel racing—and are often disparagingly referred to as "buckdebunnies." A highly recommended book for anyone intrigued by the cowboy ethic is Elizabeth Atwood Lawrence's *Rodeo: An Anthropologist Looks at the Wild and the Tame*. In it, a Wyoming steer-wrestler expresses himself thusly: "Women should not rodeo any more than men can have babies. Women were put on earth to reproduce, and are close to animals. Women's liberation is on an equal to gay liberation—they are both ridiculous."

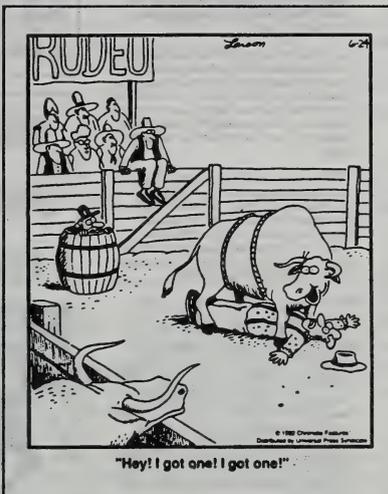
This deadly attitude is played out in spades in "steer dressing," an event seen at PRCAs and amateur rodeos alike. Teams of two or three cowboys throw a frantically struggling steer to the ground and attempt to force women's lace panties (sometimes jeans) over the animal's hind legs, often to the accompaniment of crude commentary from the rodeo announcer. The not-so-subtle message, of course, is that women are like animals and it's perfectly acceptable to abuse and/or demean both for fun. Public outcry over steer dressing helped bring about the demise of a police charity rodeo in northern California recently. A subsequent editorial in the San Jose *Mercury-News* suggested a compromise: "Have cowboys wrestle another cowboy to the ground and dress *him* in lingerie. If the point is humiliation, you might as well do it to somebody who can blush."

The rodeo arena would seem a fertile meeting ground for an alliance between women's groups and animal rights advocates. Just for starters, consider all the anti-woman epithets of animal origin, or the closely-related issue of dominance.

Children and rodeo

Rodeo seems an anomaly in a society that prides itself on kindness to animals. We've mentioned the "Little Britches" rodeo circuit. Many county fairs present "mutton bustin'" contests, in which preschool children attempt to ride a partic-

Continued on page 57



"Hey! I got one! I got one!"

Continued from page 28

stricken sheep. Pig and calf "scrambles" put children and animals alike at risk. Children receive a very mixed message and become confused when, on the one hand, they are encouraged to be kind to animals, yet at a rodeo they routinely see animals terrorized and harmed, seemingly with adult approval.

Some public school districts even send their kids on field trips ("Buckaroo Day") sponsored by various rodeo associations, an apparent attempt to build future audiences. Dr. Jeri Ryan, a child psychotherapist, wrote in 1989 to the Livermore (Calif.) school board of her concerns relating to the "potential damage to a child's psychological and moral development that can result from witnessing such a brutal event as rodeo." Some would call these field trips a form of child abuse.

Humane education is mandated in California's public schools. It seems a real conflict of interest for a school district to take children to see animals abused—not only on school time, but at taxpayers' expense.

One of the more poignant examples of just how insidious rodeo mythology has become is the story of an Indian child at the Pendleton (Oregon) Round-Up a few years back. When asked by a rodeo cowboy what he wanted to be when he grew up, a cowboy or an Indian, the child replied without hesitation, "A cowboy!"

Lights in the tunnel: the future of rodeo

Baltimore County, Maryland has successfully banned standard calf roping, as has the State of Rhode Island. Rhode Island also passed a law in 1989 requiring that a veterinarian be present at all rodeo events (largely through the efforts of Friends of Animals). In California, the Solano County Fairgrounds and the Hayward Rowell Ranch now have policies requiring a vet, and prohibit steer dressing, pig and calf scrambles, and the use of the electric prod. A similar policy is being considered by the California State Fair Board. There has been progress, assuredly.

Without major reform, growing public awareness and concern about rodeo cruelties could well lead to the sport's demise in spite of its "traditional" appeal. Looking toward such a future, a superior court judge in the Netherlands ruled in 1988 that any Dutch city could ban rodeos simply because "they show a basic disrespect for animals." Sounds downright civilized. □

Eric Mills is coordinator of Action for Animals,
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March 1990

What You Can Do About Rodeos

☞ Educate yourself about the realities of rodeo. firsthand experience is invaluable: attend a few, both professional and amateur. Talk to the cowboys and the fans to get their views.

☞ Read the book, *Rodeo: An Anthropologist Looks at the Wild and the Tame*, by Elizabeth Atwood Lawrence (Univ. of Tennessee Press, 1982) for an understanding of the cowboy psyche.

☞ Write for a copy of "Humane Facts" (and other materials) from the Professional Rodeo Cowboys Association, 101 Pro-Rodeo Drive, Colorado Springs, CO 80919; 719-593-8840. The PRCA Commissioner is Lewis Cryer. Subscribe to the biweekly "ProRodeo Sport News," \$17 per year, to keep up-to-date on rodeo.

☞ Contact HSUS for a price list on anti-rodeo materials at 2100 L Street, NW, Washington, DC 20037. ISAR has a rodeo fact sheet available at 20 for \$1.00 (421 South State Street, Clarks Summit, PA 18411). PETA has free materials: P.O. Box 42516, Washington, DC 20015. Use these materials for educational leafleting.

☞ Contact major sponsors of rodeo to express your concerns: Adolph Coors Co., Golden, CO 80401 (800-642-6116); Coca Cola USA, P.O. Drawer 1734, Atlanta, GA 30301 (800-GET-COKE); Safeway Stores, Inc., 4th & Jackson Sts., Oakland, CA 94660 (800-962-1660); Winston Cigarettes, c/o R.J. Reynolds, Inc., Reynolds Blvd., Winston-Salem, NC 27102 (919-741-5000); Wrangler Jeans, c/o Blue Bell, Inc., 301 N. Elm St., Greensboro, NC 27420 (919-373-3400). Other major sponsors include United Airlines, Copenhagen-Skool, and Black Velvet. Check the rodeo program for local advertisers; then contact them.

☞ Set up meetings with facilities management and with county supervisors and/or city councilmembers to work out rodeo policies. Encourage legislation pertaining to rodeo animal welfare.

☞ "Letters to the Editor" are effective—and free. Rodeo is vulnerable on a number of points, particularly calf and steer roping and the lack of veterinary care.

☞ Make use of picket lines, especially with media coverage. Investigate the possibility of radio and TV free-speech messages, and phone in to radio talk-shows.

☞ The U.S. Postal Service is currently considering a commemorative rodeo stamp. Protest to them at 475 L'Entant Plaza SW, Washington, DC 20260-6700, Attention: Citizens' Stamp Advisory Committee. □

—E.M.

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For more details of our marvellous work, please write to Mrs. Gwen Ware, Greek Animal Welfare Fund (AA), 71 Lower Barn Road, Purley, Surrey CR2 1NY, England. And help us to help Greece help the animals.

TESTIMONY OF
 THE ALLIANCE OF MARINE MAMMAL PARKS AND AQUARIUMS
 BEFORE THE SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
 RESEARCH, AND FOREIGN AGRICULTURE
 HOUSE AGRICULTURE COMMITTEE
 July 8, 1992

The Alliance of Marine Mammal Parks and Aquariums ("Alliance")^{1/} represents twenty-three zoos, aquariums and scientific research facilities which further the goals and objectives of marine mammal conservation through the public display of, and research regarding, marine mammals. In 1991, 32 million people visited Alliance institutions. The Alliance appreciates this opportunity to share information about our members' educational, research and stranding/rescue programs and to discuss the Animal Welfare Act.

I. The Public Display and Scientific Research Community
 Contributes to Marine Mammal Conservation.

A. Education.

To the millions of people who visit our facilities, we offer an otherwise unattainable learning opportunity. Millions of people walk away from our facilities with a strong determined interest in assuring that marine mammals are safe and protected in the wild. Visitors learn about the importance of conservation, responsible human behavior, principles of ecology, animal communication, and natural behaviors.

Alliance parks and aquariums open to the public typically have professional educators on staff. Exhibit graphics are designed in cooperation with these professionals. Trained narrators answer the questions we know from experience our guests will raise.

At some facilities, graphics and narrated presentations are supplemented by demonstrations in which a teacher discusses animal behavior while trainers help the animal show the behavior.

^{1/} The Members of the Alliance are Sea World of Florida, Sea Life Park Hawaii, Point Defiance Zoo & Aquarium, John G. Shedd Aquarium, Chicago Zoological Society, National Aquarium in Baltimore, New England Aquarium, New York Aquarium, Marine World Africa USA, Dolphin Quest, Indianapolis Zoological Society, Miami Seaquarium, Sea World of California, The Walt Disney Company, Minnesota Zoological Garden, Ocean World, Sea World of Texas, Dolphin Research Center, Inc., Long Marine Lab, The Dolphin Experience, Gulf World, Sea World of Ohio, and Naval Ocean Systems Center.

In addition to our programs for the general public, most Alliance members offer specially designed educational programs prepared by experienced teachers. Programs are offered for the blind, students who speak foreign languages, gifted students, autistic children, and teachers and professors at the elementary, undergraduate and graduate levels, as well as adults of all ages.

For schools which cannot bring their students to us, some Alliance members have developed assembly programs and other outreach programs. Where it is helpful to prepare visiting students, Alliance members with these programs can send a curriculum aid packet in advance of the trip to assure that the educational benefits of the visit are optimized.

Over the past five years, more than nine million adults and students have participated in these special educational programs which have been acclaimed by teachers and participants.

The Coordinator of the Talented and Gifted Program at the East School in Connecticut wrote one Alliance member praising their week-long program saying that "observing, interacting and acquiring factual knowledge...will bond the students forever to the life, energy, intelligence and yes freedom of sea mammals.

After a week's course in Florida to learn about marine mammals, students from Denver organized a slide show for their English and social studies classes calling for a tuna boycott to protect dolphins.

The California State Superintendent of Public Instruction wrote another Alliance member saying he was particularly impressed with their "curriculum materials that integrate the academic disciplines of mathematics, science and social science."

One parent accompanying her child to a park commented that "close contact with dolphins...makes the whole issue come alive for (children). Protecting wildlife becomes more real and therefore encourages more effort and activism."

The Education Program Coordinator of the Hawaiian Humane Society complimented an Alliance member on its contributions to seminars for local educators on "Animal Education Programs."

These comments are typical of the positive public response to the programs offered by Alliance members.

B. Research.

Research is also an essential element of marine mammal parks and aquariums.

Generally, research falls into two categories.

On-site projects are aimed at improving animal husbandry knowledge including health information, diet and reproductive biology. This type of research continues to assure that our marine mammals are housed in the best-designed habitats.

Because of this research, breakthroughs have been achieved in a number of fields including breeding, animal care and husbandry, animal behavior and biology. The marine mammal community has developed specialized vitamin formulations, formulas for stranded newborns, and cleaning techniques used to save marine mammals involved in oil spills. Our experts were among the first to help the animals injured by the Valdez spill.

The second category of research is field and basic research. Findings are presented at professional meetings and then published in scientific journals. In this way, our research benefits government, environmental and conservation groups throughout the world.

A list of the research studies by the U.S. Navy's Marine Mammal Program alone consumes ninety pages. The list of recently published works by Sea World fills thirty pages. Research at Alliance institutions has studied breeding habits, rehabilitation, hormone production, ingestion of plastic debris, mass strandings, heartworm disease, atherosclerosis, genetics, pregnancy and more. In addition, a significant new study is in progress on immune systems in hopes of finding clues to the cause of die-offs in wild populations.

Some of our members support the Hubbs-Sea World Research Institute in San Diego which has performed research with far-reaching benefits to marine mammals and other animals and birds, helping to assure better lives for all species. These studies focus on issues such as animal migration to help protect endangered species, and to improve breeding and release programs.

Cooperative efforts are common. Hubbs scientists have worked with the Air Force to study the effects of aircraft noise on birds and marine mammals. They have cooperated with the USSR Academy of Sciences on a program to research harbor seal populations. A study was done with the National Institutes of Health and others to determine how harbor seals avoid heart disease even though their all-seafood diet is high in protein and fatty acids. This study is being used to provide clues as to how humans can fight heart disease, the number one killer of adults.

In just the last five years, Alliance members alone have spent approximately \$19.2 million on research, much of which is critical in establishing the causes of illness or death in the wild and cures for the stranded animals found on beaches throughout the United States and other countries across the continents.

C. Helping Stranded Animals.

Our members voluntarily participate in federally-sponsored stranding response networks organized by the National Marine Fisheries Service. Because of their expertise, these Alliance members are authorized by the federal government to treat marine mammals.

A single park or aquarium may get as many as 500 calls a year to help animals that appear to be injured or sick. Most of the calls for help involve seals and sea lions, and manatees that have been injured by boaters. Occasionally, migrating gray or humpback whales or dolphins are trapped in fishing nets and need rescuing.

Northern Elephant Seal pups are sometimes left by their mothers before they have learned to search for food on their own. Alliance members help train them to survive on their own and release them back into their natural environment. In busy years, as many as 30 may be cared for at one facility.

Most animals die before rescuers can arrive, but significant numbers are helped -- 3,000 in the last five years. Bottlenose dolphins, whales, manatees, seals and sea lions have been rescued by Alliance members over the last five years. California rescuers report an over 60% survival rate for their efforts.

When animals are released, they are marked for re-identification and many are radio/satellite tracked by the U.S. Fish and Wildlife Service to gather still more data to help other animals. Almost all of the releases have been successful.

These stranding operations are costly and Alliance members bear that financial burden. Since 1987, Alliance members have spent approximately \$5.2 million rescuing, treating, feeding and releasing marine mammals. Often, these animals have been severely injured and would not be able to survive in the wild. These animals are maintained at Alliance facilities at our own cost.

D. Caring for Animals at Our Facilities.

Alliance members provide the highest level of care possible, generally exceeding government requirements. We also work on developing breeding programs and we are proud of our success with breeding. In fact, a 1990 study done by Duffield and Wells indicates that all parameters measuring reproductive performance of dolphins in parks and aquariums exceed those of the wild population. California sea lions and harbor seals in our facilities are essentially self-sustaining.

As to the lifespan of marine mammals in zoos and aquariums, studies have shown that dolphins live on the average in the wild

about the same number of years as they live in zoos and aquariums.

Our mandate is to care for animals humanely in safe and comfortable facilities with well-trained professionals and state-of-the-art medical and husbandry techniques under proper government regulation. Our goals are consistent with the Animal Welfare Act and with the need to conserve marine mammals and the ecosystems on which they depend.

II. The Animal Welfare Act.

The Alliance supports the goals and objectives of the Animal Welfare Act. We are prepared to work with this Committee and the Department of Agriculture to review existing standards for the care and maintenance of animals. In fact, the Alliance is already undertaking a review of existing care and maintenance standards.

A regulatory process presently exists for amending these standards. New statutory authority is not needed. What is needed is additional resources for the Animal and Plant Health Inspection Service ("APHIS"). We believe APHIS has done a good job, but we believe there is a need for increased funding for APHIS to support their programs.

The Alliance also thinks it would be wise to clarify that the applicable standards for the care and maintenance standards of marine mammals in zoos and aquariums are the APHIS standards. It would be an unnecessary and confusing duplication of effort and taxpayers dollars if the National Marine Fisheries Service and the Fish and Wildlife Service also sought to promulgate care and maintenance standards. Currently, both agencies have adopted the APHIS standards and we believe that the practice should be codified in law.

III. Conclusion.

The contributions of the public display and scientific research communities to the conservation of marine mammals and the protection of the ecosystem upon which they depend is chronicled in the millions of visitors who come to our facilities each year and who leave with a renewed dedication to marine conservation. They are chronicled in the thousands of research projects funded by Alliance members. And, they are chronicled in the vast sums spent on the rescue and rehabilitation of stranded marine mammals who would die on our beaches without the voluntary commitment of resources made by Alliance members.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
IMPLEMENTATION OF THE ANIMAL WELFARE ACT
WASHINGTON, D.C.
AUDIT REPORT NO. 33002-0001-Ch

MARCH 1992

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL - AUDIT
MIDWEST REGION
111 NORTH CANAL STREET - SUITE 1130
CHICAGO, ILLINOIS 60606



United States
Department of
Agriculture

Office of
Inspector
General

Washington,
D.C.
20250

DATE: **MAR 16 1992**

REPLY TO
ATTN OF: 33002-0001-Ch

SUBJECT: Animal and Plant Health Inspection Service - Implementation
of the Animal Welfare Act

TO: Robert B. Melland
Administrator
Animal and Plant Health Inspection Service

ATTN: Donald Husnik
Acting Deputy Administrator for
Management and Budget

This report presents the results of our audit of the Animal and Plant Health Inspection Service's compliance with requirements of the Animal Welfare Act. Your January 17, 1992, response to the draft report is included as exhibit B with excerpts and the Office of Inspector General's position incorporated into the recommendation sections of the report.

Based on your response to Recommendation No. 3c in the draft report, we have removed this recommendation along with the related details from the final report. Management decisions have not yet been reached for any of the recommendations contained in the report. The Findings and Recommendations section of the report includes a description of the status of the management decision for each recommendation.

In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days describing the planned corrective actions and timeframes for implementation for those recommendations for which a management decision has not yet been reached. Please note that the regulation requires a management decision to be reached on all findings and recommendations within a maximum of 6 months from report issuance, and final action to be taken within 1 year of the management decision. Correspondence concerning final actions should be addressed to the Office of Finance and Management.

JAMES R. EBBITT
Assistant Inspector General
for Audit

Attachment

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I - SCOPE AND SUMMARY

Scope

This report presents the results of our audit of the Animal and Plant Health Inspection Service's (APHIS) compliance with requirements of the Animal Welfare Act. The audit objectives were to determine (1) if APHIS is fulfilling its responsibilities under the act, (2) if internal controls are adequate to ensure the proper operation of the program, and (3) if followup actions are adequate when unsatisfactory conditions are noted.

Audit work was performed at the agency's headquarters office in Hyattsville, Maryland, and at sector offices in Ft. Worth, Texas, and Minneapolis, Minnesota. Licensed and registered facilities in Illinois, Indiana, Missouri, and Wisconsin were reviewed to evaluate the quality of animal care facilities under the jurisdiction of the act and subject to review by APHIS. These States contain about 40 percent of the facilities under the control of the act. Our audit was conducted from May through September of 1991, and covered activities performed by APHIS during fiscal years 1990 and 1991.

We interviewed officials at the agency's headquarters to determine the operating procedures (APHIS regulations) developed to implement the act, supervision and guidance provided to field offices, and the procedures established to ensure adequate training of inspectors. At the sector offices, we reviewed procedures for performing precicensing and compliance inspections, procedures for followup inspections when violations were noted, documentation supporting training provided to field inspectors, and coordination activities between the animal care and regulatory enforcement staffs.

We reviewed a judgmental sample selected based on facility locations of 284 of the 3,051 facility inspection reports maintained at the sector offices. Then, we selected a sample of 30 facilities from the 284 inspection reports for site visits. This judgmental sample was selected based on our analyses of the 284 inspection reports and the geographical locations of the facilities. Accompanied by an APHIS inspector, we performed reviews at the 30 facilities to test the accuracy, efficiency, and effectiveness of existing APHIS inspection procedures. The audit was conducted in accordance with generally accepted government auditing standards.

Summary

Our audit concluded that APHIS cannot ensure the humane care and treatment of animals at all dealer facilities as required by the act. APHIS did not inspect dealer facilities with a reliable frequency, and it did not enforce timely correction of violations found during inspections. Specifically, we found the following conditions:

- Of 284 facilities reviewed, 46 or 16.2 percent of the facilities had received no annual inspection and another 126 or 80.8 percent of 156 facilities found to be in violation of the act had received no followup inspections in the required time period. The infrequency of inspections occurred because APHIS expects a limited number of qualified inspectors to perform a large number of inspections. We calculated that APHIS' 68 animal care inspectors would need to perform 15,070 inspections annually nationwide to meet APHIS' requirements.
- APHIS does not have an effective inspection monitoring system, and it does not have formal procedures which set the frequency of inspections or of followup inspections when regulatory violations are disclosed.
- APHIS had not timely penalized facilities found to be in violation of the act. During a review of 30 facilities, we found that 7 dealers had not corrected violations identified during 3 or more inspections. In one case, these continuous violations were noted as far back as July 1988. We also noted that for the 284 facility inspection reports reviewed, 49 facility licenses were renewed by APHIS when the facilities were known to be in violation of the act.

APHIS regulations need to be enforced to ensure the proper identification of animals and the accuracy of inventory records maintained at dealer facilities. Although APHIS regulations were specific about how dealers were to maintain inventory records and identify animals, the regulations were not being followed. Of the 22 licensed breeding facilities we visited, 17 had not properly identified the animals. In addition, 14 of these facilities did not maintain adequate inventory records.

APHIS had identified in its fiscal year 1989 yearend Financial Managers' Financial Integrity Act report that animal welfare was an assessable unit and scheduled an internal control review for 1993. Therefore, APHIS had not reported any of the control weaknesses identified. Internal control weaknesses disclosed during the audit are identified in exhibit A.

II - BACKGROUND INFORMATION

The Animal Welfare Act of 1966 and subsequent amendments outline the U.S. Department of Agriculture's responsibilities to ensure humane care and treatment of warmblooded animals used for research and exhibition, and sold as pets through wholesalers. Through the Secretary of Agriculture's mandate in April 1972, these responsibilities were delegated to APHIS. The primary mission of APHIS is to protect the animal and plant resources of the nation from diseases and pests in order to preserve the marketability of U.S. agricultural products within this country and abroad. Compliance with the requirements of the act is controlled by the regulatory enforcement animal care unit, created by a reorganization within APHIS during fiscal year 1989. The regulatory enforcement animal care unit is composed of 5 sector offices, overseeing about 5,638 licensed and 1,917 registered facilities (see Figure 1).

REAC SECTOR OFFICES

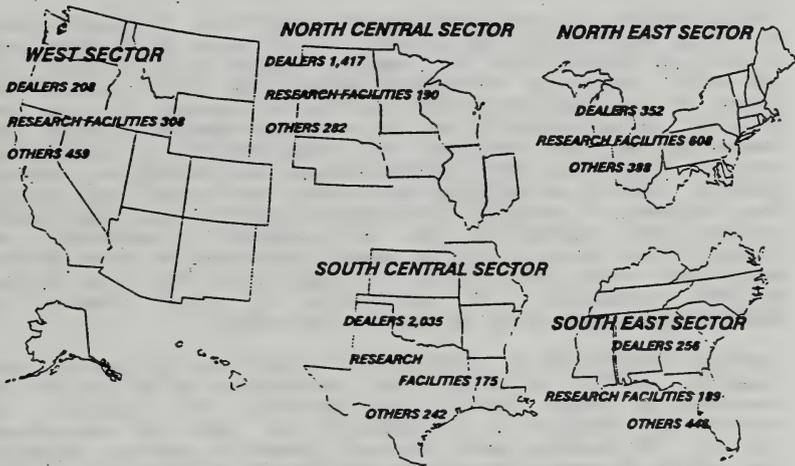


Figure 1

In addition to ensuring humane care and treatment of warmblooded animals used for authorized purposes, APHIS is responsible for ensuring the humane care of regulated animals when transported in interstate or intrastate commerce, and for preventing the sale of animals that are stolen.

Sector office supervisors and animal care specialists are responsible for facility licensing, registration, inspections, and investigations of complaints. The field staff of veterinary medical officers, animal health technicians, and investigators perform compliance inspections and investigations.

Facilities regulated by the act are either licensed or registered. Vendors of animals are licensed in three classes: Class A licensees (dealers) are breeders who deal only in animals which they breed and raise; class B licensees (dealers) are those who acquire animals from a variety of sources, and in turn sell the animals; and class C licensees (exhibitors) are those who display animals to the public. In order to qualify for a license, a vendor must meet minimal standards for facilities and care.

Facilities registered under the act include research facilities, carriers, intermediate handlers, and certain exhibitors. Adherence to APHIS regulations is ensured by having a trained inspector perform an initial precicensing inspection, make at least one annual unannounced inspection of all facilities covered by the act, and investigate alleged violations of applicable laws and regulations.

The act requires all non-Federal research facilities to register with the U.S. Department of Agriculture every 3 years, be inspected once a year by a USDA official, and submit an annual activity report to the APHIS regulatory enforcement animal care sector supervisor in charge of the State where the facility is located. By law, the Secretary of Agriculture is required to propose standards to govern the humane handling, care, treatment, and transportation of animals by research facilities. This includes minimum requirements for handling, housing, feeding, and watering; sanitation, ventilation, and shelter from extremes of weather; and adequate veterinary care, which would include the appropriate use of anesthetic, analgesic, or tranquilizing drugs. The law, however, precludes the Secretary from developing rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation carried out by research facilities.

The Food Security Act of 1985 directs the Secretary to require each research facility to establish an institutional animal care and use committee to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility. The committee would represent society's concerns regarding the welfare of animals used at each facility for research. By law, the institutional animal care and use committee must consist of at least three members: A chairman, a Doctor of Veterinary Medicine, and a third member not affiliated with the facility to represent the general public. This committee is required to prepare a semiannual evaluation regarding the research facility's program for humane care and use of the animals and facilities, including the research study areas.

For fiscal year 1990, the Animal Welfare Program received \$7.46 million in appropriations. An estimated 13,050 compliance inspections of 7,555 licensees and registrants were made.

During fiscal year 1991, the regulatory enforcement animal care unit established a task force to address concerns from the general public and the animal industry regarding the humane care and treatment of animals. The task force's mission includes the development of alternatives to improve the welfare of animals and overall administration of the Animal Welfare Act. The primary focus of the task force is commercial pet breeders and distributors within APHIS' authority. However, the task force's mission gives it the flexibility to explore related issues and identify problems that affect the welfare of dogs and cats in the pet industry, not just problems with dealers.

III - FINDINGS AND RECOMMENDATIONS**1. INSPECTIONS OF ANIMAL DEALER FACILITIES WERE NOT PERFORMED IN A TIMELY MANNER**

Inspectors were unable to inspect animal dealer facilities in a timely manner because APHIS required a large number of examinations to be performed by a limited number of qualified inspectors, and because the system used to monitor facility inspections was ineffective. As a result, APHIS cannot ensure humane care and treatment of animals at all facilities covered by the Animal Welfare Act (act) of 1966.

The act, most recently amended December 17, 1985, requires that the U.S. Department of Agriculture ensure humane care and treatment of animals maintained at dealer facilities. The regulations do not specify the number or frequency of compliance inspections, or the frequency of followup inspections to meet the mandates of the act. The Deputy Administrator of regulatory enforcement animal care told us that facility inspectors were instructed to perform at least one annual compliance inspection of each facility under the jurisdiction of the act. To ensure that facilities take timely corrective action, the Deputy Administrator issued a draft memorandum in 1990 requesting that followup inspections be performed within 30 days after the established corrective action deadline, when noncompliance items are identified.

To determine the timeliness of inspections, we reviewed inspection reports for 284 facilities out of 3,051 reports filed for as many licensed and registered facilities in Missouri and the North Central Sector. Our objectives were to determine if all facilities were inspected and if proper followup examinations were made when violations were disclosed. Of the 284 facilities whose reports we reviewed, 46 or 16.2 percent of the facilities had received no annual inspection. Of the remaining, APHIS had reported 156 in violation of regulations but had not performed followup inspections within the required timeframes for 126 or 80.8 percent of the facilities found to be in violation of the act. Forty-nine of the 156 facilities were granted license renewals while they were in violation of the act. Figure 2 indicates the results of our review of the 284 inspection reports.

We found that APHIS procedures do not distinguish the severity of violations of the act between serious or minor violations. We believe that if violations are prioritized in accordance with the severity of the situation, APHIS may not be required to perform immediate followup inspections for facilities with minor violations where the animals' health is not in jeopardy. If this procedure was implemented, this may reduce the number of facility inspections that APHIS inspectors are required to make.

Our audit also disclosed that a limited number of regulatory enforcement animal care inspectors are expected to perform a large number of inspections. To determine the number of site visits which would need to be performed to adequately complete all required inspections, we calculated the number of facility inspections performed in Missouri during July 1991. To be effective, inspections must be unannounced; however, we found that 18.7 percent of the unannounced inspections could not be conducted because key facility personnel were absent on the days selected. In addition, our review disclosed that about 85.6 percent of inspections performed in Missouri required a followup inspection because of identified violations. As a result, based on Missouri's 1,199 animal care facilities, 2,442 compliance inspections could be required to meet the mandates of the act. Taking into account the percentage of facilities that would require return visits to complete inspections, APHIS could be required to make 15,070 site visits nationwide each year. At the time of our audit, APHIS had a field staff of 68 animal care inspectors.

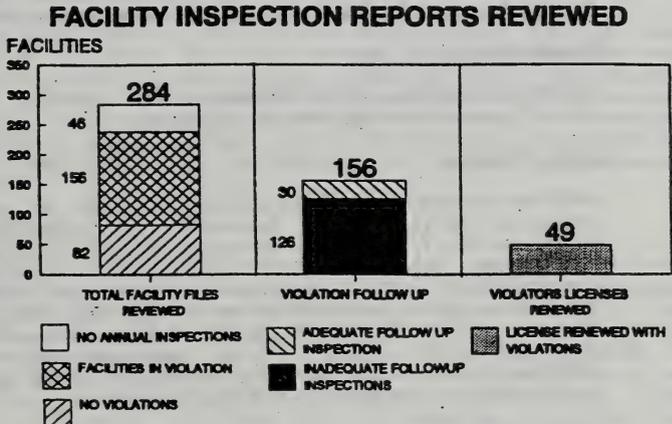


Figure 2

The time required to inspect each facility varied; depending on the size and the condition of the facility, inspections could take up to 3 hours. It appears that under existing APHIS policy, to perform annual inspections for all facilities and follow up within 30 days after the established corrective action deadline, when violations are disclosed, APHIS needs to implement a ranking system for facility inspections based on the compliance history of animal care facilities. The result would be to reduce the number of required facility visits.

We also reviewed existing monitoring systems used by APHIS to control required inspections. We found that a nationwide monitoring system had not been implemented. The Deputy Administrator for regulatory enforcement animal care told us that the animal care unit plans to implement a computerized monitoring system but that only limited systems development operations had been performed. Without some system to monitor inspections, APHIS cannot properly control the number of inspections and reinspections required to ensure the humane care and treatment of animals at dealer facilities.

Although APHIS regulations are very specific regarding inspections at research facilities, we could not locate regulations requiring inspections of dealer facilities. The Deputy Administrator for regulatory enforcement animal care informed us that the above-mentioned policies regarding inspections at dealer facilities have not been officially documented in APHIS regulations. We believe that for APHIS to properly document the requirements to meet the mandates of the act, it should include dealer facility inspection requirements in its official agency regulations.

Recommendation No. 1a

Establish a written policy documenting the severity of violations and followup action required by inspectors.

APHIS Response

APHIS maintained that written policy is already in place covering violations and inspections. Regulations such as veterinary services Memorandum 595.7, Inspection Procedures Relative to Documentation of Deficiencies, apply to this recommendation. Under the 1988 agency reorganization, there was a carryover of written policy (VS Memoranda) to provide direction to regulatory enforcement animal care inspections. To facilitate this carryover, they have changed the numbers of certain official forms and formal memoranda from veterinary services to regulatory enforcement animal care, and they indicated this process will continue as necessary.

OIG Position

Although specifically requested during the audit, we were not provided written procedures which identify the severity of Animal Welfare Act violations. Therefore, based on our discussions with the regulatory enforcement animal care officials, the carryover of written policy to the regulatory enforcement animal care unit, as disclosed in the agency's response, had not been accomplished at the time of our review. Based on the memoranda numbers for the policies provided by APHIS in their response to the report, it appears that the conversion had not been completed as of January 17, 1992. To accomplish the objectives of the recommendation, APHIS should complete their conversion of veterinary services memoranda into the regulatory enforcement animal care unit regulations.

To reach management decision, APHIS needs to provide a time-phased action plan to complete their conversion of veterinary services memoranda into regulatory enforcement animal care unit procedures.

Recommendation No. 1b

Establish a risk-based facility inspection ranking system, allowing facilities that continuously meet APHIS regulations to be inspected less often than facilities with continuous violations.

APHIS Response

APHIS indicated that the regulatory enforcement animal care unit adheres to APHIS' written policy veterinary services Memorandum 595.7. Procedure C priorities, which states, in part, "Deficiencies identified as "Major" will take priority over other deficiencies for reinspection in the utilization of available resources." Regulatory enforcement animal care uses the same approach as veterinary services since resources are limited for a vast and growing program. The regulatory enforcement animal care program field staff has prioritized reinspections by limiting them to those facilities of major concern. Minor deficiencies are addressed on the subsequent routine inspection. Minor deficiencies do not fall under a 30-day limitation for compliance unless they are chronic in nature and have reached a point whereby the inspector recommends a case be developed against the violator. Inspectors are well trained to initiate a decision to file a case if circumstances dictate.

OIG Position

As stated in OIG Position for Recommendation No. 1a, the carryover of veterinary services memoranda to the regulatory enforcement animal care unit regulations has not been completed by APHIS. In addition, veterinary services Memorandum No. 595.7 does not fully address Recommendation No. 1b. APHIS needs to establish a risk-based facility ranking system to monitor the larger number of facilities covered by the Animal Welfare Act with the present field staff. Our audit disclosed that all expected inspections and necessary followup activities could not be performed in a timely manner. The risk-based facility ranking system would allow for reducing the number of inspections for facilities that continuously experience no violations.

To reach management decision, APHIS needs to provide additional regulations to supplement veterinary services Memorandum 595.7, which will allow for reducing the expected number of inspections, or provide a time-phased action plan to implement a risk-based facility ranking system.

Recommendation No. 1c

Establish a nationwide data base of registered and licensed facilities to track inspections and monitor followup inspections of noted violations.

APHIS Response

APHIS responded that they have developed the Nationwide Computer System, License and Registration System. They indicated the regulatory enforcement animal care's Northeast Sector will be utilizing the system next month and will enter beta test (the first product on-line test phase). They stated all five sectors will have the same data base by the end of fiscal year 1992, and APHIS will be fully computerized for optimum efficiency.

OIG Position

The agency response failed to provide sufficient information to indicate how the Nationwide Computer System would track inspections and monitor needed followup inspections. In order for a nationwide data base system to effectively monitor required APHIS activities, the system must allow for functions to track inspections and monitor required followup activities.

To reach management decision, APHIS needs to provide necessary documentation to show that the proposed computer system will track inspections and monitor needed followup activities.

Recommendation No. 1d

Develop and issue regulations to clarify the required frequency of dealer facility inspections and followup inspections when violations are disclosed.

APHIS Response

APHIS replied that they depend upon supervisory instruction and written policy (such as veterinary services memoranda identified in their response to recommendation 1a) to prioritize inspections based on the compliance level of individual facilities. In addition, APHIS indicated that in line with industry and regulatory commitment to performance standards, the regulatory enforcement animal care unit has provided intensive training to inspectors so they make the best uniform professional judgement concerning inspections.

OIG Position

As stated in Recommendation No. 1a, the carryover of veterinary services' memoranda to regulatory enforcement animal care unit regulations has not been completed by APHIS. In addition, our review of the veterinary services' memoranda provided in the

agency's response did not disclose a regulation which provides for inspecting facilities within required intervals. Our audit disclosed the existing regulatory enforcement animal care procedures require research facilities to be inspected by APHIS inspectors at least once annually. However, existing regulatory enforcement animal care procedures do not specify the required frequency of inspections for other facilities under control of the act. To standardize the frequency of required inspections of all animal care facilities, APHIS needs to implement regulations to specify when facilities should be inspected and any required followup activities when problems are identified.

To reach management decision, APHIS needs to provide additional regulations outlining the frequency of inspections of animal care facilities, and provide a time-phased action plan to incorporate the procedures into the regulatory enforcement animal care regulations.

2. APHIS DOES NOT ENFORCE TIMELY CORRECTIONS OF VIOLATIONS

APHIS had not timely penalized facilities found to be in violation of the act. This condition exists because APHIS interprets the act to require court hearings to apply civil penalties for violators. In addition, APHIS regulations do not require that facilities be in compliance with the act to obtain license renewals. As a result, there is reduced assurance that animal care facilities will make required corrections to comply with the provisions of the act to ensure the humane care and treatment of animals.

The act authorizes the Secretary of Agriculture to suspend, for up to 21 days, the license of any facility that has violated any provision of the act or any of the rules, regulations or standards promulgated by the Secretary. In addition, the Secretary may assess a civil penalty of up to \$1,500 for each violation, and also order facilities to cease and desist when animal care facilities are found to be out of compliance. These penalties are to be assessed only after proper notice is given and hearings have been conducted on the identified violations. Each violation and each day during which a violation continues shall be a separate offense.

In addition, 9 CFR 2.31, dated August 31, 1989, requires the institutional animal care and use committee to assess animal care, treatment, and practices of research facilities. Each committee is charged with preparing a written evaluation at least once every 6 months of its research facility's program for humane care and use of the animals and facilities, including the research study areas.

As part of our audit, we visited 30 licensed and registered animal care facilities in Illinois, Indiana, Missouri, and Wisconsin. Fourteen of these facilities had been cited for violations during the last inspection made by APHIS inspectors. Seven of these facilities had experienced repeated violations, and the inspector who accompanied us verified that these conditions continued to exist. The most serious violations included inadequate veterinary

care and insufficient animal living space. Both of these conditions jeopardized the health and well-being of the animals. Figure 3 summarizes the results of our reviews at the 30 animal care facilities.

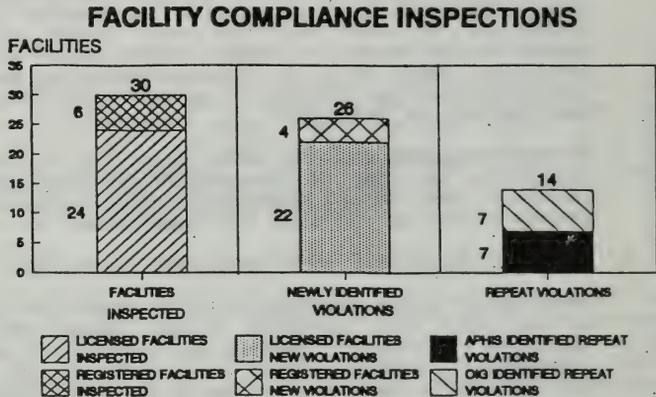


Figure 3

One facility's inspection reports indicated that repeat violations had occurred continuously since July 1988. The repeat violations included inadequate living space, sanitation of the overall facility, veterinary care for the animals, and too few employees to operate the facility. Other repeat violations disclosed during our audit directly affected the well-being of the animals maintained at the facility. At one facility, we found that the health of three dogs was in jeopardy due to inadequate veterinary care. For example, one dog had lacerations around the neck, and another had an infected eye. At this facility, we found 13 APHIS regulatory violations, including 7 repeat violations.

Our review further disclosed that the institutional animal care and use committee at one of the five research facilities visited was not approving all protocols for experiments as required by APHIS regulations. The committee at this facility was unaware of the requirement for protocol review and approval prior to experiments.

Animal protocols document tests and procedures to be performed on the animals, the pain the animals may expect to experience, the number of animals to be used, and the expected results and benefits to be derived from the experiment. The lack of documented approval of a protocol does not indicate that improper actions were taken by the research facility, but the facility is not in full compliance with the act if the committee has not approved all protocols in advance of experimentation.

The Deputy Administrator for regulatory enforcement animal care discussed the lengthy process currently used to assess civil penalties for continuous violations of the act. As identified in 9 CFR 4.1, dated February 25, 1977, APHIS currently follows the "Uniform Rules of Practice for the Department of Agriculture," promulgated in 7 CFR 1.131, to assess civil penalties for violators of the act. The rules of practice in this subpart require APHIS officials to use the court system to apply penalties authorized by the act. Under this method, certain procedures of evidence must be followed, which we believe result in an excessive period of time to assess civil penalties. For example, at 1 facility, APHIS inspectors identified violations on 13 separate occasions between September 1988 and February 1989. Final actions to implement civil penalties were not completed until April 1991. The administrative law judge assessed a civil penalty of \$26,000 and issued a 1-year cease and desist order.

The act allows the Secretary to assess civil penalties and issue cease and desist orders after the facility owner is given notice and any requested hearings are held. We believe a more effective method would be to institute local administrative hearings, whereby civil penalties could be assessed and cease and desist orders issued for continuous violations. Local administrative hearings would continue to allow facility owners the opportunity to appeal hearing decisions. The administrative hearing process could greatly reduce the amount of time now used to assess civil penalties and could provide more incentive for facilities to adhere to the regulations.

The Deputy Administrator also informed us that to reduce the time necessary to assess civil penalties, effective September 1991, stipulation procedures were implemented. Stipulation procedures would allow certain violations of the act and the APHIS regulations to be resolved without resorting to legal disciplinary proceedings. However, without the approval of the animal care facility operator, the stipulation procedures cannot be enforced. Based on that requirement, we believe APHIS will need to monitor closely the actual results obtained. We support the application of strict civil penalties for repeat violators of APHIS regulations and question whether, under the stipulation procedures, compliance with the intent of the act will be accomplished.

We found that, although facilities must meet the requirements of the act to obtain their original license, license renewals were being granted to facilities that were not in compliance with APHIS regulations. Our review disclosed that license renewals had been granted to 49 of 156 facilities in violation of the act. In addition, license certificates displayed at facility premises were not updated to indicate the current status of the license. During discussions with APHIS sector office officials, we were informed that attempts were being made to recover licenses that were revoked or suspended. However, the officials could not ensure the

certificates were returned. Therefore, expired or revoked licenses could exist at some animal care facilities and be construed as valid licenses by the general public and/or potential customers.

We believe APHIS should ensure that dealer facilities are in compliance with the intent of the Animal Welfare Act prior to issuance of license renewals. To protect the public, we also believe licenses displayed at animal care facilities should be updated annually with proper status indicators.

To provide an additional incentive for animal care facilities to remain in compliance with the act, APHIS should develop regulations to implement an animal care certification process. Under this process, APHIS could provide certificates to breeders, after a facility inspection determined that no violations exist. A certificate would then accompany each animal to the retail outlet, providing the public the assurance that the animal has been handled only by APHIS licensed facilities. We believe that a certification process to identify to potential purchasers, including consumers, that animals originated from and were handled by approved facilities could enhance the marketability of animals, and provide an added incentive for dealers and handlers to remain in compliance with the act.

We believe that APHIS should implement an administrative hearing process to reduce the time now used to assess civil penalties when facilities have been cited for continuous violations. We also believe that APHIS should ensure that dealer facilities are in compliance with the intent of the Animal Welfare Act through the use of compliance inspections prior to the renewal of licenses. To protect the public, we also believe licenses displayed at animal care facilities should be updated annually with proper status indicators. Finally, we believe that an APHIS certificate documenting that the animal originated from breeders meeting Animal Welfare Act standards could enhance the marketability of these animals and force breeders to meet standards.

Recommendation No. 2a

Establish local administrative hearing procedures to expedite the civil penalties process, to enforce compliance with the requirements of the act.

APHIS Response

APHIS responded that the present system of Administrative Law Judges (ALJ) presiding over cases is dictated by the Department Rules of Practice. They indicated they have no control over the manner in which the ALJ system is administered. APHIS stated that according to the Office of General Counsel, 99 percent of the hearings are conducted near the vicinity of the respondent. APHIS said that

there are five administrative law judges for 10 major programs. APHIS further stated that the cost of additional legal accommodations to expedite cases would be prohibitive.

OIG Position

Our audit disclosed, because APHIS currently uses the Administrative Law Judge system, excessive time is required to remove problem animal care facilities from the program. The Animal Welfare Act provides for civil penalty remedies, including monetary fines and cease and desist orders, by the Secretary of Agriculture. Currently, APHIS is controlled by the Department Rules of Practice which specifically requires the use of the Administrative Law Judge system. To decrease the time necessary to adjudicate cases, APHIS should implement procedures which would allow for hearing cases outside the Administrative Law Judge system. Therefore, APHIS should request from the Secretary of Agriculture a waiver from the requirements of the Department Rules of Practice for facilities continuously violating the Animal Welfare Act.

To reach management decision, APHIS needs to provide a time-phased action plan to obtain necessary waivers from the Secretary and implement local administrative procedures to expedite the civil penalties process authorized by the Animal Welfare Act.

Recommendation No. 2b

Require facilities to certify, on the annual license renewal form, that the facility is in compliance with all regulations promulgated to implement the act. If the facility is not in compliance with the intent of the act, license renewal should not be granted.

APHIS Response

APHIS stated that the Animal Welfare Act does not include a provision for withholding renewal of a license due to lack of facility compliance. This issue was also addressed by OGC, who advised that APHIS lacks authority to withhold renewals.

OIG Position

The Animal Welfare Act provides the authority to suspend and revoke license when animal care facilities are in violation of the act. It would appear that the intent of Congress, although not specifically stated, would be to allow the Secretary to withhold license renewals when a license has been suspended or revoked. This authority would greatly assist the Secretary in fulfilling the duties specified under the act. Because the Office of General Counsel has provided an opinion regarding the lack of authority to withhold licenses, APHIS should seek legislation to obtain the authority to withhold license renewals when facilities are known to be in violation of the act.

To reach management decision, APHIS should provide a time-phased action plan to seek legislation to obtain authority to withhold license renewals when deemed necessary by the Secretary.

Recommendation No. 2c

Reissue animal care facility licenses on an annual basis that would clearly show the current status of the facility.

APHIS Response

APHIS responded that each sector office presently renews licenses annually to dealers/exhibitors who meet regulatory licensing requirements. If legal action has been brought against a licensee, the cause for withholding of renewal would be determined and recommended by legal counsel. (See APHIS' response to 2b above.)

OIG Position

The agency's response does not address the recommendation. From visually reviewing the license at a facility, the public should be able to determine if the facility is currently in compliance with APHIS regulations. Through the use of an expiration date prominently displayed on the license, the public would be aware of the current status of the license. Also, the intent of the recommendation was to ensure that licenses were updated annually to visually show their compliance with the act. In order to reach management decision, APHIS needs to provide a time-phased plan of action to implement procedures to require expiration dates on license certificates maintained at animal care facilities.

Recommendation No. 2d

Initiate a procedure whereby APHIS would issue certificates to licensed breeders who operate in accordance with standards of the act, authenticating that animals originated from an APHIS-licensed breeder. This certificate should accompany the animal to the consumer.

APHIS Response

APHIS stated that the act limits the activities of the Department to ensuring that the licensee complies with the animal care standards including transportation of the animals. They said it does not permit a certification process which could be interpreted by the public that the facility meets more than minimum standards for their individual animals. In addition, they indicated present resources limit certification even if the act did not permit its use.

OIG Position

In order to realize the full impact of the recommendations contained in this report, the certification process would be a control over

all facilities handling animals. Through this process, a consumer could determine at the time of purchase that the animal had been cared for by only APHIS-approved animal care facilities. Since APHIS indicates that the act limits their activities to ensuring a licensee complies with animal care standards, we recommend that APHIS seek legislation to establish a certification process.

To reach management decision, APHIS should develop a time-phased action plan to seek legislation to allow for a certification process to authenticate that animals originated from and were handled by an APHIS licensed facility.

3. BREEDERS' IDENTIFICATION AND INVENTORY RECORDS WERE INADEQUATE

Animals at 17 of the 22 licensed facilities we visited were not properly identified. In addition, 14 of 22 facilities did not maintain sufficient inventory records on their animals. These facilities have not complied with the APHIS regulations to identify animals with tattoos and tags, and to adequately maintain complete inventory records. As a result, APHIS inspectors cannot be assured that animals maintained at the facility are the same animals reported to APHIS as breeding stock.

As required by 9 CFR 2.50 (A) (1), dated August 31, 1989, breeders shall identify all live animals on their premises with either an official tag affixed to the animal's neck by means of an approved collar, or by a legible tattoo approved by the APHIS administrator. Further, 9 CFR 2.75, dated August 31, 1989, states that each dealer shall maintain records which fully and correctly disclose detailed information concerning each animal purchased or otherwise acquired.

We could not reconcile the number of animals we counted during our inspections with the number of animals listed on licensees' inventories, when inventories were actually maintained. At 17 of 22 facilities, we noted that licensees were not properly tagging or tattooing animals. For example, tattoos did not include the facility license number. We found that for 14 of 22 licensed dealer facilities reviewed, the licensees had not maintained accurate and up-to-date animal inventory records. We found APHIS had developed forms for breeders to document the inventory of animals on hand or the disposition of animals; however, breeders were not using the forms to maintain appropriate records. We believe, that to ensure accurate inventory records are maintained, APHIS should require all facilities to use approved identification methods and inventory control forms. Figure 4 shows the results of our inventory maintenance and animal inventory review.

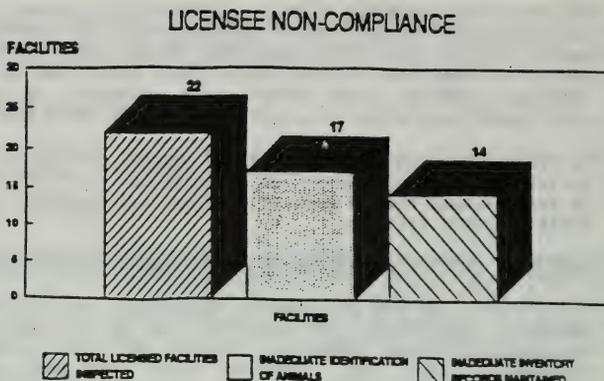


Figure 4

Recommendation No. 3a

Require that animal care facilities use APHIS Veterinary Services Form 18-5, "Record of Dogs and Cats on Hand," and Veterinary Services Form 18-6, "Record of Disposition of Dogs and Cats."

APHIS Response

APHIS indicated that many licensees use their own forms to record data required by VS Forms 18-5 and 18-6. They said other licensees elect to utilize the APHIS VS forms. They believe that the information recorded by animal care facilities on their own forms is adequate. APHIS stated they will, however, continue to review this issue.

OIG Position

Our audit disclosed that licensees were either not maintaining records, or records were incomplete. Although APHIS allowed facility owners to use unofficial forms to ensure that proper inventory records were maintained, the process was not followed by all facilities. The regulatory enforcement animal care evaluation task force also proposed a similar recommendation in their draft report to the APHIS administrator. The task force proposed that APHIS develop regulations requiring facilities to maintain mandatory records which are complete and uniform throughout the industry.

To reach management decision, APHIS needs to provide a time-phased plan of action to require facilities to maintain accurate and up-to-date inventory records.

Recommendation No. 3b

Require animal care facilities to use approved identification methods to properly describe animals.

APHIS Response

APHIS responded that the regulations for animal identification clearly stipulate that each animal is to be appropriately identified. APHIS recently adopted a new tattoo system that assists the licensee in applying permanent identification of each animal for trace back to the designated licensee.

OIG Position

OIG agrees with the action taken by APHIS to ensure that an adequate identification method is in place. To reach management decision, APHIS needs to provide a time-phased action plan to fully implement the newly adopted tattoo system.

SUMMARY OF MATERIAL INTERNAL CONTROL WEAKNESSES

<u>Finding</u>	<u>Internal Control Weaknesses</u>	<u>Causal Factors</u>			<u>Included in Agency FMEA</u>
		<u>1</u>	<u>2</u>	<u>3</u>	
1	APHIS has no existing written policy, except for research facilities, identifying the frequency of facility compliance inspections in order to meet the mandates of the Animal Welfare Act.	x			No
1	APHIS does not perform followup inspections within established timeframes, when violations are disclosed by the maintenance inspections.	x			No

Causal Factors

1. Not Prescribed
2. Not Adequate as Prescribed
3. Adequate But Not Functioning as Prescribed



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

33002-0001-Ch

Subject: Animal and Plant Health Inspection Service (APHIS)
Implementation of the Animal Welfare Act (AWA)

Date: JAN 17 1992

To: James R. Ebbitt
Assistant Inspector General
for Audit, OIG

This correspondence represents our response to the Office of the Inspector General (OIG) review of the APHIS implementation of the AWA. Recommendations are addressed as they appear in the report.

OIG Recommendation 1a:

Establish a written policy documenting the severity of violations and followup action required by inspectors.

APHIS Response:

Written policy is already in place covering violations and inspections. The regulations listed below are Veterinary Services (VS) Memoranda (copies enclosed) which apply to this OIG recommendation:

- No. 595.7 - Inspection Procedures Relative to Documentation of Deficiencies
- No. 595.12 - Inspection and Related Activities of Research Facilities
- No. 595.13 - Guidelines for Inspection of Exhibitors and Pet Stores
- No. 595.16 - Animal Welfare Act, Guidelines for Inspection of Common Carriers and Intermediate Handlers

Under the 1988 Agency reorganization, there was a carryover of written policy (VS Memoranda) to provide direction to Regulatory Enforcement and Animal Care (REAC) inspectors. To facilitate this carryover, we have changed the numbers of certain official forms and formal Memoranda from VS to REAC, and this process will continue as necessary.

OIG Recommendation 1b:

Establish a risk-based facility inspection ranking system allowing facilities that meet APHIS regulations to be inspected less often than facilities with continuous violations.



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APHIS Response:

REAC adheres to APHIS' written policy. VS Memorandum 595.7 (enclosed), IV. Procedure, C. Priorities, states in part: "Deficiencies identified as "Major" will take priority over other deficiencies for reinspection in the utilization of available resources." REAC uses the same approach as VS since resources are limited for a vast and growing program. The REAC program field staff has prioritized reinspections by limiting them to those facilities of major concern. Minor deficiencies are addressed on the subsequent routine inspection. Minor deficiencies do not fall under a 30-day limitation for compliance unless they are chronic in nature and have reached a point whereby the inspector recommends a case be developed against the violator. Inspectors are well trained to initiate a decision to file a case if circumstances dictate.

OIG Recommendation 1c:

Establish a nationwide data base of registered and licensed facilities to track inspections and monitor followup inspections of noted violations.

APHIS Response:

We have developed the Nationwide Computer System, License and Registration System. REAC's Northeast Sector will be utilizing the System next month and will enter Beta test (the first product online test phase). All five Sectors will have the same data base by the end of Fiscal Year 1992, and APHIS will be fully computerized for optimum efficiency.

OIG Recommendation 1d:

Develop and issue regulations to clarify the required frequency of dealer facility inspections and followup inspections when violations are disclosed.

APHIS Response:

The Agency relies upon supervisory instruction and written policy (VS Memoranda identified in our response to Recommendation 1a) to prioritize inspections based on the compliance level of individual facilities. In line with industry and regulatory commitment to performance standards, REAC has provided intensive training to inspectors so they make the best uniform professional judgment concerning inspections.

OIG Recommendation 2a:

Establish local administrative procedures to expedite the civil penalties process to enforce compliance with the requirements of the AWA.

APHIS Response:

The present system of Administrative Law Judges (ALJ) presiding over cases is dictated by the Department Rules of Practice. APHIS has no control over

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the manner in which the ALJ system is administered. According to the Office of General Counsel (OGC), 99 percent of the cases conduct a hearing near the vicinity of the respondent. There are five ALJ's for ten major programs. The cost of additional legal accommodation to expedite cases would be prohibitive.

OIG Recommendation 2b:

Require facilities to certify, on the annual license renewal form, that the facility is in compliance with all regulations promulgated to implement the Act. If the facility is not in compliance with the intent of the Act, license renewal should not be granted.

APHIS Response:

The AWA (copy enclosed) does not include a provision for withholding renewal of a license due to lack of facility compliance. This issue was also addressed by OGC, who advised that APHIS lacks authority to withhold renewals.

OIG Recommendation 2c:

Reissue Animal Care facility licenses on an annual basis that would clearly show the current status of the facility.

APHIS Response:

Each Sector office presently renews licenses annually to dealers/exhibitors who meet regulatory licensing requirements. If legal action has been brought against a licensee, the cause for withholding of renewal would be determined and recommended by legal counsel. (See Response to 2b above.)

OIG Recommendation 2d:

Initiate a procedure whereby APHIS would issue certificates to licensed breeders who operate in accordance with standards of the Act, authenticating that animals originated from an APHIS licensed breeder. The certificate should accompany the animal to the consumer.

APHIS Response:

The Act limits the activities of the Department to ensuring that the licensee complies with the Animal Care Standards including transportation of the animals. It does not permit a certification process which could be interpreted by the public that the facility meets more than minimum standards for their individual animals. In addition, present resources limit certification even if the Act did permit its use.

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OIG Recommendation 3a:

Require that animal care facilities use APHIS Form 18-5, Record of Dogs and Cats on Hand, and VS Form 18-6, Record of Disposition of Dogs and Cats.

APHIS Response:

Many licensees use their own forms to record data required by VS Forms 18-5 and 18-6. Other licensees elect to utilize the APHIS-VS Forms. We believe that the information recorded by animal care facilities on their own forms is adequate. We will, however, continue to review this issue.

OIG Recommendation 3b:

Require animal care facilities to use approved identification methods to properly describe animals.

APHIS Response:

The regulations for animal identification clearly stipulate that each animal is to be appropriately identified. We recently adopted a new tattoo system that assists the licensee in applying permanent identification of each animal for traceback to the designated licensee.

OIG Recommendation 3c:

Issue procedures to establish guidelines for breeders to control breeding during the animal exercise process.

APHIS Response:

APHIS is not authorized to issue guidelines directed toward breeding programs, as long as breeders meet good veterinary care practices. The industry as a group is familiar with their canine and feline breeding program requirements. Observant animal care givers can discern estrus in the female. Intense resistance by industry could make it extremely difficult for the Department to justify taking action to separate the males. We emphasize proper veterinary care, and we monitor those programs for compliance. APHIS, REAC offers assistance to licensees/registrants regarding their veterinary care program so they may elevate their level of compliance and cooperate more fully with their veterinarian to achieve improved animal health care. (See 9 CFR, Animal Welfare, Section 2.40, Veterinary Care Regulations.)

In addition to 595.7, the enclosed Memoranda are frequently used for reference and guidance in the Animal Welfare program:

VS Memorandum No. 595.1, Responsibilities and Accountability for Animal Care Program Activities

VS Memorandum No. 595.2, Animal Care Coordinator

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VS Memorandum No. 595.5, Impervious Surfaces and Indoor and Outdoor Facilities

VS Memorandum No. 595.6, Automatic Termination of License - Animal Welfare (9 CFR, Section 2.5(b))

VS Memorandum No. 595.12, Inspection and Related Activities of Research Facilities

VS Memorandum No. 595.13, Guidelines for Inspection of Exhibitors and Pet Stores, Oct. 2, 1972 and March 13, 1981

VS Memorandum No. 595.14, Procedure in Handling License Applications and Monies - Animal Welfare Program

VS Memorandum No. 595.17, Animal Welfare Act - Program Forms ANH 18-3 Through ANH 18-12 - Instruction Guidelines

VS Memorandum No. 595-19, Instructions for Submitting the Research Facility Annual Report - VS Form 18-23, Annual Report of Research Facility

VS Memorandum No. 595.20, Animal Welfare Act - Tattoo Identification for Animals

VS Memorandum No. 595.21, Veterinary Care Under Animal Welfare Regulations

VS Memorandum No. 575.4, Prohibited Conduct in Criminal or Civil Cases Involving the U.S. Government

VS Memorandum No. 576.3, Submission of Animal Quarantine, Animal Welfare, and Horse Protection Apparent Violation Cases

Thank you for the opportunity to respond to the recommendations identified in the audit report. Please advise us if we have satisfied OIG's resolution requirements.



Robert Melland
Administrator

20 Enclosures

OIG NOTE: Enclosures not included with report.

Informational copies of this report have been distributed to:

General Accounting Office	(1)
Office of Finance and Management	
Director	(1)
Audit Liaison Office	(1)

OIG Audit #33002-0001-Ch
Animal Welfare Act Implementation

MAY 18 1992

James R. Ebbitt
Assistant Inspector General
for Audit, OIG

This addresses the final version of your audit on animal welfare activities. Recommendations are followed by our comments.

Recommendation 1a:

Establish a written policy documenting the severity of violations and followup action required by inspectors.

APHIS Response:

APHIS concurs that there should be a written policy documenting the severity of violations and followup action required by inspectors. Currently, Veterinary Services (VS) Memorandum 595.7, "Inspection Procedures Relative to Documentation of Deficiencies," requires such documentation, and Regulatory Enforcement and Animal Care (REAC) inspectors are directed to follow the Memorandum. However, REAC will strengthen the documentation requirements. REAC will convert VS Memorandum 595.7 to REAC Memorandum 205, "Inspection Procedures Relative to Documentation of Noncompliant Items Under the Animal Welfare Act," and will enhance the Memorandum to make the requirements more specific. This will be accomplished by August 30, 1992. In the interim, REAC will issue a policy directive to its inspectors, directing them to document the severity of violations. We expect this interim guideline to be in place on May 28, 1992. Conversion of all VS Memoranda relating to the Animal Welfare Act (AWA) to official REAC Memoranda will be completed by March 18, 1993.

Recommendation 1b:

Establish a risk-based facility inspection ranking system, allowing facilities that continuously meet APHIS regulations to be inspected less often than facilities with continuous violations.

APHIS Response:

APHIS acknowledges that current resources and procedures preclude completing all inspections and followup activities in a timely manner. Recognizing that resources are not likely to increase soon, APHIS will phase in a more formalized risk-based system for determining the frequency and extent of inspections of facilities than now exists. This will improve the timeliness of inspections and allow for more effective inspection of problem facilities.

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However, APHIS recognizes that a risk-based system will not guarantee a certain number and frequency of inspections due to resource levels.

Implementation of a risk-based system will require the accumulation of reliable data to determine criteria for deciding which facilities merit a greater or lesser frequency of inspection. As better and more complete data are accumulated, APHIS will expand the use of risk-based principles in determining the appropriate frequency of inspection for any given facility. APHIS will utilize three sources for gathering the necessary data:

First, APHIS will gather data from inspectors' documentation of the severity of violations (as discussed in Recommendation 1a). Accumulation of this data will begin soon and will provide descriptive accounts of violations. The revised severity documentation system will be in place by August 30, 1992. APHIS will then compile data from the reports and identify problem facilities and those with good records.

Second, APHIS will gather data through the computerized Licensee and Registrant System (LARS). The data base will be accessible to all inspectors, headquarters, and sector staff, which can help identify trends and problem facilities. This will enhance risk criteria and give Sector Supervisors a better capability to direct the use of scarce resources.

Third, APHIS will gather data from the computerized Field Investigation Tracking System (FITS). FITS is designed to compile more detailed information on facility compliance, and provide more data to establish risk criteria. It will enable us to direct our resources where they are most needed. The VS Memorandum 595.7, "Inspection Procedures Relative to Documentation of Noncompliant Items Under the Animal Welfare Act," will be completed by August 30, 1992, and will address a risk-based inspection ranking system. FITS will be coordinated with the LARS no later than July 30, 1993.

Recommendation 1c:

Establish a nationwide data base of registered and licensed facilities to track inspections and monitor followup inspections of noted violations.

APHIS Response:

APHIS recognizes the need for a nationwide data base. In August 1990, REAC received a Technical Approval for an "Animal Care Facility Compliance, Recordkeeping, and Reporting System." The system consists of LARS and FITS.

LARS will track the number of violations found in a facility; the date of the last inspection and the timeframe for any required reinspections (providing a "tickler" function); and the distribution of facilities per inspector (helping supervisors to better distribute workload). LARS is in the final phase of BETA-Test in the REAC Northeastern Sector Animal Care office. The data base hardware and software will be installed in all five of the Sector offices by October 1, 1992.

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LARS was developed using a Relational Data Base Management System for flexibility in data storage and retrieval. The design of the system allows collection of information at both the facility and site.

While LARS will be an important management tool, FITS will give the inspector instant access to a vast amount of data. When fully operational (depending upon resources), each inspector will have a portable device capable of communicating with a central database. The data base will list the location of each facility and the hours during which a contact person is available. This facet of FITS alone will save many hours presently lost when inspectors travel to a facility only to find it closed or otherwise unavailable for inspection. Other key data components include a detailed list of previous violations (LARS provides only a count of violations); the dates of previous inspections, with a tickler function to alert inspectors of the need for new inspections; a listing of facilities which may require registration. FITS will be operational by July 30, 1993. Several LARS forms are enclosed for informational purposes.

Recommendation 1d:

Develop and issue regulations to clarify the required frequency of dealer facility inspections and followup inspections when violations are disclosed.

APHIS Response:

Promulgating a regulation requiring a certain number and frequency of inspections would codify a standard not attainable given current resources. Publishing such a regulation would only undermine the public's confidence in the Department when, as is almost certain, APHIS would not be able to meet its own standard.

A more realistic approach is formalizing internal REAC policy which requires a minimum of one inspection per year and, depending upon the severity of the violation, a 30- to 60-day reinspection of the facility. This direction will be incorporated in each employee's performance standards as a critical element. The standard will contain appropriate detail to consider criteria such as limited number of employees, budget constraints, what constitutes a minor or serious violation, and require fewer inspections on facilities with no history of violations and/or deficiencies.

Either of these options will require the Resource Management Staff to research and provide a comprehensive report projecting what percent of our goal can be obtained at our present staffing level and budget, plus what increased budget and manpower needs will be required in order to meet the ultimate goal at several levels up to and including 100 percent.

APHIS will develop written internal REAC policies to direct the frequency of initial and followup inspections for dealer facilities. The policy will be modeled after VS Memorandum 595.1, which delegates responsibility and accountability for field operation accomplishments to specific individuals.

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It will also designate a base level of inspection coverage required for dealers licensed under the AWA and will reference risk-based criteria for inspection frequency (as discussed in lb).

The Assistant Deputy Administrator for Animal Care will be delegated the authority and responsibility for complying with this Agency requirement on a national basis. Sector Supervisors will be responsible for meeting this objective on a Sector basis, and field inspectors will be responsible for their assigned geographic work areas. Accountability requirements will be incorporated into performance standards of the respective individuals. Adherence to the policy will be monitored on a semiannual basis during routine performance appraisals.

A draft of the proposed policy will be developed by August 30, 1992. The draft will be circulated internally, comments integrated, and the final version communicated to REAC employees by October 1, 1992. Performance standards, including specific requirements addressed in the policy, will be referenced in each operational employee's standards as a critical element by October 1, 1992.

Recommendation 2a:

Establish local administrative hearing procedures to expedite the civil penalties process and enforce compliance with the requirements of the Act.

APHIS Response:

The AWA provides for suspension or revocation of a license and/or the assessment of a civil penalty by the Secretary only after the person is given "notice and opportunity for a hearing." Courts have interpreted this language to mean a hearing on the record. The Administrative Procedure Act (APA) (5 U.S.C. 551 et seq.) stipulates that all hearings required by statute to be heard on the record be determined on the record after opportunity for agency hearing. Section 556(b) requires that an Administrative Law Judge (ALJ) preside over the hearing and recording of evidence unless one or more of the agency heads (i.e., the Secretary) conduct the hearing.

The AWA delegates the authority to remove licenses and assess civil penalties to the Secretary of Agriculture. The current system of using ALJ's to represent the Secretary or Administrator frees agency heads from the complicated and time-intensive procedures of hearings and at the same time expedites the formal administrative process. Decisions rendered by the ALJ and Judicial Officer representing the Secretary are given more weight in Federal courts when appealed than those handled by hearing officers.

Local administrative hearings would not save time. APHIS uses an informal hearing process (similar to the process proposed by OIG) to remove approvals and compliance agreements in the animal and plant quarantine programs. The authorizing statutes for these programs do not require notice and opportunity for a hearing, but informal agency hearings are provided in the interest of due process as provided in the Constitution.

The non-APA hearings are decided by a hearing officer appointed to represent the Administrator or Deputy Administrator. The rules of practice followed for the hearings are very similar to the Department's rules of practice.

Historically, APHIS has held only a few such hearings to remove approvals or agreements because many of the cases are resolved when a facility reaches compliance or agrees to surrender the privilege to operate a particular facility or program. When a case went through the hearing process, the average timeframe for resolution was not significantly different from cases pursued formally under the Department's Rules of Practice. In some situations, the confusion resulting from the various rules of practice used by different programs has resulted in numerous delays in achieving full resolution.

REAC has attempted to address the need for quick adjudication of violations by the use of civil stipulations, a policy developed in 1991. This process takes approximately 30 to 60 days from the date the violation is discovered through collection of the civil penalty. Although this system is new, the success rate appears to be above 80 percent on the collection of civil penalties. The penalties encourage minor violator compliance. A formal system of evaluating the effectiveness of the civil stipulation program, including whether or not compliance is being achieved, will be developed by August 30, 1992, and implemented by November 1, 1992.

APHIS will continue the current process for revoking licenses. To pursue OIG's recommendation would require a legislative change to the AWA by removing a violator's right to an APA hearing on the record before sanctions are issued. We believe that for APHIS to initiate a legislative change restricting individual rights and due process under a law we enforce, would constitute the appearance of a conflict of interest, and we would not be representing the Department in a positive light. Although APHIS would welcome more rapid methods of enforcing the AWA, the Agency is cognizant of individual rights and the dangers of establishing regulatory mechanisms which deny those rights.

Recommendation 2b:

Require facilities to certify, on the annual license renewal form, that the facility is in compliance with all regulations promulgated to implement the Act. If the facility is not in compliance with the intent of the Act, license renewal should not be granted.

APHIS Response:

Section 3 of the AWA (7 U.S.C. 2133) requires the Secretary to issue licenses to dealers who comply with the regulations and standards promulgated under the Act. APHIS inspects dealers' facilities for compliance before issuing a license. Section 19 of the AWA (7 U.S.C. 2148) authorizes the Secretary to

James R. Ebbitt

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suspend and revoke licenses when licensees fail to comply with regulations and standards. The Secretary may suspend a license temporarily for up to 21 days. A longer suspension or a license revocation requires "notice and opportunity for a hearing." This term means a hearing on the record. APHIS, by regulation, requires annual renewal of licenses. A licensee must acknowledge receipt of the animal welfare regulations and must agree to comply with them when applying for renewal. If the licensee provides these assurances, APHIS issues the renewal.

We concur with the recommendation that facilities certify they are in compliance before renewal of licenses. However, if a facility does not sign the certification, we do not believe we can remove the license or fail to renew it unless due process is afforded. It is APHIS' position that a license to engage in a business of an ongoing or continuing nature, such as dealers, may be denied only after an opportunity for a hearing before an ALJ is provided.

The renewal form requires a signature for acknowledging receipt of and agreeing to compliance with the regulations. The regulations and renewal form can be changed from "agree to comply" to a certification of compliance. The revision of the form will be drafted by September 30, 1992, and submitted to OMB for approval. The proposed regulation change will be drafted and submitted to our Regulatory Analysis Division by October 30, 1992.

APHIS agrees with the intent of the recommendation that license renewal should not be granted if the facility is not in compliance. However, this entails a significant legal consideration. We do not believe we are authorized to deny a renewal without requiring the same notice and opportunity for a hearing on the record as provided when we revoke a license. APHIS will request the Office of the General Counsel (OGC) to provide an opinion on this threshold issue. The request will be submitted to OGC by June 15, 1992.

Recommendation 2c:

Reissue animal care facility licenses on an annual basis that would clearly show the current status of the facility.

APHIS Response:

Each year, within 30 days prior to the expiration date of a license, the licensee must file with the REAC Sector Supervisor an application for license renewal and annual report. Commencing October 1, 1992, when a license is renewed, its expiration date will appear in the upper right corner of the license certificate. By September 30, 1993, all licensees will have a USDA License Certificate that clearly delineates the license expiration date.

Recommendation 2d:

Initiate a procedure whereby APHIS would issue certificates to licensed breeders who operate in accordance with standards of the Act, authenticating

James R. Ebbitt

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that animals originated from an APHIS-licensed breeder. This certificate should accompany the animal to the consumer.

APHIS Response:

The AWA limits the activities of the Department to ensuring that the licensee complies with the animal care standards including transportation of the animals. The recommended certification process would inject APHIS into the marketing of animals and would be inappropriate and probably beyond our authority. The recommended certification process would inaccurately imply to the public that the facility meets more than the required minimum standards for their individual animals. The compliance status of a facility can change from inspection to inspection.

Facilities may use APHIS Form 7006 (formerly VS Form 18-6) and a copy of their USDA license showing their license certificate expiration date as a mechanism for authenticating that animals come from a USDA licensed facility. To communicate this information, we will develop and issue a policy directive, "Clarification On the Use of APHIS Form 7006 (formerly VS Form 18-6) and VS Form 18-5" by September 30, 1992.

Recommendation 3a:

Require that animal care facilities use APHIS VS Forms 18-5 and 18-6.

APHIS Response:

APHIS concurs with the recommendation. APHIS regulations require each dog and cat dealer licensed by USDA to maintain records which are complete and uniform, but we have not prescribed a form for the records. We intend to make mandatory the use of "Record of Dogs and Cats," APHIS Form 7006 (formerly VS Form 18-6). A notice to licensees to comply with this requirement will be completed by September 30, 1992.

To further ensure that facilities make, keep, and maintain records, REAC will develop an internal checklist for use by field personnel during animal care facility record inspections. This document will: (1) assist the inspector in evaluating compliance with the regulations and in documenting of noncompliance with recordkeeping regulations and (2) provide a vehicle to assure that the animals maintained at the facility are the same animals reported to APHIS. This document will be developed by December 1, 1992, and will be available for use by REAC inspectors no later than January 1, 1993.

Recommendation 3b:

Require that animal care facilities use approved identification methods to properly describe animals.

James R. Ebbitt

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APHIS Response:

All animals must be identified according to Part 2.50 which states: "When live dogs or cats are held, purchased, or otherwise acquired, they shall be immediately identified." All licensees must use one of the approved methods of identification. The tattoo system is only an option and is not required. In accordance with the Administration's strong policy of establishing performance standards, rather than rigid design standards, the Agency does not intend to make the tattoo system mandatory. Licensees that do not properly identify animals will be cited for violations.

Thank you for the opportunity to examine the final report and submit these additional comments to the recommendations. We will await your decision concerning the acceptance of our proposed corrective actions.

78/ Robert Melland,

Robert Melland
Administrator

Enclosures

cc:
J. Arnoldi, REAC, Hyattsville, MD

APHIS:RMSES:Ckrenkel:adk:5/13/92:b:\oigrpt2

CK

Clearance:

F. Vollmerhausen

J. Arnoldi

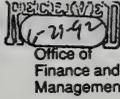
D. Husnik

JR
DM Gennato
DPA - 5/14



United States
Department of
Agriculture

Office
of the
Secretary



Office of
Finance and
Management

Washington
D.C. 20250

RmSES

JUN 24 1992

REPLY TO
ATTN OF: 1750

SUBJECT: Implementation of the Animal Welfare Act
Report #33002-1-CH

TO: Donald Husnik
Acting Agency Audit Liaison Official
Animal and Plant Health Inspection Service

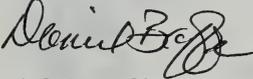
Based on the Office of Inspector General's (OIG) memorandum of June 11, 1992, we accept final action on Recommendation 3b in the subject audit. No further reporting to the Office of Finance and Management (OFM) is necessary on this recommendation. However, OIG and OFM reserve the right to perform followup reviews on the action taken.

for *David C. Rector*
LARRY WILSON
Director

Lee Richardson Zoo and other AAZPA members strive to maintain high professional standards in animal management and husbandry to provide healthy and humane care to all of the animals under their guardianship. AAZPA members must process and qualify for accreditation every five years to certify that they are currently meeting standards established by the Association. Zoological facilities are also regulated by the federal government according to the Animal Welfare Act, though most AAZPA institutions exceed those standards.

Congressman Roberts, we appreciate your ongoing support and leadership. We look forward to your response.

Sincerely,

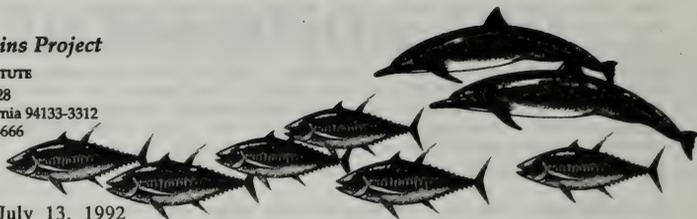


Daniel A. Baffa
Director

DAB:vbj

Save the Dolphins Project

EARTH ISLAND INSTITUTE
 300 Broadway, Suite 28
 San Francisco, California 94133-3312
 Telephone: 415-788-3666
 FAX: 415-788-7324



July 13, 1992

Honorable Charlie Rose
 Chairman
 Subcommittee on Department Operations,
 Research, and Foreign Agriculture
 Dept. of Agriculture
 Room 1301, Longworth House Office Building
 Washington, DC 20515

Dear Representative Rose,

On behalf of Earth Island Institute's Save the Dolphins Project, I want to thank you for convening the hearing regarding weaknesses in the Animal Welfare Act, July 8, 1992. We hope that amendments will be added to afford greater protection to captive marine mammals, and that APHIS will be held accountable for its continued apparent incompetence in enforcing the act.

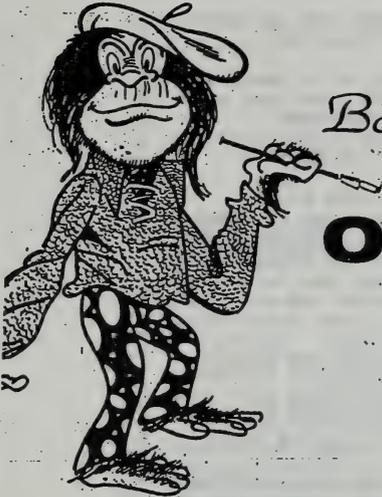
As an example, Ocean World of Ft. Lauderdale, FL, has been fined only \$20,000 and closed for two weeks for violating the A.W.A with regard to its captive maintenance of marine mammals. It has been learned that just a few weeks ago, a dolphin named Pepper was dropped and suffered a fractured spine during a move from one tank to another at Ocean World. This continued abuse of these intelligent creatures by this and other facilities must be investigated and if necessary, display permits revoked. Dolphins and whales belong in the oceans in the first place and if the act is strengthened, hopefully a number of these animals may be rehabilitated for release, and captures from the wild will be banned. All one has to do is review the Marine Mammal Inventory Reports from National Marine Fisheries Service and see the litany of death associated with captive marine mammal facilities.

Please enter these comments into the record for this hearing, and thank you for your consideration and forthcoming reply.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Berman".

Mark Berman
 Program Associate



Bobby Berosini's

Do You Know That
ORANG-UTANS
 Are Rare And Endangered Species

Congressman Charlie Rose,
 Chairman,
 D.O.R.F.A.
 U. S. House of Representatives,
 WASHINGTON, D.C.
 20515.

EXHIBITION ANIMAL BILL HR 3252.

Hearing July 8th, 1992
 Wednesday, 9.30am.

PLEASE ENTER AS TESTIMONY
 ALL DOCUMENTS.

- ① COURT JUDGEMENT IN THE AMOUNT OF \$3.1m.
- ② FACT STATEMENT ON LAWSUIT.
- ③ NEWS ARTICLES ON LAWSUIT.

Dear Sir,

My wife spoke [REDACTED] requesting permission to address the subcommittee in regards to the above Bill.

In July, 1989 we (myself and my family) were viciously attacked by 2 Animal Rights Groups. PeTA (People for the ethical Treatment of Animals) and PAT DERBY and PAWS (Performing Animal Welfare Society).

LIES, HALF-TRUTHS, & MISINFORMATION were the tools of the Animal Rights Activists and to back up the above charges they produced a FALSE SENSATIONALISED VIDEO TAPE, which they presented as FACT.

On August 2 1989, I sued both of these groups for DEFAMATION.

On August 11th, 1990 a UNANIMOUS JURY awarded me \$3.1.million. I had proved that not only were the allegations false, but the VIDEO TAPE was also false. The VIDEO TAPE did not depict reality. It was highly edited,

manipulated, sound added and altered, frames cut and much, much more, in fact it was not even copied from the originals.

It was proved that I was the kick off for a massive fundraiser that netted \$10 million for PeTA alone and more than tripled PAWS income. It was a highly planned conspiracy that was set in motion more than 1 year previous, and this particular project was targeting "ANIMALS IN ENTERTAINMENT".

These groups NEED cruelty issues to raise money. Please do not allow yourselves to be manipulated by these animal rights exploiters who systematically feed out suspect pictures and material presented as fact. The Animal Rights Movement was born on so called exposes, many are now proving to have been skillfully manipulated and force fed to a Media hungry for ratings, and an emotional public who generously open their purse strings, think they can help. However, now the public is becoming more and more aware of their tactics and is starting to revolt against them.

We have been taught, by the movies, to allow our emotions to be manipulated through pictures which we all know are just stories and are not reality. DO WE REALLY BELIEVE THAT SUPERMAN ACTUALLY FLIES?

I am very disappointed as not being allowed to offer our experience for your consideration as all information is backed up by court documentation. I feel that your committee hearing is being stacked against the Performing Animal Industry, who by enlarge love and care for their animals.

Even after winning a multi million dollar Lawsuit, I, my family, my employees and my lawyer are still targeted by these groups, they harass any potential employer, client, with their organised phone line jamming, anonymous threatening calls, picketing, media manipulation. They are relentless and evil. This is not about loving or caring for animals. This is about hating mankind. They destroy people.

I am enclosing some documentation

Sincerely

Bobby Bersani

(Attachments follow:)

DISTRICT COURT
CLARK COUNTY, NEVADA

— FILED IN OPEN COURT —

BOHUMIL BEROUSEK
aka BOBBY BROSINI, individually,
Plaintiffs,

SEP 11 1990 19
LORETTA BOWMAN, CLERK
LEONE DUMIRE

Deputy

vs.

PEOPLE FOR THE ETHICAL TREATMENT
OF ANIMALS aka PETA, a Delaware
non-profit corporation;
PERFORMING ANIMAL WELFARE SOCIETY
aka PAWS, a California non-profit
corporation; JEANNE ROUSH,
OTTAVIO GESMUNDO; SIMONE TURNER;
SEAMUS BRENNAN; LINDA LEVINE;
SHARON WILLARD; PAT DERBY; and
DOES I through X, inclusive.

CASE NO. A276505
DEPARTMENT XII
DOCKET R

JUDGMENT UPON
JURY VERDICT

Defendants.

The above-entitled case came on regularly for trial, with HAROLD P. GEWETER, ESQ. THOMAS F. PITARO, ESQ. and MICHAEL F. BOHN, ESQ., appearing as attorneys for plaintiff, and PHILLIP J. HIRSCHKOP, ESQ. appearing for the defendants, PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS aka PETA, a Delaware nonprofit corporation and JEANNE ROUSH, ROBERT D. MARTIN, ESQ. appearing for defendants SEAMUS BRENNAN, SIMONE TURNER and LINDA LEVINE and in association with said PHILLIP J. HIRSCHKOP, ESQ; and DANIEL FOLEY, ESQ., appearing for defendants, PERFORMING ANIMALS WELFARE SOCIETY aka PAWS, a California nonprofit corporation, and PAT DERBY. The jury having been duly impaneled to try the issues in the matter; the Court ordered said jury sequestered for the duration of the

1 trial. Thereafter, the plaintiff offered his evidence and
 2 announced that he had rested his case and had no further
 3 evidence to present, thereupon defendants moved the Court,
 4 pursuant to NRCP 50(A) for a directed verdict and for a
 5 dismissal pursuant to NRCP 41(b) and the Court having heard and
 6 considered said motions found that certain parts of said
 7 motions were well taken and should be granted. Thereafter, the
 8 Court dismissed the claim of invasion of privacy (unreasonable
 9 intrusion upon the seclusion of another) as to all defendants,
 10 except OTTAVIO GESMUNDO, PEOPLE FOR THE ETHICAL TREATMENT OF
 11 ANIMALS, aka PETA, a Delaware nonprofit corporation and
 12 JEANNE ROUSH. The Court further dismissed the claim of
 13 invasion of privacy (appropriation of another's name or
 14 likeness) as to defendants SEAMUS BRENNAN, SIMONE TURNER and
 15 LINDA LEVINE. The Court also dismissed the corporation
 16 plaintiff BOBBY BERSINI, LTD., a Nevada corporation, from the
 17 action for lack of proof as to any liability to the corporation
 18 on any of the claims for relief. Thereafter defendants
 19 presented their evidence and after hearing the instructions of
 20 the Court and listening to arguments of counsel the jury
 21 retired to consider their verdicts and subsequently returned
 22 into court and being called, answered to their names and said
 23 the following verdicts were unanimously those of the jury:

24 VERDICT
 25 INVASION OF PRIVACY
 26 UNREASONABLE INTRUSION UPON SECLUSION OF ANOTHER

27 We, the Jury in the above-entitled action find for
 28

1 the Plaintiff, BOHUMIL BEROUSEK, also known as BOBBY Berosini,
 2 on his claim for Invasion of Privacy (unreasonable intrusion
 3 upon seclusion of another) against Defendant OTTAVIO GISMUNDO
 4 and assess the total amount of damages as follows:

5 OTTAVIO GISMUNDO

6 General Damages \$100,000.

7 Special Damages \$150,000.

8 Dated this 11th day of August, 1990.

9 Glenn Nusbaum, Foreman.

10 VERDICT
 11 INVASION OF PRIVACY
 12 UNREASONABLE INTRUSION UPON SECLUSION OF ANOTHER

13 We, the Jury in the above-entitled action find for
 14 the Defendants PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS also
 15 known as PETA, a Delaware Corporation and JEANNE ROUSH and
 16 against the Plaintiff, BOHUMIL BEROUSEK also known as
 17 BOBBY Berosini on his claim for Invasion of Privacy
 18 (unreasonable upon intrusion seclusion of another).

19 Dated this 11th day of August, 1990.

20 Glenn Nusbaum, Foreman.

21 VERDICT
 22 INVASION OF PRIVACY
 23 APPROPRIATION OF ANOTHER'S NAME OR LIKENESS

24 We, the Jury in the above-entitled action find for
 25 the Plaintiff BOHUMIL BEROUSEK also known as BOBBY Berosini on
 26 his claim for Invasion of Privacy (appropriation of another's
 27 name or likeness) against the following Defendants and assess
 28 the total amount of Damages as to each Defendant as follows:

1 PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS
 also known as PETA, a Delaware Corporation

2 General Damages \$200,000.

3 Special Damages \$300,000.

4 JEANNE ROUSH

5 General Damages \$100,000.

6 Special Damages \$150,000.

7 Dated this 11th day of August, 1990.

8 Glenn Nusbaum, Foreman.

9 VERDICT
 10 INVASION OF PRIVACY
 APPROPRIATION OF ANOTHER'S NAME OR LIKENESS

11
 12 We, the Jury in the above-entitled action find for
 13 the Defendant OTTAVIO GESMUNDO and against the Plaintiff
 14 BOHUMIL BEROUSEK aka BOBBY Berosini on his claim for Invasion
 15 of Privacy (appropriation of another's name or likeness).

16 Dated this 11th day of August, 1990.

17 Glenn Nusbaum, Foreman.

18 VERDICT
 19 INVASION OF PRIVACY
 APPROPRIATION OF ANOTHER'S NAME OR LIKENESS

20 We, the Jury in the above-entitled action find for
 21 the Defendants PERFORMING ANIMAL WELFARE SOCIETY, also known as
 22 PAWS, and PAT DERBY and against the Plaintiff, BOHUMIL BEROUSEK
 23 also known as BOBBY Berosini on his claim for Invasion of
 24 Privacy (appropriation of another's name or likeness).

25 Dated this 11th day of August, 1990.

26 Glenn Nusbaum, Foreman.

1 amount of damages as follows:

2 OTTAVIO GESMUNDO

3 General Damages \$100,000.

4 Special Damages \$150,000.

5 Dated this 11th day of August, 1990.

6 Glenn Nusbaum, Foreman.

7 VERDICT

8 INVASION OF PRIVACY
PUBLICITY THAT UNREASONABLY PLACES THE OTHER IN A FALSE
9 LIGHT BEFORE THE PUBLIC

10 We, the Jury in the above-entitled action find for
11 the Plaintiff BOHUMIL BEROUSEK also known as BOBBY BEROSINI on
12 his claim for Invasion of Privacy (publicity that unreasonably
13 places the other in a false light before the public) against
14 the following Defendants and assess the total amount of Damages
15 as to each Defendant as follows:

16 PERFORMING ANIMALS WELFARE SOCIETY, also known as
17 PAWS, a California Non-Profit Corporation

18 General Damages \$20,000.

19 Special Damages \$30,000

20 PAT DERBY

21 General Damages \$20,000.

22 Special Damages \$30,000.

23 Dated this 11th day of August, 1990.

24 Glenn Nusbaum, Foreman.

25 VERDICT

26 INVASION OF PRIVACY
PUBLICITY THAT UNREASONABLY PLACES THE OTHER IN A
27 FALSE LIGHT BEFORE THE PUBLIC

1 We, the Jury in the above-entitled action find for
2 the following Defendants and against the Plaintiff
3 BOHUMIL BEROUSEK, also known as BOBBY BEROSONI on his claim for
4 Invasion of Privacy (publicity that unreasonably places the
5 other in a false light before the public). (Please mark with
6 check.)

7 SIMONE TURNER X
8 SEAMUS BRENNAN X
9 LINDA LEVINE X

10 Dated this 11th day of August, 1990.
11 Glenn Nusbaum, Foreman.

12 VERDICT
13 DEFAMATION

14 We, the Jury in the above-entitled action find
15 for the Plaintiff on his claim for Defamation against the
16 following Defendants and assess the amount of Damages as
17 follows:

18 PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS
19 also known as PETA, a Delaware Corporation
20 General Damages \$400,000.
21 Special Damages \$600,000.
22 JEANNE ROUSH
23 General Damages \$400,000.
24 Special Damages \$600,000.

25 Dated this 11th day of August, 1990.
26 Glenn Nusbaum, Foreman.

27
28

VERDICT (DEFAMATION)

We, the Jury in the above-entitled action find for the following Defendants and against the Plaintiff.

(Please mark with check.)

SIMONE TURNER X

SEAMUS BRENNAN X

LINDA LEVINE X

Dated this 11th day of August, 1990

Glenn Nusbaum, Foreman.

SPECIAL VERDICT

We, the Jury in the above-entitled action, find that the following defendants have been guilty of actual malice and determine plaintiff may recover punitive damages for the sake of example and by way of punishment by reason of the invasion of privacy (unreasonable intrusion upon seclusion of another) claim. (Please check.)

YES NO

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS aka PETA, a Delaware Corporation X

JEANNE ROUSH X

Dated this 11th day of August, 1990.

Glenn Nusbaum, Foreman.

SPECIAL VERDICT

We, the Jury in the above-entitled action, find that the following defendants have been guilty of actual malice and determine plaintiff may recover punitive damages for the sake

1 determine plaintiff may recover punitive damages for the sake
 2 of example and by way of punishment by reason of the invasion
 3 of privacy (publicity that unreasonably places the other in a
 4 false light before the public) claim.

5 (Please check.)

YES

NO

6 PEOPLE FOR THE ETHICAL
 7 TREATMENT OF ANIMALS
 8 aka PETA, a Delaware
 Corporation.

 X

9 JEANNE ROUSH

 X

10 OTTAVIO GESMUNDO

 X

11 PERFORMING ANIMALS
 12 WELFARE SOCIETY aka
 PAWS, a California
 Corporation

 X

13
 14 PAT DERBY

 X

15 Dated this 11th day of August, 1990.

16 Glenn Nubsbaum, Foreman.

17 **SPECIAL VERDICT**

18 We, the Jury in the above-entitled action, find that
 19 the following defendants have been guilty of actual malice and
 20 determine plaintiff may recover punitive damages for the sake
 21 of example and by way of punishment by reason of the defamation
 22 claim.

23 (Please check.)

YES

NO

24 PEOPLE FOR THE ETHICAL
 25 TREATMENT OF ANIMALS
 aka PETA, a Delaware
 Corporation

 X

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JEANNE ROUSH	_____	<u> X </u>
OTTAVIO GESMUNDO	_____	<u> X </u>
PERFORMING ANIMALS WELFARE SOCIETY aka PAWS, a California Corporation	_____	<u> X </u>
PAT DERBY	_____	<u> X </u>

Dated this 11th day of August, 1990.
Glenn Nusbaum, Foreman.

After examining the Verdicts of the jury, the Court determined that plaintiff did prevail on his invasion of privacy (publicity that unreasonably places the other in a false light before the public) claim and that such remedy is an alternative or additional remedy to the claim for defamation.

Therefore, plaintiff cannot recover damages on both this particular type of invasion of privacy and his defamation claim (Restatement of Torts, Sec. 652E Comment b). Damages may be awarded to plaintiff on his defamation claim only. Now, therefore, by virtue of the law and by reason of the aforesaid, it is hereby

ORDERED, plaintiff have and recover from the defendants damages as follows:

INVASION OF PRIVACY
(UNREASONABLE INTRUSION UPON SECLUSION OF ANOTHER)

OTTAVIO GESMUNDO	\$250,000.
.	
.	

INVASION OF PRIVACY
(APPROPRIATION OF ANOTHER'S NAME OF LIKENESS)

1		
2		
3	PEOPLE FOR THE ETHICAL TREATMENT OF	
4	ANIMALS aka PETA, a Delaware nonprofit	
	corporation	\$ 500,000.
5	JEANNE ROUSH	\$ 250,000.

DEFAMATION

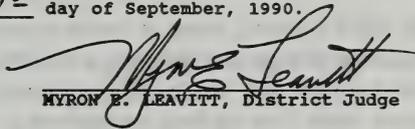
6		
7	PEOPLE FOR THE ETHICAL TREATMENT OF	
8	ANIMALS aka PETA, a Delaware nonprofit	
	corporation	\$ 1,000,000.
9	JEANNE ROUSH	\$ 500,000.
10	OTTAVIO GESMUNDO	\$ 500,000.
11	PERFORMING ANIMALS WELFARE SOCIETY	
12	aka PAWS, a California nonprofit	
	corporation	\$ 50,000.
13	PAT DERBY	\$ 50,000.

14 Together with interest thereon at the legal rate from the date
15 of the service of the summons and complaint herein. It is
16 further

17 ORDERED, plaintiff shall be awarded his costs and
18 disbursements expended in this matter. It is further

19 ORDERED, the complaint is dismissed as to defendants
20 SEAMUS BRENNAN, SIMONE TURNER and LINDA LEVINE and each shall
21 be awarded any costs and disbursements expended in this matter.

22 Dated this 11th day of September, 1990.

23 
24 MYRON E. LEAVITT, District Judge
25
26
27
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**FACT SHEET ON BEROSINI'S SUCCESSFUL LAWSUIT AGAINST
PETA (People for the Ethical Treatment of Animals) and
PAWS (Performing Animal Welfare Society) ET AL.**

On August 2, 1989, Bobby Berosini ("Berosini") filed suit for DEFAMATION, MISAPPROPRIATION OF NAME, LIKENESS AND CHARACTER (in other words, Fundraising with Bobby Berosini's name), and INVASION OF PRIVACY against People for the Ethical Treatment of Animals ("PETA") et al in the Clark County, Nevada District Court.

The Basis of the lawsuit was that PETA et al falsely accused Berosini of abusing his orangutans and distributed an altered videotape which supposedly proved Berosini's abuse.

The Lawsuit claimed that:

In the Spring of 1989 PETA began a formal multimillion dollar fundraising campaign based on stopping the use of "ANIMALS IN ENTERTAINMENT".

PETA identified Berosini as a principal target in the fundraising campaign.

PETA had contact with entertainers in the production show in which Berosini's Orangutans appeared;

at PETA's urging, some of those entertainers intentionally taunted and incited the orangutans creating a situation in which the animals could become violent and which required Berosini to control the animals to prevent them from hurting themselves or anyone else. An entertainer working with PETA secretly filmed Berosini, trying to get the animals under control. (at no time were any of the animals ever hurt.)

PETA edited and altered the tapes and then distributed the doctored tapes; AND

PETA et al waged a massive misinformation media campaign, falsely accusing Berosini's of criminal animal abuse, falsely calling him a child abuser, falsely stating that he beat the orangutans with a steel pipe, and falsely stating that the striking of the orangutans was routine and unprovoked.

Based on PETA et al's misrepresentations the USDA (United States Dept. of Agriculture), who enforce the Animal Welfare Act, conducted an indepth investigation, which included an on site investigation into the facilities and the orangutans. USDA issued an official announcement that it found no signs of abuse.

Similarly, pursuant to a court order, two world renowned experts, Dr. Richard Simmonds D.V.M., M.S. and Dr. Kenneth G. Gould Ph.D., B. Vet. Med., MRCVS issued reports that the orangutans were in excellent health and had not been abused in any manner.

PETA employed three "experts" to examine the orangutans. None of these "experts" would sign a report indicating abuse. In fact, PETA was fined by the court for trying to legitimize the report by filing and making public the unsigned and unsubstantiated report. That report was never admitted into evidence.

PETA filed a counterclaim against Berosini requesting confiscation of the Orangutans due to Berosini's alleged abuse. The Court dismissed the counterclaim 'with prejudice'.

The producer of the tape admitted he altered the sound and the visual portion of the tape in order to sensationalize the tape.

PETA's lawyers were sanctioned by the trial court for a number of reasons including "Manufacturing evidence".

After 29 days of hearing evidence, the jury found PETA et al guilty of defamation, invasion of privacy and misappropriation of name, likeness and character (fundraising) and awarded Berosini damages of \$3.1M, plus costs and interest.

The defamation count required the jury to find that PETA et al knowingly,

willfully and maliciously made false statements regarding Berosini's "abuse of his Orangutans".

While the lawsuit was pending, Berosini's lawyer was continually harassed. This harassment included death threats and the delivery of dead birds to his house

The Berosini family has been horrendously harassed both at home and at his place of work. They have received 'death threats, had people on their roof, running across their lawn. The house has been threatened by 'bombs' and also attempts to steal the orangutans.

Even after the jury found PETA et al guilty of defamation and misappropriation of name, likeness and character and invasion of privacy, PETA et al continues its misinformation and fundraising campaign against Berosini by dissemination statements that;

Berosini was caught on Videotape beating the Orangutans;

Berosini routinely abuses his Orangutans;

The Verdict by a unanimous Jury of PETA et al's peers was the result of bias since the judge was a former roommate and law partner of the owner of the Stardust Hotel;

The Jury found no malice on PETA et al's part;

The United States Govt., through the Dept. of Interior and Agriculture, and Berosini are guilty of collusion, and

Labelling the Berosini case one of 'intimidation to silence all "Animal Rights Groups."

Tapes - July 19 Video expert testifies audio on orangutan tapes altered

□ The authenticity of the tapes are critical in Bobby Berosini's lawsuit against animal-rights activists.

By Warren Bates
Review-Journal

The videotapes of Strip entertainer Bobby Berosini striking his orangutans backstage at the Stardust Hotel last year were altered, a local video expert testified Wednesday in Berosini's defamation suit against an animal-rights activist group.

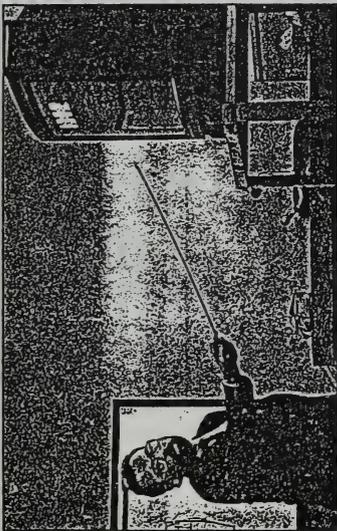
Dennis Cooper, president of the Las Vegas-based KUPR Film and Television Productions, said the sound heard on the videotapes distributed to the media was

"degraded" and "somewhat processed." Cooper, certified by the court as an expert witness, did not say exactly how any sounds may have been altered, only that certain sounds were missing and that there was great potential for alteration when copies were made of the tapes.

Berosini is suing People for the Ethical Treatment of Animals and nine other defendants for producing and invading the tape of him with the primates before his act at the hotel's Lido de Paris show.

A major part of Berosini's case hinges on whether he can prove the tape was purposely changed to make it look like he was abusing his animals. His attorney

please see PETA/68



Tomu Kawano/Review-Journal
Dennis Cooper, a local video expert, testifies Wednesday in District Court that a tape of entertainer Bobby Berosini striking orangutans was altered.

PETA

ter tapes, which were made during a week-long period.

Cooper said that had the originals been provided to the court, there would have been a more accurate representation of the sounds backstage.

"When you make a copy, you have available the full spectrum of audio and visual manipulation," Cooper said.

"The original can't manipulate the sound."

Cooper testified he also went backstage a month ago and stood in the spot where Gesmundo's camera was placed.

"There was a great difference," he testified of the environment.

From 18
keys have argued that the sound,
y speed and lighting of the tapes
il were falsified.

Cooper also testified that tapes
1 given to him that were purported
2 to be originals filmed backstage by
3 former Lido dancer Otavio Ges-

4 mundo were not originals.

5 Glitches in the tapes, lasting
1/80th of a second, he said, led to
the conclusion.

He said he used Gesmundo's
camera to try and duplicate the
glitches without making copies and
could not.

Berosini's attorneys have long
complained in pretrial motions
that the defendants have been
withholding the original 8 millime-

Expert testifies Berosini tape altered

By Bill Goss
LAS VEGAS SUN

The nationally distributed videotape showing Bobby Berosini whipping his performing orangutans was "manipulated" to change the sounds, a Las Vegas electronics expert testified Wednesday.

Dennis Cooper, who owns KUPR Film and Television Productions, also concluded the "original" videotapes turned over by People for the Ethical Treatment of Animals were, in fact, copies with altered audio tracks.

PETA, several individuals and the Performing Animal Welfare Society are being targeted by Berosini in the \$80 million defamation trial under way for a week and a half.

The nine videotapes were shot by former Lido de Paris dancer Otavio Gemundo as Berosini and the orangutans were preparing to go onstage at the Stardust Hotel.

Cooper said he was hired by Berosini to examine the tapes for authenticity and alterations but found the tapes he was given were actually copies.

Gemundo testified earlier in the trial he turned over the originals to PETA at the organization's insistence. PETA, in turn, was supposed to release them for testing.

Cooper showed tape after tape to the six-woman, two-man jury in the courtroom ... pointing out "glitches" or "blemishes" on five of the nine tapes.

was hitting the animals harder than he was.

Cooper explained how to emphasize some sounds and eliminate others by using a basic audio equalizer available for as little as \$50 from Radio Shack.

He emphasized, however, such changes could only be done during the process of copying videotapes.

At that stage, he said, "anything the mind can imagine" can be done to the audio track.

Cooper told how he went to the Stardust Hotel and stood where the camera had been hidden and found "a great difference in the sound" from what he had been listening to on the tapes.

One of the prominent sounds

on one videotape was a pronounced clank, purported to be Berosini dropping a steel bar he was alleged to have used to beat the orangutans.

Gemundo admitted in his testimony that he gave public interviews depicting the weapon as a piece of "rebar" wrapped in tape.

Berosini has claimed the instrument was a dowel wrapped in tape that he destroyed after the tapes became public.

Cooper showed tape after tape to the six women, two men jury in the courtroom of District Judge Myron Leavitt, pointing out "glitches" or "blemishes" on five of the nine tapes.

He said the glitches, which appeared as split-second white flashes on the television screen, were indicative of editing.

In other technical testimony, he told how he tested Gemundo's camera up to 40 times to determine if it caused the effects but "no blemishes occurred."

Cooper testified he placed a call to the camera's manufacturer and learned "the camera is incapable of producing blemished edits."

Had the videotapes been original, he said, it would mean the sound track could not have been altered — as Berosini's attorneys claim it was in an effort to make it appear the entertainer

Altered Berosini tapes 'violated a court order'

The attorneys for Bobby Berosini charged Thursday that People for the Ethical Treatment of Animals violated a court order by producing altered rather than original videotapes depicting the Strip entertainer beating his orangutans.

Michael Bohn is seeking a default judgment against PETA in the \$20 million defamation suit Berosini has filed or, at the minimum, a \$5,000 a day fine until the original tapes are produced.

Bohn also claimed videotapes involving two of the 11 incidents said to have been recorded were never submitted to the court.

The two missing tapes, Bohn said, may be in the possession of a person who sent an anonymous letter to Berosini in July "threatening to release

two tapes to the news."

Former Stardust Hotel dancer Ottavio Gesmundo, who also is named in the suit, stated in a deposition that he delivered all the tapes to PETA before the lawsuit was filed.

He also admitted erasing portions of the tapes because nude showgirls appeared.

"The defendant apparently didn't feel it was appropriate to have showgirls on a blackmail tape," Bohn said.

Berosini contends PETA supporters in the Lido de Paris show taunted the orangutans backstage, forcing Berosini to discipline them -- which was then filmed.

"It is critical we obtain the original tapes ... to determine what was going on backstage before and after Berosini and the orangutans appeared," Bohn said.

Judge fines lawyers, others for misbehavior in Berosini trial

Most of the \$52,000 is levied against attorneys representing PETA and animal-rights advocates.

By Warren Bates
Review-Journal

As jurors continued deliberations in the Bobby Berosini slander trial Thursday, District Judge Myron Leavitt handed down \$52,000 in sanctions to five attorneys who handled the case and an animal-rights group.

Berosini's attorneys escaped the courtroom relatively unscathed by the numerous fines imposed for conduct during the 5-week-old proceeding. Attorneys Tom Pitano, Harold Gewertzer and Michael Bohn were fined a total of \$1,900, mostly for making improper objections, not fol-

lowing courtroom etiquette and eliciting improper testimony.

Philip Hirschkop, counsel for People for the Ethical Treatment of Animals, felt the brunt of the judge's displeasure. The Virginia lawyer was fined \$17,500.

PETA was fined \$10,000 and the organization's president, Alex Pacheco, was also hit with a \$10,000 sanction. Rob Martin, an attorney for four individual defendants, was fined \$12,500.

Hirschkop was sanctioned for, among other things:

—Implying that his clients could not get a fair trial in Nevada.

—Making excessive and frivolous motions for mistrials, one time in front of the jury.

—Questioning court rulings in front of the jury.

Please see FINES/5A

AMEDITION

August 10, 1990

Fines

From 1A

Not being familiar with the act that Leavitt had disclosed his relationship with the Boyd Group, owners of the Stardust Hotel.

Berosini's act plays, to other defense attorneys. Leavitt charged Hirschkop did not control his clients and witnesses when they publicly questioned the integrity of the judge, a former law partner, with

Hirschkop smiled after the hearing was recessed and said the sanctions "did not bother me a bit."

His attorney, Dominic Gentile, said Hirschkop hadn't had sufficient time to review the charges and the action likely will be appealed.

PETA was fined for scheduling a "celebrity press conference" in which actress Rue McClanahan and radio personality Casey Ke-

sem, who together only spent six minutes in the courtroom, criticized the judge as being unfair to the defense.

"The integrity of the court and the ability of the court to dispense trials is at stake," Leavitt said.

Hirschkop, who is also named in the suit but whose case has been moved to federal court, was fined because he told a KLAS-TV, Channel 8, reporter the proceedings were "corrupt."

Martin was fined for calling irrelevant witnesses to the stand, making public statements questioning court rulings during the trial and for "manufacturing evidence."

He had wrapped an iron bar in electrical tape, marked it as a proposed court exhibit and then argued it was "similar" to the object

for "vigorously defending their client's rights."

Berosini is suing PETA, the Performing Animal Welfare Society and several individual defendants, claiming they ruined his career by producing and distributing an allegedly false videotape of him striking his performing orangutans backstage at the Stardust.

The jury began deliberations Wednesday afternoon.

LAS VEGAS

REVIEW-JOURNAL

Animal rights activists stage events, manipulate media

april 15 '89

To the editor:

Misinformation, lies, and half-truths force fed to a media hungry for ratings are the tools of animal rights activists whose groups need cruelty issues to fund-raise.

I would like to correct both Mr. Bernstein and Ms. Campercholi (letters, April 9), who apparently believe the lies of the animal rights groups and participate in this media feeding frenzy. That "tape" was proved to be false. It was highly edited, sensationalized, manipulated and more. In fact, it was not even copied from the original.

It was also proved that Bobby Berosini was the kick-off for a massive fundraiser that netted \$10 million for PETA alone. This particular project was "Animals in Entertainment." This was a highly planned conspiracy that was set in motion more than one year previous. The true abusers were the animal rights activists who organized the provocation of the animals and created a situation requiring control of the animals to ~~prevent them from hurting themselves or anyone else.~~

At no time was any animal ever hurt. The tape did not depict reality. We have been taught, through movies, to allow our emotions to be manipulated through pictures, which as we all know are just stories and not reality. Do you really believe that Superman actually flies?

The media is very skillfully

manipulated by these animal rights exploiters who systematically feed out suspect pictures and material presented as fact. Believe me, I know; I was awarded \$3 million because of the lies and accusations. But do you think that stops them? No, to this day they are still fund-raising on my name.

BOBBY BEROSINI

Las Vegas

STATEMENT ON ANIMALS IN ENTERTAINMENT
FOR CONGRESSIONAL HEARING 7/8/92
MICHAEL BLAKE

The incarceration and enslavement of animals could make sense if the animals did anything wrong. The animals crime is that they exist.

Animals by the thousands are condemned to lifetimes of imprisonment solely for the amusement of human beings.

This practice represents the worst in the human spirit. It is such a bad practice that it has helped create a climate of disregard for others in our own society. We have become infected by our own misdeeds.

How can we see ourselves and our childrens' lives in a positive light and refuse to see that animals too have been made in the image of God?

I believe healthy animal life is crucial to the survival of our planet and ourselves. Animals in cages are incompatible with the recovery of our world and the restoration of our spirit.

What I'm hoping is that someone in Congress will make a commitment. I'm hoping someone will take up this cause. I'm hoping someone will lead.

In Reference To: 102D CONGRESS H. R. 3252 ANIMAL WELFARE ACT
A BILL (AMENDMENT)

OPENING STATEMENTS:

I am an animal trainer for the motion picture and television studios, and I find BILL H.R 3252 misleading, unfounded, prejudicial, incorrect factually and technically, and a conflict of interest in reference to the five person committee.

My general consensus and over all view of BILL 3252 suggests that it performs the same functions as The Fish And Game, County Animal Control, American Humane and the jurisdiction that the USDA has already acted upon.

While the authors of this BILL may have good intentions, the BILL 3252 appears to be premised on erroneous and outdated training information and/or procedures. As a professional trainer for the motion picture and television studios, I practice the art of simulation of the real, as do my colleagues. This means the art of taming and training animals to act out a specific part as prescribed by the script. Just like the product of anyone in an artistic field, a painter for example, who uses his brush to express his own feelings, a trained animal actor is an extension of each trainer's own unique, individual ability. Trainers interpret a script then put together those behavior(s) that best express the moods and concerns set forth by the writer. The behaviors used must convincingly sell the home audience believability, or otherwise promote and enhance the emotional value of a particular scene.

Trainers clearly understand the responsibility and liability involved to safeguard the health and well being of an animal actor as well as the human actor(s) that are involved directly and/or that surround the event. This is one of the major reasons that a script and story-board is broken down. The script breakdown is for the purpose of planning ahead to prepare for the behaviors needed with the combined use of advanced special effects technology.

Definition Of A Motion Picture Trained Animal Actor:

The definition of a true animal actor is: An animal that has been tamed and trained to hit marks that may be placed on the studio floor, or, if on outside location, a mark may represent itself as a fallen log, a rock, etc. Also, an animal that has been trained to go with or work close to an actor (complete stranger), role play comedy or drama just moments apart, or simply be him or herself "on cue."

Any behavior an animal actor performs before camera must be done so on cue in order to serve any commercial benefit to the over all production. The end results that the director is looking for is to keep the animal actor as natural acting as possible or with human-like qualities when necessary while under controlled environmental

(1)

1 of 7 pages

working conditions such as cameras, lights, sound, special effects, etc.

All animal actors are subject to a pretraining program for the purpose of environmental adjustments, behavioral warm-up, old behavioral adaptation to new given situations such as gags, tricks or that which reinforce the mood, and trainer operating procedures. Also, the training of new behaviors that a script or story-board may call for would be covered in a pretraining environment. Sometimes a trainer may have to add a behavior simply to facilitate an already existing behavioral movement.

A Motion Picture and Television Animal Trainer's Job Description Breakdown:

Trains animals to understand specific cues. Competes with other trainers for motion picture and television assignments which is done at interviews through personal invitation from producers and directors. Organizes and coordinate pretraining programs for film and television to include stage (live action entertainment) and television commercials. Knows how to break down scripts and either adapts old behaviors to the new given situation, and/or designs new behaviors that will appropriately promote the act or action, or otherwise enhances the prescribed emotional value of a particular scene, thus complying with the script's request. Knows how to prepare an animal actor for sitcoms (four camera shows) to include proper rehearsal and working with camera blocking procedures. Knows how to set up and merge established animal performances (master shots) with multiple special effects on a per shot basis, if needed. The trainer must know how to set up for large master shots and single individual shots for camera with the best interest of the animal actor in mind. Knows all the general rules and operating procedure for training and the handling of animal actors both behind and before camera while on assignment. A motion picture and television trainer must be able to read any and all visual behavioral signs that suggest changes in an animal actor's emotional state of mind with the utmost accuracy. A trainer must be able to evaluate an animal to determine temperament, motivational abilities and aptitude for learning. A trainer must know how to properly harness those learned and natural (sometimes human-like) especially unique behaviors to some type of cue (commands) arrangement humanely, using Molding-Type and Random Reinforcement training techniques. It's important that a motion picture and television trainer understands the basic psychology of learning and its technical methods of animal communication such as, Classical Conditioning, Operant (Instrumental) Conditioning, Multiple Response (Chain Behavior) to include Insight.

The reason I listed a job description breakdown was to illustrate what goes into the art of training animals (in general) to act for film and television. Quality trainers have a deep seeded, around the clock devotion to their animal actor friends and feel that their animal actor friends have the same empathy toward them.

(2)

To an animal actor, their trainer represents a mother, a father, a psychologist, a lawyer, a doctor, a friend and entertainment director. They depend on their trainer to care for them as much as a trainer depends on them to perform to the best of their own individual ability. Yes, a true motion picture and television trainer is in a caring, sensitive parenting-type position with their animal friends.

Three of the most horrifying things that anyone can ever bestow on another fellow human being is an outright false accusation of child abuse, physical abuse and, as indicated in the first two pages of BILL H.R.3252 (Animal Welfare Act), animal abuse. Absolutely no one in their right mind would ever want to be associated with such an ugly act such as abuse, even in a BILL that opens up by saying on page two, line 3, "Animals trained or used for exhibition purposes have been caused injury, death, pain, or suffering."

Could a person honestly suggest that, as a group, trainers would stay in a profession that's purpose was to do harm to an animal? Not only is this absurd and disrespectful to the professional status of quality trainers, but completely not factual. As in an old Burger King commercial, "Where's the beef?" Only in this case, "Where's the proof?"

Maybe Congress has made the same wrongful assumptions that most people make, however, and that is the assumption that anyone who works around, close to, or with animals are in fact trainers, which again, couldn't be any farther from the truth. For instance if professional motion picture animal trainers were shipping the elephant that died inside the shipping crate at the Los Angeles Zoo, they would have trained the elephant by setting up a special apparatus that would allow him to gradually except the final enclosure. This statement was in no way meant to harm the honest efforts made by the Zoo's caring staff. However, there were no trainers involved in the attempted transporting of this elephant.

I found on page 3, line 5 that everyone from animal acts, to animals in the back yard of private people are addressed in this BILL. How many organizations and committees does it take and how far does the governmental agencies need to reach into the private sector to be satisfied?

There is a feeling among the trainers that animal activist organizations are pressuring USDA to take over the creative communities of the animals in the entertainment industry. The bottom line is that the American Humane of Hollywood already oversees the treatment of animals on production sets, and trainers don't understand why a governmental agency is trying so hard to reach into the private sector. As mentioned in the opening statement, we have Fish And Game, and County Animal Control who perform the exact same function as USDA.

Animal activist organizations have been trying to take over the American Humane Of Hollywood for years now, and it only appears

(3)

that USDA is using its influence to set up shop for people within those organization. If this is true then one could say that this would be two counts of conflict of interest. How can this be a conflict of interest? Because these organizations wish to put an end to animals in entertainment, thus causing animal businesses to close down across the country.

On page 3 line 25 the term 'handle' is improperly used. Even though the word is only used as a temporary definition for the purpose of grouping a bunch of words together, it's technically incorrect and poses a serious problem. It doesn't differentiate between "handler" and "trainer."

Through the years the word "trainer" was automatically attached to anyone who was responsible for anything that ever went wrong in association with animals. This is true in all areas that deal with animals-from amusement parks to zoos. It simply is an incorrect label!

Only a trainer should be training and making behavioral management decisions to include any disciplinary action. Because someone refers to themselves as a trainer it doesn't make the label they have placed upon themselves necessarily true. Mishandling or over correcting an animal the size of an elephant for instance, could be and has been fatal to people in the past because of inexperience and no working knowledge of animal communicative concepts. When the word "trainer" and "handle" or "handler" appear in the same job description, it's an endorsement and an invitation to danger, therefore should always appear separate.

In reference to, SEC 13A. SPECIAL HUMANE STANDARDS FOR EXHIBITION OF ANIMALS.

HITTING OR OTHERWISE STRIKING:

The author(s) of this section of the BILL has absolutely no working knowledge of animal communication. Let's start by examining the word or words, "hitting (or otherwise striking)." These words alone are powerful enough to open a can of worms so large that we could all go fishing for several years.

Has anyone ever been to the race track and noticed the jockey "hitting or otherwise striking" the horses' backside with a riding crop as he or she crosses the finish line? We could all probably assume that this is not a way to build a camaraderie between horse and rider. Because of the fact that thousands and thousands of dollars depend on the success of a horse race, somehow the "hitting or otherwise striking" is deemed necessary, therefore acceptable. Understand this is a statement of fact not an approval.

The author(s) of this section of the BILL were also probably unaware that when dogs are trained by the hundreds for the police k-9 corp across the country, the standard training procedure for getting the dog to respond aggressively is to "hit or otherwise

strike" the dog, sometimes repeatedly, before and sometimes after the dog has already hit the human target.

This is done for the purpose of demonstrating to the dog the seriousness involved when asked to oppose a criminal. Of course, the end results could possibly save a police officer's life during a life threatening situation.

Let's take this one step further: During the course of training a dog to become a seeing eye dog, he or she also receives a "hit or a strike" that teaches the dog to look up. This exercise teaches the dog to protect his would-be master from hitting his head on an element such as a low limb of a tree. Again, this is done with the intention of saving a human from getting hurt.

Motion Picture Training Procedures:

Unlike any other training procedures, true motion picture trainers participate in the art of make believe. The whole idea is to make the home audience believe that what they're seeing is real. Anything less would simply not be acceptable. However, like in the case of the seeing eye training or the training of the k-9 dogs for police work, motion picture trainers also have liability and responsibility to the safety of the production's cast, staff and crew members, not to mention their own safety.

And because animal trainers are parents, so to speak, to their animal friends, they can't allow an animal to bite them. Look at the consequences of a bear biting at free will. It would be the same example as a son hitting his father or mother in the face at the age of ten years old. If left uncorrected it could turn into a very serious problem later on for everyone who may come in contact with this out of control child.

During the animal's early years trainers may allow a certain amount of mouthing from the cub bear, lion, etc., because this is a way in which a young cub plays and talks with his newly bonded animal trainer friend. But if the cub makes aggressive gestures with his or her mouth or assumes an aggressive body posture, then the trainer may quickly strike the cub across the nose. This type of disciplinary action is only used to tame the biting and settle any emotional outburst which will prevent this from happening to an actor or trainer when the bear is full grown. By the time a bear, for instances, reaches anywhere from 800 to 2000 pounds, common sense is that a trainer is at the mercy of good, prior planned parenting.

WRESTLING:

The author(s) of the this BILL, is obviously against wrestling with an animal. One of the key ingredients in a balance of an animal actor is his desire to play. This means the trainer finds it necessary to maintain that psychological balance by playing with his animal friend. Wrestling with an animal actor that enjoys it,

(5)

especially beginning at the cub stages, is a mere extension of an animal's desire to play. You will find that if an animal doesn't like to play, there is a more than slight possibility the animal will be serious minded.

It's been said that wrestling is very stressful for an animal. If anything, wrestling relieves stress. The only way that it would be stressful for an animal would be if the animal didn't enjoy it. Most animals in the wild learn to play at an early age in order to develop their hunting skills.

REGARDING THE FIVE PERSON COMMITTEE:

The membership of advisory board is a complete conflict of interest. Specifically:

A) A veterinarian is not a trainer and cannot possibly make judgement on any script breakdown without knowing how training takes place. This would be like asking a dentist to oversee the script breakdown and working conditions of a stunt person.

B) A licensed exhibitor under the Animal Welfare Act would be a direct business competitor of any animal trainer. Aside from the business aspect of this conflict of interest, animal trainers have their own behavioral developments that sets them apart from their competition. The competitor judging the script breakdown may not have knowledge of a particular behavior as their concept in training may be more limited than the trainer they are overseeing.

C) We feel that two members of duly incorporated animal protection organizations would be two people devoted to completely ending the use of animals in the motion picture industry. Organizations such as PETA and PAWS have proved time and again that ending the use of animals in motion pictures is a firm stance they take.

D) The only representative of the film industry with knowledge of handling animals for production of films would be another animal trainer, or former animal trainer. Again, a blatant conflict of interest.

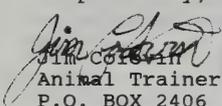
In regards to page 8, line 7: "a synopsis of any portion of a film script which calls for the use of animals." Anyone with a working knowledge of the motion picture and television industry knows that productions have been starting in shorter time frames due to the recent economy, sometimes less than three days. As one might imagine, it would be impossible to submit a synopsis to anyone for any reason with this length of time.

In conclusion, just as Jimmy Swaggart preached against prostitutes then fell victim to his own teachings, it seems to me that some of the people who were once inhumanely involved with animals are now trying to wash away their own sins at the expense of current day animal trainers. They are holding onto their own past of inhumane treatment of animals. Some of the people are merely misinformed.

(6)

Today's trainer doesn't fit that picture.

Respectfully,


Jim Corbin
Animal Trainer/Consultant
P.O. BOX 2406
LANCASTER, CA. 93539-2406
Tel. (805) 942-7550

July 2, 1992



London Square Mall - #6 & 7, 201 Tilton Road, Northfield, N. J. 08225 - 609-646-3340 - Fax: 609-646-1065

July 3, 1992

Mr. Dale Moore
DORFA Committee
1301 Longworth Street
Washington, D.C. 20515

Dear Mr. Moore,

Since your committee is undertaking an examination of the role animals play in the entertainment field, I feel it important I air my opinions and knowledge on this matter.

The Hamid-Morton Circus has been continuously owned and operated by my family since 1931 and is recognized as one of the premier sponsored circuses touring the United States. I have, personally, been involved touring with the show since 1970 in my capacity as Vice-President and General Manager.

During these past twenty-two years I also have become quite familiar with the ownership and personnel associated with circuses other than my own, and in that entire time I have never once viewed an example of animal abuse emanating from any circus source whatsoever. Quite to the contrary, the various animals involved in circus performances are treated with the utmost care and respect. It would be ludicrous for animal trainers to behave otherwise since their animal charges are vital to the trainer's ability to earn a living.

I have witnessed, on countless occasions, sick or injured animals being nursed back to health in the homes of their trainers and never have I seen animals being forced to perform while ill or disabled.

The "tricks" which audiences view are merely extensions of natural behavior i.e. tigers jumping, horses running, bears walking on their hind legs. These extensions are taught through positive re-enforcement by professional men and women...trainers who use love, kindness, patience, rewards and the understanding of animal behavior.

The arrogant "elite" of the animal rights movement would have the American public believe animals think and understand as humans do. This is patently absurd as there is no abstract conceptual thought or reflection in the

animal mind, only learned behavior and instinctive functioning. This is not to say that animals do not respond to love, affection and understanding. They do as the vast majority of circus trainers and domestic pet owners can attest.

The performing animals of today have not been taken from the wild and forced into the circus world, but have been bred in captivity and know no other world other than the safe haven of the circus ring and their exercise enclosures.

The longevity rate of circus and zoo animals far exceeds that of their wild counterparts and the study of their behavior while in captivity has greatly enhanced breeding in rare and endangered species, thus insuring their continued existence. Some good examples of this would be the Asian and African elephants, the African lion and the Bengal and Siberian tigers.

Cruelty, whether to humans or to animals, must be condemned and fought against, but perceived cruelty is not the same as actual cruelty. Perceived cruelty is what the animal rightists would have the public believe is actual cruelty.

Their persuasion tactics - Scream Loud - Scream Long - Scream Often, are designed in the hope that our elected officials will acquiesce to their distorted view.

The recent wire service photo of the rightists picketing the Pittsburgh hospital where the baboon to human liver transplant was performed would almost be funny if it were not so pathetic.

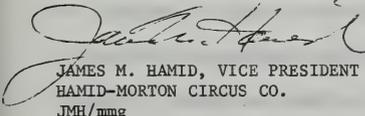
The circus is an enduring art form which demonstrates the talents, athleticism and essence of both its human and animal participants in an entertainment mode which is both palatable and enjoyable to all audiences.

Animals, in entertainment, are cared for, loved, and rather than endangering a species actually contribute to its growth.

There are already ample state and federal statutes covering the exhibition of performing animals. All responsible circus owners welcome the inspection by qualified animal experts.

Please ignore the hysteria of a small, vocal and completely misinformed minority.

Sincerely yours,



JAMES M. HAMID, VICE PRESIDENT
HAMID-MORTON CIRCUS CO.
JMH/mmg

FAXED TO MR. KEITH PITTS, STAFF DIRECTOR, HOUSE AGRICULTURE
SUBCOMMITTEE ON DEPARTMENT OPERATIONS, RESEARCH, AND FOREIGN
AGRICULTURE, 17 JULY 92

In July 8 testimony before the House Agriculture Subcommittee on Department Operations, Research, and Foreign Agriculture, Mr. Richard O'Barry charged the National Marine Fisheries Service and the Animal and Plant Health Inspection Service with failure to perform their functions related to overseeing the maintenance of marine mammals in the care of people. The Navy believes Mr. O'Barry's charges against APHIS and NMFS are largely unfounded.

The permit process to obtain marine mammals is difficult and lengthy. Applicants often withdraw rather than be denied. No dolphin or other cetacean has been live-captured for display from the waters of the United States since November 1989. This hardly speaks of agencies being lax in protecting marine mammal populations.

The government oversight for marine mammals is more stringent than for any other kind of animal in human care. For example, every mammal that dies must have a postmortem examination by a licensed veterinarian and the report filed with the NMFS. These post mortem examinations are some of the records which Mr. O'Barry scrutinized.

In the "Supplemental Information Prepared for the Dolphin Project" which Mr. O'Barry supplied to the subcommittee as part of his testimony, he alleges failure of NMFS to investigate

non-compliance of federal regulations. He includes three instances of perceived deficiencies in the Navy animal care program.

The following is provided to ensure the subcommittee has factual evidence for the record.

On page six, Mr. O'Barry mentions, as a possible transgression of feeding regulations, a Navy Atlantic bottlenose dolphin that died on 3-25-86. The "possible toxic fish," was not a food fish fed to the animal but a native fish that the dolphin picked up while swimming at liberty in the sea. The dolphin, an older female that had been with the Navy program for 16 years, was working at sea when she swam back to the trainer's boat with a fish in her throat. A spine on the dorsum of the fish, a file fish native to the area, had punctured the dolphin's throat. During the next 20 minutes the dolphin went into shock and died. A file fish die-off had commenced in the area and the dolphin apparently got one with an especially toxic skin and spine.

Fish and squid fed to Navy dolphins are carefully inspected and stored. Plants processing and freezing dolphin food are inspected by veterinary officers. The food inspection procedure for Navy dolphin food is more stringent than that for fish used for human consumption by the general public.

On page eight under sanitation, a Navy dolphin that died of gastric impaction 1-23-80 is mentioned. Again, this was a trained animal that worked while loose in the open sea. The animal had consumed a great amount of kelp which grows in the bay

and coastal areas around San Diego. The animal probably ate the kelp because of some gastric disturbance.

On page 10 under separation, Mr. O'Barry mentions a Navy dolphin that died 7-18-89 from pneumonia after trauma by a male dolphin. This was a female that developed pneumonia and was severely raked by a male in the pool (It is not uncommon for a sick dolphin to be attacked and raked with the teeth of other dolphins). The old female was separated and treated but did not survive. The veterinarian thought the animal might have been successfully treated had it not been for the compounding problem of the trauma by the male dolphins.

Pneumonia deaths in wild dolphins are common. Parasitic pneumonia is apparently the most common form. Most dolphins, other than those born in the care of humans, experience some lung damage from parasites even at an early age. To put the matter in perspective, in this era of space-age medicine, pneumonia is still the most common cause of death in humans according to the World Health Organization.

It is significant that Mr. O'Barry had to go through records from three decades, 70s, 80s and 90s, to obtain the accounts he mentioned. Male dolphins on the average live into their middle or late twenties, females to their thirties. Obviously when periods as long as an animal's life-span are examined many dolphin deaths will be recorded.

The average annual survivorship of Navy marine mammals has exceeded 97 percent; in contrast, a wild dolphin population in Florida was estimated to have an annual survivorship of 91% to 93%.

Finally, Mr. O'Barry apparently attempted to create the impression of more deaths among dolphins in Navy care by listing other, non-government organizations in the paragraphs containing the underlined title of the Navy organization having responsibility for marine mammals.

Date: 17 July 92

From:

COMSPAWARSYSCOM

CAPT J. J. HARNES, Jr. (Code 00L)



DORIS DAY ANIMAL LEAGUE

STATEMENT OF HOLLY HAZARD
 DORIS DAY ANIMAL LEAGUE
 HEARING ON THE USE OF ANIMALS IN ENTERTAINMENT
 Department of Operations, Research and
 Foreign Agriculture Sub-Committee
 House Agriculture Committee
 U.S. House of Representatives
 July 8, 1992

Board of Directors

Doris Day
President

Terry Melcher
*Vice President
 Secretary*

Jacqueline Melcher
Treasurer

Holly Hazard
Executive Director

Edgar Haber

"Animals were not created so people could exploit them to make money. It is unnecessary to inflict cruelty on animals for the sake of titillating audiences. There has to be a better way of making money than exploiting animals for the sake of entertainment."

- Doris Day

**Advisory Members
 of the Board**

Bob Hope

Rue McClanahan

Martina Navratilova

On behalf of the 134,000 members of the Doris Day Animal League, I strongly support legislation restricting and/or eliminating the use of animals in entertainment.

**Public Affairs
 Director**

Linda Dozoretz

It is particularly heartbreaking to hear of animal acts, supported by the public, that require animals to perform acts against their very nature. Shows such as mule diving, bear wrestling and pig racing should be banned in a civilized society. They create significant stress to the animal for no redeeming social value. It is outrageous that our government allows these performances to continue.

We should also eliminate the use of any wild animal for entertainment. The needs and care required of wild animals cannot be compensated for in a captive situation. The use of lions, tigers and bears solely for our entertainment is unconscionable. With the same policy that has led us to decry the exploitation of animals in dog fighting or cock fighting, we should set a standard that allows the wild animals on this

planet to remain that way; at least when this freedom is weighed against our own desire for entertainment.

The Doris Day Animal League also supports strong regulations regarding the treatment of animals in rodeos, zoos and theme parks. These regulations should set stringent requirements for the care of animals in transportation, the training of these animals and the conditions under which they are used. While the League does not support the use of animals in any of these activities, we believe that if the public chooses to condone these events, ticket prices ought to reflect the price of top quality care, housing and transportation of the animals first.

No justification exists for placing the economic viability of any entertainment enterprise above the requirement that animals used in this industry be given the best care possible. In the entertainment industry, there is no balancing of the needs of humans versus the rights of animals. Therefore, if animals must be used in this way, the very highest standard of care is the least that we should expect.

I strongly encourage swift federal action to increase the protections of animals used in entertainment.



JOAN W. JENRICH, P.O. Box 7251, St. Petersburg, Florida 33734-7251
Telephone (813) 527-6796

July 11, 1992

Rep. Charles G. Rose, Chairman
Subcommittee on Department Operations, Research
and Foreign Agriculture
Agriculture Committee
1301 Longworth House Office Building
Washington, DC 20515

Dear Representative Rose:

At a July 8th hearing of your subcommittee, Hollywood celebrities testified about cruelty to animals in the entertainment industry. Rick O'Barry told about abuse of marine mammals at aquariums. A July 11th AP article reports, "A dolphin suffered fractured vertebrae when its back was torn open above the tail while being carried between two pools" at Ocean World in Florida. "The park was in the middle of a two-week shutdown ordered by the U.S. Department of Agriculture as part of a penalty for repeated animal care violations."

The subcommittee is currently considering Rep. Peter Kostmayer's **THE EXHIBITION ANIMAL PROTECTION ACT, HR.3252**. Please pass this bill favorably out of committee. It is badly needed.

Joan W. Jenrich

(Attachment follows:)

Animals are not ours to eat, wear or experiment on!



St. Petersburg Times, July 9, 1992

Captivity is blamed in dolphin deaths

■ A former trainer takes a jab at Sea World. The amusement park says the animals have died from natural causes.

By DAVID DAHL
Times Staff Writer

WASHINGTON — The man who helped turn Flipper into a television star says killer whales are dying unnecessarily at Sea World amusement parks.

Richard O'Barry, a one-time dolphin trainer who now leads the Dolphin Project, told a congressional committee Wednesday that 20 of 26 orcas held in captivity by Sea World have died. Orcas are also known as killer whales and are the largest members of the dolphin family.

"The truth of the matter is, the orca doesn't have any predators other than Sea World and the captive display industry," O'Barry told a House Agriculture subcommittee that is considering legislation that would give the government a stronger hand in regulating animal trainers.

In response, Sea World research biologist Dan Odell said that O'Barry's numbers are "approximately right" but that they don't tell the entire story.

Odell said that the mammals could have died of natural causes and that none died as a result of Sea World's handling. "Some of the animals that died were sick when they came in. Some were old," Odell said in a telephone

Please see **ANIMALS 4A**

Animals from 1A

interview from Orlando.

But O'Barry argues that captivity kills the dolphins. He helped train the five dolphins on the old *Flipper* television series but has had a change of heart.

"We didn't know (then) that captivity killed," he said.

The 20 Sea World deaths date to 1965 and are based on reports Sea World submits to the government, according to Jerrey Mooney, a member of the Fund for Animals, an animal rights group.

She said the most recent death at Sea World's Orlando park was in August 1991. Sea World has four parks around the country.

O'Barry was one of several animal rights advocates who told the committee that animals in zoos, circuses and on movie sets are often brutalized. The witnesses included Bob Barker, host of the *Price is Right* game show, and actor Kim Basinger, who submitted a videocassette statement.

Basinger told of discovering a roadside zoo while on a visit to Florida in 1985. She found what she calls a "living hell" — a dehydrated elephant, a lion with a skin disease and other animals starving.

Joan Arnoldi, a regulator with the U.S. Department of Agriculture, said her department increased inspectors to improve the

policing of the 1,486 licensed animal exhibitors.

She said several animal attractions in Florida have been fined in recent months. They include:

■ Manual Ramos of the Oscarian Brothers Circus, who received a 90-day suspension of his license for improper housing of exotic cats and leopards. The circus is in the south Hillsborough County town of Riverview.

■ The owner of Godwin Gatorland near Orlando was fined \$2,000 in January for failing to keep complete records and to provide proper housing for exotic animals.

■ Lester Piper, at Everglades Wonder Gardens in Bonita Springs, in January received a 30-day suspension of his license and a

\$1,000 fine for failing to maintain the facility where he kept exotic cats and primates.

■ Ocean World in Fort Lauderdale received a \$20,000 fine and a 14-day suspension in June for mishandling marine mammals at its facility.

U.S. Rep. Peter Kostmayer, D-Pa., is sponsoring legislation that would define what constitutes cruel and inhumane punishments so the government can make a stronger case against animal abusers. It also would make it easier to trace the animals in traveling acts. "We can not allow the pursuit of the dollar to result in the cruel treatment of helpless animals," Kostmayer said.



Basinger submitted testimony on video.

Dolphin injured at troubled theme park

Associated Press

FORT LAUDERDALE — A dolphin suffered fractured vertebrae when its back was torn open along the tail while being carried between two pools at a marine park, officials said Friday.

The park was in the middle of a two-week shutdown ordered by the U.S. Department of Agriculture as part of a penalty for repeat-

ed animal care violations. Ocean World also was fined \$20,000.

The accident was disclosed by animal rights activists who were tipped off by employees. Attraction officials confirmed the report.

USDA inspectors checked the dolphin two days later as part of a review of the attraction's operation and decided there was no negligence involved.

St. Petersburg Times, July 11, 1992

HAVE TRUNK WILL TRAVEL



July 5, 1992

Representative Charlie Rose, Chairman
Sub-Committee on Department Operations,
Research and Foreign Agriculture
1301 Longworth House Building
Washington, D.C. 20515-6007

Dear Representative Rose:

This letter is to state our opposition to H.R. 3252, the "Exhibition Animal Protection Act". We ask that it be submitted as part of the record at the July 8th hearing.

Our main objection to H.R. 3252 is that it is unnecessary legislation. The bill states in section 2 (12) "no laws exist which establish standards to sufficiently govern the appropriate and humane uses, training and other handling, and other disposition of exhibition animals;". This is not true.

As responsible, licensed animal owners and exhibitors we are well regulated. We are permitted by the Department of the Interior, the U.S. Department of Agriculture, the California State Fish and Game, the County of Riverside Department of Animal Regulation as well as local Animal Regulation for areas where we exhibit.

The language of H.R. 3252 is very ambiguous. The reliance on the Commerce Clause of the United States Constitution for enforcement authority seems questionable.

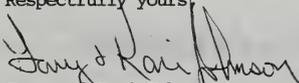
The most apparent defect in this statute arises from an effort to set standards within the bill itself, while also relying on as yet undefined standards to be promulgated by the Secretary of Agriculture. This seems backward.

Gary & Kari Johnson 27575 Hwy. 74 Perris, California 92570 Phone: 714-943-9227 FAX: 714-943-9563

If there is a feeling that different standards for these animals need to be set, the standards must be set by people expert in the species being regulated. A humane organization may care about animals, but we need regulations set by people who know how to care for animals.

In summary, we are opposed to H.R. 3252. Give the U.S. Department of Agriculture, who already regulates these animals, the power and funding to do their job. Another federal law is unnecessary.

Respectfully yours,



Gary and Kari Johnson

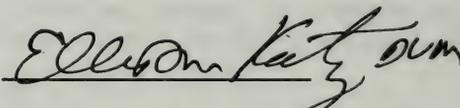
Written Testimony Submitted To

**THE U.S. HOUSE OF REPRESENTATIVES AGRICULTURE
COMMITTEE, SUBCOMMITTEE ON DEPARTMENT OPERATIONS,
RESEARCH AND FOREIGN AGRICULTURE**

For Hearings On

ANIMALS IN ENTERTAINMENT AND EXHIBITS

Submitted by

A handwritten signature in black ink that reads "Elliot M. Katz, DVM". The signature is written in a cursive style and is positioned above a horizontal line.

**ELLIOT M. KATZ, DVM
PRESIDENT
IN DEFENSE OF ANIMALS**

On

JULY 23, 1992

On behalf of In Defense of Animals 50,000 members, I would like to thank Mr. Rose and the Agriculture Committee for convening hearings on animals in exhibits, and for allowing me the opportunity to submit written testimony for the record.

I am Elliot Katz, president and founder of In Defense of Animals (IDA) and a veterinarian by training. During my past 10 years of work in the animal advocacy movement, I have become acutely aware of problems of tragic proportions occurring in our nation's zoological parks. In Defense of Animals has long been involved with the efforts to improve conditions at the San Francisco Zoo, and has provided support to animal advocates fighting to improve the plight of animals in zoos across the country. My testimony today will focus on two aspects of these systemic problems. First, I address the failure of many zoos to live up to their responsibility to provide for the physical, psychological and emotional well-being of the animals in their care. Secondly, I will focus on the ways in which this problem is compounded by the U.S. Department of Agriculture's (USDA) lack of attention to the enforcement of the Animal Welfare Act. I will explain in detail three specific examples of the problems at hand.

In the fall of last year, I was contacted by animal advocates from Cleveland, Ohio and zookeepers at the Cleveland Metroparks Zoo. These individuals were concerned about the Zoo's plan to transfer Timmy, a 33-year old, wild-caught, lowland gorilla with a history of severe emotional problems, to the Bronx Zoo for mating purposes. Unlike the typical wild gorilla, Timmy had not been able to socialize and mate with females, and was kept in isolation for the better part of 20 years. All that changed when he met Katie, a 34 year-old gorilla at the Cleveland Zoo, in 1990. Katie and Timmy quickly became close companions, often sleeping in each others arms. Timmy's devoted relationship with Katie warmed the hearts of their keepers and visitors to the zoo.

Katie, it was later determined, was sterile, and zoo officials decided to transfer Timmy to the Bronx Zoo where there was a pool of female gorillas with whom he could mate. This move was devised under the Species Survival Plan, which calls for breeding gorillas in captivity to prevent the endangered species' extinction on this planet.

IDA was persuaded to act on Timmy's behalf because of the deep concerns of Timmy's keepers, who knew his unique needs best. They were concerned that the move would traumatize him so profoundly that his health and even his life would be in jeopardy. As a veterinarian, I knew that breaking an animal away from emotional bonds can cause illness, as well as great unhappiness, as it can for humans. Further, I was concerned about the stress of transport, quarantine and readjustment to a new environment that Timmy would face, and the effect such stress would have on his health. I worried that Timmy's and Katie's individual interests would be needlessly sacrificed to broad issues such as genetic diversity in the captive population and to the profits to be made from infant gorillas, worth \$100,000 each.

In an attempt to verify these concerns, In Defense of Animals contacted several highly-regarded primatologists, including Dr. Roger Fouts of Central Washington University and world-renowned gorilla expert Ian Redmond, a colleague of the late Dian Fossey. Each of these experts agreed that it was in the best interests of the gorillas for the two to remain together. They suggested if any transfer were to take place, Timmy and Katie should travel together. With their expert affidavits in hand, IDA intervened legally on behalf of Timmy and Katie, hiring a civil rights lawyer from Cleveland to plead their case before the courts. Unfortunately, our case was dismissed after eleventh-hour legal maneuvering by the Zoo.

In January, 1992, Timmy was transferred to the Bronx Zoo, where, rumor had it, he refused to eat and lost weight rapidly. I travelled to New York in an efforts to visit Timmy and assess his physical and emotional health. My repeated requests to see him were denied by Bronx Zoo officials.

Katie, left alone in her cage at the Cleveland Zoo, showed physical signs of emotional distress. Later, Oscar, a male gorilla with a history of aggressive behavior, was introduced to Katie's enclosure. Katie was repeatedly attacked by Oscar. Zoogoers witnessed Oscar banging Katie's head against the wall. Katie received serious wounds in another instance when Oscar bit her on the back. Still, despite these dangerous acts of aggression, Zoo officials kept reintroducing Oscar to Katie, resulting in more trauma for the already traumatized female gorilla. Finally, the situation culminated when Oscar again attacked Katie, biting her foot so severely that she had to be anesthetized so that part of her toe could be amputated.

Cleveland Zoo officials' insistence on continually reintroducing Oscar to Katie, despite his long history of aggression and repeated attacks against her, showed a blatant disregard for the well-being of these animals.

Convinced that the Zoo would not ensure Katie's safety, IDA was forced again to intervene on behalf of Katie. Protests were organized at the Zoo, and I flew to Cleveland to meet with Metropark Zoo Director Steve Taylor. Only after I threatened further legal action did the Zoo agree to permanently separate the two gorillas.

The Zoo dismissed Oscar's aggressiveness toward Katie as "normal gorilla behavior," but as a veterinarian I know that such behavior has no counterpart in the wild. Oscar's neurotic behavior was clearly the result of an intelligent and social animal being confined to a small and unnatural environment for his entire lifetime.

This is but one example of how zoos tend to treat animals as mere exhibits or specimens, rather than individuals whose emotional and physical needs must be considered. This attitude was evidenced by Steve Taylor, Director of the Cleveland Zoo, who stated during the gorilla controversy, "When people start saying animals have emotions, they cross the bridge of reality." His statement flies in the face of the all the scientific evidence accumulated through the work of Dian Fossey, Jane Goodall and others who have observed

gorillas, chimpanzees and other animals in the wild. They have documented with certainty the richness and complexity of these animals' emotional lives.

Ron Haybron, associate professor of physics at Cleveland State University, summarized the problems raised by the case of Timmy and Katie like this: *"Genetically, these creatures are our nearest living relative, yet we seem utterly indifferent to their individual well-being. We can't be sure that captive breeding can save the gorillas -- habitat preservation is the only sure way to go. In our zeal to preserve them, we seem to be betraying some important principle, and I wonder about final motives. Is science working for the gorillas or to serve the human ego?"*

Ian Redmond, echoed these concerns when he said in an interview with a national newspaper, *"We need to start balancing the genetic needs of the species against the social needs of each animal. In our ignorance and selfishness, we humans have done a lot of harm to animals like the gorilla."*

As we inevitably come to reevaluate the role of zoos in our society, it is my hope that we will seriously address the issue of balancing the needs of individual animals with the broader concerns about preserving species. We must also begin to weigh the expenditure of resources on the breeding of endangered animals in captivity versus preserving their habitats in the wild.

I would like briefly to mention another case that illustrates the utter indifference, on the part of zoos, to the emotional and physical needs of the animals in their care. This situation involves two chimpanzees -- the most intelligent of all non-human primates -- confined separately in two small cages at the Sequoia Park Zoo in Eureka, CA. Dr. Charles Quell, a Los Angeles-area psychologist, wrote poignantly about these animals' plight in a recent letter to me. The letter, included with this testimony, speaks for itself. Here is an excerpt:

"The two chimpanzees are on display [at the Sequoia Zoo] housed singly, in an enclosure bisected by a barrier which keeps them apart. Each of the halves are multi-shelved, closed on the top and sides with the barred front open for viewing. . . . The only objects visible which might be available for use by the animals were a rope and a piece of brown blanket . . .

The behavior of the chimps told me a lot about their plight. An old male on the right (who had been there for forty-five years) lay on the scrap of blanket in an intrauterine position, he lay virtually motionless, open-eyed and stared vacantly into space for as long as I was there. One doesn't have to be a psychologist to recognize the state of profound depression and abject despair suggested by his behavior. . .

The old primate on the left was sitting in the center of the cage engaged in

self-clasping and rocking behavior, sometimes seen in infantile primates who have been deprived of play and social interaction. The behavior was surely maladaptive and spoke of complete boredom. Both animals were clearly devoid of anything but despair. There was an absence of anything in this social prison that might offer relief from total vacuity. . .

It seems quite obvious to me that Sequoia Park Zoo officials and the Sequoia Park Zoological Society are remiss in their obligation to provide the best quality of living conditions possible to any animal in their care."

In Defense of Animals is currently investigating this situation to determine what can be done to save those chimpanzees from their lives of utter despair.

While the situations at the Cleveland Zoo and the Eureka Zoo reveal startling evidence of negligence and cruelty to animals in zoos, the recent death of Hannibal, a male African elephant at the Los Angeles Zoo, demonstrates the utter failure of both the zoo system and the United States Department of Agriculture (USDA) to ensure the well-being of captive animals.

Hannibal, a wild-caught African bull elephant, was acquired by the Los Angeles Zoo in 1980, when he was estimated to be four years old. According to Los Angeles Zoo records, as Hannibal matured, he began to exhibit behavioral patterns associated with an African bull elephant, including forceful and powerful actions rendering him increasingly aggressive and difficult to handle. His problems were exacerbated by the inadequate facilities at the LA Zoo, which relegated Hannibal to a small enclosure of concrete and iron bars -- an environment far different than the vast expanses over which African elephants naturally roam. The zoo's troubles with Hannibal reached crisis proportions when the elephant twice ripped the door off his holding area, jeopardizing his safety as well as the safety of his keepers and the general public.

Hannibal was a wild animal who should never have been held in captivity, and certainly not in the inadequate facilities at the Los Angeles Zoo. Inevitably, the Zoo decided that Hannibal was too big and too dangerous to handle in his pen, and decided to transfer him, on a breeding loan, to the Zacango Zoo in Toluca, Mexico, which wanted to start an elephant breeding program.

In September of 1991, Zoo officials attempted to move Hannibal to Mexico, but the effort was called off after the elephant went down on his knees and sternum and zoo officials feared that he would die from cardiovascular collapse. The elephant, who had been hauled unwillingly into the trailer with chains and mechanical instruments, suffered injuries and trauma from this attempted move. Veterinary records show that he developed wounds and abrasions on his face, torso, legs and feet. His injuries were so severe as to require his immobilization one week after the attempted move for the cleaning of wounds to his feet.

On March 19, 1992, Los Angeles Zoo personnel once again attempted to move Hannibal, this time under the cover of darkness. They planned to sedate the elephant and coax him into a wood-and-steel crate for his five-day journey to Mexico. But the plan went awry when Hannibal reacted badly to the sedation, went down on his knees and struggled for hours in the 9-foot wide, 20-foot crate. Despite the fact that Zoo officials had feared that Hannibal would suffer from cardiovascular collapse if he remained down for a prolonged period of time -- they even suspended the previous attempt to move him for that reason -- they left Hannibal down for the night. At the end of the 23-hour ordeal, Hannibal was dead.

The Zoo explained Hannibal's death by stating, "No clear explanation exists as to why Hannibal laid down and was unable to stand. It can be hypothesized that the following were contributing factors: fatigue, previously demonstrated behavior during a different move attempt, and the residual effects of tranquilizers administered early in the day." The USDA, responsible for monitoring the nation's zoo's, supported the L.A. Zoo's contention that there was no negligence involved in the elephant's death, stating that it found ". . . substantial planning towards (sic) a successful move and no apparent violations of the Animal Welfare Act on the part of the Zoo."

Amazingly, the public was only able to learn the truth about this incident at the L.A. Zoo (a facility supported by our tax dollars) when an employee, outraged by the Zoo's official attempt to misrepresent the facts to the public, and by the USDA's complicity in this effort, sent to IDA and other animal protection organizations copies of the veterinary records from LA Zoo veterinarian Ben Gonzales. These detailed records reveal an entirely different story surrounding Hannibal's history at the L.A. Zoo and the circumstances surrounding his death on March 20. In a cover letter, the employee, who wished to remain anonymous, wrote:

"The attitude around the zoo was that Hannibal was going out dead or alive. Ben Gonzales, zoo vet, was in charge of the tranquilizations and has a reputation at the zoo of not caring about the animals and killing many animals unnecessarily due to his unwillingness to consult more experienced people, refuses to listen to the keepers, disrespect to the animals, disrespect to the animals and his ego. Hope you can put this to good use for the sake of the animals at the L.A. Zoo. There are many, many problems at the zoo and it's waiting to explode!!"

Copies of this letter and the handwritten veterinary records are included with this testimony, along with the official statements of the L.A. Zoo and the USDA.

In the testimony that follows, I would like to summarize the stark contradictions between what Zoo officials and the USDA claimed happened to Hannibal and what the veterinary records reveal actually took place on March 19 -20, 1992.

I. USE OF TRANQUILIZERS

Zoo Statement: "On the morning of his move, Hannibal was administered a commonly-used tranquilizer that was in an amount one-quarter of what he had received previously with no adverse side effects."

USDA Finding: "Hannibal was sedated with only 1/4 the normal dose of Rompum (1,000 mg) he received previously."

Veterinary Records: Reveal that on March 13th (six days prior to the moving attempt), Hannibal was sedated with three doses of the tranquilizer Xylazine, for a total 3,500 mg. The day before the attempted move, Hannibal was sedated with a total of 22 mg M-99, 78 mg of M50-50, and 120 mg. of Acepromazine. (Pages 58 - 60 of veterinary records) The official zoo statements made no mention of these drug protocols administered in the period of time immediately preceding the move.

II. PLACING HANNIBAL IN THE CRATE

Zoo Statement: "An hour after he entered a specially designed crate, Hannibal knelt down."

USDA Finding: "He entered the crate especially built for this move without incident and stood in it for approximately 1 1/2 hours before lying down."

Veterinary Records: Reveal a prolonged struggle and show that problems began at entry, not one hour after entry.

"March 19, 6:10 a.m. One foot in crate, head wedged on side." "6:20 Head and front feet in." "6:50 Elephant down on sternum on knees - Larry J. decided to pull him in before he had a chance to wedge himself - pulled in alternate feet - 1 foot at a time." "7:00 Animal in crate on knees - then stood up - sedated leaning on side of crate." "8:04 In process of tightening rear leg chains - Hannibal down on sternum - attempting to get up - crate is on slant - wood floor moderately slippery, unable to rise." (Page 65)

III. HANNIBAL'S REACTION TO SEDATION

Zoo Statement: "On the morning of his move, Hannibal was administered a commonly-used tranquilizer that was in an amount one-quarter of what he had received previously with no adverse side effects." (emphasis added)

USDA Finding: "The animal's history indicates that lying down is his customary response to a stressful situation."

Veterinary Records: Show that Hannibal had a history of poor reaction to heavy sedation

and that going down was Hannibal's response to being drugged. For example:

September 8th, 1991 (Daily Treatment Chart - Page 36) - "Sedation for chaining and trailering . . . animal could not or would not make step up from concrete to trailer . . . Animal finally went down in doorway and appeared to have cast himself in lateral recumbancy . . . decision was made to stop procedure and return animal to exhibit due to trauma and exhaustion of animal."

September 17th, 1991 (Daily Treatment Chart - Page 41) - "Immobilized for footwork and removal of torn nail. . . animal cast in lateral recumbancy - attempts to rise getting weaker although awareness appeared to increase. Unable to stimulate him to rise in spite of continued efforts. . . poor recovery - inability to rise . . . potential for severe restraint myopathy - "downer elephant." Possibility of myopathy from previous tranquilization attempts to load into trailer.

March 18th (Page 61 - 64) "Hannibal immobilization. 10:35 a.m. Sedate plan dose. 11:28 Down sternal. 12:45 p.m. Sternal (whole time). 12:50 Weak attempt to rise (forequarters) remaining sternal. 4:06 p.m. After repeatedly rising and sitting suggest that he is either scared because he has not had chains on for years or he is angry. 5:45 Up but shaky."

IV. HELPING HANNIBAL UP/ OBSERVING HIM OVERNIGHT

Zoo Statement: "After several attempts were made to assist him in standing, the decision was made to allow Hannibal to remain in the crate overnight with the hope that he would be rested and able to stand the following morning. An elephant keeper was on duty all night to observe Hannibal. At 5:30 a.m. Hannibal was reported dead having shown no previous sign of distress during the night."

USDA Finding: ". . . it became apparent that he would need mechanical help [to get up], and Zoo personnel decided to let him rest throughout the night and help him up about 10 a.m. on March 20. They monitored him periodically at that point, and at 5:30 a.m., on March 20, he was found dead in the crate."

Veterinary Records: Indicate that Zoo personnel attempted to hoist him up several times before they left him for the night.

"March 19th 5:00 p.m. After numerous attempts to get up, all unsuccessful - attempted to lift him with a hand and firetruck winch. He did not even attempt to move. Appears glassy-eyed and has 'given up' at this time. Possibility that the abdominal band cast him much as a cow is cast with a rope around its chest and waist." (page 67)

Veterinary records also indicate that Hannibal was not monitored around the clock as the zoo reported.

"7:10 a.m. Friday, March 20th. . . George checked him at 1:00 a.m. and he was moving. Checked again at 5:00 and he was dead." (page 68)

From the report of Hannibal's condition, it is fair to conclude that he suffered distress up until his death at 5:00 a.m.

V. PRIOR ATTEMPTS TO MOVE HANNIBAL

USDA Finding - ". . . the Zoo had attempted this move to Mexico in September 1991, during which Hannibal went down. He was successfully hoisted to his feet and recovered without incident. (Emphasis added)

Veterinary Records - Indicate that, during previous moving attempt, Hannibal was seriously traumatized and injured in the process. In no way could this moving attempt be described as *without incident*.

"September 8th Sedation for chaining and trailering . . . Wounds - numerous abrasions both sides of face and torso. Hook wounds all four legs, especially fronts. Left front digit 3 - loss of entire cornified layer of toenail. Portion of sole also appears to have been torn loose from foot. Potential complications - *restraint myopathy*, infected wounds, especially left front foot, pressure trauma from chains and recumbancy . . . Immobilize at five to seven days post this event to clean wounds and trim feet..... Substantial pitting observed on bottom of soles during lateral recumbancy." (Pages 36 -37) [Emphasis added]

The records reveal that during the previous attempt to move Hannibal, Zoo officials feared that he could die from cardiovascular collapse if left in a "down" position. They correctly got Hannibal to his feet and called off the effort to transport him. Why then, knowing the risks involved, did these officials decide to leave Hannibal down throughout the night of March 19, 1992? This decision, although overlooked entirely by the USDA, may have, in fact, caused the animal's death.

The striking discrepancies between the Zoo's version of the events and the actual occurrences detailed in the veterinary records are described in depth in a comparative analysis, prepared by the Ark Trust, a Los Angeles animal protection organization, and included with this testimony.

While the Zoo's apparently deliberate attempt to prevent the public from learning the true facts surrounding the death of Hannibal is disturbing, most disturbing is the abrogation of responsibility on the part of the USDA, the agency charged with overseeing the nation's zoo's

and enforcing the Animal Welfare Act. Surely Dr. Gonzales' records were available to Wm. R. DeHaven, the USDA Supervisor who investigated the incident. This fact raises an important question: Did the USDA fail to request these records, which are commonly kept for all animals at the zoo? Or, did the USDA willfully choose to ignore these records, which document the Zoo's negligence in handling Hannibal and the fallacious nature of their official explanation of his death? The facts do not bode well for the USDA; either their inspector is incompetent or he participated in a cover-up to hide negligence on the part of Zoo officials.

The USDA's actions in the Hannibal incident are symptomatic of the reluctance we have witnessed on the part of the USDA carry out its responsibility to enforce the Animal Welfare Act. In Defense of Animals is in the process of requesting an official response from the USDA about its investigation of Hannibal's death; copies of our correspondence with that agency will be forthcoming.

This is a serious matter. Hannibal is the third elephant to die at the L.A. Zoo in the past 8 years. One elephant, Sampson, died from an apparent overdose of tranquilizers, when he, like Hannibal, was being shipped to a zoo in Mexico. We urge your committee to proceed with an investigation of the USDA's failure to adequately investigate this situation at the L.A. Zoo, and to enforce the laws as directed under the Animal Welfare Act.

In Defense of Animals' experience has shown that, all too often, animals in zoos are treated as mere specimens and pawns in a high stakes species breeding game rather than the complex, intelligent and social animals that they are. Too often, as the sad cases of Timmy and Katie, the chimpanzees at the Eureka Zoo and Hannibal the elephant tragically demonstrate, animals in our zoos are forced to languish in severe distress, a result of inadequate physical environments, inattention to their complex psychological and emotional needs, and deficient enforcement of the modest laws in place to protect them.

I urge you to examine the adequacy of current laws in providing for the psychological and physical needs of animals kept in zoos. Although the new amendments to the Animal Welfare Act require attention to the psychological needs of non-human primates -- stating that animals exhibiting abnormal behavior must be given remedial attention -- the provision is not adhered to by zoos, nor is it enforced by the USDA. The language, as it is written, is unenforceable in any case, because it is too unspecific.

People go to zoos because they love animals, but they are largely unaware of the implications of confining wild animals to small enclosures in environments vastly different than their natural habitats. The public would and should be shocked at what goes on behind the scenes at these facilities. I applaud your committee for exploring the treatment of animals in entertainment and exhibits, and I urge you to move forward with your attempts to improve the plight of these animals, held captive for our entertainment.

(Attachments follow:)

Associated Counselors

5919 Ranchito Ave.
Van Nuys, CA 91401

June 28, 1992

Elliot Katz, D.V.M.
In Defense of Animals
816 West Francisco Blvd.
San Raphael, CA 94901

Dear Dr. Katz,

This letter is a request for help in correcting an inhumane situation which exists at the Sequoia Park Zoo in Eureka, California.

Two chimpanzees are on display there housed singly in an enclosure bisected by a barrier which keeps them apart. Each of the halves are multi-shelved, closed on the top and sides with the barred front open for viewing. Apparently there are compartments under the structure which I suppose provide protection from the elements when necessary and which the primates can access at will. The only objects visible which might be available for use by the animals were, a rope and a piece of brown blanket. No other objects which might provide some diversion were seen.

The behavior of the chimps told me a lot about their plight. An old male on the right (who had been there for forty-five years) lay on the scrap of blanket in an intra-uterine position, he lay virtually motionless, open-eyed, and stared vacantly into space for as long as I was there. One does not have to be a primatologist to recognize the state of profound depression and abject despair suggested by his behavior.

The old primate on the left was sitting in the center of the cage engaged in self-clasping and rocking behavior, sometimes seen in infantile primates who have been deprived of play and social interaction. The behavior was surely mal-adaptive and spoke of complete boredom. Both animals were clearly devoid of anything but despair. There was an absence of anything in this social prison that might offer some relief from total vacuity.

John L. Buckley, Ph.D.
(818) 780-8684

Charles L. Kuell, Ph.D.
(818) 787-1090

Sheila Newton, Ph.D.
(818) 787-1092

As you know, primates are animals who need social interaction and love. These poor prisoners can experience none of the normal affectional or love sequences more fortunate creatures enjoy. They can receive no love nor give love in return since they are unable to interact physically with others of their species. No mother love, no father love, no heterosexual love, no peer love, no passion! Emotional deprivation, despair, depression, social nothingness and severe stimulus hunger seem to be all that the zoo provides for animals that at their intellectual maturity may attain a human mental age of seven years old.

It seems quite obvious to me that the Sequoia Park Zoo officials and the Sequoia Park Zoological Society are remiss in their obligation to provide the best quality of living conditions possible to any animal in their care. I am shocked and angered that this situation exists and hope that you and your organization can help eliminate the suffering these animals are forced to endure day after day and year after year.

Sincerely,

Charles J. Kuell

Charles Kuell, Ph.D.



IN DEFENSE OF ANIMALS

STATEMENT TO THE CLEVELAND PARKS COMMISSION

I am addressing you today on behalf of the over 50,000 supporters of In Defense of Animals, and concerned people across the nation who have reacted with concern and frustration at the separation of Timmy and Katie and the resultant injuries to Katie. There is a genuine urgency in our demand that Oscar, the male gorilla recently acquired by Metroparks Zoo, should not be reintroduced to Katie. We feel that this action would certainly endanger her life.

I met with Steve Taylor at the Metroparks Zoo several weeks ago, and I expressed my grave concern to him about the reintroduction of Oscar to Katie. As a veterinarian, I feel certain that this process will pose a serious, possibly lethal threat to her. Taylor has already experienced a tragedy similar to what could happen here. An aggressive male gorilla was introduced to a female at the Sacramento Zoo when Taylor was there, and ended up attacking and killing her. So Steve Taylor is surely aware of the very real dangers of introducing a clearly aggressive male such as Oscar.

I have asked Taylor, and I now ask the Cleveland Parks Commission, to attend the upcoming meeting of the Species Survival Plan committee on March 5, and to inform the SSP of the dangers inherent in having Oscar at Cleveland. The SSP must be urged to begin immediately the process of identifying a more appropriate home for Oscar, either at another zoo or at a sanctuary where he will not endanger any females.

We are prepared to seek legal action, if necessary, to prevent the further introduction of Oscar to Katie. I hope that it will not be necessary; the threat to Katie's life should by now be abundantly clear. I ask that the Parks Commission guarantee to the people of Cleveland that there will be no further attempts to reintroduce Oscar with Katie, and to seek a new and more appropriate home for Oscar.

Elliot M. Katz, DVM
President, IDA



IN DEFENSE OF ANIMALS

FOR IMMEDIATE RELEASE
News Assignment Desk

February 3, 1992
Contact: Elliot Katz, DVM
(415) 453-9984

ANIMAL ADVOCATES CHARGE ZOO WITH ABUSING GORILLAS;
IN DEFENSE OF ANIMALS DEMANDS INDEPENDENT INVESTIGATION

(San Rafael, CA) The separation of Timmy and Katie, the two Cleveland Zoo gorillas who made national news in November, is turning into a predictable tragedy, the national animal rights group In Defense of Animals (IDA) announced today.

IDA, which in November hired an attorney to keep Timmy from being separated from his mate and sent to the Bronx Zoo for breeding, now charges that serious animal cruelty and negligence is occurring and being kept quiet by zoo officials.

Most troubling, says Dr. Elliot Katz, a veterinarian and president of IDA, are attacks on Katie by her new companion, Oscar. Katie has been attacked three times by Oscar; once he badly bit her back, and Thursday he bit her foot so badly that she had to be anesthetized and have one toe amputated.

Evidence points to the fact that Oscar has shown aggressive tendencies while being moved around to four different zoos prior to Cleveland. At some point his canine teeth were filed down. Yet Steve Taylor, director of the Cleveland Zoo, when asked about any history of aggressiveness, had no information.

"From what we can ascertain, the Zoo never made an in-depth check into whether Oscar's history showed aggression," Katz said. "A zoo director's basic responsibility, before putting a male gorilla in such a small enclosure with a female for mating purposes, is to obtain a thorough background to evaluate risks."

IDA calls for an investigation to establish whether this was done. IDA will attempt to have animal cruelty charges filed if it is found that no background check was conducted.

"Either Taylor obtained no background and was totally negligent, or else he knew of Oscar's behavior but covered it up because he needed a new male for his gorilla display," said Katz. "I suspect zoo officials are now compounding the error they made by separating Timmy and Katie, and are adding to their suffering in an effort not to be proved wrong."

Timmy, meanwhile, has not adapted to the females at the Bronx Zoo, where he was supposed to go on exhibit in December. Katz said that problems were predicted by Cleveland Zoo staff who knew Timmy and by primate experts.

IDA seeks to ensure that no further efforts to introduce Oscar to Katie be made prior to an investigation. Activists plan to protest at the Cleveland Zoo on Saturday, 2/8, at 11 am.

THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER

CLEVELAND SATURDAY, SEPTEMBER 28, 1951

16 PAGES 40 CENTS Daily Edition
 Dime & Six-Cent for Foreign



Activists select lawyer to keep gorilla in zoo

9-28-51

BY MICHAEL SANGIACOMO

PLAIN DEALER REPORTER

Timmy the Gorilla can't speak for himself, so a San Francisco animal rights group hired him a mouthpiece.

In Defense of Animals hired Cleveland lawyer Gloria Homolak to find a legal precedent to keep Timmy in the zoo. Homolak said she was separated from her mate and sent to the Bronx Zoo for breeding.

Elliott Katz, a veterinarian and president of the animal rights group, said Timmy's plight moved him. He said Homolak would file for an injunction to have Cuyahoga County Common Pleas Court prevent the zoo from taking all four gorillas to the Bronx Zoo.

Zookeepers who work directly with the massive, silver-backed gorilla fear that the move to New York would be a checkmate. They could have disastrous — even fatal — consequences.

The keepers said Timmy had been a solitary animal most of his life. He had no other gorillas to play with. But he became a changed mate 18 months ago when he was paired with an older female gorilla, Katie. Katz, Timmy and Katie make frequent visits and sleep



Timmy the Gorilla who now has his own lawyer

Gorilla

FROM 1-B

the reasons for the move," he continued. "For example, was a search made for a more psychologically adaptable Timmy?"

Zoo Director Steve Taylor said zoo officials wanted to breed Timmy because he is the only gorilla in the zoo and because he has sired no offspring.

Katz contacted the Network of Zoo Animals in Cleveland and offered to help Timmy. He was aided by lawyer NOAA linked the group with Homolak, who agreed to handle the case.

During the news of Timmy's transfer became known, The Plain Dealer received numerous letters about the situation, mostly objecting to the move and to Taylor's statements. Katz said he was surprised by Taylor's comments to be insensitive.

"His statement that animals don't have emotions is ludicrous," Katz said. "He talks about having respect for animals, but he is not considering the welfare of the individual gorilla here. His arrogance toward animals is incredible."

Timmy's friends declined comment about the gorilla's situation. "I would rather wait until we see what the injunction says, if one is filed," said Sam Allen, zoo spokesman.

We have some questions about the reasons for the

— Elliott Katz, president, In Defense of Animals and other observers say:

They fear that Timmy will be traumatized by a separation from the only gorilla he ever felt comfortable with and worry that the move could sicken or even kill him.

An estimated 1,200 to 1,500 people signed petitions to keep Timmy in Cleveland, but zoo officials said they would go ahead with their plans to try to breed the animal.

"What we're asking for is a little breathing space," Katz said. "Since there is no immediate prospect of a move, we hope that his move be delayed to the court, can hear testimony from experts on whether the move will endanger his health."

We have some questions about

SEE GORILLA 16 B

OVER →

THURSDAY, OCTOBER 10, 1991

729

Meeting to stall Timmy's move

BY ULYSSES TORASSA
PLAIN DEALER REPORTER

Timmy, the Cleveland Zoo's lowland gorilla whose love life apparently has touched the hearts of people around the world, might get a reprieve.

Gloria Howland Homolak, a local lawyer hired by a California-based animal-rights group, said yesterday that a lawyer for the zoo agreed to meet with her early next week to discuss the zoo's plan to send Timmy to the Bronx Zoo for breeding. In the meantime, Timmy will stay where he is, she said.

"It's very heartening that they're willing to discuss it," she said. She said she did not know what kind of compromise the two sides could reach.

"We're keeping our options open," she said. Zoo spokeswoman Sue Allen confirmed the meeting and said Timmy probably would stay in Cleveland until November while Bronx Zoo officials make arrangements to receive him. He had originally been scheduled to go to New York this week.

Timmy's plight has received national and international attention, with news organizations from as far away as Germany running stories about the love story between the massive, silver-backed gorilla and an older gorilla he had grown close to. Zookeepers who work with Timmy said they worried that the separation would traumatize

him. Homolak said she was ready to file for an injunction today on behalf of In Defense of Animals, a California-based animal-rights group; Network for Ohio Animal Action; and the Animal Protective League when she learned that zoo officials were willing to talk.

Zookeepers who work with Timmy said they worried that he would not do well in the move to New York and could even die. Homolak said other, younger gorillas have died in similar moves.

The keepers said Timmy had been a loner all his life but had changed 19 months ago when he was paired with Kribe Kate, an older female gorilla who cannot conceive because of blocked fallopian tubes. The two mate frequently and sleep in each other's arms, the keepers said.

Zoo officials have said they want to breed Timmy because he is a good specimen.

Allen said the Bronx Zoo has had tremendous success breeding gorillas and that the move would be a chance for Timmy, who is 33 years old, to pass his genes to one or more of the four female gorillas in New York who are fertile. She said officials took into account his health status before recommending the move.

"It was not a capricious decision," Allen said. "We just felt this would maximize Timmy's opportunities to pass on his legacy."



Timmy the Gorilla will get to stay with his beloved Kribe Kate a while longer, so that Cleveland Zoo officials can meet with a lawyer trying to prevent Timmy's move to the Bronx Zoo for breeding purposes.

Expected gorilla, mate both go to Bronx Zoo

By MICHAEL SANGIACOMO
PLAIN DEALER REPORTER

After seeing Timmy's cage in Cleveland, the president of a San Francisco animal rights group said it might be best to send the gorilla to New York — as long as his mate goes with him.

Dr. Elliot Katz, president of In Defense of Animals, which hired a lawyer to block Timmy's transfer, made the compromise proposal yesterday at a meeting with Cleveland Metropolitan Zoos officials.

However, zoo Director Steven Taylor said yesterday that such an idea was not a serious option. Zoo officials want to send Timmy to the Bronx Zoo to breed with four female gorillas.

Katz said zoo officials ultimately must do what is best and safest for Timmy. However, after watching Timmy and Kribie Kate, who is called Katie, in their cage, he said perhaps a double transfer might be a good idea.

"The living space they are in is not humane for animals as intelligent as Timmy and Katie," Katz said. "The new outside facility is at least a year away, I'm told."

Katz's group and two other animal rights groups, concerned about the transfer of the reclusive Timmy, are now trying to determine which option would be the least harmful to the silver-backed gorilla.

The groups, as well as several of Timmy's keepers, fear that separating the 33-year-old gorilla from his mate might cause the animal to become the withdrawn beast he was before Katie was brought in 19 months ago. They also fear the dangers of the trip to New York in a cage in the back of a truck.

The plea voiced by the Network of Ohio Animal Action and others was to keep Timmy united with Katie, the first female gorilla he has accepted since he came to the Cleve-

SEE GORILLA/5-B

Gorilla

FROM/1-B

land zoo in 1966. Members of the network still believe that because he has adjusted to his surroundings, Timmy is better off staying in Cleveland, even though the quarters may be inferior, than risking the move to New York.

Katz noted that male gorillas will maintain a harem of females in the wild, so keeping Katie with Timmy when he meets his four new mates is a viable option.

Yesterday's meeting was an informational session, Taylor said.

"There was a lot of good fact-finding on both sides," he said.

Cleveland lawyer Gloria Homolak, hired by Katz's group, said she is prepared to file for an injunction to have the Cuyahoga County Common Pleas Court prevent the move until all the factors are considered.

"We asked for a lot of records at the meeting that will help us," Katz said. "The records can be used by our witnesses who will determine what is best for Timmy. That's what this all boils down to, what is the safest and best option for Timmy."

Homolak said the longer the group has to prepare a case, the better. But she said she is ready to file if she gets word a move is imminent. The Animal Protective League of Cleveland would also be a plaintiff in the action against the zoo.

Taylor said he would go through with his original plan to ship Timmy to the Bronx Zoo as soon as that zoo is ready to accept him.

"We are just waiting for them to get ready," he said. "It could be next week or in November. We're just going week by week."

A spokesman for Network of Ohio Animal Action said Taylor was stalling for time.

"It's a taxpayer-financed facility, yet the people in charge are ignoring the wishes of the hundreds of people who have called, written and signed petitions asking to leave Timmy alone," the spokesman said. "The mission statement of the zoo is that they are interested in the humane treatment of the animals. Why don't they just do the right thing?"

OHIO'S LARGEST NEWSPAPER



CLEVELAND TUESDAY, OCTOBER 15, 1991

THE PLAIN DEALER

INSIDE

■ Timmy's cage size questioned

After seeing the size of Timmy's cage in Cleveland, the president of a San Francisco animal rights group said it might be best to send the gorilla to New York — as long as his mate goes with him. /1-B

Court rules Timmy should go monkey around in New York

By M.R. Kropko
Associated Press Writer

Timmy the gorilla will have a new home in a bigger zoo with plenty of opportunities for mating. So will he be happy or heartsick?

A federal judge has rejected emotional concerns and dismissed a legal challenge that cleared the way for the 33-year-old, 500-pound gorilla to be moved to the Bronx Zoo.

The ruling yesterday separated Timmy from zoomate Karibe Kate, an infertile 32-year-old female gorilla. Animal rights activists say Timmy's apparent emotional bond with Kate was ignored.

"Numerous primate experts came forward to support our contention that Timmy's health would be endangered by separating him from Katie and moving him to the Bronx Zoo," said Elliot Katz, director of In Defense of Animals based in San Rafael, Calif. The animal rights group paid for the legal action on Timmy's behalf.

Officials of the Cleveland Metroparks Zoo loaded Timmy on an air-conditioned truck yesterday afternoon for the 10-hour trip to New York.

U.S. District Judge Alice Batchelder dismissed a request for a court order to block the transfer, saying the two zoos arranged it according to federal statutes pertaining to endangered species. The judge said there was no reason under the law to stop Timmy's departure, which she said should be considered interstate commerce.



File photo/News-Herald

Timmy the gorilla, long a favorite at the Cleveland Metroparks Zoo, was sent to his new home in the Bronx yesterday.

Gloria Homolak, a lawyer hired by In Defense of Animals and who also represented Network for Ohio Animal Action, had argued that the gorilla might be harmed physically or emotionally by the

transfer.

"We're certain we have accomplished something, if only to elevate the sensitivity level among those who arrange these sort of things," Homolak said.

America goes ape over Timmy—

Dear Meg My name is Timmy and I am a 33-year-old bachelor living in Cleveland, Ohio. I have been living with my girlfriend Kate for the past year and we fall asleep in each other's arms every night.

Before I met Kate, who moved here from Kansas, I was always a loner. I had a brief affair in the past, but I didn't particularly fancy the lady.

I am a changed man since I met Kate, but now my guardians are insisting that I relocate to the Bronx in New York, leaving Kate behind.

Kate can't have any children because of some female problem and they want me to meet four young women with a view to starting a family. A lot of my friends in Cleveland don't want me to go, and even my lawyer tried to stop the move. But it was no use.

I know there is a guy called Oscar from Topoka, Kansas, waiting in the wings. As soon as I leave, I know that he's going to be putting the moves on Kate.

Meg, what can I do?
Yours, Timmy

By Bob Smith

IT'S A love story that has touched the hearts of millions.

Timmy, a 33-year-old gorilla from the Cleveland Zoo, was lonely for more than 23 years until he finally found romance with Kate. The lovers would fall asleep in each other's arms every night.

But that all ended when zoo officials decided the childless couple should be split up—so that Timmy could mate with four other females at the Bronx Zoo, 500 miles away.

Thousands of people called in to protest, kids signed petitions. Timmy supporters picketed the zoo and a fury erupted when the zoo director suggested that animals didn't have emotions.

A civil rights lawyer even took the dispute to Federal District Court in Cleveland. But love lost out when Judge Alice Batchelder refused to block the transfer. Within hours of the decision, the silver-backed lowland gorilla was on his way in a truck to New York.

Animal rights activists called the move cruel and heartless. Dr. Elliot Katz, a San Francisco vet and president of the animal-rights group In Defense of Animals, which paid for Timmy's lawyer, said:

"So far, Timmy has had a tragic history. After his capture as a young animal, he was kept in isolation for well over 20 years. He naturally developed emotional problems. Then along comes Kate, and he's a new man.

"Kate can't have babies—but to move Timmy now, after the pair of them have developed such a tender, obviously loving relationship, is very wrong."

The idea behind the move, part of the Species Survival Plan run by American zoos, is for Timmy to service four young female gorillas in New York, have babies and add to the gorilla gene pool, thus helping preserve the endangered species.

Baby gorillas are worth \$100,000 each to zoos.

Cleveland Zoo director Steve Taylor added to the furor when he questioned whether two animals like Timmy and Katie could actually love each other. "It

Zoos come under fire for wrenching Timmy from his only love so he could mate with four females

- Thousands call TV stations to leave Timmy alone
- Civil rights lawyer hired to stop the move
- Gorillas in Mist expert denounces the decision

sickens me when people start to put human emotions in animals," he said. "It demeans the animal. When people start saying animals have emotions, they cross the bridge of reality."

This provoked howls of protest from animal lovers. Said Florence Simone, a Los Angeles animal activist: "Do gorillas love? There's no question. Anyone who has ever seen a gorilla mother or father with their child will see what love really is." And Dr. Roger Foust, a world-

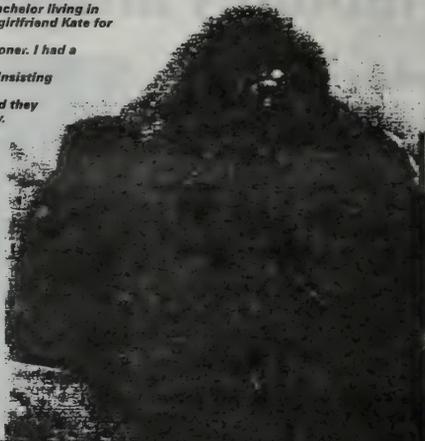
renowned chimp expert based at Washington State University, added: "It is a fact that chimps and gorillas show emotions—love, anger, sadness...many of the same emotions as humans. And why not? The gorilla, the chimp and the human are all within 1 percent of each other in terms of genetic makeup.

"I've seen chimps literally die before my eyes because of enforced separation. They just didn't want to live."

Timmy supporters cited the case of

the Seattle gorilla Binti, 18, who was taken from her mate Kiki in August and moved to New Orleans under the Species Survival Plan. Three weeks later, 24-year-old Kiki was dead of heart problems—a broken heart according to animal activists.

Said world-renowned gorilla expert Ian Redmond, a colleague of the late gorilla expert Dian Fossey—the Gorilla in the Mist woman who was murdered by poachers in 1985: "I don't



BRONX HAREM, TIMMY'S NEW MATES



the gorilla with a broken heart

THE LAST GOODBYE:

Timmy (left) & Kate the day before they were torn apart



Huerfanita, Tanuka, Julia & Patty Cake



sink Timmy should have been loved. We need to start balancing the genetic needs of the species against the social needs of each animal. In ignorance and selfishness, we humans have done a lot of harm to animals like the gorilla.

For the move to the Bronx, 433-lb. Timmy was sedated and put in a custom-built gorilla transfer case along with a load of hay. He was driven the 300 miles New York in a specially heated, air-

conditioned truck, along with eight animal experts.

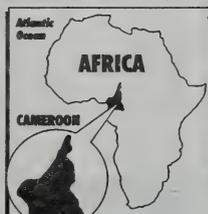
To make sure 33-year-old Kate doesn't get lonely, zoo officials have shipped in Oscar, 26, from Topeka, Kansas, to keep her company. They have one thing in common—both are sterile.

According to Fisher, if Timmy fails to bond with the four ladies at the Bronx Zoo—Tanuka, 28; Huerfanita, 18; Julia, 11; and Patty Cake, 19—then it is possible he will be returned to Cleveland af-



WAITING IN THE WINGS:

Oscar's hired to console Kate



Timmy comes from Cameroon, on the west coast of Africa.

A MATTER OF SURVIVAL

The Species Survival Plan was set up in 1981 and involves 160 zoos in North America. Run by the American Association of Zoological Parks and Aquariums, its main goal is to help preserve all endangered species. The plan is involved with 62 species and a number of sub-species. It includes gorillas, tigers, Asian wild horses, condors, the Bali mynah bird, the parrotula snail from Tahiti and the golden lion tamarin. A non-profit organization, it is privately funded by zoos, individual members and corporate interests.

ter a year or two. At first, Timmy will be kept in quarantine. Then, over several weeks, he will be introduced to the ladies, one at a time.

The male and female will be put in adjoining cages where they can see and smell each other, but not touch. Only when his keepers feel the time is right will Timmy be moved in with a female.

Lowland gorillas such as Timmy come from the West African state of Cameroon. There are currently 301 of



TRAGIC TWOSOME:

Kiki (top) died of a broken heart when Binti (bottom) was moved away



them—142 males and 159 females—in North American zoos, with about another 280 in zoos throughout the rest of the world. U.S. zoos banned the importation of gorillas by the mid-1960s and capturing gorillas is now illegal in all of Africa. But this was too late for Timmy, who was captured at age 4 in 1962.

Timmy is one of only three or four male gorillas in North America who have not fathered offspring.

Said curator Dan Wharton of the Bronx Zoo: "This is one of the reasons why Tim-

my was chosen for transfer. He is a big, handsome animal, and we feel there is no reason why he shouldn't be a father, and be in the gene pool."

But Steve Gove, a keeper at the Cleveland Zoo who took care of Timmy, says: "Timmy is not a very adaptable gorilla, he's proven that. It has taken him years to find a mate he was comfortable with. I've gotten to know Timmy very well. He deserves to be happy."

THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER CLEVELAND, SATURDAY, FEBRUARY 1, 1992

Timmy still under wraps; Katie hurt as gorillas spat

By MICHAEL SANGIACOMO
PLAIN DEALER REPORTER

CLEVELAND

Keepers and animal activists had warned Cleveland Metroparks Zoo officials that separating Timmy the gorilla from his mate, Katie, would have serious consequences for both.

On Thursday, Oscar, the gorilla who moved in when Timmy was sent to the Bronx Zoo for breeding three months ago today, attacked Katie. He bit one of her toes and hurt her back. Cleveland zoo officials said they had to anesthetize Katie and amputate part of the index toe on her rear foot. They also treated a bruise on her back.

Less is known about the status of Timmy, Katie's docile former mate, because Bronx Zoo officials have thrown a veil of secrecy around the animal since his arrival there Nov. 1.

A zoo spokesman said yesterday that Timmy was ill in December, but recovered with the help of antibiotics.

He was expected to be placed on exhibit in early December after a 30-day isolation period. Zoo officials said he had not gone on exhibit because he has not adjusted to the four female gorillas they hope he will breed with.

SEE TIMMY/B-A

N.O.A.A.
Network For Ohio Animal Action
P.O. Box 21004
Cleveland, Ohio 44121
(216) 691-0662

Timmy

FROM/1-A

Recently, two of the females were removed from the cage to allow Timmy to bond with the remaining pair.

Yesterday, general curator Jim Doherty said Timmy would not be put on display until the spring. He said in the spring, the zoo would open the larger outside gorilla area to accommodate the large number of people they expect to come to see him.

Bronx zoo officials have declined to allow anyone except zoo employees to see Timmy. Doherty said the zoo was concerned about people spreading illness to the animals.

Bronx zoo officials said the introduction of Timmy to his mates was progressing. They said they planned to give Timmy all the time he needs before putting him on exhibit.

Elliot Katz, president of In Defense of Animals, the San Francisco-area group that hired a Cleveland lawyer and sued to keep Timmy in Cleveland, is angered by the secrecy.

"I am a veterinarian and I went to New York and asked to see Timmy," Katz said. "I was denied access both times. I don't know what is going on, except that Timmy was ill for a while. All we hear are rumors, and since the Bronx Zoo officials refuse to allow us to see him, we don't know what's going on. I have asked the New York SECA to intervene and give us an objective appraisal of Timmy's condition."

A spokesman for the SECA said yesterday that the letter had come in the morning, but officials had not had a chance to consider the request.

Doherty said he did not think Timmy had bred with any of the females, unless it was at night when the animals were unobserved.

Last year, those opposing Timmy's transfer from Cleveland argued that Timmy was a poor choice for a stud. He had not gotten along with any female in his 33 years of life. Katie in 1990. The two bit and scratched each other and were so affectionate that their public couplings became commonplace. Visitors and zookeepers said they would often cuddle and sleep in each other's arms.

But Katie, 34, is sterile, and two tests of Timmy's sperm count done in the 1980s showed a low sperm-motility level. Also, zoo workers and protesters said, Timmy's extreme shyness and disinterest, even in the most minor changes, made him a high-risk move to New York City. They feared Timmy would revert to the introverted state he exhibited before he met Katie.

Thursday's incident of toe-biting in Cleveland follows several reports of aggressive behavior by Oscar, which zoo officials have dismissed as "normal gorilla behavior." A caller to The Plain Dealer Thursday said, "A male gorilla was bashing a female gorilla against the wall." Zoo officials said they knew nothing of such an incident.

"Katie will remain in the hospital for the next three weeks," Cleveland curator Alan Sironen

said. "She's there mainly so we can have better access to her. We will decide if any changes in the introduction process are needed. We feel they are both interested in one another. Katie is not in distress. There has been some fussing, there was some biting and she has had a couple of bad meals here." A spokesman for administration here said a struggle for dominance started Dec. 3, the two have been together a total of 126 hours.

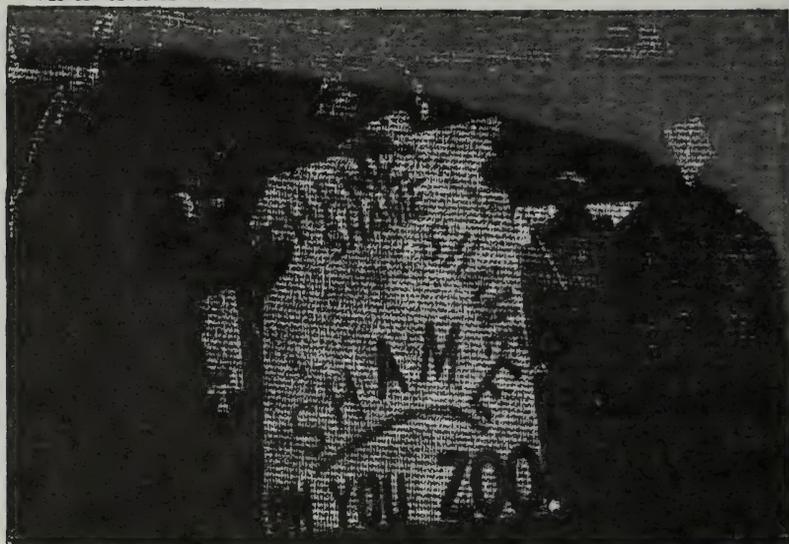
The Network for Ohio Animal Action plans to protest Timmy's transfer and the zoo's handling of Katie and Oscar at the zoo's main entrance at 11 a.m. Saturday.



Katie the gorilla rests in her cage at the Cleveland Zoo last November. Shortly after her transfer here, Timmy was taken to New York City. He returned earlier, but her toe Thursday and has hurt her back, zoo officials said.

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P. 5



Associated Press

Anita Spaek, left, and Elaine Young, center, yesterday protest the treatment of gorillas at the Cleveland Metroparks Zoo. The women belong to Network for Ohio Animal Action.

Activists decry gorilla's fate

Associated Press

About 60 animal rights protesters gathered outside the Cleveland Metroparks Zoo yesterday to renew their complaints about the transfer of a lowlands gorilla to a zoo in the Bronx.

Veterinarian Elliott Katz, president of the San Francisco-based In Defense of Animals, said the effort to breed Timmy the gorilla with four fertile females at the Bronx Zoo has been a failure.

But worse still, Katz said, Oscar the gorilla was transferred from the Kansas City zoo to Cleveland to keep Timmy's cage mate Kate company and has attacked Kate on several occasions.

Zoo officials have said the spats are normal gorilla behavior. Oscar attacked Kate in January, biting one of her toes and hurting her back, zoo officials said. The protest drew activists from all

over Northeast Ohio.

Katz said he expected to win on two issues, to end the relationship between Oscar and Kate and to eventually reunite Kate and Timmy.

Katz said Timmy and Kate had a strong relationship.

"Timmy had a terrible history of having been raised in isolation and so the hearts of the public were touched when he finally found some happiness," Katz said.

"The gorillas are highly intelligent animals, they are sensitive animals and on some levels they act very similar to and show many of the same emotions as humans," he said.

One of the protesters, Elaine Young of Bedford, said a sperm count showed Timmy to be virtually sterile.

"And yet they use that as an excuse to take him away from Kate, who is ster-

ile, to try and mate him. Why, when he is virtually sterile?"

The Network for Ohio Animal Action helped organize the protest.

Some at the protest called for the resignation of zoo director Steve Taylor.

Zoo spokeswoman Sue Allen defended the handling of the gorillas and said Timmy has potential as a breeder.

"These things take time. He's doing very well," she said.

She said Timmy has been secluded with two of the four female gorillas at the Great Ape House in the Bronx Zoo to establish a closer bond.

She said Kate is expected to be on public exhibit in seven to 10 days.

The zoo says there are 305 gorillas in North American zoos and 20,000 in their native western Africa.

LETTERS

Perned-up emotions?

I am writing in response to the callous and ignorant comments of Metroparks Zoo director Steve Taylor quoted in the Sept. 3 story about Timmy the gorilla. Whether or not one ascribes "human" emotions to animals, it is obvious that animals do have emotions and that emotional stress due to loss of companionship affects the health and survival of non-human primates. A superficial review of the primatology literature, especially the careful and scientifically respected work of Jane Goodall and Diane Fossey, reveals numerous examples of the influence of emotional well-being on primate health. The most vivid example is that of Flint the chimpanzee, who became depressed (yes, animals do get depressed) after the death of his mother. Although he was 8 years old and fully capable of caring for himself, Flint became lethargic, lost his appetite and died three weeks later. Lack of parenting skills due to inadequate social ties is a major factor in the death of newborn great apes. Since gorillas may no longer legally be captured in the wild, the only new source available to our zoos is captive-born animals. Therefore, policies such as those described in your article may result in the disappearance of gorillas from zoos altogether.

PAMELA J. BYARD
Cleveland Heights

I BELIEVE THAT ANIMALS have a wide array of emotions. Any lay person can observe them, from domesticated animals to animals of the wild, on the National Geographic specials or similar programming.

We teach our children how to care for and respect animals. We recognize that animals have a therapeutic effect on the elderly and infirmed. Some of the visually impaired entrust their lives to dogs which become their eyes. There are an infinite number of other examples. These animals are not robots. The animals of the wild eat, breathe, mate, coexist and perpetuate the ecosystem without heavy nuclear armament.

On a more practical level, why should we trade Timmy for breeding service if he has become a rare and popular attraction at our zoo? Why doesn't the Bronx Zoo send their gorillas here to be mated? If they need what we have, then they could at least accommodate Timmy's health and happiness.

ARTHUR J. PUSCH
Strogsville

I KNOW FROM the experience of raising animals that they do have emotions and are affected just as humans are. We have had everything from raccoons to domestic cats, and I can assure you that by separating animals that are in love or show emotion to each other, they experience distress, upset, loneliness and even heart-reck!

When I went in for my first (of three) kidney transplant and had to be separated from my dog, you can ask anyone in my family about the nights she roamed the house looking for me, or when she lay in my bed whimpering and crying, wondering where I was. When I finally got home, she miled and cried because she was so happy to see me. She was my baby and I gave her all the love and affection that she gave me.

... I am not telling Steve Taylor how to do his job, but I will tell him that he should not make a statement without supporting facts. As the doctors have pointed out in his article I think you would be making a grave mistake by separating these gorillas, specially given the fact that Timmy dresses or take well to just any gorilla. If the love is successful, well then I wish Taylor's zoo and the Bronx zoo well. But if it fails, I hope Taylor's conscience can live with Timmy closing up again, or maybe even his death. Is it worth an animal's life if what you want to do? Is there no other orilla (who does not have the problems as immy does) that can be transported? I am



PH. RICHARD T. CONWAY

Timmy, foreground, and Katie.

just one small person who isn't going to change Taylor's mind. All I ask is that he reconsider your decision before you make a mistake!

LISA SUPINSKI
Lakewood

ZOO DIRECTOR Steve Taylor's recent statement that animals have no emotions is a perfect example of why I have and will continue to boycott all zoos, including Cleveland's. When someone of Taylor's stature publicly demonstrates such obvious ignorance of animal behavior, I can only wonder how his insensitivity affects the other animal residents who have been brought to the public eye.

MARGARET A. HAAS
Westlake

IT SICKENS ME to find a person like Steve Taylor as director of the Cleveland Metroparks Zoo. Let's think about Timmy's well-being instead of what the Species Survival Plan committee will think, or dollar signs for the offspring. Any living thing is entitled to that much. As for animals not having emotions, I don't think he knows what he is talking about. I wouldn't want to leave my two dogs with him when I am away, much less allow him to be the director of a zoo.

PATRICIA A. ESTVANKO
Newburg Heights

IF HUMAN BEINGS are so superior to all of the other creatures we share our space with, then why can't we take care of our own at least as well as animals can? Why have we so destroyed the balance of nature that we are scrambling now to fix it? ... Steve Taylor should be removed by crate instead Timmy. Yes, Mr. Taylor, I, too, am sickened "when people start to put

human emotions in animals." Animal emotions are so much more genuine, inexact and uncomplicated that we, as the "superior being," won't even acknowledge them.

KATHLEEN K. GIBBONS
Middleburg Heights

IT IS OBVIOUS from Steve Taylor's misinformed comments that he needs to step down from his ivory tower as director and spend some hands-on time with the animals in his zoo. ... In the meantime, he should listen to the zoo workers who are in daily contact with Timmy and yield to their pleas not to separate him from Katie.

Who does Taylor think patronizes his zoo? It's animal lovers — the same people who believe that animals do have emotions. Criticizing these people — the ones who represent the zoo's bread and butter — is just bad business and nullifies any attempt at developing good will with the public he serves.

I propose that if anyone is to be crated off to New York it is Taylor. Cleveland has been struggling long enough to earn a competitive reputation for its zoo. It certainly doesn't need the backward thinking of someone like Taylor!

EILEEN J. PETRIDIS
Streetsboro

BASIC STUDY in the development and behavior of animals, especially primates would be highly recommended for him. He clearly is unaware of the Jane Goodall studies. A review of the record, including personal observations, at least in this situation, should be a mandatory for someone in this position who may have administrative skills but clearly is lacking in basic understanding of animal behavior and the goals and function of a major zoo.

VICTORIA A. TODD
Orange

THE PLAIN DEALER, SUNDAY, FEBRUARY 9, 1980

Science should rethink gorilla breeding policy

I first met Timmy, the lowland gorilla who was recently moved from the Cleveland Metroparks Zoo to the Bronx Zoo in New York, in 1981. Emmy, a female from the Columbus Zoo, had just arrived in Cleveland to breed with him. Locals viewed this potential union with great enthusiasm, since no gorilla has ever been born in Cleveland.

But efforts to mate with Emmy failed, and Kribe Kate came into his life in 1980. He was turned on by Kate and they cohabited, but when it was found that she was sterile, zoo officials separated them to keep Timmy's DNA in the gene pool. That decision led to a court battle last year to keep them together, but it failed, and Timmy was shipped to the Bronx Zoo in the hope that he would mate with one of the fertile females there.

Concern over Timmy's treatment continues. After Kate's new companion, Oscar, apparently beat her up and bit off part of a toe a couple weeks ago, it rekindled attention to the fact that Timmy is sequestered in the Bronx Zoo, and that concerned persons are being denied the opportunity to see him. Some contend that he has not yet adjusted to the four females with whom he is expected to breed, renewing fears that he may be in jeopardy from the trauma of the move and separation from Kate.

When I went to meet Timmy and Emmy, Michael Vitantonio, then zoo director, took me to an area closed to the public. Afterward, I made these notes:

"Mike took me behind the cages, in a narrow walkway, to see Timmy and Emmy up close. When we got to Timmy's enclosure, I stood well away. There was no glass here to isolate me from him, and as he sidled up, the bars separating us seemed awfully flimsy against his vast bulk (411 pounds).

"Timmy made an odd, low sound by puffing air through his pursed lips. He ground his teeth and was very nervous at first. Presently he settled down. Emmy approached in an adjoining cage, on a level above. When she got too close to Timmy's, he made a lunge which backed her up. Then Emmy turned her attention to us and began to beckon through the bars, mouthing to us with a crooked forefinger.

"The experience of being so close to the great animal, of being inspected by his bright, dark eyes, was overwhelming. He uttered a low, guttural

RON HAYBRON



SCIENCE NOTEBOOK

me, visually and with his powerful aroma. Timmy is very musky-smelling. One of the people who works with him told me Timmy really gets 'loud smelling' when he's nervous or excited. Apparently you can judge his mood by his smell.

Vitantonio assured me that Timmy is "an excellent specimen as to size, physique and physical strength." If a full-grown male gorilla could be induced to stand up straight, the largest would be over 7 feet tall, with an arm span of nearly 9 feet.

At only 150 pounds, the 12-year-old Emmy looked small compared to Timmy's vast bulk. She seemed scruffy, again in contrast to his healthy, silvery coat, and I wrote that she was "skin-shanked... not very pleasingly built."

I wrote these notes as I sat outside the glass enclosure on the public side of the gorilla exhibit. The hall was full of school kids and their teachers.

"Timmy sits imperturbably while the children crowd around and the flashbulbs flare. On the other hand, Emmy is crowdwise. She is lying on her side in her own enclosure, mugging for the kids.

"Many of the smaller ones are quite timid about these creatures. They seem not to be convinced the glass will protect them... There is a crowd in front of Emmy's glass now. Timmy is alone, back in the corner, sulking, aloof, indifferent to the outside world. One young boy said to a companion, 'He's unhappy. They're all unhappy.' And with that I would emphatically agree.

"The efforts to get Timmy interested in Emmy proved futile. Perhaps he shared my impression of her. Although his sperm were ample and motile in tests, he would not couple with her and



Timmy the gorilla looks out at a youngster visiting the Cleveland Metroparks Zoo in 1980.

about Timmy's fertility seem to disagree with what I was told in 1981.)

Then Kate came in 1980. When I heard that she was sterile but that she and Timmy were regularly mating, I wondered if the old boy was somehow engaging in a bit of gorilla irony. If so, it backfired, because his sexual activity rekindled the desire of zoo officials here and elsewhere to include him in the national breeding program.

And now he is exiled from his only love, while she is injured by a careless suitor. It is enough to set Shakespeare weeping, and it makes me wonder if we shouldn't put the humans behind the glass and let the gorillas out.

Genetically, these creatures are our nearest living relative, yet we seem utterly indifferent to their individual well-being. We can't be sure that captive breeding can save the gorillas — habitat preservation is the only sure way. In our zeal to preserve them, we seem to be betraying some very important principle, and I wonder about final motives. Is science working for the gorillas or to serve the human ego?

Haybron is an associate professor of obstetrics at

THE PLAIN DEALER

OHIO'S LARGEST NEWSPAPER



CLEVELAND, SATURDAY, OCTOBER 26, 1991

PHOTO BY MICHAEL LEEY FOR THE PLAIN DEALER

Timmy stays — for now


PHOTO BY MICHAEL LEEY

Lawyer Gloria Homolak looks on as Timmy the gorilla relaxes with his mate, Kribe Kate, at the Cleveland Metroparks Zoo. Homolak and zoo officials reached an agreement in federal court last night that zoo officials would not send Timmy to a New York zoo.

Zoo agrees to delay moving gorilla from Cleveland

By MICHAEL SANGIACOMO
and MARK ROLLENHAGEN
PLAIN DEALER REPORTERS

Timmy the gorilla can sleep easier this weekend.

Last night officials of Cleveland Metroparks Zoo and lawyers for the 33-year-old lowland gorilla, who faces separation from his mate and relocation to New York, agreed in federal court to delay any move until the end of next week.

Gloria Homolak, representing Timmy, had sought a temporary restraining order late yesterday in Cuyahoga Common Pleas Court to stop the move she feared would occur this weekend. While a Common Pleas judge was considering it, zoo

lawyers went several blocks away and tried to block the order in federal court under the Endangered Species Act.

In an after-hours session in federal court, both sides agreed to let well enough alone for the weekend.

Homolak became concerned yesterday when zoo officials performed final medical examinations in preparation for the controversial move.

Homolak's associate, Avery Friedman, said last night that zoo officials had agreed to talk about the move next week with experts. Friedman said another injunction might be sought at that time if the talks break down.

Once the motion goes before a judge, the court will consider requests by the

Network for Ohio Animal Action and the Animal Protective League, both of Cleveland, and In Defense of Animals of San Rafael, Calif., to keep Timmy in the Cleveland Zoo with his current mate, Kribe Kate.

Timmy has been in captivity most of his life, at least 30 years in isolation. Until 19 months ago, when he was paired with Katie, who is infertile, he was anti-social and indifferent toward female gorillas. Timmy and Katie meshed.

But when Timmy's amorous activities were noted by zoo officials, it was decided to ship him to the Bronx Zoo, where he might breed with four female gorillas. Timmy's keepers fear that the separation from Katie could harm or even kill the sensitive gorilla, and that

the move to New York in a cage in the back of a truck also could traumatize the animal. At the least, they fear the move would cause Timmy to revert to the anti-social behavior he exhibited most of his life.

According to documents filed yesterday in Common Pleas Court, a 24-year-old gorilla in a Seattle, Wash., zoo, died about two months ago of heart failure after separation from his mate.

The request said Timmy's age and inflexibility to change from a comfortable environment put him in danger if he is moved.

Zoo officials said all precautions were being taken to ensure a safe move to New York.

SEE ZOO/4-A

Zoo

FROM 7-1-A

When contacted yesterday about the injunction, Cleveland Zoo Director Steven Taylor said he was surprised because he thought he had reached an agreement with the animal welfare groups.

"I'm amazed," he said. "We have come together on so many issues. We now have the same objective, and that's to have a successful transfer of Tim to the Bronx Zoo. . . . They really feel he should be transferred; we're still working on the issue of moving Kate with him."

But moments later, Taylor said he had decided not to send Kate to the Bronx.

Dr. Elliot Katz, president of In Defense of Animals, said the animal welfare groups never agreed Timmy should be shipped to the Bronx Zoo. Taylor was trying to change the meaning of their meetings.

"He's playing word games," he said. "We feel Timmy and Katie

should not be separated. We said it would be dangerous to send Timmy to the Bronx Zoo. We said that as a last resort — a last resort — it would be better to send both of them to the Bronx, but we never said we favored sending Timmy there alone.

"He (Taylor) is trying to make it sound like we agree on shipping him except for a couple minor details. These are major details where we disagree. We did say that the facilities for Timmy and other animals at the Cleveland Zoo are inadequate."

The request for an injunction also noted that Timmy's sperm count was tested in 1980 at 5% motility rate, considered low. Taylor said another test had been performed since then, with similar low results.

He said the tests did not dissuade him from thinking Timmy would be a good breeding gorilla.

"We know little about it," he said. "I know of a couple other gorilla breeders, but I don't see an offspring. I would send Timmy to New York even if tests showed he was infertile."

Animal rights lawyer says zoo gorilla's departure delayed

A6-The News-Herald Saturday, Oct. 26, 1991

land Metroparks Zoo, his home since 1966. The move would separate him from Katie, a 32-year-old sterile female gorilla.

Attorney Gloria Homolak yesterday filed a motion in U.S. District Court for a court order to prevent what she believed was Timmy's imminent transfer to the Bronx Zoo in New York.

Homolak said she tried to obtain in-

formation yesterday about the plans for Timmy and was denied specifics, then learned that the silverback was placed underground.

They always put them under anesthesia to force putting them in a crate, she said, adding that certain tests also were conducted yesterday on the gorilla.

Timmy's trainers have said Timmy and Katy have bonded in such a way as to show affection to each other. At the Bronx Zoo, attempts would be made to mate Timmy with four female gorillas as part of a species survival plan.

U.S. District Judge Thomas D. Lam-bros conducted a hearing last night which concluded when Homolak withdrew the motion.

Activists Blame Sedatives in Death of Zoo Elephant

By LOUIS SAHAGUN
TIMES STAFF WRITER

Hannibal the elephant reacted adversely to tranquilizers administered in the days before the five-ton animal died at the Los Angeles Zoo during an attempt to move him to a zoo in Mexico, animal activists said Monday.

The African bull elephant died March 20 after a 10-hour ordeal in which he was sedated with drugs to which he had reacted badly, then led into a specially constructed moving crate where he dropped to his knees, said the animal activists who based their conclusion on documents obtained from an unidentified zoo employee.

"What the Los Angeles Zoo did was torture him to death," Pat Derby, president of the Performing Animal Welfare Society, said at a news conference.

"We were certain that Hannibal's death was preventable," Derby said. "These papers substantiate all our previous statements and prove that zoo management has deliberately misled the public and media in reporting the incident."

Copies of daily treatment charts and a veterinary log kept on the elephant indicated that zoo officials administered

at least two tranquilizers on March 13, 18, 19 and 20, Derby said. The documents were obtained by animal activists and distributed to reporters at the news conference.

According to one entry in the veterinary log dated March 19, the tranquilized elephant was lying on his sternum "unable to rise" as zoo staff workers were trying to "tighten rear leg chains."

A separate entry dated March 20 indicates that Hannibal was checked at 1 a.m. "and he was moving. Checked again at 5 a.m. and he was dead."

"That elephant was in trouble," said Ed Stewart, co-director of the Performing Animal Welfare Society. "It's shocking to see that nobody was sitting with that elephant all night long."

Zoo officials said the move was necessary because the rowdy elephant had become increasingly difficult to handle in his relatively small confines at the Los Angeles Zoo.

Officials said the animal died of cardiopulmonary collapse while lying inside the crate during the process of relocating him to a larger zoo habitat near Mexico City. A post-mortem revealed that the elephant had fibrous growths on his heart, which may have

Please see HANNIBAL, B9

HANNIBAL

Continued from B7

contributed to his death, officials said.

In addition, a March 23 letter from the U.S. Department of Agriculture, which oversees animal welfare at zoos, concluded after preliminary investigation that there were no "apparent violations" of federal law.

Zoo director Mark Goldstein was not available for comment, an spokeswoman Lora LaMar would not discuss the documents obtained by the animal activists. Their allegations that Hannibal had a history of adverse reactions to the drugs administered before he was placed in the crate.

City Councilman John Ferraro has appointed an independent panel of experts to investigate the circumstances leading to the death of Hannibal. It is expected to be later this month.

MARCH 20, 1992

Elephant in No Mood to Go Traveling

■ **Wildlife:** An effort to ship the African bull to a Mexican zoo is abandoned when workers are unable to get it on its feet. Animal rights activists criticize the operation.

By LOUIS SAHAGUN
and NIESON HIMMEL
TIMES STAFF WRITERS

Working under cover of darkness, Los Angeles Zoo officials Wednesday tried—and failed—to spirit a rowdy five-ton bull African elephant away for a controversial journey to a zoo in Toluca, Mexico.

Officials beginning at 4 a.m. sedated the troublesome pachyderm and used heavy machinery to load it into a \$10,000 wood-and-steel cage before dawn for what was to be a five-day journey to its new home at the Zacango Zoo.

But Hannibal, who has dismantled a barn door with his trunk twice in the past month, failed to respond to an antidote administered to help it stand in the cage. The elephant thrashed about for hours on its knees in the 9-foot-wide, 20-foot-long structure.

Twelve hours after the effort began, Los Angeles Zoo Director Mark Goldstein called off the operation and postponed the move—which has been strongly criticized by animal rights activists—until Saturday at the earliest.

"We are concerned about the safety of Hannibal, everyone involved in this operation and visitors at the zoo," Goldstein said.

Lisa Landres, a former elephant keeper and captive wildlife specialist with Friends of Animals, an international animal protection agency, chastised zoo officials for the manner in which the operation was conducted.

"I don't appreciate that they are trying to do things in a secretive manner. If they are going to do this, they have to be aboveboard all the way," Landres said. "For them to try to pull the wool over our eyes is intolerable."

Zoo officials said they undertook the procedure before dawn to guarantee peace and quiet to keep Hannibal calm. Goldstein said the animal was to spend Thursday night in the cage, with workers trying this morning to hoist the elephant to its feet with a crane and sling.

The day marked another sad chapter



ROSEMARY KAUL / Los Angeles Times

Zoo workers and Los Angeles Fire Department personnel rig up a device to try to get Hannibal, the African bull elephant, on its feet. The effort was unsuccessful.

Unlike the more well-behaved Asian elephants at the zoo, Hannibal grew up to be "extremely forceful and... capable of causing injury to himself or the people around him," Goldstein said.

A year ago, zoo officials and veterinarians concluded that Hannibal was too big and dangerous to handle safely in its pen and decided to send it to the Zacango Zoo near Mexico City, which wants to begin a

representing 200 species—has no experience in breeding African elephants.

"They've already dealt with an Asian bull elephant. Granted, it may not be of the same temperament [as an African bull]," Goldstein said. "But the majority of zoos in our country would not even have that experience."

Hannibal became a topic of public concern in September 1990 after he

ELEPHANT: Move Attempt

Continued from B1
 tested by animal welfare activists who claim that zoo officials are dumping the animal because of its temper tantrums and sending it to a below-par place where it might be abused.

D. J. Schubert, director of investigations for the Fund for Animals, a national animal protection organization, said that although his group opposes keeping elephants in any form of captivity, once they are in a zoo here it is best to leave them where they are.

"Transporting an elephant to another facility is very stressful," Schubert said. "And I hear the zoos down there [in Mexico] are even worse than in this country. They don't have the same standards that we do."

"I don't think a transfer should be considered," he said. "I think the Los Angeles Zoo has the responsibility to provide this elephant with the best care they can for the rest of its life."

Florence Lambert, a spokeswoman for Elephant Alliance, a group trying to raise funds to buy a sanctuary for unwanted pachyderms, agreed. "It's foolish to send Hannibal down there on a breeding loan when the Zacango Zoo has no

experience in breeding African elephants."

Two weeks ago, Goldstein visited the Zacango Zoo.

"The elephant exhibit at Zacango is three times the size of what we can offer Hannibal at Los Angeles; the barn twice the size," Goldstein said. "In addition, he goes there on a breeding loan—any decision made by Zacango having to do with Hannibal will have to be made in conjunction with the Los Angeles Zoo."

At first, zoo officials had decided to sell Hannibal to the Mexican zoo for a token \$1. But after Goldstein became zoo director in January, he decided a breeding loan would be preferable.

Still, captive wildlife specialist Landres said the outlook for Hannibal seemed bleak.

"It's true the Los Angeles Zoo does not have appropriate facilities to house him, but shipping him off to Mexico is not the proper solution," she said. "If we can't cough up enough money to care for him humanely in our own zoo, what makes us think a small town in Mexico will be able to do it?"

Times staff writer Eric Maine contributed to this story.

DAILY NEWS, 9/19/77 Activists claim proof of zoo negligence

By Beth Laski
 Daily News Staff Writer

Animal-rights activists produced documents Monday that they say show Los Angeles Zoo officials were negligent in their handling of Hannibal, an African bull elephant that died March 20 during an attempted move to a zoo in Mexico.

Members of the Performing Animals Welfare Society and other groups said the 30 handwritten pages detail the medical treatment and handling of Hannibal prior to its death, but zoo officials could not confirm the authenticity of the documents.

Zoo officials have said that they were not negligent in their handling of the elephant.

Pat Derby, president of the animal-welfare group, said the paperwork was provided to her group anonymously by a member of the zoo's staff.

The activists said the records

show that days prior to Hannibal's death he was given more tranquilizing medication than officials admitted they had administered, and that he had been traumatized while being forced into a moving crate.

Zoo spokeswoman Lora LaMarca said that although she did not know if the documents came from the zoo, officials do keep daily treatment charts for the animals, as well as information on their medical condition.

Hannibal, an aggressive and troublesome pachyderm, died as zoo officials were attempting to move him to a zoo near Mexico City, where he was to have more living space. Animal activists and others opposed the animal's transfer.

Last month zoo officials released a necropsy report prepared by county health officials that showed the 16-year-old elephant likely died as the result of a heart condition.

The report indicated that the elephant died from cardiopulmonary collapse associated with the length of time the elephant knelt in a crate designed to hold him during the move to Mexico.

A panel of five specialists was named last month by City Council president John Ferraro to investigate the animal's death. The members have not met, but expect to do so in the coming weeks, said Erin Egge, a spokeswoman for Ferraro.

Lisa Landres, a former elephant keeper and a spokeswoman for Friends of Animals, said a citizens advisory group is needed to oversee operations at the Los Angeles Zoo.

"I think (Hannibal's death) was totally preventable," Landres said.

LaMarca said the zoo will investigate whether the documents came from the zoo, and if so, who provided them to the animal-rights activists.



American Association of Zoological Parks and Aquariums

♦ A nonprofit, tax-exempt organization dedicated to the administration of zoological parks and aquariums for conservation, education, scientific studies and recreation. ♦



31 January 1992

ATTACHMENT I

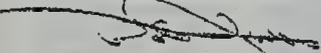
Michael Dee
Curator of Mammals
Los Angeles Zoo
5333 Zoo Drive
Los Angeles, CA 90027

Dear Mike:

On behalf of the Elephant SSP I wanted to thank you and the Los Angeles Zoo for the manner in which you explored all avenues of relocating "Hanibal" your male African elephant. I am sorry that the SSP could not be more helpful in locating a new home for him here in the states, but as you well know it is very difficult to relocate adult male elephants.

We wish you success in relocating him to the zoo in Taluca, Mexico and again, I appreciate the effort that you made to allow the SSP to find a home for him.

Sincerely,


Dale Tuttle
Species Coordinator
for Elephants

cc: M. Hutchins, B. Read, B. Wagner, S. Taylor

COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES
PUBLIC HEALTH PROGRAMS

Comparative Medical and Veterinary Services
12824 Erickson Avenue, Downey, CA 90242 Phone 310/346-1801

PRELIMINARY NECROPSY REPORT

ATTACHMEN.

Los Angeles City Zoo
5333 Zoo Drive
Los Angeles, CA 90027

OWNER: Los Angeles Zoo 192-055
CASE NO.: 11789
DATE RECEIVED: 3-20-92

ATTN: Dr. Gonzalez

MODE OF DEATH: Died
DATE/TIME OF DEATH: 3-20-92, am
DATE/TIME OF NECROPSY: 3-20-92, pm
POSTMORTEM STATE: Excellent

TYPE OF ANIMAL: Proboscidea
BREED/COLOR: African Elephant
SEX: Male
AGE: 4 years
COLOR: Gray
HEIGHT: 3 tons

HISTORY/DISEASE-CONDITION(S) SUSPECTED:

The animal was going to be transported to Mexico. The animal went down in animal recumbency in the transport cage and was unable to get up. The animal died unexpectedly in the early morning hours of 3-20-92.

NECROPSY DIAGNOSIS (Tentative):

Cardiopulmonary collapse

CASE SUMMARY/COMMENTS:

The froth and foam in the trachea, marked pulmonary congestion and marked interstitial and subendocardial hemorrhages support agonal changes associated with cardiopulmonary collapse. Animal recumbency may have lead to inadequate ventilation and cardiac hypoxemia with subsequent cardiopulmonary collapse. There is no evidence of infectious or contagious disease or other predisposing process. Microscopic examination of multiple tissues is pending.

POSTMORTEM FINDINGS:

EXTERNAL EXAMINATION/SKIN AND SUBCUTANEOUS TISSUE:

The body of an African Elephant is presented on its right side for external examination. No significant arterial wounds or marks are noted and the animal is judged to be in a good nutritional state. There is moderate subcutaneous bruising in the left inguinal areas and which extends down the medial aspect of the left hindlimb. No other changes are noted. There is an abscess (less than 15 cm) near the point of the left shoulder.

MUSCULOSKELETAL SYSTEM:

No significant changes are noted.

CARDIOVASCULAR SYSTEM:

The epicardial adipose tissue is bosselated and discolored purple over a large portion of both ventricles and is multifocally hemorrhagic. There is extensive subendocardial hemorrhage in the left ventricle including hemorrhage over the papillary muscles. Subendocardial hemorrhage is noted multifocally in the right ventricle. No other changes are noted.

To: Kendra Pratt
Legislative/Public Affairs

Hannibal was a 16-18 year old African bull elephant owned by the LA Zoo which had become dangerously aggressive in recent years. He would attack anyone entering his enclosure with such aggression that he represented a threat to his own safety. Twice in recent months he has been able to break a 10' high and 10' wide metal door off its hinges. The absence of this door left only a single barrier between Hannibal and the public and other elephants and therefore, prompt replacement of the door critical for the safety of animals and people. Replacement of the door required sedation of Hannibal in each case. He was given approximately 4,000 mg Rompun, a commonly used animal tranquilizer. The door was replaced in both instances without incident, either to the workers or Hannibal.

In the early morning of March 19, 1992, L.A. Zoo announced to begin the move of Hannibal to a zoo in Mexico. (I had discussed the likelihood of such a move on a visit with Dr. Mark Goldstein, the LA Zoo Director, on February 4, 1992. Given the aggressive nature of this elephant and the potential threat to human and animals he represented, I agreed Hannibal should be moved to a facility better equipped to handle such aggressive behavior.) Hannibal was sedated with only 1/4 the normal dose of Rompun (1,000 mg) he had received previously. He entered the crate especially built for this move without incident and stood in it for approximately 1 1/2 hours before lying down. (Zoo personnel were waiting for him to recover completely from the sedative before beginning the transport.) The animal's history indicates that lying down is his customary response to a stressful situation. Apparently, once he was down, he has difficulty getting up again. In this case, it became apparent that he would need mechanical help, and Zoo personnel decided to let him rest through the night and help him up at about 10:00 a.m. on March 20. They monitored him periodically at that point, and at 8:30 AM, on March 20, he was found dead in the crate. A necropsy is being performed, and copies of all medical records will be provided to USDA. USDA's preliminary investigation indicates substantial planning towards a successful move and no apparent violations of the Animal Welfare Act on the part of the Zoo.

Relevant Additional Information:

1. Dr. Goldstein and Dr. Gonzalez, the LA Zoo veterinarian, had personally traveled to Mexico to inspect the zoo where Hannibal was to be placed and verify the facility and personnel were equipped to properly care for and handle him.
2. The LA Zoo had contacted the Elephants SSP (Species Survival Program) official at the AAZFA who concurred with this planned move.



W. R. DeLave

Mr. R. DeHaven
Supervisor, Animal Care
Western Sector

cc:
Dr. T. Shehan

THE ISSUES AND EVENTS
LEADING TO THE DEATH OF HANNIBAL

ISSUE

Hannibal, a wild-caught African male elephant, was acquired by the Los Angeles Zoo in 1980. He was estimated to be four years old.

As Hannibal matured, he started to exhibit those behavioral patterns associated with being an African bull elephant, which included forceful and powerful actions increasingly becoming more aggressive and making him unmanageable. For example, he ripped the door off his holding area five times in the past two years, putting him, the keepers, and the public at mortal risk.

Approximately three years ago, Zoo management decided that Hannibal's safety, the safety of the other elephants at the Zoo, and the safety of the keepers demanded that he be managed using techniques that did not require hands-on physical contact. It became evident, considering Hannibal's self-destructive behavior, that the Zoo did not have, and could not provide in a timely manner, a humane and safe environment for a normal-behaving African bull elephant.

Therefore, in order to provide the best possible care for Hannibal, a decision was made to conduct both a national and international search for the most appropriate home for him. It was noted that any effort to move Hannibal either to another location within the Zoo or to another facility would necessitate that he be transported.

1989

The search by the staff of the Los Angeles Zoo was undertaken in cooperation with the American Association of Zoological Parks and Aquariums (AAZPA) and the Species Survival Plan (SSP) Coordinator for elephants. The ultimate opinion of the SSP is summarized in a letter dated January 31, 1992 (see Attachment I).

FALL 1990

The Los Angeles Zoo contacted the Zacango Zoo in Toluca, Mexico, which was interested in obtaining an African bull elephant. The Los Angeles Zoo staff had a long-standing relationship with the Mexican zoo, having helped to design the facilities in the 1970's. Animal relocations between the two zoos had been highly satisfactory for both the animals and the institutions. In

addition, staff knew the Zacango Zoo to be financially well supported, important to the community, and deeply committed to educational and conservation goals. The staff of the Zacango Zoo, which included five veterinarians as well as experienced elephant keepers, had already successfully dealt with the care of an Asian bull elephant and his introduction to a female. This new environment would have allowed Hannibal's future introduction to a female African elephant utilizing the same techniques.

His prospective new exhibit had an exterior area three times greater than provided at the Los Angeles Zoo and an interior area two times greater.

1991

Prior to reaching agreement on the relocation of Hannibal to the Zacango Zoo, an evaluation of that zoo's ability to manage and humanely care for this animal was conducted. This evaluation included numerous conversations between the Zacango Zoo and Los Angeles Zoo staffs, others who were familiar with the facility, and a site visit by the Interim Director of the Los Angeles Zoo. While this evaluation was proceeding, other possibilities that were presented to the Los Angeles Zoo were explored. None presented a viable option. Exhibit modification at the Los Angeles Zoo was not realistic in view of Hannibal's behavior and the time required to complete construction.

SEPTEMBER 1991

Zoo staff agreed that the Zacango Zoo afforded an excellent opportunity for Hannibal. Appropriate permits were acquired and a plan was devised to carry out the move. A reinforced trailer was obtained and a protocol established utilizing methods which had been developed at the Los Angeles Zoo and elsewhere to successfully move elephants. This included humane manual restraint methods and the use of tranquilizers.

The method employed in attempting to move Hannibal involved the use of Azaperone and Etorphine to safely prepare him to walk 50 yards and step up into the trailer. These medications permitted the necessary full contact involvement of the keeper.

When it became evident that Hannibal's behavior of fighting the process was causing injury to himself, the move was terminated.

Over the next week, it was noted that Hannibal, in resisting getting into the trailer, had sustained a number of contusions and abrasions around the left shoulder and his feet. The injuries' lack of response to medication dictated more aggressive action. The veterinarian determined that Hannibal required immobilization

in order to provide proper medical care. Nine days initial attempt to move him, he was immobilized using (Rompun) and Etorphine. Following the procedure, Hann great difficulty in standing on his own. Using other resources from Recreation and Parks and the Los Angeles Department, Hannibal was assisted to his feet.

In evaluating this unsuccessful move and the subsequent medical care, it was believed that specific changes were necessary safely move Hannibal. These changes included a different regime of drug therapy to accommodate Hannibal's unpredictable, individual response. Additionally, a need for a different mode of transport was identified since Hannibal's reluctance to step up into the trailer had contributed to his injuries.

Over the next two months, Hannibal recovered uneventfully and returned rapidly to his self-destructive, aggressive behavior.

JANUARY TO MARCH 1992

Upon the arrival of the new Zoo Director, a task force was formed to evaluate Hannibal's situation.

After a thorough evaluation, it was concluded that Hannibal's enclosure was inadequate to meet the basic needs of an African bull elephant. Any attempt to keep Hannibal in his present environment for any length of time would put Hannibal, the keeper staff, and the public at serious risk. This conclusion was consistent with the previous decisions made in 1991.

Hannibal's own actions further confirmed the need for an expeditious decision when twice during this three-month period, he ripped the door off his holding area, putting himself and people at mortal risk.

Tranquilization was necessary to safely apply restraints to Hannibal in order for workmen to enter the exhibit and repair the damage to the door. Because he could not be confined to his holding area, it was necessary to tranquilize Hannibal in the uncontrolled environment of the exterior yard. This presented a serious risk both to Hannibal and the lead elephant keeper. During the two incidents, 4,000 and 4,500 mg of Xylazine (Rompun), respectively, were administered to adequately restrain Hannibal, allowing the critical repairs.

The Director and the Zoo Veterinarian visited the Zacango Zoo to confirm its suitability. Their evaluation concluded that it was an excellent environment for Hannibal and more compatible to his health and welfare.

A customized transport crate was constructed taking into

consideration Hannibal's previous reluctance to step up into the trailer. The crate was wood on the inside to provide Hannibal with maximum comfort, and reinforced with steel to provide strength and security. It was built to his specific dimensions to assure safety during the move and to allow it to be compatible with the opening of his interior holding area.

The pros and cons of crate training were discussed. It was agreed that Hannibal's destructive nature (e.g. the dismantling of his approximately 20'x10'x2" steel door) would lead him to demolish the crate if introduced to his exhibit, once again putting himself, his keepers, and the public at great risk. Furthermore, it is a known principle that crate training, to be successful, requires the animal to accept the crate in its environment. Staff had no reason to believe that Hannibal would tolerate the crate, and concluded it would be hazardous to attempt such an endeavor given his already-demonstrated behavior.

As the Zoo prepared to move Hannibal, the Director explained during numerous conversations with representatives of various animal rights, protection, and welfare organizations, the urgent need to move Hannibal and discussed his favorable evaluation of the Zacango Zoo.

Previous experience dictated that the professional Zoo staff control as many aspects of the move as possible. The Recreation and Parks Commission and the Los Angeles City Council concurred, granting the Zoo the use of City vehicles and staff. In addition, the Zoo veterinarian, senior elephant keeper, and the Zacango Zoo veterinarian were to accompany Hannibal during the entire journey.

The task force discussed in depth ways to improve upon the attempted move in September. They concluded it would be necessary to eliminate Hannibal's lengthy walk and step up into the trailer and to minimize human contact with him. The construction and placement of the crate would address these issues.

The tranquilizer regime was also changed to meet Hannibal's individual needs. During the attempted move in September 1991, Etorphine was used in conjunction with Azaperone on the day of the move. During the March 1992 move, Etorphine was administered 24 hours prior to the move to permit placement of humane and accepted restraints on Hannibal's feet. He recovered satisfactorily from this procedure, which allowed the veterinarian to administer only 1,000 mg of Xylazine (Rompun) on the morning of the move. This was only one quarter of the dosage required to restrain Hannibal when he had ripped his door off on two previous occasions. The use of mild tranquilization was strongly supported by the task force to reduce Hannibal's anxiety regarding the move. This would protect Hannibal and the personnel involved in the procedure from serious injury.

The decision was made to start the procedure at 4:00 a.m. in order to minimize any unnecessary external stimuli that could have been caused by the presence of zoo patrons, the media, or other normal daytime activities. Previous experience in September suggested that the presence of these external stimuli contributed to the unsuccessful conclusion of the move.

At 5:00 a.m., 1,000 mg of Xylazine (Rompun) was administered. It was determined by the animal management staff and veterinarian that Hannibal responded well to the tranquilizer. The move progressed using the restraints on Hannibal's feet to encourage him forward into the crate. Hannibal was safely contained within the crate by 7:00 a.m. in a standing position.

Approximately one hour later, Hannibal went down in a sternal position on his elbows and knees. In accordance with the previously-established protocol, the crate would not be moved until Hannibal was in a standing, stable condition. Over the course of the next eight hours, various techniques were employed to encourage Hannibal to stand up. These included leveling the crate, verbal communication and positive physical contact by the senior elephant keeper, and the administration of Yohimbine (an agent routinely used in veterinary medicine to specifically reverse the effects of Xylazine (Rompun)).

Notwithstanding these positive attempts to encourage Hannibal to stand, he refused. Late in the afternoon, the decision was made to use a harness and hoist to assist Hannibal. While the use of the harness and hoist was successful in raising Hannibal into a position in which his feet were under him, he was unable or unwilling to bear weight on them. Due to the potential for injury caused by prolonged use of the harness, he was then lowered and resumed a resting sternal position.

A very difficult decision needed to be made: whether to leave Hannibal in the crate in a sternal position or to physically remove him from the crate. This later procedure would require the use of significant mechanical intervention and the probable use of additional tranquilizer, thus magnifying the likelihood of serious injury or death. Although the task force recognized the serious implications of leaving Hannibal in a sternal position, it was unanimous that the risk of further tranquilization and removal from the crate was unacceptable for his welfare.

An experienced elephant keeper was posted on duty all night to observe Hannibal. At 5:30 a.m. Hannibal was reported dead, having shown no previous signs of distress during the night.

No clear explanation exists as to why Hannibal laid down and was unable to stand. It can be hypothesized that the following were contributing factors: previously-demonstrated behavior, fatigue, and the residual effects of the tranquilizers.

A necropsy was performed by the two Los Angeles Zoo veterinarians and three veterinary pathologists from the Los Angeles County Veterinary Pathology Service. The preliminary report is attached (See Attachment II.).

The USDA has concluded in its preliminary report, "...substantial planning towards a successful move and no apparent violations of the Animal Welfare Act (exists) on the part of the Zoo." (See Attachment III) The Los Angeles Zoo has also asked the San Diego Zoo Pathology Department to independently analyze the results of this necropsy.

The Zoo staff will continue to evaluate this tragic and unfortunate loss.

March 27, 1992

THOUGHT YOU MIGHT FIND SOME OF THIS OF INTEREST, REGARDING THE LA ZOO'S NEW DIRECTOR MARK GOLDSTEIN AND HANNIBAL THE ELEPHANT.

PLEASE TAKE NOTE OF THE HEAVY TRANQUILIZATION DOSES AND THE NEGATIVE REACTIONS TO BEING TRANQUILIZED OVER THE LAST YEAR OR SO.

ALSO NOTE, AS STATED BY THE ZOO, ONLY $\frac{1}{4}$ DOSE WAS GIVEN ON THE DAY OF THE SHIPMENT. HOWEVER, THEY ARE NOT TELLING YOU HE WAS TRANQUILIZED WITH A FULL DOSE THE DAY BEFORE AND AGAIN 5 DAYS BEFORE THAT.

LA ZOO MANAGEMENT ALSO KEPT THE ENTIRE ZOO IN THE DARK ABOUT HANNIBAL'S MOVE. THEY HAD PLANNED ON HAVING HIM OUT OF THE ZOO BEFORE 7:00 AM THAT DAY.

CRATE WAS READY IN OCTOBER, BUT HANNIBAL WAS NOT TRAINED OR EVEN SHOWN THE CRATE BEFORE HIS MOVE. THE ATTITUDE AROUND THE ZOO WAS THAT HANNIBAL WAS GOING OUT DEAD OR ALIVE. BEN GONZALES, ZOO VET, WAS IN CHARGE OF THE TRANQUILIZATIONS AND HAS A REPUTATION AT THE ZOO OF NOT CARING ABOUT THE ANIMALS AND KILLING MANY ANIMALS UNNECESSARILY DUE TO HIS UNWILLINGNESS TO CONSULT MORE EXPERIENCED PEOPLE, REFUSES TO LISTEN TO THE KEEPERS, DISRESPECT TO THE ANIMALS AND HIS EGO.

HOPE YOU CAN PUT THIS TO GOOD USE FOR THE SAKE OF THE ANIMALS AT THE LA ZOO.

THERE ARE MANY, MANY PROBLEMS AT THE ZOO AND IT'S WAITING TO EXPLODE!!

March 11, 1991

CITY WILL BAND LOCAL MERCHANTS INTO BIZ GROUP

Neighborhoods get their own chamber of commerce

by JOE CLEMENTS
JOURNAL STAFF

Touted as a way to give neighborhood businesses a unified voice, Boston's Public Facilities Department (PFD) is organizing a citywide coalition of merchant associations. Proponents say the group, the Chamber of Neighborhood Commerce, could increase business in local shopping districts, reduce crime and improve delivery of city services.

"There's power in numbers," said Judith Bracken, who will serve as the PFD's executive advisor to the chamber. "Merchants and neighborhood groups are crying out for help... and we feel this will provide a forum for small businesses to seek solutions during what are some [difficult] economic times."

The chamber is an outgrowth of PFD's Neighborhood Enterprise Division, which seeks to stimulate growth in business districts such as Harvard Avenue in Allston or Centre Street in Jamaica Plain.

PFD officials have identified 28 trade associations that would be eligible for membership in the chamber. Of those, Bracken said

NEIGHBORHOOD, PAGE 26

Zoo audit finds cash missing from till



Zoo's chief Mark Goldstein requested audit as "ammunition."

by ROBERT DUFFY
JOURNAL STAFF

A confidential Metropolitan District Commission (MDC) internal audit of the cash management practices at the Franklin Park Zoo obtained by the Boston Business Journal indicated that nearly \$1 out of every \$10 collected in admissions at the zoo was unaccounted for during a two-month period in the fall of 1989. The audit, conducted by the MDC's Office of Internal Audit, concluded that "cash controls are weak in almost every area of revenue operations."

MDC MetroParks Zoos executive director Mark Goldstein said

he requested the audit because he suspected there were major cash management problems at the zoo.

"I needed the audit for ammunition and the revenue manager who was responsible for the problem was let go," said Goldstein, who has since hired a new revenue manager and installed an automated system to track cash management at the Franklin Park Zoo. "In the year since the audit was written we have bought an \$80,000 computerized ticketing system."

The audit has become public in the wake of legislation expected to pass last week, that would place control of both the Franklin Park and the closed Stone Zoo under the management of a private nonprofit organization called the Commonwealth Zoological Corp. Gov. William Weld supports the idea and has said he will sign the legislation into law when it clears the Legislature.

Goldstein has made no secret of his desire to stay on as head of the new privately managed zoos.

But critics of Goldstein who are unhappy that he decided to close the Stone Zoo in Stoneham said the audit is evidence that Goldstein doesn't have the management experience to operate the privatized zoo.

"I have always been concerned with his managerial competence," said former state Sen. John A. Brennan Jr. (D-Malden), who retired from the Legislature

ZOOS, PAGE 25



John Hancock has already

INSUREE OF LUX

by LOUISE WITT
JOURNAL STAFF

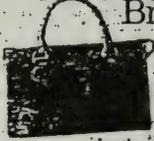
After missing to meet in one purchase, the Shell it's not so easy to bank their investments in a market in this depressed economy distressed real estate market.

Boston-based Liberty Insurance Co. is trying to sell a policy a small one in New York and a larger one in NY.

It says the program has a 10% return but that the company will not be able to pay the policy's face value through the end of the year.

Energy

New Hampshire's energy exports are expected to rise with the opening of the



Brahmin bags proper Bostonians

by LOUISE WITT
JOURNAL STAFF

On a recent Saturday morning, Joan Maran, co-owner of Brahmin Leather Works, scurried around her New Bedford factory packing the company's handbags and wallets for market week in New York City, where the department store buyers shop for accessories.

Downstairs, workers were putting finishing touches on new styles Brahmin is adding to its collection this fall. Maran already had eight cardboard boxes stuffed with handbags sitting in the shipping room, but she was still looking around for

Brahmin is moving up. —The small Say State handbag maker—with 65 employees—is now competing more with other upscale American leather bags such as Dunny & Bourke and Coach. Brahmin bags are sold in some of the country's finest department stores, including Nordstrom, Macy's, Bullock's Wilshire, Parisien, some Harrold's stores and Marshall Field. And last week, Brahmin started selling in four Strawbridge & Clothier's stores. The Marans naturally hope this is just the beginning.

Even though Brahmin bags are sold in some of the most prestigious stores in the country, they cannot be found in any New England emporiums. However, they are sold in smaller specialty stores such as the Boston-based

58-038 1110

the beginning "it was horrifying," he recalled. "It took us three years to get the money and we almost went under." The Marrens never thought about starting a manufacturing plant until Bill lost his job with Church, an upscale handbag manufacturer in Connecticut, where he had worked a few months. Bill didn't want to return to his old line of work, which had entailed overseeing shoe factories for Stride Rite. Dexter in Maine and Florshiem in Chicago. "The shoe business was drying up," he said. "They were all going overseas." In fact, he closed three Stride Rite

factories. "We couldn't get off the ground," he said. "We couldn't find a niche." Brahmni bags, which Joan said are "trimmy," will be conservative looking, were sold in a few specialty stores. Joan and Bill were so tired of struggling and working seven days a week that they considered quitting after the first year. But a friend, who's also an entrepreneur, convinced them that Brahmni handbags would start taking on.

And they did. "In six months we couldn't make enough bags," Joan recalled.

Joan Martin, co-founder of Brahmni Leather Works, originates the firm's designs.

Marshall Field was the first department store to buy Brahmni bags, placing \$5,000 order. Then a buyer from Seattle based Nordstrom bought some Brahmni bags and advised Joan on how to design a bag that would have more appeal to cur-

ZOOS

CONTINUED FROM PAGE 1

last year. "I think Mr. Goldstein is deficient in management capabilities. He may be a terrific veterinarian but I do think he lacks management skills."

Legislation to privatize the zoos got bogged down last year after Brennan tried to insert language that would have required the zoo's director to have a master's degree in management or public administration. Goldstein, a veterinarian, has no management degree.

"I have not disguised my feelings that the future viability of the zoos in this commonwealth would be best served if Mr. Goldstein were not the director," Brennan said. "I think he lacks the management skills to run a major public agency such as the privatized zoo corporation. He lacks interpersonal skills and he has not served as a coalition builder with a common goal of supporting both zoos. In fact, I think his general manner has been very divisive."

Second audit requested

Goldstein said that with the audit's emergence, he will request a second audit of the zoos to prove that the initial problems have been corrected.

The audit reported that, during a 53-day period from Sept. 12 through Nov. 3, 1989, \$17,579 in cash went unaccounted. A total of \$185,294 in cash was deposited during the course of the audit.

As evidence of his abilities to manage a zoo, Goldstein pointed out that of 45 zoos that applied for accreditation by the American Association of Zoological Parks and Aquariums last year, the Franklin Park Zoo was the only zoo in the country to be accredited.

Goldstein's supporters suggest the document's disclosure was aimed to hurt his chances of staying on as head of the zoos and is nothing more than a political payback by Stoneham-area legislators who are upset the Stone Zoo had to be closed.

"It's obviously political maneuvering," said William Burn, who is a member of the Boston Zoological Society, which owns the animals at both the Stone and Franklin Park zoos. "I have absolutely no concern about the managerial capabilities



Former state Sen. John Brennan zooming in on Goldstein's management capabilities.

of the current executive director."

But Brennan and other legislators from the district surrounding the Stone Zoo denied their concerns were retribution for the closing of the Stone Zoo. Brennan said that although he was indeed upset with the way Goldstein handled the closing, his concern about the current director dates back to shortly after he took over management of the zoos in 1987.

"Cavalier manner"

"When I first took over management of the Stone Zoo, we had a crisis and I had a difficulty in communicating my concerns to Mr. Goldstein on that issue," Brennan said. He also reported to deal with the present legislative questions regarding the Stone Zoo, he said, was in a "very cavalier manner."

A state legislator, who is a lawmaker with concerns about the closure of the Stone Zoo, said that the zoos also demonstrated a "cavalier" attitude on a personal level.

"Personally, I don't have anything against Dr. Goldstein, but quite clearly his policy has been to close the Stone Zoo so he can save the Franklin Park Zoo," said state Sen. Richard Tisei (R-Wakefield) who succeeded Brennan. "I think the Stoneham-area legislators feel that we did not get a fair shake."

Tisei said the management problems of the zoo are not necessarily the fault of Goldstein but that he is still likely to oppose efforts to make him the head of the Commonwealth Zoological Corp.

"I don't think it's necessarily a case of one person. I think it's the management structure that is set up right now," Tisei said. "My major problem with Dr. Goldstein is not a personality problem, it's a policy problem. He is on record saying he would prefer seeing the Stone Zoo close until he can get \$26 million to renovate. I feel that renovating the zoo while it is open is the better way to go."

Goldstein said that the Stone Zoo is in physical disrepair while the state has recently invested \$26 million to build the Tropical Rain Forest exhibit at the Franklin Park Zoo. He favors focusing on sprucing up the Franklin Park Zoo first and then using that as an example of the privatized zoo's success and a way to raise the funds needed to renovate the Stone Zoo.

Supports Stone Zoo

"I live across the street from the Stone Zoo," Goldstein said. "I want it opened in a passionate way. The question is, 'What plan do you use? Let's put all our effort into one part of our business, have flourish, show people that it can be successful and build off that.'"

The decision over who will be the president of the Commonwealth Zoological Corp. will be made by the new organization's 15-member board of directors.

The members have not yet been named but the board will be appointed by the governor and composed of one member from the Franklin Park and Stone Zoo advisory committees, seven members representing business, philanthropic or educational organizations and two community representatives as well as the state commissioner of education, the chancellor of the board of regents and the chancellor of education, the dean of the Tufts University School of Veterinary Medicine and the commissioner of the MDC. —

LOS ANGELES ZOO ANIMAL IMMOBILIZATION RECORD

Species African Elephant AGE 18 yrs ISIS # 00054 HOUSE I.D. ♂ Hornbill SEX ♂ DATE 3/13/92

REASON FOR IMMOBILIZATION: Repair door into barn

WEIGHT: 4500 kg T: _____ P: _____ R: _____

IMMOBILIZING DRUGS:

<u>Xylazine 3000</u> mg	TIME: <u>~ 6:45 AM</u>
<u>Xylazine 1000</u> mg	TIME: <u>~ 8:00 AM</u>
<u>Xylazine 500</u> mg	TIME: <u>~ 10:30 AM</u>
_____ mg	TIME: _____
_____ mg	TIME: _____
_____ mg	TIME: _____

REVERSAL DRUGS: _____ mg TIME: _____
_____ mg TIME: _____
_____ mg TIME: _____

INDUCTION (TIME): _____
ANIMAL DOWN (TIME): _____
STANDING (TIME): _____
TOTAL IMMOBILIZATION TIME: _____

WAS ANESTHESIA EFFECTIVE? Sedation Adequate

COMPLICATIONS: Ask able to chain and unchain animal with some hazard

COMMENTS: Robust, extremely aggressive and currently in mouth.

VETERINARIAN: BJS

Elephant "Hannibal"

Atropine 6cc = 120mg
 Epinephrine 10-30mg I
 Dopram - 1 vial
 2/15/91

Yohimbine - 375mg

DRUG	Dose	Time	Effects
Azaperone	100mg IM Left shoulder front	9:10	Animal excited and aggressive when darted -
		9:29	Not much effect from azaperone @ 20 minutes - Still charges and moves normally -
Xylazine	1.0 gram IM R shoulder -	9:30	- Capchur dart -
		9:37	Slightly subdued but still charging and aggressive with less force -
		9:41	Tail, trunk, penis hanging - rocking back and forth - still aggressive when noticed me watching.
		~9:55	Larry Joyner (L.J.) attempted to work animal for ~20 minutes - quiet, much less aggressive but would not obey commands and still was aggressive although relatively ineffective. L.J. requests small dose additional
		10:15 -	
		10:30	L.J. able to work around rear end w/o much trouble. Still threatens if gets around front. - working with to get chains on front and rear - Able to work around with caution -
Xylazine	600mg IM hand syringe R shoulder	10:45	

DRUG	POSAGE	Time	Comments -
		11:20	Chained right rear and left front - Difficult to move but does respond negatively to light blows to legs -
M99	6.0 mg IV Ⓛ ear vein	11:30	Animal laid down spontaneously. Admin M99 IV - respiration became very shallow with occasional deep breaths. This deteriorat over a period of 20 minutes to almost imperceptible respiration.
Atropine SO ₄	150 mg IV	~11:50	No noticeable effect.
Dopram	- 400 + 400 IV	~12:00	Noticeable increased respiratory rate and depth but still very deep -
Yohimbine	200 mg IV	~12:15	- further increase in resp rate and quality.
(Yobine) ⁶⁰ Yohimbine	200 60 mg IV	~12:25	- no noticeable effect -
M5050	12.0 mg IV	~12:35	-
		~12:40	Abruptly rises - stands - looks woozy -
		12:50	Looking -

LOS ANGELES ZOO

DAILY TREATMENT CHART

2/16/91

SPECIES: African Elephant

DATE: 2/15/91

I. D.: #animal

INITIALS: BJB

OBSERVATION/TREATMENT

T immobilized for pre-slipment processing - See anesthesia record for details. Total 22 grams xylazine, 100 mg Diprivan, 6 mg M99 for tusk trim - shortened to within 2 inches of live margin w/o hitting root canal. Minor foot trimming - installed chain on left front front leg. Vaccinated with Tetanus toxoid. LA 200 80cc Im as prophylaxis for dart and needle wounds. For respiration during procedure Total 900mg Doxapram, 200 mg yohimbine (Antagonist + yohimbine) and 23mg M93050 before animal aroused. Chilled two hours later, deepy but on feet. Observe for sores on right front due to injections.

2/16/91 - Definitely subdued - much less aggressive but still showing hostility. No lameness noted from injections so far.

17 Feb 91 - Quiet but WNL. Aggressive when A approached gate. No apparent lameness. Fed poorly yesterday / last night.

18 Feb 91 - Appetite slightly improved; C4 barbie, mind appears to wander. Ten minute observation period suggested slight decrease in alertness & activity.

19 Feb) Aggressive - appears to be improving. Small hole in left tusk - root canal exposed?

58-028 1115

LOS ANGELES ZOO

DAILY TREATMENT CHART

SPECIES: African ElephantDATE: 4/1/91I. D.: HannibalINITIALS: BjH

OBSERVATION/TREATMENT

Request for immobilization from trainer to place
 bracelet on front leg in preparation for shipment
 1500 + 500 + 100 mg xylazine by dart in (4 in right
 shoulder / 2 in left shoulder) enabled trainer to
 apply bracelet while animal was standing
 leaning against wall in a heavily sedated state.
 LJ suggests dose was good for procedure but
 too heavy for trailing animal. Suggest dose
 2000 mg xylazine for loading should be adequate.

BjH

LOS ANGELES ZOO

DAILY TREATMENT SHEET

SPECIES: African Elephant
I. D. #: Hannibal #000054DATE: July 10, 1991
INITIALS: BJB

OBSERVATION/TREATMENT

July 10, 1991 - Partial immobilization to measure ^{height} floor crate and test dose drug regimen. See immobilization sheet for details. Azaperone 120mg + Domosedan 30mg resulted in mild sedation but continued aggressive behaviour - 1199 20mg resulted in essentially standing immobilization. Trainer L.J. changed front chain which was too tight. Able to pull forward with rope attached to one front leg. Toward end of immobilization elephant became very obtunded and even sat down on sternum once but rose immediately. MSO50 $\frac{1}{2}$ mg^{IM} + 4 mg IV + 6 mg IV finally resulted in adequate revival so that animal was standing on all fours although still obtunded. Although protocol provided adequate standing immobilization for procedures would definitely not recommend this protocol for tracking an animal as could go down in trailer. At 4 hours animal was eating and mildly aggressive. * Reversed with total of 16mg MSO50

SPECIES: African Elephant
 I. D.: Hannibal #C00054

DATE: Sept 9, 1961
 INITIALS: JAG

OBSERVATION/TREATMENT

Sept 8 Sedation for chawing and trailering.
 Approx 500mg + 1199 2.0mg total dose over a period
 of 5-7 hours enabled trainee to carefully chain animal
 allowed pulling elephant under control \approx 30 yds to
 trailer - still resisted hauling into trailer. Animal
 could not or would not make ~~up~~ step up from
 concrete to trailer. Continued slow hauling by
 winch resulted in both front feet in trailer but
 animal wedged his legs, head and tusks to prevent
 entrance. Animal finally went down in doorway
 and appeared to have cast himself in lateral recumbency.
 Approximately ^{12:30} 4:00pm decision was made b/w LT,
 JG Greenwalt and BTG to ~~so~~ stop procedure and
 return animal to exhibit due to trauma and
 exhaustion of animal. (See notes for details)

Summary

Wounds - numerous abrasions both sides of face
 and torso. Dark wounds ^{all} four legs especially front.
 (L) front digit 3 - loss of entire cornified layer
 of keratin. Portion of sole also appears to
 have been torn loose from foot.
 Potential complications - Restraint myopathy, infected
 wounds especially left front foot, pressure trauma
 from chains and recumbency.

ES-028 1118

LOS ANGELES ZOO

DAILY TREATMENT CHART

SPECIES: African Elephant

DATE: Sept 9, 1971

I. D.: Sammler

INITIALS: SJG-

OBSERVATION/TREATMENT

Summary continued - Drugs given

Aspirin Total 300 mg (5 doses)

Mg²⁺ 2.0 mg (3 doses)Trimethoprim - Sulfal 480 60cc IM Right caudal area
near tail

Vitamin E 40cc (8gram) IM @ inner thigh

MSO50 6.0 mg IM

Naloxone - 400mg given IV in right ear

Plan: Cont with Trimeth/Sulfal^o by tablets (960mg) ~~at~~ 25 tabs
BID x 7 days

Vaccinate tetanus toxoid dist -

Vit E TPGS liquid p.o. per weight basis - along
with Vitamin E^{TPGS} supplemented elephant biscuits -

Biotin supplementation

Immobilize at 5-7 days post this event to clean wounds
and trim feet. Substantial pitting observed on bottom
of soles during lateral recumbency.

LOS ANGELES ZOO ANIMAL IMMOBILIZATION RECORD

African Elephant
SPECIES

~18 yrs
AGE

000054
ISIS #

Hammit
HOUSE I.D.

M
SEX

Sept 9, 1991
DATE

Sedation
REASON FOR IMMOBILIZATION:

Chaining/trailing

~4000kg
WEIGHT:

T: _____
P: _____
R: _____

T: _____

IMMOBILIZING DRUGS:

<u>Azaperone</u>	<u>230</u>	<u>mg</u>	<u>IM</u>	TIME: <u>6:45</u>
<u>M99</u>	<u>1.0</u>	<u>mg</u>	<u>IM</u>	TIME: <u>7:30</u>
<u>M99</u>	<u>0.5</u>	<u>mg</u>	<u>IM</u>	TIME: <u>7:57</u>
<u>Azaperone</u>	<u>120</u>	<u>mg</u>	<u>IM</u>	TIME: <u>8:18</u>
<u>M99</u>	<u>0.5</u>	<u>mg</u>	<u>IM</u>	TIME: <u>9:55</u>
<u>Azaperone</u>	<u>120</u>	<u>mg</u>	<u>IM</u>	TIME: <u>11:10</u>

REVERSAL DRUGS:

<u>MSOSO</u>	<u>6.0</u>	<u>mg</u>	TIME: <u>11:25</u>
<u>Naloxone</u>	<u>400</u>	<u>mg</u>	TIME: <u>1:00 pm</u>
_____	_____	<u>mg</u>	TIME: _____

WAS ANESTHESIA EFFECTIVE? Very good-

COMPLICATIONS: Trainer able to chain animal and walk to trailer (with restraints) Animal

COMMENTS: Down after anesthetic

strongly

INDUCTION (TIME): _____

ANIMAL DOWN (TIME): _____

STANDING (TIME): _____

TOTAL IMMOBILIZATION TIME: _____

REMARKS: _____

Animal went down b/w drug effects and exhaustion after several resisting trailering for ~ 4 hrs.

Azaperone/M99 combination appears to work very well in this very aggressive and dangerous animal.

To achieve the same level of sedation with xylazine one needs more than 2 grams.

PATIENT: African Elephant
 D. No.: Namibia

DATE: Sept 17, 1991
 INITIALS: BJE -

OBSERVATION, TREATMENT

9/17 Generally good appearance - eating well, active -
 Immobilized for foot work and removal of torn nail
 3rd toe (D. Levicat). See immobilization record
 for details. Total of xylazine 600mg + etorphine
 2mg IM + 2mg IV - Went down on right
 side in a slow, atraumatic manner - Anesthesia was
 unremarkable - trimmed & feet - removed and used
 to nail. Blood CBC, panel, serum storage.
 At +/- 1 hour attempted reversal with 8mg
 Yohimbine + 12mg MSO50 IV - slow response
 to repeated (6x) ^{100%} injections of 8mg yohimbine over next
 6 hours. 1st MSO50 8mg - Naloxone 400mg IV
 Animal cast in lateral recumbency - attempts to
 rise getting weaker although awareness appeared to
 increase. Unable to stimulate him to rise in spite of
 continued efforts.

Appraisal: Anesthesia adequate for procedure -

Post recovery - inability to rise - potential for
 severe restraint, myoclonus - "downer elephant"

Possibility of amblyopia from previous tranquilization
 and attempts to load into trailer.

Summary of drug use 1) xylazine 600mg 2) etorphine 4.0mg
 3) atropine 200mg IM 4) yohimbine 640mg 5) MSO50 20.0mg
 6) Naloxone 400mg 7) Dexamethasone 400mg IV 8) Vit E 50cc IM
 9) Depo-penicillin 90cc IM 10) Telamra steroid -

41779

Tyrone, Tex.

9:28 100 mg 300 mg IM @ shoulder

Anterior aspect -

9:45 Patient still alert, responds to name, etc.

9:46 Atropine 0.5 mg IM @ shoulder

Anterior aspect -

10:05 Atropine 300 mg IM same place

Patient still alert, responds readily to name

Anterior aspect, appears more steady

Nauseous to get under meat chisel

to clear airway, to attempt

to lay him down on side -

10:23 5 mg Atropine @ same place

10:25 @ lateral recumbent

resp. 16/min

O₂ insufflation begun

10:27 resp. 16/min

10:31 Atropine 1 mg IM @ shoulder

11:32 Blood drawn 120 ml @ ear vein

10:34 Resp. 16/min

10:40 Resp. 16/min

10:47 Resp. 16/min breaths are deep,

very regular

Vital E } Administered in @

Penicillin } shoulder

Eyes mores occasionally, otherwise

depth of anesthesia adequate

- 10:50: (L) foreleg, lateral aspect.
 superficial abscessation at
 sites of previous excoriations.
 Sites cleaned, salvaged, debrided.
 No other obvious pockets or
 sites of abscessation 2° to
 previous injections
- 10:52 Nail of D-3 that was (L-foot)
 avulsed on 9/8/91 is cut
 off. Site below is debrided.
- 10:53 Resp: 6/min
- 11:00 Resp: 6/min
 Buttefly cath has been maintained
 in @ ear vein - RRS slow
 drip since time of blood draw.
- 11:07 Resp: 6/min - urinating, drip
 work on rear feet.
- 11:11 Jetonus 1M
 E-Se 1M
 Resp 6/min. Urinating, drip.
- 11:15 Urinating strong stream
 Resp: 6/min
 Measurements 13' length (approx)
 10' height
 4½' width

- 11:21 Yohimbine 80mg IV ear vein
- 11:23 H-50 50 (12mg) IV ear vein
- 11:26 Lifts head, moves legs
Remains in right lat recumb.
- 11:27 Resp = 6/min
- 11:28 Lifting head, rocking.
- 11:31 Rocking, attempting to rise.
Resp = 12/min - increased.
- 11:38 Resting in (R) lateral
Resp = 12/min.
- 11:41 Yohimbine via ear vein
2 bottles 80mg
- 11:47 Lateral recumbency (R)
Resp = 9/min. Deep, regular
- 11:55 Hosed down. Rouses minimally.
- 12:06 Hosed down. Minimal response.
- 12:13 8mg H-50-50 IV
- 12:14 Rocks - remains recumbent.
- 12:15 Rouses in noise - rocks, unable
to stand.
- 12:19 Less responsive to noxious
stimulus.
- 12:33 Remains recumbent - minimally
rousable with hose, brushes
hook, etc.
- 12:53 Yohimbine 80mg IV (R) ear - breathing
deep and frequent - very little response to yohimbine
at this point -

1:15 5-10 min after previous yohimbine dose animal exhibited awareness in eyes - more response to noxious stimuli - attempted to rise twice more (stronger) but still unable.

1:16 Yohimbine 80mg IV - More awareness but still unable to rise - several attempts

1:36 Yohimbine 80mg IV

Struggled for next hour - eventually attempts became weaker -

2:30 Broke to allow Hannibal to rest - ~ 1 hour -

3:30 Naloxone 400mg IV resulted in increased attempts to rise -

Pushes himself around in circles but unable to make the effort to rise -

3:50 Yohimbine 80mg IV -

4:15 Continues to struggle - wide awake - various methods tried to get him up - no success -

4:30 Rx Dexamethasone 400mg IV as prophylaxis for myopathy -

LOS ANGELES ZOO

DAILY TREATMENT CHART

SPECIES: African ElephantDATE: Sept 20, 1991I. D.: SumiratINITIALS: BjH

OBSERVATION/TREATMENT

9/20/91 On visual exam appears alert - eating, active but probably sore - moves stiffly. (R) Metatarsal area swollen - may be developing pressure sores at point of shoulder and hip. Wounds/skin lesions on (D) front are apparent. Animal released into yard at ~ 3:00 pm. - walked out slowly, flapping ears, tail, trunk - throwing dirt over ~~was~~ back and sides. Greeted Tara in alleyway. To be released again: 9:30 a.m. tomorrow for press event.

Rx Bute 10grams BID $\frac{3}{5}$

Trimethoprim - Sulfa 960 25 tabs BID

Cont E.TPGS liquid and supplement.

Note: CPK from immobilization 194 u/l - not highly elevated.

Sept 21, 1991 - Observed entire herd in yard - still appears tired but downed leaves against fence. However eats, throws dirt on himself, investigates Toys & Elephant. Eating and taking medications well -

Cont Bute

Dutrin 960 25 tabs BID

Bute 10grams BID $\frac{3}{5}$

3/18 TIME	DRUG	AMT.	TOTAL
10:40	M-99	8mg	8mg
11:24	M-99	6mg	14mg
11:59	M 50-50	34mg	34mg
12:13	M 50-50	4mg	7mg
12:31	M 50-50	7mg	14mg
1:05	M 50-50	6mg	20mg
2:04	M 50-50	14mg	34mg
4:06pm	ACEPROMAZINE	120mg	120mg

3/19

5:05 A.M	xylozine	1000mg	1000mg-
----------	----------	--------	---------

Hannibal immobilization
 WEDNESDAY 3-18-92

- 10:35 AM: Hannibal sedate
 Plan dose with 8mg
 H-99 via cap-chur
 dart.
- 10:40 AM: Dated: a bore in skin
 region of @ elbow.
- 10:52 AM: Animal rocking - quite
 alert.
- 10:58 AM: No change. Consider just
 injection 59 may give add'l
 4mg.
 Animal being observed by
 Larry - animal keeper
 from aisleway
- 11:10 AM No update.
- 11:18 AM No further change.
- 11:24 AM Add'l 6mg H-99 @ shoulder
- 11:28 AM Down sternal - plan to
 wait about 5 min. prior
 to further intervention.
- 11:35 - 11:55 Manipulation of front
 legs for chain placement.

- 11:59 AM Administration of 3 mg 50-50
 ml. Attempt to slowly
 reverse animal for manipulation
 of rear. AK Larry Boyner
 advised of risks of excitable
 phase - complications, danger
 of partial reversal. Injection
 given in @ triceps muscle.
- 12:03 PM More exaggerated movement
 of ears, sl. movement of
 trunk at base.
- 12:05 PM Same plus sl. head sway.
- 12:08 Non-responsive to \bar{F} by AK
- 12:13 Adm. of 4 mg 50-50 @ triceps region
- 12:16 mild response (head movement) to \bar{F} by AK
- 12:20 sl. vocalization (grumble), ↑ ear movement
 + more consistent, small head sways.
 Holding head up more.
- 12:31 Adm. of 7 mg 50-50 @ triceps/shoulder
 sl. rspns to injection.
- 12:34 ↑ head sway/bob and trunk twitches
- 12:36 Marked response to AK \bar{F} . Vocalization, shifted
 body
- 12:39 Moving head + trunk in a coordinated fashion
- 12:45 slightly more head, trunk + ear activity
 otherwise same. Sternal (whole time)
- 12:50 Neck attempt to rise (forequarters)
 Remaining sternal

- 1:05 additional 6mg m50-50 @ tricep
 1:08 attempted to rise forequarters
 1:09 " " " twice more
 1:11 attempted to rise - almost sitting then
 back to sternal
 1:17 attempt to rise to sitting
 1:18 continued attempts - x 2-3
 1:22 weak attempt to rise
 1:29 strong attempts - shifting body position
 & location - unsuccessful @ rising.
 1:42 ~~4hr~~ no change. Sternal.
 1:44 strong attempt. Nearly up once
 2:04 additional 14mg m50-50 @ hamstring
 Status same
 2:17 achieved standing momentarily, then
 back down
 3:07 Down full sternal - fighting chain
 unable or unwilling to rise -
 4:06 - After repeatedly rising and sitting
 suggests that he is either scared
 because he has not had chains
 on for years or he is angry.
 As he has the ability to lay down
 or get up, elected to give him
 ACEPROMAZINE 1hr to calm him.
 Will he accept chains.

5:30 - Stenal

~ 5:45 - Up but shaky -

6:50 - Hamulala's condition steadily improving - at this point one chain out and fastened through crate.

9:00 Chains secured and placed through crate -

March 19, 1992

4:15 A.M. Elephant standing, has eating all night. Appears strong, close to normal according to Larry Joyce -

5:05 AM. After discussion with Dr. Boehm and Ewevara elected to use 1000mg xylazine by ^{IV} start IM. Elephant requires adequate sedation for entering crate but not so heavy that he will lay down either in the barn or in the crate. Dosed in left Triceps brachii - he will be left in darkened barn for 1/2 hour undisturbed. At that time he will be checked by Larry and myself - hoses will be connected to both rear legs in order to play out chains slowly.

- 5:45 AM - Looked at Hannibal - appears calm but responsive - Larry will attempt to place rope on back leg to evaluate condition. If he responds appropriately
- ≈ 6:10 - One foot in crate - Head wedged on side
- 6:20 Head + front feet in -
- 6:50 Larry J. Elephant down on sternum on knees - Larry J. decided to pull him in before he has a chance to wedge himself - Pulled in alternate feet ≈ 1 foot at a time.
- ≈ 7:00 animal in crate on knees - Then stood up - sedated leaning on side of crate.
- 7:50 Bull bar placed behind him. Plan is to allow him to stabilize before moving crate -
- 8:04 In process of tightening rear leg chains - Hannibal down on sternum - attempting to get up - crate is on the start - wood floor moderately slippery - unable to rise -

- 8:25 - Plan - secure animal in crate
 Move crate to level ground so
 animal can stand up -
 Animal attempted to stand up
 w/o success - floor appears slippery -
- 9:30 Tow cables attached to crate
 Elephant secure in crate -
 In process of hauling crate out of
 aisleway onto level ground -
- 9:40 Back gullotine gate down -
 Crate moving out -
- 10:15 A.M. Animal still not able to rise -
 LAFD using lift bags to raise rear
 end of crate to help him get up on
 feet. Floor of crate appears to be
 slippery -
- 10:40 Crate level - still unable to stand up.
 L.J. Requested reversal agent -
 By pole syringe - (L) & (R) rear upper
 thighs -
 Yohimbine 60cc = 120mg IM
 V. + E 2cc
 Vit E-Se 3cc
 Tetanus Toxoid 2cc IM -

67

11:10 A.M. Animal still down. Has difficult time getting feet under him.

Administered 120mg yohimbine IM in rear end. — Concerned about temperature and muscle condition — overexertion.

11:45 As of now has received 240mg yohimbine $\sim 0.05\text{mg/kg}$. To ~~produce~~ ^{produce} xylazine as a problem — bring dosage up to 0.1mg/kg with 240mg (120cc) 6 vials yohimbine IM in rear —

5:00 P.M. After numerous attempts to get up, all unsuccessful — attempted to lift him with a belly band and fire truck wrench. He did not even attempt to move. ~~and~~ Appears glassy eyed and has "given up" at this time. Possibility that the abdominal band cast him much as a cow is cast with a rope around its chest and waist.

Friday March 20, 1992

7:10 a.m. ~~Went~~ Went directly to barn to check Hannibal. L.J. Reports that George checked him at 1:00 a.m. and he was moving. Checked again at 5:00 a.m. and he was dead. I went around front to check and confirmed that he was dead — Lora Larava arrived at Elephant house — I informed her — Informed she decided to inform director herself.

Meeting Dr. Goldstein's office

9:45 Staff meeting — mandatory/functional —

10:00 press conference —

Media advisory —

Calls to re: Hannibal → [Roseann] ⇒ Lora's office —

Points —

Died —

Loss — died trying to better his condition —

~~#~~ Ron Whitfield Africa U.S.A. —
Phil Enslay

THE ARK TRUST



FAX COVER LETTER

TO: Connie OIDA

ATTENTION:

FAX NUMBER: 415/453-0510 DATE: 22 June

FROM: Holland FAX: 818/786-9070 TRANSMITTED:

Number of pages (including this cover letter): ~~5~~ 6

MESSAGE:

Connie -
when you \$ @ Katz
we looked this over, feel
ee to call re the
eams (notice at end of
FAX)
Best
MVD

3. It can be hypothesized that the following were contributing factors: ... residual effects of the tranquilizers administered earlier in the day.

3. Page 58

March 13th

Xylazine 3,000 mg

Xylazine 1,000 mg

Xylazine 500 mg

- Romper

Page 60

March 18th

Drug	Total
M-99	8 mg
M-99	14 mg
M50-50	3 mg
M50-50	7 mg
M50-50	14 mg
M50-50	20 mg
M50-50	34 mg
Acepromazine	120 mg

M-99 8 mg

M-99 14 mg

M50-50 3 mg

M50-50 7 mg

M50-50 14 mg

M50-50 20 mg

M50-50 34 mg

Acepromazine 120 mg

- Imobline

COMMENT: No mention is made in the official paper of drug protocols administered the day before and five days prior.

4. Hannibal was administered a commonly used animal tranquilizer in an amount that was one-quarter of what he had received previously with no adverse side effects.

*acepromazine had the vein
what?*

*neglect fall other
to maintain*

what are: Xylazine

M-99

M-50-50

4. Page 36 (59)

September 8th Daily treatment chart

Sedation for chaining and trailering ...

animal could not or would not make step

up from concrete to trailer. Continued

slow hauling by winch resulted in both

front feet in trailer but animal wedged his

legs, head and tusks to prevent entrance.

Animal finally went down in doorway and

appeared to have cast himself in lateral

recumbancy ... decision was made ... to

stop procedure and return animal to exhibit

due to trauma and exhaustion of animal.

Page 41

September 17th Daily treatment chart

Immobilized for foot work and removal of

torn nail animal cast in lateral recum-

bancy - attempts to rise getting weaker

although awareness appeared to increase.

Unable to stimulate him to rise in spite of

continued efforts ... poor recovery - inability

to rise - potential for severe restraint

myopathy - "downer elephant". Possibility

of myopathy from previous tranquilization

and attempts to load into trailer.

COMMENT: Detailed chronology of drug reaction on pages 43, 44, 45 and 46. Note that at 10:25 AM there was right lateral recumbancy and at 4:15 PM Hannibal still down, attempting to rise with no success.

COMPARATIVE ANALYSISEXCERPTS (*ITALICS*) TAKEN FROM:**STATEMENTS ISSUED BY THE LOS ANGELES ZOO - INFORMATION ABOUT THE DEATH OF HANNIBAL THE ELEPHANT**

One page flier:

1. *An hour after he entered a specially designed transport crate, Hannibal knelt down.*

COMMENT: Contrary to the official Zoo report, the problems began at entry, not one hour after entry.

2. *At 5:30 AM Hannibal was reported dead having shown no previous signs of distress during the night. (Underline ours)*

COMMENT: Report does not indicate around the clock attendance. From the March 19 5:00 PM report of his condition, it is fair to conclude that he suffered distress up until his death at 5:00 AM.

PAGES FROM THE KEEPER RECORDS OF DOCTOR BEN GONZALES - LOS ANGELES ZOO VETERINARIAN

1. Page 65

March 19th 6:10 AM One foot in crate - head wedged on side

6:20 Head and front feet in

6:50 Elephant down on sternum on knees - Larry J decided to pull him in before he had a chance to wedge himself - pulled in alternate feet - 1 foot at a time.

7:00 Animal in crate on knees - then stood up - sedated leaning on side of crate

8:04 In process of tightening rear leg chains - Hannibal down on sternum - attempting to get up - crate is on the slant - wood floor moderately slippery - unable to rise.

2. Page 67

March 19th 5:00 PM

After numerous attempts to get up, all unsuccessful - attempted to lift him with a belly hand and firetruck winch. He did not even attempt to move. Appears glassy eyed and has "given up" at this time. Possibility that the abdominal band cast him much as a cow is cast with a rope around it's chest and waist.

Page 68

7:10 AM Friday, March 20th

... George checked him at 1:00 AM and he was moving. Checked again at 5:00 AM and he was dead. (Underline Gonzales')

(Additional examples of adverse side effects:)

Page 61

March 18th Hannibal immobilization
10:35 AM Sedate plan dose
11:28 Down sternal

Page 62

12:45 PM Sternal (whole time)
12:50 Weak attempt to rise
(forequarters) remaining sternal

Page 63 Detailed chronology of drug reaction continues -

4:06 PM After repeatedly rising and sitting suggest that he is either scared because he has not had chains on for years or he is angry.

Page 64

5:45 Up but shaky

The Issues and Events (In depth version)

1. A customized transport crate was constructed, taking into consideration Hannibal's previous reluctance to step up into the trailer. The crate was wood on the inside to provide Hannibal with maximum comfort.
 1. Page 65
8:04 Wood floor moderately slippery - unable to rise
 - Page 66
8:25 Floor appears slippery
10:15 Floor of crate appears to be slippery
COMMENT: It would seem that a customized crate would assure stable footing for the elephant.
2. The move progressed using the restraints on Hannibal's feet to encourage him forward into the crate. Hannibal was safely contained within the crate by 7:00 AM in a standing position.
 2. Page 65
6:10 One foot in crate - head wedged on side
6:20 Head and front feet in -
6:50 Elephant down on sternum on knees - Larry J. decided to pull him in before he has a chance to wedge himself - pulled in alternate feet - one foot at a time.
7:00 Animal in crate on knees - then stood up - sedated leaning on side of crate
3. While the use of the harness and hoist was successful, in raising Hannibal into a position in which his feet were under him, he was unable or unwilling to bear weight on them.
 3. Page 67
5:00 PM He did not even attempt to move. Appears glassy eyed and appears to have "given up."
4. An experienced elephant keeper was posted on duty all night to observe Hannibal.
 4. Page 68
March 20th 7:10 AM
L.J. reports that George checked him at 1:00 AM and he was moving. Checked again at 5:00 AM and he was dead. (Underline Gonzales')

COMMENT: It is clear from this report that Hannibal was not attended throughout the night.

USDA APHIS Report by Wm. R. DeHaven

1. Hannibal was sedated with only 1/4 the normal dose of Rompun (1,000 mg) he had received previously.
2. He entered the crate especially built for this move without incident and stood in it for approximately one and a half hours before lying down. (Underline ours)
3. The animal's history indicates that lying down is his customary response to a stressful situation.
4. It became apparent that he would need mechanical help, and Zoo personnel decided to let him rest through the night and to help him up at about 10:00 AM on March 20th.
5. ... the Zoo had attempted this move to Mexico in September 1991, during which Hannibal went down. He was successfully hoisted to his feet and recovered without incident.

1. COMMENT: DeHaven's report made no mention of tranquilization administered on March 13th and 18th.

2. Page 65
COMMENT: Refer to earlier - see 6:10 AM through 8:04 AM detailing a difficult entry and inability to stand without support for one hour.

3. COMMENT: The animal's history indicates that lying down is his customary response to drugs.

4. Page 67
5:00 PM After numerous attempts to get up, all unsuccessful - attempted to lift him with a belly hand and firetruck winch.
COMMENT: He had already received mechanical help, to no avail.

5. Page 36
Daily treatment chart September 8th
Sedation for chaining and trailering
Wounds - numerous abrasions both sides of face and torso. Hook wounds all four legs especially fronts. Left front digit 3 - loss of entire cornified layer of toenail. Portion of sole also appears to have been torn loose from foot. Potential complications - restraint myopathy, infected wounds especially left front foot, pressure trauma from chains and recumbancy ...

Page 37
Immobilize at five to seven days post this event to clean wounds and trim feet.
Substantial pitting observed on bottom of soles during lateral recumbancy.
COMMENT: Without incident?

PUBLIC HEARING NOTICE

AGENDA

Independent Commission to Investigate the Death of Hannibal

Monday - June 29, 1992

9:30 a.m. - Room 340, Council Chamber - City Hall
200 North Spring Street, Los Angeles

Appointees: DR. WILLIAM M. BLACKMORE, D.V.M., Chair
MR. EDWARD C. CUBRDA, Member
DR. DONALD E. PAGLIA, Member, ?
DR. WILLIAM W. PUTNEY, D.V.M., Member
DR. MICHAEL J. SMITH, Member

MS. CHERYL R. SHAWYER, Technical Advisor

(Staff liaison: Will Hines (213) 485-3329 and Yolanda D'Oliveira
(213) 485-5751, Office of the Chief Legislative Analyst)



SUBJECT

(1)

Public Hearing relative to the circumstances of the death of Hannibal, an African bull elephant that died at the Los Angeles Zoo on March 20, 1992.

with my statement

Who are people on Commission?

INDEPENDENT COMMISSION TO INVESTIGATE THE DEATH OF HANNIBAL
Monday - June 29, 1992



ANHEUSER-BUSCH COMPANIES

Richard F. Keating
Vice President
National Affairs

July 20, 1992

The Honorable Charlie Rose
Chairman
Committee on Agriculture
Subcommittee on Department Operations,
Research and Foreign Agriculture
U. S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you once again for inviting us to testify concerning the treatment of animals that are used in exhibitions. As promised in our last correspondence, attached please find written testimony offering greater insights into the practices and policies we follow to provide the best possible care for animals at our Sea World operations.

The testimony was prepared by Brad Andrews, who is Vice President and Director of Zoological Operations for Sea World Incorporated. It will give Members of your Subcommittee a clear picture of the thought and care that go into providing a healthy environment for the animals at Sea World. There also is an addendum prepared to address unsupported allegations and mistaken criticisms of Sea World made to the Subcommittee in written or verbal testimony. We request that both the testimony and the addendum be included in the hearing record.

Again, we would like to extend to you and to the Members of the Subcommittee an invitation to conduct an inspection visit to any of our Sea World parks or our operations at Busch Gardens-Tampa. We would be pleased to have you inspect our operations.

Sincerely,

Richard F. Keating
Richard F. Keating

(Attachment follows:)

Anheuser-Busch Companies, Inc.
Republic Place
1776 I Street, NW
Suite 200
Washington, D.C. 20006
(202) 293-9494

BRAD F. ANDREWS
HEARING ON ANIMAL WELFARE
ACT -- ANIMALS USED FOR EXHIBITION
WASHINGTON, D.C.
JULY 8, 1992

My name is Brad Andrews, and I am the director of zoological operations for Sea World Incorporated.

I have worked with marine mammals for more than 20 years and have been an employee of Sea World since 1987. I started with the company as associate curator in San Diego ... became curator of mammals in Orlando ... then vice president of marine mammals for all of Sea World and assistant zoological director for all of Sea World ... before assuming my present position in 1991. Before joining Sea World, I worked at Marineland of the Pacific in Rancho Palos Verdes, California, in a variety of animal care and animal management positions over the course of 15 years.

Sea World believes that zoological displays are the most effective means of acquainting and educating the public about wildlife. Live animals gain a person's interest in a way not possible through static exhibits, books or films. By exhibiting animals, zoos, marine parks and aquariums help stimulate public support and concern for wildlife preservation and environmental conservation.

The public obviously appreciates the opportunity to experience animals first-hand. During the 1980s, total attendance for all zoological facilities grew more than 20 percent; Sea World's attendance grew 48 percent during the same period. In fact, each year more than 110 million people visit zoos, aquariums and wildlife parks. That's twice the attendance of major league baseball. The four Sea World parks alone play host to about 10.5 million visitors a year. We also reach more than 600,000 children a year through our formal and outreach programs. During the past 20 years, these programs have reached 7.2 million children.

Of course, as the public supports these institutions, it has the right to expect that the animals in their care will be given the highest-quality, most humane treatment available. We at Sea World certainly believe in this principle. We work hard to care for our animals, and we welcome the legitimate role that government plays in ensuring the public that we do so.

At Sea World, we believe we have effective systems in place at our parks in San Diego, California, San Antonio, Texas, Orlando, Florida, and Aurora, Ohio, to ensure the best possible care for our animals. Their behavior indicates that our animals are in fact thriving in the environment we provide them. We stand ready to open any of our operations at any time to inspection by any and all appropriate government agencies.

Through this testimony, we would like to address the specific questions raised by Chairman Charles Rose. Also, as he requested, we will provide the information we believe to be relevant in evaluating our operations.

The Sea World Philosophy of Animal Care

The cornerstone of Sea World's philosophy of animal care is to provide the highest quality care, thereby preventing health problems to the fullest extent possible. In many aspects of animal care, especially with marine mammals, Sea World has set the standard for zoological parks. To this end, Sea World employs six full-time and four part-time veterinarians. One of them is trained as a clinical pathologist. Another is trained in veterinary radiology.

In addition, we have a staff of experienced curators who share the responsibility of developing, implementing and monitoring our preventive health programs.

Each week -- and more often if necessary -- we consult with each other via telephone to discuss general procedures and any specific situations we might encounter. When necessary, we also consult with other marine mammal veterinarians and specialists representing a wide range of disciplines at hospitals, laboratories, veterinary colleges and other institutions. This network of professionals is supported by a staff of medical technologists and animal health technicians working in fully equipped animal health laboratories at each Sea World park.

In addition to observing our animals on a daily basis, we also give them physical examinations at scheduled intervals. These exams are done with minimal disruption to the animals' normal activities and yield valuable normal data. They also support our on-going health monitoring program. To aid in this process, most of our animals are taught a number of husbandry behaviors. For example, killer whales will present any part of their external anatomy to allow a close visual and tactile exam by the veterinarians. They also cooperate in the collection of data about body size. These behaviors allow for the routine collection of blood, urine, stool and respiratory samples for laboratory analysis. Sea World has led the zoological community in husbandry training, which reflects our experience and the relationships between trainers and animals.

Veterinarians make daily rounds, during which they discuss each animal's behavior. As with most non-domestic species, close scrutiny is required to pick up the often masked signs of illness.

Our in-park laboratories and technicians also monitor water quality and, if necessary, dispense medication prescribed by the veterinary staff. Thorough records are maintained for each animal.

The labs, incidentally, help care not only for Sea World animals but also for animals that have come to one of our parks as a result of injury or illness and through our participation in the Marine Mammal Stranding Network. Sea World's routine blood analysis yields data on 38 different hematologic and serum chemistry parameters.

In addition to the previously mentioned laboratory instrumentation, Sea World also owns and employs X-ray equipment, ultrasound, general anesthesia, automated blood chemistry analysis, fiber-optic endoscopy and respirator units as part of its animal care program. Our killer whales, for example, have available to them the most advanced facilities possible, and the benefit to their on-going health and care is substantial.

However, as important as these things are, the basis of Sea World's animal care program is not found in the equipment used to care for our animals. Instead, it can be found in the five elements we believe essential in caring for our animals.

Most important are the dedicated, professional, highly experienced individuals who provide animal care. Their expertise is critical in providing for the well-being of the animals.

Second, we make sure that a specific facility is suited to a particular species. Facilities are designed specifically for killer whales and other species. Consideration is given to enhancing the ability of the animals to reproduce successfully and rear their young. In fact, marine animals in controlled environments are spared many of the problems affecting their counterparts in the wild, including such things as parasites; predators; natural toxins; natural disasters such as freezing, pollution and variations in the availability of food; and the potentially lethal need to compete with humans for food. Controlled environments are especially beneficial for older animals. Due to Sea World's advanced husbandry program, we can more easily detect changes in the animals' conditions and adjust care accordingly.

Third, we maintain the quality of water for the animals. Our standards for maintaining purity, salinity, temperature and other variables are extremely important. We have staff members who monitor and maintain water quality 24 hours a day. Because of the quality of our water, our animals experience a substantial improvement on the pollution and other water-quality problems that are becoming more prevalent in the wild.

Fourth, we ensure that each of our animals receives a balanced, nutritious diet. The whales and dolphins at Sea World dine on a variety of restaurant-quality fish. Their diet is augmented with a vitamin supplement designed to meet the needs of fish-eating animals. Sea World developed this vitamin supplement, and it is now being used by many other institutions.

Finally, we work hard to ensure that our animals are grouped in a way that each one can thrive in a suitable social setting. We believe our best indications of success in this area -- and indeed the best indications of our overall success -- are our widely recognized, successful breeding programs.

Breeding

Biologists consider successful reproduction to be a primary indication of whether an animal is healthy and well-adapted to its surroundings. We consider breeding to be successful only if the offspring survive and thrive. At Sea World, we have had six successful killer whale births since 1985. Since establishing our killer whale breeding program in the early 1980s, we have invested more than \$130 million in facilities, care, professional staff, research and other aspects of the program. This is despite the fact that some people told the Commerce Department's National Marine Fisheries Service in the early 1980s that a killer whale breeding program would be impossible.

Of the more than 80 dolphins at Sea World, more than half were born in the parks. By all indications, these animals are well-adjusted to their environment and are doing well. These indications include behavior in such areas as social activity, feeding, reproduction, energy levels, appearance and responsiveness to Sea World personnel.

Animal Acquisition

Obviously, many of the animals in our parks were born in our parks, and our successful breeding programs have become a major source for our animals.

We also obtain some animals from other marine parks and aquariums both within and outside the United States. In all cases, these acquisitions are carefully monitored and must be approved by the National Marine Fisheries Service and/or the U.S. Fish and Wildlife Service. We cooperate fully with these agencies in providing the information they require to rule on acquisitions.

We have not collected any marine mammals from the wild in many years. Nevertheless, collection for purposes of exhibition and research is specifically provided for in the Marine Mammal Protection Act. This provision recognizes that public display for purposes of education is a valid and worthwhile activity. When done humanely by experienced personnel in compliance with all government requirements, we believe a positive purpose can be served by collection of a regulated number of dolphins and other wild animals for exhibition to the general public. While we have not collected marine mammals in many years, it might be necessary at some future date to collect small numbers of animals from the wild in order to maintain genetic diversity or enhance the survival of species in the wild. Limited collection for purposes of research and education, we believe, is appropriate.

It should be recognized that marine mammals have not been collected indiscriminately from the wild. Throughout the world, there are only about 40 killer whales in collections, including 14 at Sea World. Seven of Sea World's killer whales were born in marine parks. Of all marine mammals added to North American collections between 1983 and 1988, 67 percent were the result of breeding programs and only 22 percent came from the wild.

Life Spans

The most recent and reliable scientific information indicates that life spans of killer whales and dolphins are similar whether these animals are in marine parks and aquariums or in the wild. To the extent that killer whales have been objectively studied in the wild, the most recent and reliable scientific information, attached to this testimony, indicates a maximum life span in the range of 25 to 35 years old.

Some groups have claimed that mortality rates are higher in a zoological setting than in the wild. For evidence, they cite a paper authored by Karen L. Steuer, who was formerly affiliated with the Center for Coastal Studies. The paper was paid for by three groups opposed to the display of cetaceans -- the Animal Protection Institute of America, the International Wildlife Coalition and the Humane Society of the United States.

In her paper, Ms. Steuer acknowledged that she had not demonstrated there was a problem. She wrote: "Current rates of survivorship for captive adults of the three species (killer whales, bottlenose dolphins, beluga whales) analyzed in this study appear -- in some institutions -- to be approaching survivorship of adults in the wild. Certainly, continued study over longer periods and with larger sample sizes, particularly in the case of orcas and belugas, is warranted before any definitive statements can be made."

Furthermore, Ms. Steuer concluded that there is no correlation between higher dolphin mortality and the size of the pool, depth of the pool, source of water in the pool or having dolphins participate in presentations. These are all allegations that have been made by groups favoring an end to the display of killer whales and dolphins.

Training and Presentations

Because the subcommittee is focusing on issues surrounding performance, we would like to discuss in detail our training processes.

We believe our training processes provide our marine mammals with an environment that is conducive to their health and well-being. The welfare of our animals is absolutely our highest priority.

By offering animal shows and similar presentations to the public, we are helping millions of people learn more about marine mammals and raising their level of concern for the future well-being of these creatures. The behaviors exhibited in our programs are extensions of natural behaviors seen in the wild, such as jumps, side breaches and spins. The only difference is that in our parks, these behaviors are conditioned or paired to a stimulus, such as a hand signal or the body position of a trainer.

It is important to note that animals are never forced to participate. Whether before an audience or behind the scenes, if an animal shows a reluctance to do anything, we simply wait until it is ready.

Marine mammal training is a relatively new field in behavioral science. Our trainers have pioneered many of the procedures and techniques used today by animal training specialists throughout the world.

We interact with our killer whales and dolphins in a system known as positive reinforcement. Accordingly, all interactions and behaviors with our animals are reinforced with positive responses. These include food, physical rubdowns, spoken praise and visual stimulation such as hand-clapping and water-splashing.

Through our experience and through scientific study, we have found that reinforcement variety seems to stimulate these animals. Punishment of any kind, such as food deprivation or physical harm, is never used; we teach the animals that learning is always a positive experience and that incorrect responses or actions are inconsequential.

A particularly important aspect of our training program teaches the animals to allow us to enter the water and safely interact with them from shows, educational demonstrations and husbandry procedures. This process is called water desensitization.

Another important safety feature of this program is the training of an underwater recall tone. When the underwater tone is played during any water interactions, the animals are taught to leave the trainer and swim to a designated position in the pool. Safety for our animals and our trainers is paramount. For example, only our most experienced trainers work with the killer whales, and each one of them is regularly re-evaluated on all aspects of training.

All employees in the training department undergo extensive in-house training, including seminars, pool-side instruction, videotapes and textbooks. Our employees learn about husbandry procedures, animal physiology, water rescue techniques, cardiopulmonary resuscitation and area operating procedures.

It is also important to stress that we use training procedures to teach our animals to cooperate in physical examinations. The animals are taught to accept different types of touch as well as to present certain body parts to the trainers and veterinarians, allowing them to perform routine examinations. The acceptance of touch is the foundation for mutual trust, and this is the starting point from which all other husbandry behaviors are conditioned. We give the animals the following types of examinations -- oral and dental, respiratory, anatomical measurements, weight, X-ray and ultrasound, urine samples, milk samples and blood samples.

In summary, we use only the most advanced principles in training our animals. Training helps us provide the best possible care for them. This in turn strengthens the quality of the experience our guests enjoy when they visit Sea World.

Research and Rescue

While the focus of the subcommittee is not on the areas of research and rescue, we would be remiss not to inform the subcommittee of our efforts in this area.

Our research programs are integral and basic components of zoological operations at all Sea World parks. Research interfaces with and supports our conservation and education programs. Each year Sea World parks receive 50 to 70 individual research proposals, mostly from marine scientists outside Sea World. About 80 percent of these proposals are accepted. Sea World collaborates extensively with investigators at state and federal agencies, colleges, universities, and other organizations both within and outside the United States.

We do basic research, which emphasizes life history and husbandry parameters. For example, we have learned that the killer whale's gestation period is about 17 months -- not 12 months, as previously believed. We also are learning about killer whale nursing patterns, weaning behavior, calf growth and vocal behavior.

Before leaving the subject of research, it should be noted that Sea World staff members have authored or co-authored more than 300 published abstracts, book chapters, technical reports and peer-reviewed papers. Since 1988, Sea World staff members have authored or co-authored more than 50 peer-reviewed or edited documents and more than 80 published abstracts.

In the area of rescue and rehabilitation, each year the Sea World parks rescue dozens of injured or sick marine mammals, river otters and birds. Two of the killer whales that have been at Sea World came to us through our rescue efforts. Both suffered from bullet wounds when we were called in to help them.

In California, Sea World has rescued more than 1,600 marine mammals, mostly pinnipeds such as sea lions and seals.

After the Valdez oil spill, Sea World staff members helped develop a treatment for sea otters caught up in the spill. By treating them with an activated charcoal substance, oil can pass through their systems without causing further harm.

At Sea World of Florida, staff members have responded to more than 600 cetacean beachings since 1973. Sea World of Florida is a key element in the Florida Marine Mammal Stranding Network.

Since 1976, Sea World of Florida also has responded to more than 100 stranded, sick or injured Florida manatees. Thirty-two of these endangered mammals have been returned to the wild. Sea World also played an important role in the early years of the manatee carcass salvage program.

Each year, we help rescue a number of sick, injured or beached sea turtles, river otter pups, ducks, herons and egrets.

Our rescue operations also play a role in research. They yield basic biological information for species rarely seen at sea. For example, the pygmy sperm whale is one of the most commonly stranded cetaceans on the east coast of Florida. Rescuing these animals has resulted in the collection of a vast amount of natural history data about this species.

Studies of sick or injured Florida manatees, beached pinnipeds, and bottlenose dolphins are all helping to establish information about normal patterns and variations for these species.

We believe it should be apparent that Sea World brings a number of important resources to the task of preserving animals in the wild. These resources are available because of the widespread support and appreciation our mission enjoys.

Conclusion

Sea World has remained focused on its mission for more than a quarter of a century. That mission is simple: To present marine life in a manner that is meaningful to the public so people of all ages can gain a lifelong appreciation of marine species.

Zoological displays are the most effective means of acquainting and educating the greatest numbers of people about wildlife. Live animals hold a person's interest in a way not possible with static exhibits. In fact, the public's increased interest in wildlife and the environment has been caused in part by the popularity of zoos and aquariums.

Presentations by our animals are part of the process of increasing concern for the animals on the part of the public. Through our presentations, our animals exhibit natural extensions of behaviors that are seen in the wild.

Our animals receive the finest of care. Our program of care is built on five principles:

First, we employ dedicated, professional, experienced individuals to care for our animals.

Second, we ensure that a specific facility is suited to a particular species.

Third, we maintain water quality through high-quality filtration and circulation and constant monitoring.

Fourth, we provide a high-quality diet.

Fifth, we group the animals so that each one can thrive in a suitable social setting.

Without the enjoyable experiences offered by institutions such as Sea World, public education as well as research, rescue and rehabilitation efforts all would be hampered. Sea World provides the set of resources needed to accomplish these tasks.

We thank the subcommittee for the opportunity to present this testimony.

###

ADDENDUM TO SEA WORLD TESTIMONY

Sea World would like to respond to some specific complaints and criticisms made to the subcommittee in written or spoken testimony. These statements and our responses are detailed below.

First, it was stated that life spans and mortality rates of marine mammals at Sea World are unacceptable and demonstrate that these animals cannot be kept in marine parks. It should be understood that it is no small personal loss to us at Sea World to have an animal under our care die, because we view all life as important. Nevertheless, death is a natural part of the cycle of life. It is irrational to imply that because animals die at Sea World, the care and the environment provided must be suspect.

Six killer whale calves and more than 40 dolphins have been born successfully at Sea World. The ability to reproduce successfully is a primary indication of whether an animal is healthy and well-adapted to its surroundings. We believe our successful breeding programs indicate that killer whales and dolphins can thrive in our parks. It is true that some animals are stillborn or lost before birth, but this also happens in the wild. It also has been claimed that Sea World is responsible for the deaths of some animals during capture. This is simply not true.

In many cases over the years, animals have been provided a home at Sea World after suffering injuries or diseases in the wild that have caused their lives to be shortened. This is a fact often ignored or glossed over by those who allege that the life spans of our animals are shorter than they should be.

In fact, the best scientific evidence indicates that mortality rates and life spans for marine mammals in marine parks and aquariums are similar to those in the wild.

Another complaint is that Sea World "bastardizes" education and perpetuates a "utilitarian" perception of nature.

In fact, Sea World's formal education programs have reached more than 7.2 million children in our country. On a yearly basis, we educate more than 600,000 children. The teachers who work with us to make this happen obviously feel as though we are a valuable educational resource.

Nor is it accurate to say we teach a utilitarian view of nature. Our own experience indicates that, through their contact with Sea World, many people become more concerned about the plight of whales and dolphins in the wild. They have more respect for the animals, not less, after coming in contact with them.

It has been noted to the subcommittee that Sea World of California was cited by Regional Water Quality Control for being out of compliance for discharging wastes into Mission Bay. The implication is that water quality for our animals was somehow impaired. In fact, this matter in no way relates to the quality of water for animals in our parks and should not be construed as such. The water quality levels in our pools are regularly monitored to maintain a healthy environment for the animals. On the matter cited, the park has spent more than \$2 million for a wastewater treatment system to bring us into compliance with discharge regulations.

It also has been implied to the subcommittee that animals have been harmed by or died because of less than adequate water quality at Sea World. This is untrue. No harm has ever come to an animal at Sea World because of water quality problems.

It was stated that causes of death cited in the Marine Mammal Inventory Report indicate that Sea World often lets animals ingest foreign objects. In the 28-year history of Sea World, a few animals have died in cases related to the ingestion of foreign objects. These cases have been rare, and Sea World regrets them. When they have happened, we have studied the problem and instituted procedures to guard against reoccurrences.

Critics have also complained that the death of Kandu at Sea World of California indicates that the park keeps incompatible marine mammals in the same enclosure. In fact, Kandu died of a freak accident. While in a holding pool before a performance, she tried to exert dominance over another female in the pool by raking her. Raking is a social interaction common among cetaceans in the wild and in captivity.

Kandu struck the other whale, Corky, at such an angle and with such force that her upper jaw structure was fractured, leading to hemorrhaging into the nasal passages.

Critics also have said that Kandu's aggressive behavior was unusual and occurred because she was kept in a facility too small and inadequate for her needs. As stated above, raking and similar behaviors to express dominance are natural in this species. Kandu's death was a freak accident, but the behaviors that led to it are not unusual. In fact, Sea World provides the highest quality facilities for its animals, far exceeding prescribed government standards in almost all exhibits.

It also has been stated that three accidents in 1987 demonstrate that Sea World does not take proper precautions to avoid harm to the handlers of marine mammals. Ignored, however, is the fact that in the same year, Sea World commenced a detailed review of its employee training and safety procedures. Thereafter, Sea World implemented an enhanced employee training and safety program. Since implementing this program, there have been no accidents involving killer whales at Sea World facilities.

A complaint also was made that children and adults may be at risk of contracting diseases from close encounters with marine mammals. There is nothing in scientific literature to support this allegation. Sea World has never experienced an instance of disease being transmitted between animals and humans.

It was implied that support for public display is diminishing among the American public. In fact, such support is increasing. Total attendance for all zoological facilities, including those of Sea World, increased more than 20 percent during the 1980s. Sea World's attendance grew by an even greater amount, 48 percent, during the same period. Each year, more than 110 million people visit zoos, aquariums and wildlife parks. That's twice the attendance of major league baseball.

According to a survey commissioned by Sea World this year, 89 percent of American adults agree that it is perfectly all right to keep animals in zoological environments as long as they are given quality care. More than 90 percent of adults agree that zoos and similar institutions are valuable for educating the public and especially children.

Finally, it was claimed that APHIS regulations bar all direct contact between animals and the general public. Therefore, critics said, public feeding of animals should not be allowed. In testimony during this hearing, APHIS officials stated publicly that this is a misinterpretation of regulations. Interactive exhibits, when presented properly, are not a violation of regulations. They can be useful in furthering public interest and concern for the plight of animals and their habitat.



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06 July 1992

Hon. Charles Rose
U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture
Room 1301, Longworth House Office Bldg.
Washington, D.C. 20515

Dear Congressman Rose:

I am writing on behalf of the Executive Board and the membership of the International Marine Animal Trainers Association (IMATA) in response to your invitation to Mr. Richard O'Barry to testify before your subcommittee concerning the treatment of animals used in exhibitions. As Mr. O'Barry is not involved with the exhibition of any animals, we are concerned that you would consider him an expert witness in this regard, particularly if he chooses to make statements regarding the care and training of marine mammals.

IMATA represents nearly 1,000 trainers, researchers, scientists, and students world-wide who collectively have literally thousands of years of experience with whales, dolphins, and other marine mammals. Our members are dedicated to the advancement of marine animal science, research, technology, training, and husbandry. As such, we represent the largest body of knowledge in the world regarding marine mammals in the care of humans, whether on exhibit in zoological habitats or in research environments. IMATA's most advanced levels of membership require its applicants to provide proof of demonstrated experience and expertise in our field, as well as adherence to the standards of care and training that IMATA advances.

Mr. O'Barry is not now, nor has he ever been, a member of IMATA. To our knowledge, he is not a member of any other recognized professional organization associated with the care and handling of animals. While we acknowledge his claim of involvement with the television series Flipper, Mr. O'Barry has not had any bona fide experience with the care, training, or husbandry of marine mammals since that time. Nevertheless, he has relied on instances from his limited experience in the mid-to-late 1960's to repeatedly indict a profession that he has not been directly involved in for over two decades.

Hon. Charles Rose
06 July 1992

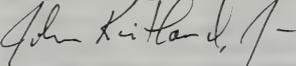
Page 2

In the twenty-five years or so since Mr. O'Barry worked around dolphins, tremendous advancements have been made in the technologies which support the care and training of marine mammals. The methods used early in the industry's history have long ago fallen by the wayside in favor of techniques which contribute significantly to the health and well-being of the animals in our care. By today's standards of training and husbandry practices, the methods that Mr. O'Barry chooses to describe are as archaic as the "Kitty Hawk" is in comparison to the space shuttle.

As an organization of professionals, we therefore believe that Mr. O'Barry's comments represent nothing more than his personal opinions, to which he is certainly entitled. We do not believe, however, that he is qualified to speak as a member of today's marine mammal community, and certainly is not qualified by our Association's standards to be recognized as an expert in the field. Furthermore, as to the areas that you have asked him to address, he can offer nothing more than speculation, as he is neither an involved nor informed source regarding how animals are used, cases of abuse, or whether existing laws and regulations are enough to insure safe, proper, and humane treatment of these animals. We, therefore, respectfully urge you to consider any testimony offered by Mr. O'Barry in this respect as personal opinion and not fact.

In closing, let me say that if in the future you are seeking expert witnesses, IMATA would be pleased to recommend individuals who are far more knowledgeable than Mr. O'Barry and who are eminently qualified to speak on the very issues that you are looking to address.

Respectfully,



John Kirtland
Past-President, IMATA

cc: Department Operations, Research, and
Foreign Agriculture Subcommittee

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California Legislature
 Senate Committee
 on
 Natural Resources and Wildlife

DAN MCCORQUODALE
 CHAIR

May 6, 1991

Dear Friend of Elephants:

Thank you for your support of Senate Bill 318. I introduced this bill to raise the standards of elephant care and handling. It is also intended to protect the safety of elephant keepers. Unfortunately, Ringling Brothers Circus and several zoos were successful at killing the bill for this year.

I held a meeting of the major supporters and opponents of this bill last month to discuss the provisions of the bill. I then amended the bill to address the issues raised by Ringling Brothers Circus and several zoos. The amended bill is attached for your information. Out-of-state circuses are exempted from the chaining requirements (the only provision they strongly objected to) and existing moats are permitted (a major issue for the zoos).

Despite these changes, both Ringling Bros. Circus and zoos lobbied against the bill and voiced strong opposition when it was heard in the Senate Natural Resources and Wildlife Committee. They prevailed and killed the bill.

SB 318 will be heard in committee again next year, probably in February. In the meantime, I will continue to work to protect these magnificent animals. Thank you again for expressing your concern and support of SB 318.

Cordially,


 DAN MCCORQUODALE
 Chair

DM/MS:ss

Enclosure

HEADQUARTERS

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(505) 524-6802



Testimony to the U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations,
Research, and Foreign Agriculture
Wednesday, July 8, 1992

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MARKETING DIRECTOR

MARV PULJANI
715 EAST 1100 NORTH
LEHI, UT 84043
(801) 768-9966

Chairman Rose and distinguished members of this committee, thank you for the opportunity and privilege of presenting this testimony to you this morning.

My name is Michael P. McGinnis and I serve as the Humane Relations Spokesman for the North American Rodeo Commission (N.A.R.C.). The Professional Rodeo Cowboys Association (P.R.C.A.) and the International Professional Rodeo Association (I.P.R.A.) are presenting oral and written testimony to you at this hearing. While I would like to add to the testimony presented at this hearing, I do not desire to take up the distinguished members valuable time. To this end, I offer this written testimony as a supplement to the oral testimony offered today.

The North American Rodeo Commission is a unique organization. The P.R.C.A. and the I.P.R.A., who you will hear from today, are single and independent associations. The North American Rodeo Commission is an organization comprised of more than 25 such independent and professional associations throughout the United States, Canada, Mexico, and Australia. N.A.R.C. member associations produce well over 1500 rodeos a year for many millions of fans.

We are joining forces with the P.R.C.A. and the I.P.R.A., in a combined and coordinated effort, to protect the future of professional rodeo. Our sport, and the separate events that are included in a professional rodeo, have come under more frequent attacks by animal rights extremists. We, our animals, and even our rodeo fans, have been the victims of intensifying attacks and harassment at the hands of these extremists. We will no longer stand silent while others erode our rights to use our animals.

We believe in the right of people to assemble and express a certain point of view. In fact, as strong advocates of our American freedoms, we would defend the right of these people to express themselves in a peaceful manner. Where we differ from these activists and extremists is that we believe that our rights and views as responsible users of animals are as equally defensible and correct.

Coors
**WORLD
FINALS
RODEO**

Testimony to the U.S. House of Representatives
Committee on Agriculture
Subcommittee on Department Operations, Research, and Foreign Agriculture
Wednesday, July 8, 1992

Page #2

The sport of professional rodeo plays a vital role in our American society. Not only does rodeo keep alive the traditions and values of our past, but its economic impact on present-day America cannot be overlooked or discounted. Many local charities and civic organizations sponsor rodeos, circuses, and other events that use animals, as fundraising events. The money raised from such events goes back into the community through the organization's charitable activities. This provides a better standard of living within the community without a single dime in taxpayer expense. In fact, rodeos and similar events that use animals contribute millions to the economy through increased business, tourism, and direct license fees and taxes. As such a strong and vital part of our economy, we must receive protection from overregulation. This will allow us to continue our growth and contributions to society and our economy.

While some offering testimony today would disagree, I want to stress one point. Our animals are our property. With the rights of ownership of these animals, is the responsibility of providing for their health and well being. I make references to us as "responsible users of animals." We are responsible for our animals and invest much time, money, and love in providing the care that these animals need. No one knows better of what that animal needs than the one who feeds, cleans, nurses, and trains that animal on a daily basis. For others to profess that they know more of what is in that animals best interest is foolish and a lie.

Our animals are on exhibition before the public at rodeo performances. As such, our animals and the care that is given to them, are open for all to see. Our animals are performers. If an animal is not properly cared for, it will not perform. We invest many thousands of dollars, and a great amount of care and time, in each of our animals. We will always act to protect the health and welfare of these animals. As professional associations, we adopt rules concerning the humane treatment of our animals into the rules that govern our sport. We back-up our commitment to our animals by providing for their protection and well being. We do this, not only to protect our financial investment, but to protect the well being of the animals we care for and love.

To mandate unnecessary additional regulations on professional rodeos or other responsible users of animals, could cause the reverse effect of the original intent. For example, the ill-conceived H.R. 3252 could result in direct harm to those animals it is intended to protect. I invite you to review the bill analysis I did for our rodeo associations (Attachment A), and ask you to think of the bureaucratic nightmare that would be created. This is only one example of good intentions gone bad. This poorly worded bill, and all other bills like it, are not worthy of your support and should be allowed to die in committee.

In conclusion, I urge the distinguished members of this committee to protect the rights of those of us who are responsible users of animals. Animal use; weather through professional rodeo, circuses, hunting, fishing, or eating meat; is a fundamental part of our society and is a matter of individual choice. The freedom of individuals to participate, or not to participate, in any of these choices should never be limited by government. Unlike some, we believe that a rat is not a dog, is not a pig, and is not a child. To hold such a belief, and to try to mandate such a ludicrous concept on society is to condemn mankind's freedom and future.

Respectfully submitted,

Michael P. McGinnis,
Humane Relations Spokesman
North American Rodeo Commission

Mailing Address:
P.O. Box 1144
Camp Hill, Pa. 17011-1144

Analysis of H.R. 3252

(ATTACHMENT A)

I sincerely believe that most of us devote ourselves to our sport and way of life. We genuinely care for and love the animals we use in our sport. Yes, rodeo contestants and stock contractors are for the humane treatment of our animals.

I have structured this analysis of H.R. 3252 by taking quotations from the text of the bill. From these quotes, I seek to draw to your attention several flaws, points of interest, and questions. I sincerely hope that this will provide you with a greater understanding of this bill. If you have any questions on this bill, or would like a copy of it, please write to me at:

Mike McGinnis
P.O. Box 1144
Camp Hill, Pa. 17011-1144

Under the stated Congressional findings -

H.R. 3252:

"animals trained or used for exhibition purposes have been caused injury, death, pain, and suffering;"

Analysis:

Accidents happen, that is part of life, but fortunately they are rare. The definition of exhibition animals includes all rodeo stock and contestant's horses. This finding suggests that it is common for exhibition animals to suffer injury or die during competition. This is not true!

H.R. 3252:

"many animals used for exhibition purposes are kept in physical environments harmful to their well-being;"

Analysis:

Here is yet another example of where the animal rights extremists spread misinformation. Rodeo Stock contractors and contestants are economically dependent on the performance of their animals. We will do all within our power to provide for the safety and comfort of our animals. Many depend on these same animals for their livelihood to support themselves and their families. They have a vested economic interest in seeing that their animals are in an environment that is safe and comfortable.

H.R. 3252:

"no laws exists which establish standards to sufficiently govern the appropriate humane uses, training, and other handling, and disposition of exhibition animals;"

Analysis:

Apparently, the bill's author is not aware of, or ignores, the many state and local laws that provide for the humane treatment of animals. Also ignored or forgotten are the "Humane Standards" that are part of the rules enforced by most, if not all, rodeo associations.

H.R. 3252:

"no laws which require that all animals used for exhibition purposes be provided with a physical environment adequate to promote their psychological and physical well-being;"

Analysis:

In addition to the comments made above, about the supposed "harmful environments," state and local laws dictate guidelines to meet such environmental concerns.

H.R. 3252:

"the regulation of animals and activities as provided by this Act is necessary to ensure that animals used for exhibition purposes are provided humane care and treatment."

Analysis:

We do not require any additional federal regulation to provide for the humane treatment of animals. In fact, this issue should not even be within the federal government's jurisdiction to limit and regulate. The humane treatment of animals has been an issue regularly dealt with by state and local officials. There is no justification for Federal government interference in limiting such state and local matters.

H.R. 3252:

"The term 'exhibitor' means any public or private person exhibiting an animal ... Such term includes a carnival, circus, zoo, animal act or ride, amusement park, aquarium, fair, educational exhibit, and rodeo exhibiting an animal (whether or not operated for profit) and any person who trains an animal for use by another exhibitor or for use in a film, ..."

Analysis:

Who falls within this definition? Everyone! All stock contractors, contestants, contract acts, producers, animal trainers and breeders, and committees would be an exhibitor. Additionally, we would be subject to these new regulations, prohibitions, and penalties.

H.R. 3252:

"The term 'handle' means to train, discipline, pet, feed, water, house, clean, manipulate, load, crate, shift, transfer, immobilize, restrain, treat, work, and move, or any similar activity with respect to any animal."

Analysis:

This definition in and of itself is satisfactory. Later you will see how this definition also will make illegal the humane treatment of an injured animal.

H.R. 3252:

"An exhibitor shall give prior notice to the Secretary (of Agriculture) of the movement from one geographical location to another of an animal of the exhibitor, including the itinerary of a carnival, circus, zoo, animal act or ride, amusement park, aquarium, fair, educational exhibit, or rodeo in which the exhibitor has an animal. Such notice shall include the number of the exhibitor's animals involved, their species, and the locations to which and from which the animals are moved, and such other information as the Secretary may require by rule."

Analysis:

Everyone is an exhibitor under the bill's definition. Therefore, this regulatory nightmare would apply to everyone. Think of the complications! One would need to apply to the federal government months in advance to receive permission to enter rodeos, or even to transport animals or stock. Such a prerequisite is a restraint of trade, and could violate the Interstate Commerce Commission regulations. The economic hardships this would have would be devastating. Among those who will suffer are stock contractors, contestants, the support industries, and the many charities that organize rodeos and shows to support their efforts. Also, what about the transportation of our animals in an emergency? Are we going to have to wait for the bureaucratic red-tape to clear before transporting a sick or injured animal for treatment? The effects of such a regulation would be devastating!

H.R. 3252:

A new section is added to the Animal Welfare Act providing for "Handling for exhibition purposes" in which "it shall be unlawful for any person who handles for exhibition purposes an animal ... to

"(1) handle or exhibit the animal in a manner which would tend to injure, kill, or otherwise cause behavioral stress, pain, or suffering to the animal, such as hitting (or otherwise striking), tripping, throwing, kicking, wrestling, shocking, overloading, overworking, or depriving of necessary food or drink, or aid or abet any person to do such acts; or

"(2) elude paragraph (1) or any rule promulgated to carry out such paragraph by -

"(A) leaving the United States and doing any act outside of the United States which would violate paragraph (1) if committed within the United States; or

"(b) procuring any other person to do any act outside of the United States which would violate paragraph (1) if committed within the United States."

Analysis:

Here is where the definition of handle comes into play. If twisted, this definition will create tragic results. These clauses will bar all rodeo events. There is not a single rodeo or show event to which these words do not apply. Who is to determine what actions "cause behavioral stress" to an animal? Wouldn't the effort to treat sick and injured animals, which someone may see as causing temporary stress or pain to an animal, become illegal?

Paragraph (2) prohibits all cowboys, stock handlers, and others, from participating in a rodeo or show outside the United States. This would violate restraint of trade laws and our constitutionally guaranteed freedoms of expression, assembly, and privacy - to name a few.

H.R. 3252:

Under a section to provide for "Adequate Physical Environment - it shall be unlawful for any exhibitor to fail to provide animals ... in the care and custody of the exhibitor with a physical environment adequate to promote the animals' psychological and physical well being."

Analysis:

Who determines and defines what is in an animal's "psychological well-being?" Are we to create new industries in Calf, Steer, Horse, and Bull Psychiatry? This concept is a lot of "Bull" and no one benefits from this futile effort! If anyone knows what is in an animal's physical and psychological well-being, it is the animal's owner. Everyday, he or she feeds, cleans, nurses, and provides the other necessary care of that animal. After all, the owner of that animal has a vested economic interest at risk.

H.R. 3252:

"Rewards - Upon the recommendation of the Secretary (of Agriculture), the Secretary may pay an amount equal to 1/2 of the civil penalty paid, but not to exceed \$ 2,500.00, to any person who furnishes information which leads to a finding of civil violation under this section."

Analysis:

Such a reward incentive encourages baseless complaints and wrongful arrests. With the already overburdened and overcrowded judicial system, this would only compound the problem. Additionally, costs and taxes will increase to meet the additional regulatory and judicial requirements of this change to the Animal Welfare Act.

THE MIRAGE DOLPHIN ENVIRONMENT

PROJECT DESCRIPTION/FACT SHEET

PURPOSE AND INTENT

The purpose and intent of The Mirage dolphin habitat is to provide a healthy and nurturing environment for dolphins, to educate the public about marine mammals and their environment, including the role of marine mammals in the ecosystem, and to increase the public's awareness of the need for, and the public's commitment to, protecting and conserving marine mammals and their environment.

In accordance with the Marine Mammal Protection Act, The Mirage believes public display serves a necessary education and conservation purpose by exposing the public to marine mammals and marine mammal protection issues. The increased awareness associated with education is a key element in encouraging public support for efforts to conserve and protect marine mammals and their environment.



THE CORPORATION

A dolphin environment at The Mirage is a natural extension of our corporation's ideals and value system regarding environmental issues. Our management practices reflect these objectives:

- We were one of the first corporations in Nevada to support the tuna boycott in protest of the thousands of dolphins caught "incidentally" by tuna fishermen each year. Today we serve only "dolphin safe" tuna in our restaurants.
- No fur is or will be sold in any of our boutiques.
- Hotel garbage is routinely separated for recycling purposes.

In addition, we have a long standing and consistent policy of supporting educational projects. Every year, thousands of students benefit from our extensive scholarship, donation and internship programs.

THE FACILITY

The Mirage Dolphin Environment is located in a tropical setting behind the Hotel. This habitat encompasses three connecting pools holding approximately 1.6 million gallons of water -- this is more than four times larger than government regulations require.

- Two artificial coral reefs and a sandy bottom create a naturalistic environment for the animals.
- To ensure good water quality, the 1.6 million gallons of man-made sea water is cycled and cleaned once every two hours.
- Pools have been designed with irregularly shaped contours to allow freedom of movement for the animals and to minimize sound reverberation.
- Above and below-water viewing areas provide a full viewing spectrum - for both the dolphins and our visitors!
- State-of-the-art equipment maintains perfect water quality and temperature.

THE DOLPHINS

- There are six Atlantic bottlenose dolphins (Tursiops Truncatus) that make their home at The Mirage:

Three males	-	Merlin	(22 years old)
		Banjo	(20 years old)
		Squirt	(Duchess' calf - Born April 5, 1991)

Three females	-	Duchess	(20 years old)
		Signa	(19 years old)
		Darla	(11 years old)

- The dolphins at The Mirage were relocated from other facilities (except for Squirt, who was born here!) - NO DOLPHINS WERE CAPTURED FROM THE WILD FOR THIS PROJECT.
- As the purpose of the dolphins at The Mirage is education, we offer NO PERFORMANCES OR SHOWS INVOLVING THE DOLPHINS.
- If requested, and as a public service, our facility will also consider animals that are in distress (i.e., sea otters due to oil spills) for rehabilitation.

EDUCATION

Clark County has the 14th largest school district and one of the fastest growing populations in the United States. Twenty million visitors from around the world are expected this year alone. Las Vegas, because of its growing population and impressive tourist traffic, is the perfect location for an educational dolphin environment.

- Specially designed education programs are conducted on weekday mornings for pre-school through high school aged students.
- Education seminars are conducted for university students throughout the year.
- Lectures, courses, workshops, teacher seminars and special events are offered on a continual basis in our community outreach efforts.
- Public educational tours are offered throughout the day by trained staff members.

OPERATIONS/ANIMAL CARE

- The Mirage dolphin habitat is structurally sound and maintained in good repair to protect the dolphins. Our habitat equals and/or exceeds all government standards and regulations.
- Animal care staff has been employed based on qualifications in the field of marine biology, experience with marine mammal husbandry, and commitment to animal care and education. Staff to maintain water hydraulics systems has been hired based on experience in this area.
- Two marine mammal veterinarians as well as one local veterinarian have been retained; government regulations require only one consulting veterinarian per facility.
- All curatorial and veterinary staff members are on 24-hour call.
- To provide additional protection for the animals, security is on-site at all times.

EDUCATION PROGRAMS AT THE MIRAGE

FOR STUDENTS:

- Age-appropriate, inter-active programs are offered on weekday mornings from 9:00-10:00 AM. Teachers are provided with information packets including background materials, classroom exercises, pre-visit and post-visit suggestions upon registering.
- Special programs are offered in conjunction with teachers on freshwater animals, rainforest issues and environmental conservation.
- University level programs are two hours in length and cover information on fish, marine mammals, invertebrates and water chemistry.

FOR TEACHERS:

- A state-approved course in Marine Biology/Marine Education is offered twice a year. This is a four-week course offered free of charge.
- Teachers In-service Training Programs are available upon request and offered free of charge.
- Project WILD/Aquatic WILD workshops are offered twice a year free of charge.
- Workshops are offered at annual Science Teachers' Conference, Social Studies Teachers' Conference, and English Teachers' Conference.

COMMUNITY OUTREACH:

- The Mirage is an active member of the Nevada Natural Resource Education Council (NNREC), an organization committed to providing educational resources to the community.
- Lectures are available upon request free of charge.



July 1, 1992

Hon. Peter H. Kostmayer
Member of the U.S. House of Representatives
123 CHOB
Washington, D.C. 20515

Re: H.R. 3252

Dear Congressman Kostmayer:

I train and exhibit wild animals for film/television. I also operate a full time educational program, which reaches thousands of students yearly. I am also president of the California Animal Owners Association Inc., (CAOA) an organization which consists of facilities like my own in California and throughout the U.S.

Your legislation assumes that no law exists on the care and treatment of exotic animals. This is not true. I believe the existing laws more than adequately protect the welfare of performing and exhibiting animals.

For example, California recently enacted an entire set of regulations governing the care and treatment of captive animals. In addition, the U.S. Departments of Agriculture and Interior enforce guidelines and regulations and regularly inspect our facilities. Whenever animals are used in a film, a humane officer is present to prevent any harm to the exhibiting animals. It is simply untrue, as your bill claims, "no laws exists which establish standards."

Surprisingly your bill exempts "films made for scientific, research, or educational purposes" from the reach of your legislation. I do not believe, there is one animal compound that does entertainment work that has not done films for science, research, education, or government purposes. We could all hand in a list of credits! Pursuant to existing law, the animals used in films made for scientific, research, or educational purposes are accorded the same protections, as the animals used by the entertainment industry.

Hon. Peter H. Kostmayer
July 1, 1992
Page 2

The notification requirements of your bill (pp. 4-5) are unworkable for the applicant as well as the federal agency. What purpose would be served by the thousands of calls and immense additional paperwork at the Federal level? California's regulations, which CAOAs sent to your office last year, require the permittees to notify the California Department of Fish and Game. Additional Federal notification is unnecessary, duplicative, and expensive and will probably be ignored by the federal bureaucracy.

Because I care for my animals, as all CAOAs members do, I would never injure, kill, or otherwise harm my animals. Federal and state laws already prevent such abuse of exhibiting and performing wild animals. If we abuse animals, we lose our license, our animals, and our livelihood. It's that simple. However, your bill could be interpreted to prevent any trainer, exhibitor, or breeder from disciplining his or her animals due to its broad language.

Lines 20-24 of page 6 require the exhibitor to do exactly what USDA already requires us to do. This is a total waste of time, energy, and funding (which could be better spent on animals).

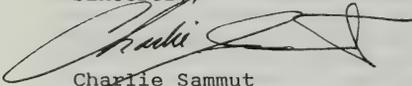
Lines 7-20 of page 8 is again unworkable. Animals are called onto films sets with less than 5 hours notice at times. That is why we have a humane officer on every set. Your bill's script production requirement is just impossible to achieve. It is also useless to whomever is reading it, if they are not an experienced animal trainer. Only an experienced person would understand how each sequence could be accomplished. He or she would also have to personally know the animal being used in the script to fairly evaluate whether the action is safe or unsafe to the animal. This issue was considered many years ago. The solution was to have a humane officer on every set.

Finally, if there is anything the Federal Government doesn't need is one more advisory committee to create more rules and regulations. California's new regulations and the Federal Government's existing regulations are in effect. If anything, give the states more funds for enforcement--don't create another federal advisory board.

Hon. Peter H. Kostmayer
July 1, 1992
Page 3

In summary, H.R. 3252 is unnecessary. Everything addressed in the bill has already been addressed in existing laws (both state and federal).

Sincerely,



Charlie Sammut
Owner, Wild Things
President, C.A.O.A.

cc: Board Members, C.A.O.A.
Motion Pictures/Television Producers Assoc.
J. William Yeates, Attorney C.A.O.A
Richard Frank, Attorney C.A.O.A.
Teamsters Union Local 399
D.G.A.

Please make this letter a part of the H.R.3252 Hearing record.

TOMLIN AND WAGNER THEATRICALZ

P.O. BOX 27700 LOS ANGELES, CALIFORNIA 90027 (213) 666-1388

July 8, 1992

The Honorable Charles Rose
 Chairman
 Subcommittee on Department Operations, Research
 and Foreign Agriculture
 U. S. House of Representatives
 Washington, D. C. 20515-6007

Dear Mr. Chairman and Members of the Committee,

I would like to thank you for permitting me to present this testimony. I deeply regret that previous commitments have made it impossible for me to join the distinguished panelists who have before you today to speak on an issue about which I feel very strongly -- our obligation to non-human animals, animals that are held captive by us, and who are dependant upon us for mercy and compassion. Just as importantly, I feel compelled to speak out as a concerned citizen and humanitarian about the troubling failure of our government, namely the U. S. Department of Agriculture, to enforce the Animal Welfare Act.

Unfortunately, the USDA, our federal, officially designated protector of animals, is both underfunded and understaffed to do the job that needs to be done. It is a sad fact that the Department has a long and sometimes shameful history of failing to enforce the minimum standards that exist for the care of animals under the Animal Welfare Act. I would like to add my voice to the growing chorus calling out for increased protection of animals and for improving the enforcement of existing laws and regulations.

The record shows that far too often, charity, non-profit animal protection organizations have had to do the USDA's job -- by investigating cases of animal abuse and neglect that are reported by concerned citizens.

As a longstanding member of the entertainment community, I respectfully ask all of you, as representatives of the people and as members of this Committee to:

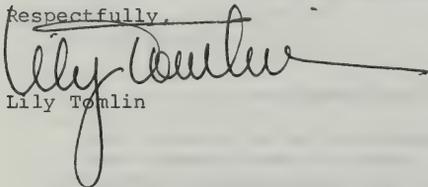
1. Take action to increase the funding that is needed to properly enforce existing regulations.
2. Hold oversight hearings to determine what can be done to increase enforcement of the Animal Welfare Act.

...because as they say: "Without enforcement, a law isn't worth the paper it's written on."

July 8, 1992
Page 2

In closing, I would like once again to thank you for giving me this opportunity to speak up for the tens of millions of animals that have no voice; and I want to thank all of the members of this Committee for your attention to this very serious issue -- the plight of animals held in captivity.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Lily Tomlin', with a long horizontal flourish extending to the right.

Lily Tomlin

REMY and THOMAS
ATTORNEYS AT LAW629 J STREET, FOURTH FLOOR
SACRAMENTO, CALIFORNIA 95814(916) 443-2745
FAX (916) 443-9017GEORGANNA FOONDOS
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TINA A. THOMAS
JAMES G. MOOSE
J. WILLIAM YEATES
ELIZABETH ANN O'BRIEN
WHITMAN F. MANLEY

July 2, 1992

SENT VIA FEDERAL EXPRESSHonorable Charles Rose
Chairman
Subcommittee on Department Operations,
Research, and Foreign Agriculture
1301 LHOB
Washington, D.C. 20515-6007

Re: H.R. 3252

Dear Congressman Rose:

Please accept this letter on behalf of the California Animal Owners' Association ("CAOA"), in response to Congressman Kostmayer's bill H.R. 3252. The CAO A is a group of qualified animal owners who train and exhibit wild animals for film and/or television, and also provide important educational and therapeutic services to thousands of people. The CAO A feels that this bill is a serious and unnecessary endangerment to their livelihood and careers in this industry. The CAO A is opposed to this proposed legislation for the following reasons:

This legislation assumes that "no law exists which establish standards." This is simply not true. California recently enacted an entire set of regulations governing the care and treatment of captive animals. (Attached for review are the existing California regulations that more than adequately protect the welfare of performing and exhibiting animals.) In addition, the U.S. Departments of Agriculture and Interior enforce guidelines and regulations and regularly inspect our facilities. Whenever animals are used in a film, a humane officer is present to prevent any harm to the exhibiting animals.

I would particularly like to bring to your attention the following provisions of the California regulations that were adopted to ensure the care and treatment of our animals.

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1. Only qualified individuals may qualify for a California permit. This means a person must have a minimum of two years experience taking care of wild animals.
2. All permittees must comply with the humane care and treatment provisions, including:
 - proper diet, water and food receptacles;
 - proper cleaning, disinfecting and pest controls;
 - daily observations and handling requirements to protect animals and public; and,
 - maintenance of a veterinary log or journal.
3. Permittees must meet general housing requirements as well as specific cage size requirements for all animals.
4. Permittees' facilities and veterinary records are annually inspected.
5. All animals must be transported in approved facilities with exercise periods explicitly provided.

HR 3252 exempts "films made for scientific, research, or educational purposes" from its reach. So, not only is this bill unnecessary, HR 3252 will provide less protections than currently exist. Pursuant to existing law, the animals used in films made for scientific, research, or educational purposes are accorded the same protection, as the animals used by the entertainment industry.

HR 3252 would require the film industry that use animals to provide a synopsis of all scripts to the USDA (See lines 7-20, p.8). This is already required by the American Humane Association. Because changes are made to the script at the last minute by the director or producer, and animals are called onto the set with less than 5 hours notice, HR 3252's script production requirement will be impossible to achieve. This issue was already addressed and has been solved by the presence of an American Humane officer on every set.

The notification requirements of HR 3252 (See pp.4-5) are unworkable for the applicant as well as the federal agency. What purpose would be served by the thousands of calls and immense additional paperwork at the Federal level? California's regulations require the permittees to notify the California Department of Fish and Game. Additional Federal notification is unnecessary, duplicative, and expensive, and will probably be ignored by the federal bureaucracy.

Federal and state laws already prevent abuse of exhibiting and performing wild animals. If a trainer, exhibitor, or breeder abuse animals, he or she will lose his or her license, animals, and

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livelihood. It's that simple. However, HR 3252 could be interpreted to prevent any trainer, exhibitor, or breeder from disciplining his or her animals due to its broad language.

Lines 20-24 of page 6 require the exhibitor to do exactly what USDA already requires. This redundancy of regulations is a waste of time, energy, and funding (which could be better spent on animals).

Finally, if there is anything the Federal Government doesn't need, it is one more advisory committee to create more rules and regulations. California's new regulations and the Federal Government's existing regulations are in effect. If anything, give the states more funds for enforcement--don't create another federal advisory board.

In summary, H.R. 3252 is unnecessary legislation. Everything addressed in the bill has already been addressed in existing state and federal laws.

Sincerely,



J. William Yeates

Attorney for
California Animal Owners Association

JWY:vw

Enclosures

cc: Board Members, C.A.O.A.
Honorable Peter Kostmayer

2070598.002

DEPARTMENT OF FISH AND GAME

MANUAL NO. 671 (2/25/92)

IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS

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Code of Federal Regulations

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50	Part 18, 18.13(c)	10- 1-91

Guide for the Care and Use of Laboratory Animals
(NIH Publication No. 86-23, Revised 1985)

671. Importation, Transportation and Possession of Wild Animals.

(a) Species listed in subsection (c) of this Section are prohibited and it shall be unlawful to import, transport or possess these species except under permit issued by the Department of Fish and Game. Permits for importation, transportation or possession of these species shall be refused by the department, except that permits may be granted as specified herein and for purposes designated in Section 671.1 subject to the conditions and restrictions contained in sections 671.1, 671.2, 671.3, 671.4, 671.5 and 671.6 and such other conditions as may be designated by the department. Cities and counties may prohibit possession or require a permit for species not requiring a state permit.

(b) In designating these prohibited species, the commission has determined that they are not normally domesticated in this state and recognizes two specific classes of prohibited wild animals. Mammals listed to prevent the depletion of wild populations and to provide for animal welfare are termed "welfare animals", and are designated by the letter "W". Those species listed because they pose a threat to native wildlife, the agriculture interests of the state or to public health or safety are termed "detrimental animals" and are designated by the letter "D". Animals may be added to or deleted from this list pursuant to the provisions of Section 2118(k) of the Fish and Game Code. The department shall include the list of welfare and detrimental wild animals as part of DFG MANUAL NO. 671 (2/25/92) IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS, to be made available to all permittees and other interested individuals.

(c) Subject to applicable provisions of the Fish and Game Code or regulations of the Fish and Game Commission set forth in Title 14, California Code of Regulations, species not listed below may be imported, transported or possessed without a permit. No person shall release into the wilds of this state any animal which is not native to California except as provided in these regulations (See Section 671.6.) Prohibited species include:

(1) Class Aves-Birds

- (A) Family Alaudidae-Larks
Alauda arvensis (Skylark)-(D).
- (B) Family Cuculidae-Cuckoos
All species-(D).
- (C) Family Corvidae-Crows, Ravens, Rooks, Jackdaws
(Genus *Corvus*)
All species-(D).

- (D) Family Turdidae-Thrushes, Blackbirds, Fieldfare
- 1 *Turdus merula* (European blackbird)-(D).
 - 2 *Turdus viscivorus* (Missel thrush)-(D).
 - 3 *Turdus pilaris* (Fieldfare)-(D).
 - 4 *Turdus musicus* (Song thrush)-(D).
- (E) Family Sturnidae-Starlings, Mynahs
All species (D), except *Sturnus vulgaris* (Starling) and *Gracula religiosa* or *Eulabes religiosa* (Hill mynahs) are not prohibited.
- (F) Family Ploceidae-Sparrows, Weavers, Queleas
- 1 Genus *Passer*(Sparrow) All species, except *Passer domesticus*. (English house sparrow) is not prohibited.
 - 2 *Foudia madagascariensis* (Madagascar weaver)-(D).
 - 3 *Ploceus baya* (Baya weaver)-(D).
 - 4 Genus *Quelea* (Queleas)-All species-(D).
- (G) Family Estrildidae-Waxbills, Munias, Ricebirds
- 1 *Padda oryzivora* (Java sparrow)-(D).
- (H) Family Emberizidae-Yellowhammer
Emberiza citrinella (Yellowhammer)-(D).
- (I) Order Falconiformes-Falcons, Eagles, Hawks, Vultures,
- 1 Vultures All species-(D)
 - 2 Falcons, Eagles, Hawks-(D). except not prohibited under conditions set forth in Section 670, Title 14, California Code of Regulations.
- (J) Order Strigiformes-Owls
All species-(D), except Great Horned Owl (*Bubo virginianus*) not prohibited under conditions set forth in Section 670, Title 14, California Code of Regulations.

- (K) Family Pyconotidae-Bulbuls or Fruit Thrushes
Pycnonotus jocosus (Red-whiskered bulbul)-(D).
- (L) Family Zosteropidae-Whiteeyes
Genus *Zosterops* (Whiteeyes)-All species-(D).
- (M) Family Psittacidae-Parrots, Parakeets
Myiopsitta monachus (Monk or Quaker parakeet)-
(D).

(2) Class Mammalia-mammals.

- (A) Order Primates-Monkeys, Apes
All species (W), except Family Hominidae
not prohibited.
- (B) Order Edentata-Sloths, Anteaters, Armadillos, etc.
All species:
 - 1 Family Dasypodidae-Armadillos-All Species-(D).
 - 2 Family Bradypodidae-Sloths-(W).
 - 3 Family Myrmecophagidae-Anteaters-(W).
- (C) Order Marsupialia-Marsupials or Pouched Animals
 - 1 *Didelphis virginiana* (Common opossum)-(D).
 - 2 All other species-(W).
- (D) Order Insectivora-Shrews, Moles, Hedgehogs, etc.
All species-(D).
- (E) Order Dermoptera-Gliding Lemurs
All species-(D).
- (F) Order Chiroptera-Bats
All species-(D).
- (G) Order Monotremata-Spiny Anteaters, Platypuses
All species-(W).
- (H) Order Pholidota-Pangolins or Scaly Anteaters
All species-(W).
- (I) Order Lagomorpha-Pikas, Rabbits, and Hares
All species-(D), except domesticated races of
rabbits and hares of the Family Leporidae-not
prohibited and exempt from permit requirement.

(J) Order Rodentia-Hamster, Field Mice, Voles, Muskrats, Gerbils, Squirrels, Chipmunks, Woodchucks, and Prairie Dogs.

1 All species-(D), except:

- a *Ondatra zibethica* (Muskrats)-Not prohibited under conditions set forth in Fish and Game Code Section 2250;
- b Domesticated races of golden hamsters of the species *Mesocricetus auratus* and domesticated races of dwarf hamsters of the Genus *Phodopus* not prohibited and exempt from permit requirement;
- c Domesticated races of rats or mice (white or albino; trained, dancing or spinning, laboratory-reared) not prohibited and exempt from permit requirement;
- d Domesticated races of guinea pigs of the species *Cavia porcellus* not prohibited and exempt from permit requirement; and
- e Domesticated races of chinchillas of the species *Chinchilla laniger* not prohibited and exempt from permit requirement.

(K) Order Carnivora-Raccoons, Ringtailed Cats, Kinkajous, Coatis, Cacomistles, Weasels, Ferrets, Skunks, Polecats, Stoats, Mongoose, Civets, Wolves, Foxes, Coyotes, Lions, Tigers, Ocelots, Bobcats, Servals, Leopards, Jaguars, Cheetahs, Bears, etc.

1 Family Felidae-All species

- a *Acinonyx jubatus* (cheetahs)- All species-(D).
- b All other species-(W), except that domestic cat is not prohibited and is exempt from permit requirement.

2 Family Canidae - All species-(W).

- a Wolf hybrids *Canis familiaris* (domestic dog) x *Canis lupus* (wolf).

- i Any F1 (first) generation wolf hybrid whelped on or before February 4, 1988 may be possessed under permit from the department.
 - ii No state permit is required to possess the progeny of F1 generation wolf hybrids, but cities and counties may prohibit possession or require a permit.
- b Domesticated dogs are not prohibited and no permit is required.
- 3 Family Viverridae - All species-(D).
- 4 Family Procyonidae - All species (including *Procyon lotor* (American raccoon))-(D).
- a *Ailuris fulgens* (Lesser panda)-(W).
 - b *Ailuropoda melanoleuca* (Giant panda)-(W).
 - c *Bassariscus astutus* (Ringtail or Ringtailed cat)-(W).
 - d *Jentinkia sumichrasti* (Mexican and Central American Cacomistle)-(W).
 - e All other species-(D).
- 5 Family Mustelidae - All species including skunks.
- a *Ambloynx cinerea* (Oriental small-clawed otter)-(W).
 - b *Aonyx capensis* (African clawless otter) - (W).
 - c *Pteronura brasiliensis* (Giant otter)-(W).
 - d All species of Genus *Lutra* (River otters)-(W).
 - e All other species-(D).
- 6 All others-(W).
- (L) Tubulidentata-Aardvarks
All species-(W).
- (M) Order Proboscidae-Elephants
All species-(W).

- (N) Order Hyracoidae-Hyraxes
All species-(W).
- (O) Order Sirenia-Dugongs, Manatees
All species-(W).
- (P) Order Perissodactyla-Horses, Zebras, Tapirs, Rhinoceroses, etc. All species-(W), except Family Equidae is not prohibited and is exempt from permit requirement.
- (Q) Order Artiodactyla-Swine, Peccaries, Camels, Deer, Elk, Moose, Antelope, Cattle, Goats, Sheep, etc.
All species-(D) except:
- 1 No permit required for *Bos taurus* and *Bos indicus* (Domestic cattle) *Bos grunniens* (Yak); *Ovis aries* (Domestic sheep); *Capra hircus* (Domestic goat); *Sus scrofa domestica* (Domestic swine); *Llama glama* (Llama); *Llama pacos* (Alpaca); *Llama guanacoe* (guanaco); Hybrids of llama, alpaca and guanacos; *Camelus bactrianus* and *Camelus dromedarius* (Camels; and *Bison bison* (American bison);
 - 2 Permits may be issued to California licensed domesticated game breeders for species of Elk (Genus *Cervus*) which are already maintained within California; and
 - 3 Permits may be issued to California licensed domesticated game breeders for other members of the Family Cervidae, except *Cervus elephus* (Red deer); for races of *Ovis canadensis* (Bighorn sheep) which are now or were formerly indigenous to this state; for *Antilocapra americana* (Pronghorn antelope); and *Sus scrofa* (European wild boar).
- (3) Class Amphibia-Frogs, Toads, Salamanders
- (A) Family Bufonidae-Toads
Bufo marinus, *Bufo paracnemis*, *Bufo horribilis* (Giant toad or marine toad group) and all other large toads from Mexico and Central and South America-(D).
 - (B) Family Pipidae-Tongueless Toads
All species of the Genus *Xenopus*-(D).
- (4) Class Agnatha-Jawless Fishes

- (A) Family Petromyzontidae-Lampreys
All nonnative species-(D).
- (5) Class Osteichthyes-Bony Fishes
- (A) Family Percichthyidae-Temperate Basses
The species *Morone americana* (White perch)-
(D).
- (B) Family Clupeidae-Herrings
Dorosoma cepedianum (Gizzard shad)-(D).
- (C) Family Sciaenidae-Drums
Aplodinotus grunniens (Freshwater drum)-(D).
- (D) Family Characidae-Characins
- 1 *Astyanax fasciatus* (Banded tetra)-(D).
 - 2 All species of the genera *Serrasalmus*,
Serrasalmo, *Pygocentrus*, *Tadyyella*,
Rooseveltiella, and *Pygopristis* (Piranhas)-(D).
 - 3 *Hoplias malabaricus* (Tigerfish)-(D)
- (E) Family Salmonidae-Salmons
Nonindigenous Atlantic salmon (*Salmo salar*), or
roe thereof prohibited in the Smith River
watershed.
- (F) Family Lepisosteidae-Gars
All species-(D).
- (G) Family Amiidae-Bowfins
All species-(D).
- (H) Family Poeciliidae-Livebearers
Belonesox belizanus (Pike top minnow)-(D).
- (I) Family Channidae-Snakeheads
All species-(D).
- (J) Family Cyprinidae-Carps or Minnows
- 1 *Leuciscus idus* (D).
 - 2 *Ctenopharyngodon idellus* (Grass carp)-
(D).
- (K) Family Trichomycteridae (Pygidiidae)-Parasitic
Catfishes
All species-(D).

- (L) Family Cetopsidae-Whalelike Catfishes
All species-(D).
- (M) Family Clariidae-Airbreathing Catfishes
All species of the genera *Clarias*, *Dinotopterus*,
and *Heterobranchus*-(D).
- (N) Family Heteropneustidae (Saccobranchidae)-Airsac
Catfishes
All species-(D).
- (O) Family Cichlidae-Cichlids
 - 1 *Tilapia sparrmanii* (*Tilapia*)-(D).
 - 2 *Tilapia zillii* (Redbelly tilapia)-(D)
except permits may be issued to a
person or an agency for importation,
transportation, or possession in the counties of
San Bernardino, Los Angeles, Orange, Riverside,
San Diego, and Imperial.
- (P) Family Anguillidae-Freshwater Eels.
All species of Genus *Anguilla*-(D).
- (6) Class Chondrichthyes-Cartilaginous Fishes
 - (A) Family Carcharhinidae-Requiem sharks
All species of Genus *Carcharhinus* (Freshwater
sharks)-(D).
 - (B) Family Potamotrygonidae-River Stingrays
All species-(D).
- (7) Class Reptilia-Reptiles
 - (A) Order Crocodylia-Crocodiles, Caimans, Alligator,
and Gavials
All species-(D).
 - (B) Family Chelyridae-Snapping Turtles
All species-(D).
 - (C) Family Elapidae-Cobras, Coral Snakes, Mambas,
Kraits, etc.
All species-(D).
 - (D) Family Viperidae-Adders and Vipers
All species-(D).
 - (E) Family Crotalidae-Pit Vipers
All species-(D), except *Crotalus viridis*
(western rattlesnake), *Crotalus atrox* (Western

diamondback rattlesnake), *Crotalus ruber* (Red diamondback rattlesnake), *Crotalus scutulatus* (Mojave rattlesnake), *Crotalus mitchelli* (Speckled rattlesnake) and *Crotalus cerastes* (sidewinder) not prohibited.

(F) Family Colubridae-Colubrids

1 *Dispholidus typus* (Boomslang)-(D).

2 *Theoltornis kitlandii* (Bird or Vine snake)-(D).

(8) Class Crustacea-Crustaceans

(A) All species of Family Cambaridae-Crayfish, etc. (D), except *Procambarus clarkii* and *Orconectes virilis*. Not prohibited.

(B) All species of Genus *Eriocheir*(D)

(2) Class Gastropoda-Slugs, Snails

All nonnative species of slugs and land snails, (D), except:

(A) *Rumina decollata* (decollate snail) in the counties of San Bernardino, Riverside, Imperial, Orange, San Diego, Los Angeles, Ventura, Tulare and Santa Barbara not prohibited with the concurrence of the appropriate county agricultural commissioners.

(B) *Helix aspersa* (brown garden snail)- not prohibited.

Authority: Sections 2118 and 2120, Fish and Game Code.

Reference: Sections 1002, 2116, 2118, 2118.2, 2118.4, 2119-2155, 3005.9 and 3005.92, Fish and Game Code

671.1 Permits for Possession of Wild Animals.

(a) **Authorized Permits.** With the concurrence of the Departments of Health and Food and Agriculture, the Department of Fish and Game pursuant to this section and Section 671, Title 14, CCR, may issue permits for the importation, transportation and possession of species listed in Section 671 to zoological gardens, colleges, universities, government research agencies, other bona fide scientific institutions as determined by the department and to persons authorized pursuant to subsections (b)(1) through (8) of this section.

- (1) **General Provisions.** It shall be unlawful to import, export, transport, maintain or dispose of any prohibited species except as authorized by these regulations and pursuant to terms and conditions established by the department to specifically provide for the welfare of the animal and to provide for the public health and safety.
- (2) **Inspection of Facility.** A permit shall not be issued by the department unless the applicant's facilities have been inspected and approved. Inspections shall be conducted by the department's employees, persons designated by the department pursuant to Section 2020 of the Fish and Game Code, or a licensed veterinarian or any person who has obtained a degree in veterinary medicine from a college or university accredited by the American Medical Association (See subsection (c) (6) (B)).
- (3) **Prohibited transfer.** It is unlawful to transfer possession or ownership of any prohibited animal to anyone not authorized to possess the animal pursuant to Sections 671-671.6.
- (4) **Exportation/Transfer Notification.** The department's Wildlife Protection Division, 1416 Ninth Street, Sacramento, California 95814 (telephone no. 916-653-9742) must be notified within 48 hours of the exportation or transfer of any prohibited species.

(b) **Types of Permits.** The department may authorize the importation, transportation and possession of prohibited species under the following permits:

(1) Exhibiting Permit.

- (A) Resident. The permittee is authorized by the department to exhibit, to possess wild animals for public display, including schools or those providing educational exhibits, public exhibition, or public education, and for commercial photographic use such as in motion pictures, still photography or television. Before any animal held by an exhibitor may be used for breeding, the exhibitor shall obtain a special written authorization from the department. Applicants shall be at least 18 years old, residents of California, work professionally with the desired animals for profit or nonprofit purposes and possess the qualifying experience specified in (b)(2)(A)2 below. Applicants shall provide the following information:
- (B) A resume which outlines the applicant's qualifying experience, and
- (C) A letter of recommendation from the facility(/ies) where the applicant gained his/her experience. Such facility(/ies) shall possess a valid California permit which authorizes breeding or exhibiting or, if the facility is out of state, it shall be licensed by the United States Department of Agriculture (USDA) permit. The letter shall state the quality and extent of the applicant's knowledge and experience in handling and caring for the particular species on the applicant's request. Out-of-state facilities shall furnish a copy of their current USDA permit with the letter for the request to be considered.
- (D) Nonresident. A permittee is authorized by the department to import into and transport, possess, exhibit and maintain within California specified prohibited wild animals as designated in Section 671. This permit is issued only to persons who are not residents of California, but who are licensed to exhibit by the USDA in another state and who professionally exhibit animals in another state. Permits shall be valid for a one-year period. Permittees shall not transport or possess wild animals within the state for periods exceeding their exhibiting itinerary unless they provide facilities which meet the caging standards of Section 671.3 for each animal listed on their permit. Applicants shall submit a copy of their

current USDA permit to the department's Wildlife Protection Division in Sacramento (address given herein) prior to importing any animal into California.

- (2) **Wild Animal Breeding Permit.** The department shall authorize breeding only if it determines that the breeding will not result in unneeded or uncared for animals, and will not be detrimental to the public health and welfare or to the agricultural interests or fish and wildlife resources of the state. The department may permit breeding of threatened and endangered species.

(A) **Special Requirements.**

- 1 **General.** Applicants shall be at least 18 years old, residents of California and possess the required qualifying experience as specified in (b)(2)(A)2 below and have specific authorized reasons for conducting the breeding as set forth below. Applicants shall also provide the following information:
- 2 **Qualifying Experience Resume.** A resume which outlines the applicant's qualifying experience. Qualifying experience is defined as the equivalent of at least two years, full-time, hands-on general experience caring for wild animals at a facility(/ies) engaged in a similar or directly related activity. This experience shall include a total of one year of hands-on experience by the applicant or his/her full-time employee in specifically caring for wild animals in the same family or closely related taxonomic family as each animal for which a breeding permit is being requested. After the two years of experience, the permittee may be authorized to acquire additional wild animals beyond those permitted with his/her qualifying experience, by hiring someone with the qualifying experience to specifically care for such animals for a period of one year or by serving an apprenticeship for a period of one year under the direct supervision of someone who has the minimum qualifying experience with the type of animal the permittee wishes to acquire.

- 3 Letter of Recommendation. A letter of recommendation from the facility(/ies) where the applicant gained his/her experience stating the quality and extent of the applicant's knowledge and experience.
 - 4 Written confirmation. Written confirmation from the permittee that the requested breeding authorization is necessary, or that the animal to be bred is a rare, threatened or endangered species and that further captive breeding of the species is necessary and desirable.
 - 5 Letter of Intent. A letter from the university, research facility, exhibitor, breeder, zoological garden or other authorized recipient requesting the progeny, stating that the progeny shall be maintained in accordance with Sections 671-671.6.
- (B) Special Breeding Permit. The department may authorize an authorized exhibitor to conduct a single breeding of a wild animal which is listed on their permit.
- (3) Brokering or Dealing Permit. The permittee is authorized by the department to act as a broker or dealer in a transaction involving the buying and/or selling of prohibited wild animals.
- (A) Special Requirements.
- 1 General. Applicants shall be at least 18 years old, residents of California or nonresidents who transport animals within the state.
 - 2 Minimum Caging Period. Animals may be kept in their minimum specified transport caging for a period not to exceed 48 hours. An extension may be granted for a period not to exceed an additional 48 hours if approved by the local warden.
 - 3 Transportation Permit. All animals being moved within California shall be covered by a transportation permit issued pursuant to this section or, if appropriate, by a letter from an American Association of Zoological Parks and Aquariums (AAZPA) accredited institution.

- 4 Nonresident Restriction. The nonresident dealer shall only transport animals between permittees authorized by this section or between AAZPA accredited institutions and permittees or ship them out of state in compliance with Federal guidelines.
- (4) Fur Farming Permit. A permittee is authorized to conduct fur farming operations. Permits for fur farming require commission approval. Applicants shall be at least 18 years old, residents of California, raise and breed prohibited wild animals for the commercial fur industry and possess the qualifying experience specified in subsection 671.1(b)(2)(A)2. Applicants shall utilize a humane method of euthanasia which has been approved by the department.
- (5) Detrimental Species Permit.
- (A) Issuance of permits. Permits to possess detrimental wild animals may be issued only to the following:
- 1 American Association of Zoological Parks and Aquariums (AAZPA) accredited facilities, universities, colleges, governmental research agencies or other bona fide scientific institutions, as determined by the department, engaging in scientific or public health research. Such facilities are not mandated to comply with subsection 671.1(b)(2)(A)1 through 5;
 - 2 Persons not designated in (b)(5)(A)1 above with specific Commission approval, except the department may issue permits as authorized in Section 671 for:
 - a Birds. Orders Falconiformes and Strigiformes, under conditions set forth in Section 670.
 - b Mammals. Muskrats, under conditions set forth in Section 2250, Fish and Game Code, and as authorized in Section 671(c)(2)(J)a.
 - c Gastropods-the decollate snail, as authorized in Section 671(c)(9)(A).

- (B) Application. When applying for a permit to possess detrimental species, the applicant shall submit the original application to the Department of Fish and Game, Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, California 04244-2090.
- (C) Concurrence of Department of Health Services and Food and Agriculture. The Department may issue a Detrimental Species Permit only with the concurrence of the Department of Food and Agriculture and the Department of Health Services, if applicable.
- (6) Clearinghouse Permit. The department may authorize prior permittees, or any individual who has qualifying experience as defined in subsection 671.1(b)(2)(A)2 and who has an approved facility to house an animal, to receive and house an animal that has been seized by the department, or that the department determines has been orphaned or abandoned. Such animals may not be bred or used for commercial purposes without specific authorization from the commission.
- (7) Animal Care Permit. The department may issue permits authorizing the possession of a prohibited wild animal to persons who do not qualify under subsections 671.1(b)(1)-(3) and (b)(6), but who have the demonstrated experience and ability to house an animal and who were legally in possession of their animals prior to January 1992.
- (8) Sheltering Permit. Applicants shall have facilities which qualify as a shelter pursuant to Section 2203 of the Fish and Game Code and shall not engage in any other activity authorized by this section. A permittee is authorized by the department to receive animals which were previously permitted in California. The department may use a permittee's facilities to receive and maintain orphaned, seized or surrendered animals.
- (A) Special Requirements.
- 1 Importation. Shelter permittees may import animals only when such importation is approved by the commission and the applicant provides the department's Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, 94244-2090 with written verification that appropriate receiving facilities outside of California were contacted and no housing was available, and

that these specific animals would be euthanized if they cannot be placed in California.

- 2 Caging Provisions. Shelters shall meet all housing requirements as provided for in Section 671.3.
- 3 Notification Within 24 Hours. Subject to the limitations set forth above a shelter may accept animals at any time. The permittee shall notify the department in writing by certified mail within 24 hours of receipt of any animal. Failure on the part of a shelter to notify the department of receipt of a wild animal shall result in the revocation or suspension of its permit.
- 4 Prohibition on Purchasing, Selling and Breeding. Shelters shall not purchase, sell or breed any animals listed as detrimental (D) in Section 671. A shelter may exhibit its animals at its facility for fund-raising purposes and may only transfer animals to authorized permittees.
- 5 Resume Requirement. The applicant shall submit a resume indicating any qualifying experience with wild animals, as required in subsection 671.1(b)(2)(A)2.

(c) Permit Information.

- (1) Application. Applications for permits and the application and inspection fees (see subsection (c)(6) of this section) shall be submitted to the Department of Fish and Game, Wildlife Protection Division, Sacramento (address given herein). The following information shall accompany an application for a permit to conduct activities authorized by subsections (b)(1) through (8) above, as well as when applying for any renewal of these permits:
 - (A) Current animal inventory including the common and scientific name, sex, age and source of each animal listed in Section 671, which the permittee owns or in the case of a nonresident exhibiting permit, an inventory of the animals that will be entering the state plus their itinerary;

- (B) A signed statement by a licensed veterinarian or from any person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association stating he/she is the veterinarian of record and including the veterinarian's address and license number. The veterinarian shall certify that he/she has observed each of the permittee's animals at least once during the prior year and that they have been appropriately immunized and cared for;
- (C) Applicants for permits to breed or exhibit animals shall submit the documentation required by subsection (c)(1)(A) above with their initial application only; and
- (D) A letter from the applicant indicating how he/she intends to use the animals during the new permit period.
- (2) **Term of Permit.** Permits issued under the provisions of this section shall be valid for a term of one year from the date of issue.
- (3) **Renewal.** It is the responsibility of the permittee to initiate any and all renewals. In addition to the information and application fee required, the renewal application shall also be accompanied by a signed, sworn affidavit indicating that the animals held during the previous year were possessed and used in compliance with the provisions of Sections 671-671.6. Permits issued by the department pursuant to this section shall be issued by the Sacramento Headquarters Office.
- (4) **Denial.** The department may deny the issuance of a permit for failure to comply with terms and conditions of a permit or the provisions of Sections 671-671.6.
- Any person denied a permit under these regulations may request a hearing before the commission to show cause why their permit request should not be denied.
- (5) **Revocation.** Any permit issued pursuant to these regulations may be canceled or suspended at any time by the commission for failure to comply with the terms and conditions of a permit or for failure to comply with Sections 671-671.6, after notice and opportunity to be heard, or without a hearing upon conviction of a violation of these regulations by a court of competent jurisdiction.

- (6) Fees. Pursuant to sections 2150 and 2150.2 of the Fish and Game Code, the following fees have been established to offset costs of administering and enforcing the laws and regulations governing the importation, transportation and possession of wild animals:

(A) Permit Fee:

- 1 Exhibiting: \$250.00
- 2 Breeding: \$250.00
- 3 Brokering or Dealing: \$250.00
- 4 Fur Farming: \$250.00
- 5 Detrimental Species Issued Pursuant to Subsection (b)(5)(A)1: \$250.00
- 6 Clearinghouse: \$30.00
- 7 Animal Care: \$30.00
- 8 Sheltering: No Fee

- (B) Inspection Fee: \$100.00 annually for two inspections per year. If an inspection requires more than two hours, or additional inspections are required to verify corrections of facilities for compliance with these regulations an additional \$25.00 per hour shall be charged. The inspection fee shall be waived if a person submits an annual statement from a licensed veterinarian or from any person who has obtained a degree in veterinary medicine from a college or university accredited by the American Veterinary Medical Association certifying that the animals have been inspected at least twice during the year, at six month intervals, and that the animals are being cared for and housed in accordance with sections 671.2-671.3. The Commission may suspend or revoke the permit of any persons who fails to comply with the provisions of this section. No person may falsely certify that the facility has been inspected and that such facility is in compliance. USDA licensed exhibitors, breeders and dealers shall provide copies of their most recent USDA inspection form to the department at the time of their permit renewal application. Any person holding a permit authorized under section 671.1 shall allow the department's employees to enter his/her premises upon request to inspect

facilities at a reasonable hour, animal equipment and animals possessed by the permittee, or to inspect, audit, or copy any permit, books or records required to be kept by these regulations or federal regulations relating to wild animal ownership.

Authority: Sections 1002, 2120, 2122, 2150, and 2150.2, Fish and Game Code.

Reference: Sections 2116-2118, 2150.4, 2150.5, 2151, 2185, 2186, 2187, 2189 and 2190, Fish and Game Code.

671.2 Humane Care and Treatment of Wild Animals

(a) Care and Treatment Provisions. Except as provided by subsection (c) below, every person issued a permit pursuant to Section 671.1 shall comply with the following provisions:

- (1) Food. Food shall be wholesome, palatable and free from contamination and shall be supplied in sufficient quantity and nutritive value to maintain the animal in good health. The diet shall be prepared with consideration for the age, species, condition, and size of each animal.
- (2) Feeding. Animals not in hibernation shall be fed at least once a day. Food receptacles shall be clean and sanitary. Food shall be accessible to all animals in the enclosure and placed to prevent contamination. If self-feeders are used, adequate measures shall be taken to prevent mold, contamination, deterioration or caking of food.
- (3) Water. Potable water must be accessible to the animals at all times or provided as often as necessary for the health and comfort of the animal as directed by a licensed veterinarian. All water receptacles shall be clean and sanitary.
- (4) Cleaning of enclosures. Excrement shall be removed from enclosures at least once per day or in the case of large pasture areas, large flight cages, breeding chambers or large natural habitat enclosures, as often as necessary to maintain animals in a healthy condition. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect confined animals from the direct spray.
- (5) Disinfection of enclosures. After an animal with an infectious or transmissible disease is removed from a cage, room, or pen/run, that enclosure shall be disinfected in compliance with the directions of a licensed veterinarian.
- (6) Pest control. Programs of disease prevention and parasite control, euthanasia and adequate veterinary care shall be established and maintained under the supervision of a licensed veterinarian. The pest control program shall be reviewed annually by the veterinarian for the safe use of materials and methods.

- (7) Daily observation. Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his or her direct supervision. Sick or diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed.
- (8) Handling. Animals shall be handled expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. An animal may be placed on a chain and collar only when being transported by an attendant between areas on a permittee's premises or between a mode of conveyance and a worksite or veterinarian's office, or when the handler is working or exercising the animal(s) within the compound. Care shall be exercised to avoid harm to the handler or the general public. The animal(s) shall not be allowed to roam free outside of a compound, except when under the control of the handler during filming or exhibition.

Exceptions: Elephants chained pursuant to subsection 671.3(b)(2)(M)(4) (see Department of Fish and Game Manual No. 671-2/25/92). Raptors may be jessed and tethered.

- (9) Chaining/staking. Animal(s) shall not be chained or otherwise tethered to a stake, post, tree, building or other anchorage, except during filming, training or exhibition, in an emergency situation or when repairs are being made to the cage. The animal(s) shall be under the direct supervision of the handler or his designee at all times.

Exceptions: Elephants chained pursuant to subsection 671.3(b)(2)(M)(4) (see Department of Fish and Game Manual No. 671-2/25/92). Raptors may be jessed and tethered.

- (10) Public display. Animals shall be publicly displayed only for periods of time and under conditions consistent with the animal's health and comfort. The animal must be handled so there is no perceived risk to the public in the judgement of the department's enforcement officer, with sufficient distance allowed between animal acts and the viewing public to assure safety to both the public and the animals. Animals on display shall be contained within an escape-proof area or enclosure at all times when not under the immediate

control of a handler. Circus or traveling show animals shall be allowed a rest period of at least 4 hours per day within an enclosure as directed by a licensed veterinarian.

(b) Log Requirement. Persons authorized to possess prohibited wild animals pursuant to Section 671.1 shall maintain a written log for the animal(s) in their possession which documents each animal's health care. The log shall be written in the English language and shall contain the following information: animal treated, identifying marks or characteristics, date of treatment, type of treatment, and signature of veterinarian, if applicable. This log shall be made available to department officers or its authorized agent on demand.

(c) Alternative Care and Treatment Authorized by Veterinarian. When specifically directed in writing by a licensed veterinarian, a person may provide alternative care and treatment. The veterinarian's written instructions for long-term care of the animals held under the permit shall be presented to the inspector at the time of inspection. The implementation of any short-term exceptions to the veterinarian's long-term instructions or to the provisions of subsections 671.2(a)(1) through (10) above shall be verified in writing in the animal's log by the permittee within 10 working days from the date of the action. Such exception shall not exceed two weeks without written concurrence from a licensed veterinarian.

Authority: Section 2120, Fish and Game Code.

Reference: Sections 2116.5, 2118 and 2120, Fish and Game Code.

671.3 Minimum Facility and Caging Standards for Wild Animals Housed at Permanent Facilities.

(a) General Housing Requirements and Specifications.

- (1) All cages or enclosures shall be completely enclosed unless otherwise specified.
- (2) Compatible animals may be held in the same enclosure if the required floor space is provided.
- (3) Common walls between noncompatible animals shall be constructed so that animals cannot gain access to each other.
- (4) If the ambient air temperature falls below that necessary to maintain the animal in a healthy condition, an artificial heat source that is sufficient to maintain that minimum ambient air temperature shall be provided.
- (5) If a pool of water is required, the floor space occupied by the pool shall be in addition to the minimum floor space requirement unless otherwise specified.
- (6) Night quarters, holding pens and nesting boxes may not be used as primary housing.
- (7) Except as provided in subsection (b) below, all animals listed shall be housed in facilities that have double doors or, if individual cages do not have double doors, then a perimeter fence shall enclose the entire facility to prevent escape.
- (8) All enclosures shall be provided with sufficient drainage to prevent standing water from accumulating.
- (9) Wherever a concrete floor is specified, either wood plank flooring or natural substrate may be used to cover the concrete floor.
- (10) The following are minimum pen, cage or enclosure size requirements:

MINIMUM PEN, CAGE OR ENCLOSURE SIZE REQUIREMENTS

Type of Animal	Floor Space (Sq. Feet)		Each Additional Animal	Interior Ceiling or Outside Fence Height (Feet)
	One Animal	Two Animals		
CLASS AVES - Birds				
Plocidae, Estrildidae,				
Zosteropidae	4	4	+3/animal	2 Ceiling
More than 2 birds requires a cage height of 6 feet.				
Alaudidae, Cuculidae,				
Turdidae, Sturnidae	6	6	+4/animal	4 "
More than 2 birds requires a cage height of 6 feet.				
Corvidae	12	24	+12/animal	5 "
More than 2 birds requires a cage height of 6 feet.				
Falconiformes, Strigiformes				
Eagle, Hawk, Eagle, Vulture	100	150	+50/animal	7 "
Red-tailed hawk, Grt Horn owl	64	96	+32/animal	7 "
Peregrine falcon, Barn owl	48	72	+24/animal	7 "
Sparrow hawk, Screech owl, Burrowing owl	36	54	+18/animal	6 "
CLASS MAMMALIA - Mammals				
PRIMATA				
NOTE: THE CAGE SIZE REQUIREMENT FOR TWO PRIMATES ALSO MEETS THE CAGE SIZE REQUIREMENT FOR A PAIR AND THEIR PROGENY UNDER THE AGE OF 2 YEARS.				
Gorilla	300	500	+200/animal	8 Ceiling
Orangutans	200	400	+200/animal	10 "
Chimpanzees	200	300	+100/animal	8 "
Baboons	100	200	+100/animal	8 "
Gibbons, Langurs	100	200	+50/animal	9 "
Macaques	80	120	+40/animal	8 "
Woollys, Spiders, Howlers, Sakis, Capuchins	64	96	+32/animal	8 "
Marmosets	16	24	+8/animal	8 "
Squirrel, Titis, Owl	36	54	+18/animal	8 "
Tree Shrew	9	12	+3/animal	3 "
EDENTATA				
Sloth	30	40	+10/animal	8 Ceiling
Armadillo:				
(less than 15" length)	12	16	+3/animal	1.5 "
(15" to 36" length)	30	40	+10/animal	3 "
(greater than 36")	80	100	+20/animal	5 "
Tamandua	40	50	+10/animal	7 "
Giant Anteater	200	300	+100/animal	6 "
MARSUPIALIA				
Sm. Opossums	9	12	+3/animal	3 "
Lg. Opossums	20	30	+10/animal	5 "
Sm. Wallaby	60	90	+30/animal	5 Fence/Wall
Lg. Wallaby	200	300	+100/animal	6 Fence/Wall
Tree Kangaroo	80	100	+20/animal	8 Ceiling

Lg. Kangaroo	200	300	+100/animal	8 Fence/Wall
Wallaroo	200	300	+100/animal	6 Fence/Wall
INSECTIVORA				
Hedgehog, Shrew, Mole	3	6	+3/animal	1 Ceiling
DERMOPTERA				
Gliding Lemur	50	65	+15/animal	8 "
CHIROPTERA				
Bats	Use same cage dimensions as comparably sized finches, parrots, or hawks (see bird section).			
MONOTREMATA				
Spiny Anteater	25	35	+10/animal	5 Ceiling
Platypus	(See Monotremata details in subsection (b)(2)(G))			
PHOLIDOTA				
Scaly Anteater				
Terrestrial forms	Same as armadillos			
Arboreal forms	Same as sloth			
LAGOMORPHA				
Wild Rabbit or Hare	20	28	+8/animal	5 Ceiling
RODENTIA				
Squirrel, Flying	20	40	+10/animal	8 "
Squirrel, Tree	20	40	+10/animal	8 "
Squirrel, Ground	20	40	+10/animal	5 "
	(Up to 4 animals may be held in 40 sq. feet.)			
Chipmunk	20	30	+10/animal	5 "
	(Up to 3 animals may be held in 30 sq. feet.)			
Prairie Dog (males)	20	30	+10/animal	5 "
Acushi	20	30	+10/animal	5 "
Agouti	30	40	+10/animal	5 "
Paca	30	40	+10/animal	5 "
Crested Porcupine	40	80	+40/animal	6 "
N.A. Porcupine	30	40	+10/animal	7 "
S.A. Porcupine	20	30	+10/animal	7 "
Muskrat	30	40	+10/animal	6 "
Beaver	80	120	+40/animal	5 "
Capybara	100	150	+50/animal	5 "
CARNIVORA				
Canidae				
Fennec or Kit Fox	80	100	+40/animal	6 Ceiling
Bat-eared Fox/Arctic Fox	80	100	+40/animal	6 "
Gray Fox	80	100	+40/animal	8 "
Red Fox	80	100	+40/animal	6 "
Jackal	150	200	+100/animal	6 "
Coyote	150	200	+100/animal	6 "
Wolf	200	300	+200/animal	6 "
Cape Hunting Dog	200	300	+100/animal	6 "
Ursidae				
Sun Bear	200	300	+100/animal	8 Ceiling

American Black Bear	300	450	+150/animal	8 "
Asiatic Black Bear	300	450	+150/animal	8 "
Sloth Bear	300	450	+150/animal	8 "
Spectacled Bear	300	450	+150/animal	8 "
Polar Bear	400	600	+200/animal	10 "
Grizzly Bear	400	600	+200/animal	8 "
Russian Brown Bear	300	450	+150/animal	8 "
Kodiak Bear	400	600	+200/animal	10 "
Procyonidae				
Kinkajou	40	50	+10/animal	7 Ceiling
Coati mundi	50	60	+10/animal	7 "
Raccoon	60	80	+20/animal	8 "
Mustelidae				
Weasel/Wink/Ferret	30	Up to 4 in 30 sq. feet	+10/animal	6 Ceiling
Tayra	40	50	+10/animal	6 "
Grison	30	40	+10/animal	6 "
Marten	40	50	+10/animal	7 "
Wolverine	100	200	+100/animal	6 "
Spotted Skunk	20	Up to 2 in 20 sq. feet	+10/animal	6 "
Striped Skunk	30	Up to 2 in 30 sq. feet	+10/animal	6 "
Otter	100	200	+100/animal	6 "
Badger	60	80	+30/animal	6 "
Viverridae				
Genet, Civet	40	50	+10/animal	7 Ceiling
Binturong	100	150	+50/animal	8 "
Mongoose	80	100	+40/animal	6 "
Hyenidae				
Hyena	200	300	+100/animal	6 Ceiling
FELIDAE				
Lion, Tiger, Cheetah, Snow Leopard, and hybrids thereof	300	450	+150/animal	8 Ceiling
Black & Spotted Leopard, Jaguar, Clouded Leopard, Mountain Lion, European Lynx and hybrids thereof	200	300	+100/animal	8 "
Caracal, Bobcat, Canada Lynx, Golden Cat, Ocelot, Serval, Jungle Cat, Fishing Cat and hybrids thereof	80	120	+40/animal	8 "
Margay, Leopard Cat, Pallas Cat, Marble Cat, Geoffroy's Cat, African Wild Cat, European Wild Cat, Jaguarundi, Little Spotted Cat, African Black Footed Cat, Sand Cat, Flatheaded Cat, Pampas Cat and hybrids thereof	60	90	+30/animal	8 "
TUBULIDENTATA				
Aardvark	200	300	+100/animal	6 "

PROBOSCIDEA

Elephant	1500	3000	+1500/animal	12 Barn height
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HYRACOIDEA

Hyrax	16	20	+4/animal	4 Ceiling
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PERISSODACTYLA

Tapir	300	500	+300/animal	6 Fence/Wall
Rhinoceros	1500	3000	+1500/animal	5 Fence/Wall
Wild Ass	900	1300	+400/animal	6 Fence/Wall

ARTIODACTYLA

Peccary	100	150	+50/animal	4 Fence/Wall
Wild Pig	150	200	+50/animal	4 Fence/Wall
Pigmy Hippopotamus	700	1000	+300/animal	6 Fence/Wall
Hippopotamus	1500	3000	+1500/animal	7 Fence/Wall
Giraffe	1500	3000	+1500/animal	18 Barn height

(The following Artiodactyla may have a 6 foot fence if the facility's perimeter fence is 8 foot.)

White-tailed Deer	600	800	+200/animal	8 "
Fallow Deer	600	800	+200/animal	8 "
Elk/Red Deer	1000	1400	+400/animal	8 "
Bison, European	1000	1400	+400/animal	6 "
Buffalo	1000	1400	+400/animal	6 "
Impala, Eland	1000	1400	+400/animal	8 "
Other Antelope	600	800	+200/animal	6 "
Ooudad	600	800	+200/animal	6 "
Wild Goats & Sheep	600	800	+200/animal	6 "

(b) **Specific Housing Requirements.** Permittees shall comply with the following provisions except that material or construction may be substituted upon approval of the inspecting officer if the permittee produces written certification from a licensed civil or structural engineer that the material and/or construction is of equivalent strength.

(1) **Class Aves - Birds**

All birds, except indigenous birds and birds in the Orders Falconiformes and Strigiformes, listed in Section 671 shall be housed in cages having double doors so constructed that the exterior door must be closed before the interior door can be opened. Each door or gate shall be secured by a lock. Perches shall be large enough in diameter so that the bird's claws do not meet the toe or pad on the underside of the perch.

(A) **Orders Falconiformes and Strigiformes.**

Noncompatible raptors shall be housed separately unless tethered. Birds of these orders held pursuant to a falconry license shall be maintained in accordance with Section 670, Title 14, CCR. Tethered raptors shall be provided with a perch designed for individual species of raptors. Tethered raptors shall be protected from predators and shall be provided with water for drinking and bathing. Tethers shall be constructed to allow the bird freedom of normal movement without becoming tangled; such tethers shall be of equal length (one on each leg). Raptors shall not be tethered continuously unless they are being flown on a daily basis or they are incapable of flying.

(2) **Class Mammalia**

(A) **Order Primates**

- 1 A shelter or a den box shall be provided. All primates shall be provided with natural or artificial sunlight.
- 2 Nocturnal primates shall be provided with privacy during their daytime hours.
- 3 Nest boxes shall be provided for species that use them (e.g., tamarins, marmosets, owl monkeys). Raised perches and roost sites shall be provided for arboreal or semi-arboreal species.
- 4 For brachiating species (gibbons and spider monkeys), sufficient vertical space must be provided for this activity which means

perches shall be above the floor at a height that is at least equivalent to twice the length of an adult. The ceiling shall be high enough to allow room for the animal to stand erect on its perch with arms extended overhead.

- 5 Primates shall be provided with objects or exercise systems appropriate to the age and species to promote physical and psychological well-being. These may include sturdy ropes, bars, branches, and chains and rings.
- 6 New World Monkeys such as squirrel, titis, and owl, medium and large South American monkeys, such as spiders, woollys, howlers, capuchins, and sakis held prior to August 3, 1989 may be kept in the currently approved housing so that the prior social structure and environment of those animals may be maintained. All other housing requirements shall pertain to these animals.
- 7 Apes:

- a. Gorilla, Orangutan and Chimpanzee

- (i) The walls and top of the cage shall be constructed of either 6-inch reinforced concrete; or 8-inch reinforced concrete block; or 5/8-inch diameter steel bars spaced on not greater than 4-inch centers and welded to horizontal angle iron bars 1-1/4 inches x 1/4-inch thick which are spaced no greater than 3 feet apart; or 6-gauge chain link or welded wire attached to 1-5/8-inch schedule 40 steel pipe spaced on 5-foot centers with vertical bracing of 1-5/8-inch schedule 40 steel pipe spaced on 4-foot centers. The horizontal angle iron bars shall be welded to the corner posts. The bottom horizontal bar shall be no more than 3 inches above a concrete floor or footing. Welded wire shall be welded to the framework every foot. Chain link fencing shall be secured along all edges to the framework using tension bars which

shall be bolted, not welded, to the framework at 12 inch intervals. All bolt attachments shall be further secured by spot welding. Walls shall be secured to a concrete footing deep enough below grade to preclude escape by digging. The framework for the walls and top of the cage shall be made of 1-5/8 inch outside diameter structural weight galvanized steel pipe or equivalent. Vertical supports shall be set 2-1/2 feet in concrete.

- (ii) Corner posts shall be either one 2-3/8 inch steel pipe or two 1-5/8 inch schedule 40 steel pipes bolted together with 3/8 inch steel bolts or equivalent.

b. Gibbon

- (i) Construction shall be 9 gauge chain link or welded wire or equivalent.

8 Old World Monkeys

a. Baboon, mandrill, macaque, guenon, mangabey, langur, etc.

- (i) 9 gauge wire or concrete construction.

9 New World Monkeys

a. Marmoset, squirrel, titis, owl and other similar-sized Monkeys.

- (i) Cage mesh no greater than 1" x 2".

b. Spider, woolly, howler, capuchin, saki, other medium and large sized South American monkeys etc.

- (i) 11 gauge wire or concrete construction.

(B) Order Edentata - Sloth, Anteater, Armadillo, etc.

- 1 The floor of the pen shall be at least 50% natural substrate. The walls of the pen shall be secured to a concrete footing or, if they are constructed of 11 gauge non-rusting chain link or welded wire, they shall be buried in the dirt deep enough to prevent escape by digging.
- 2 The pens for sloths may have a concrete floor and shall have limbs for climbing. One limb shall provide them an opportunity to get to a heat source.

(C) Order Marsupialia - Marsupial or Pouched Animal

- 1 The floor of the cage shall either be constructed of wood, or it shall be natural substrate. The surface of the paddock shall be natural substrate. Walls of the cage shall be secured to buried concrete or, if walls are constructed of 11 gauge non-rusting chain link or welded wire, they shall be buried in the dirt deep enough to prevent escape by digging.
- 2 Tree kangaroos and other arboreal marsupials shall be provided with limbs for perching, climbing and resting, a raised nest box or similar structure for seclusion and a heat source.
- 3 Kangaroos and wallabies shall be provided with a refuge area.

(D) Order Insectivora - Shrew, Mole, Hedgehog, etc.

- 1 The bottom of the cage shall be dirt, wood shavings or similar material over an escape-proof flooring.
- 2 A hide box or other refuge and protection from strong light are required.

(E) Order Dermoptera - Gliding Lemur

- 1 Limbs for perching and climbing and a rectangular cage are required.

- (F) Order Chiroptera - Bat
- 1 Perching or other material shall be provided for the animal to suspend itself.
 - 2 Protection from strong light shall be provided.
- (G) Order Monotremata - Spiny Anteater, Platypus.
- 1 The floor of the cage shall be natural substrate. The walls of the cage shall be constructed of 11 gauge non-rusting chain link or welded wire, secured to buried concrete, or they shall be buried at least one foot below the surface.
 - 2 Nest boxes with dry bedding or a natural burrow shall be provided for spiny anteaters. A heat source shall be provided.
 - 3 A pool measuring at least 4 times the length of the animal(s) by 1-1/2 times the width of the animal by 2-feet deep shall be provided for platypuses for swimming and feeding. Each adult shall be provided with a dry land area equal to the surface area of the pool.
 - 4 Platypuses require at least a 6-foot long, tunnel-like entrance to the nest box where water from the pool can be shed.
 - 5 Platypuses shall be kept singly with young or paired only when breeding.
- (H) Order Pholidota - Pangolin, Scaly Anteater
- 1 The floor of the cage shall be natural substrate or 4 inch concrete covered with permeable soil. The walls of the cage shall be constructed of 11 gauge non-rusting chain link or welded wire, secured to buried concrete, or they shall be buried at least one foot below the surface.
- (I) Order Lagomorpha - Rabbit and Hare
All require tooth-resistant restraining materials and bone, wood or fibrous food to gnaw on.

- 1 The floor of a pen shall be constructed of concrete at least 2 inches thick or of 16 gauge non-rusting chain link or welded wire. Dirt or wood may be placed over the flooring.

(J) Order Rodentia - Muskrat, Porcupine, Squirrel, Beaver, Prairie Dog
All require tooth-resistant restraining materials and bone, wood or fibrous food to gnaw on.

- 1 Porcupine
 - a. New World porcupines require climbing perches.
 - b. A box shelter for seclusion is required.
- 2 Squirrel and Chipmunk
 - a. Arboreal forms require climbing perches.
 - b. Nest boxes are required for each animal.
 - c. The cage shall be completely enclosed with a welded wire and have a concrete floor.
 - d. The floor shall be covered with natural substrate, wood shavings or similar material.
- 3 Muskrat and Beaver
 - a. A pool of fresh water with easy entry and exit shall be provided. Half of the required floor space shall be a pool of water 2-1/2 feet deep.
 - b. A nest box or retreat shall be provided for each animal.
 - c. The walls of the cages for beaver shall be constructed of 9 gauge chain link or welded wire or equivalent construction; 11 gauge for muskrats.
 - d. The floor of the cages shall be constructed of 4-inch concrete or non-rusting 9 gauge chain link or welded steel wire. Such floors are not required

if the side walls are anchored to equivalent materials which have been buried deep enough underground to prevent the animal's escape by digging.

- e. Not more than 2 compatible adults of the same species and their offspring of the year may be held in the same enclosure.

4 Prairie Dog

- a. The floor of a pen shall be constructed of 4-inch concrete, or 16 gauge, non-rusting woven wire or similar non-rusting material with mesh 1-inch in diameter. At least 1/4-inch diameter reinforcement rods shall be used along the outer edge of a concrete floor to help support concrete or concrete block walls. To facilitate drainage, 6-inch floor drains shall be installed in a concrete floor at the rate of one per 16 square feet. Floor drains shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping. Floor drains are not required when wire is used for entire floor. The floor shall be a minimum of 3 feet below ground level and covered with permeable soil or other mixture to ensure adequate drainage.
- b. The walls of the pen below ground level shall be anchored to the floor and shall be of 4 inch concrete or concrete blocks or 9 gauge non-rusting woven wire or similar material with 1-inch mesh attached to the framework of steel or cedar posts. Above ground level the wall shall be of 18 gauge fur-farm netting with 1-inch mesh, 4-inch concrete or concrete blocks or similar material. The top shall be covered or the walls shall be at least 3-1/2 feet high and provide a non-climbable escape-proof barrier.

5 Acushi, Agouti, Paca and Capybara

- a. Gnawing logs shall be provided.
- b. A pool shall be provided for capybara.

- c. Walls or fencing shall be anchored far enough below ground level to prevent escape by digging. Dirt substrate or similar natural material shall be provided.

(K) Order Carnivora - Raccoon, Weasel, Skunk, Mongoose, Wolf, Lion, Bear, etc.

1 Procyonidae - Raccoon, Coatimundi and Kinkajou

- a. Limbs shall be required.
- b. A nest box or sheltered retreat shall be provided.
- c. The floor of the pen shall be constructed of 4-inch concrete, wood, or natural substrate over concrete or 9 gauge non-rusting chain link or similar material, or the walls shall be buried deep enough to prevent escape by digging.
- d. The walls of the pen shall be constructed of 11 gauge chain link or equivalent, 4-inch concrete or concrete block. If no top is provided, the walls shall be of sufficient height and shall be constructed in a manner which makes them non-climbable to prevent escape.

2 Mustelidae

- a. Weasel, Ferret, Mink, Marten, Tayra, Grison, and Skunk
 - (i) Limbs shall be required (except skunk).
 - (ii) A nest box shall be provided for each animal, except neutered European ferrets may have a large communal nest box.
 - (iii) The floor of the cage shall be constructed of one inch square or one inch by two inch mesh, 4-inch concrete, wood, 11 gauge

non-rusting chain link or equivalent material with a covering of dirt or similar natural substrate.

b. Wolverine and Badger

- (i) A natural or artificial den area shall be provided for each animal.
- (ii) The floor of the cage shall be constructed of two inch by six inch wood or 4-inch concrete or non-rusting 9 gauge chain link or welded wire covered with 3 feet of permeable soil. Six-inch floor drains shall be installed in the concrete floor at the rate of one per 16 square feet. Floor drains shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping.
- (iii) Walls of the cage shall be constructed of 9 gauge chain link or welded steel wire, 4-inch concrete, or concrete block. If no top is provided, walls shall be of sufficient height and shall be constructed in a manner which makes them non-climbable to prevent escape.

c. River Otter. (Sea otters shall be housed according to 9 CFR Sections 3.100-3.118.

- (i) A den area shall be provided for each animal.
- (ii) A pool with fresh running water covering at least 1/2 of the required floor space and at least 2-1/2 feet deep shall be provided.
- (iii) The floor of the cage shall be constructed of 4 inch concrete or dirt over such concrete or 9 gauge chain link or welded steel wire or the side walls shall be anchored to equal materials deep enough underground to prevent escape by

digging. If concrete floor is used, 6 inch floor drains shall be used and they shall be covered with 9 gauge non-rusting woven wire or similar material to prevent animals from escaping.

- (iv) The walls of the cage shall be constructed of 11 gauge chain link or welded steel fabric or equivalent construction.

3 Viverridae - Genet, Civet and Mongoose, Binturong

- a. Limbs shall be provided.
- b. A nest box or platform is required. A heat source shall be provided for genet, civet and mongoose.
- c. The floor of the cage shall be constructed of 4-inch concrete or for civets and binturongs, it may be 11 gauge non-rusting welded steel fabric with 2-inch mesh and the cage for genets and mongooses shall be of 16 gauge welded steel fabric with 3/4 inch mesh which is covered with soil.
- d. The walls of the cage for civets and binturongs shall be of 11 gauge welded steel fabric with 2-inch mesh and the cage for genets and mongooses shall be of 16 gauge welded steel fabric with 3/4-inch mesh, 4-inch concrete or concrete block.

4 Hyaenidae - Hyena

- a. The floor of the cage shall be constructed of 4-inch concrete, or 2 by 6 inch or larger wood flooring or buried non-rusting 9 gauge chain link or welded wire with mesh no larger than 2 inches by 4 inches.
- b. The walls of the cage shall be constructed of 9 gauge chain link or welded wire with mesh no larger than 2 inches by 4 inches, or 6-inch concrete or concrete block. If an animal is kept

- in a large enclosure in lieu of a cage, the floor shall be of natural substrate and the walls shall be anchored and extend at least 5 feet underground. If no top is provided, the walls shall be at least 10 feet high and constructed to be non-climbable by the animal or the walls shall be 8 feet high and shall have, in addition, a 2-foot overhang angling 45 degrees inward at the top.
- c. A sheltered retreat and either a den or elevated wood platform shall be provided.
- 5 Canidae - Wolf, Coyote, Fox and Other Members of the Dog Family
- a. Limbs shall be provided for gray and red foxes.
- b. The floor of the cage shall be either natural substrate or constructed of two inch by six inch wood or 4-inch concrete or buried non-rusting 9 gauge chain link or welded wire. In lieu of the above, either the walls shall be buried at least 8 feet deep to prevent escape by digging, or a buried 3-foot wide concrete, chain link, or welded wire apron shall be provided which shall be attached to the inside of the bottom of the perimeter walls to prevent escape by digging at the walls. All buried chain link or welded wire shall meet the gauge requirements for walls.
- c. The walls of the cage shall be constructed of 6-inch concrete or concrete block, chain link or welded wire. If chain link is used, it shall be 9 gauge for wolves and 11 gauge for other canids. If an animal is kept in a large enclosure in lieu of a cage, the floor shall be of natural substrate and the walls of the cage shall be anchored and extend at least 5 feet underground or a buried 3-foot wide concrete, chain link or welded wire apron shall be provided which shall be attached to the inside of the bottom of the perimeter walls to prevent escape by digging at

the walls. If no top is provided, the walls shall be at least 10 feet high and constructed to be non-climbable by the animal or the walls shall be 6 feet high (except that the walls for the gray fox shall be 8 feet high) and shall have, in addition, a 2-foot overhang angling 45 degrees inward at the top.

- d. A sheltered retreat and either a den or elevated wood platform shall be provided.

6 Felidae - Cat Family

- a. Dens shall be provided and shall be adequate in size to provide privacy and comfort for all animals in the enclosure.
- b. An elevated wooden loafing platform or an elevated dry natural substrate loafing area, adequate in size for all animals within the enclosure, shall be provided. The top of the den or den box may be designed to meet this requirement.
- c. A tree limb or other suitable scratch block shall be provided.
- d. The floor of the cage shall be natural substrate or constructed of wood or 4 inches of concrete or welded wire or the walls shall be buried deep enough to prevent escape by digging. All buried chain link or welded wire shall be non-rusting and shall meet the gauge requirements for walls.
- e. Group I--Lion, Tiger, Cheetah, Snow Leopard, and Hybrids Thereof:
 - (i) A minimum of 100 square feet shall be of concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.

- (ii) Walls and top of the enclosure shall be constructed of at least 9 gauge chain link. The framework for the walls and top shall be constructed of 1-5/8 inch schedule 40 steel pipe. Vertical posts shall be bolted to or anchored in concrete 1-1/2 feet deep by 10 inches in diameter spaced no more than 10 feet apart. Horizontal pipe supports shall be spaced no more than 4 feet apart and welded at the ends to the vertical posts. The above chain link fencing shall be secured to the vertical and horizontal framing on all sides using tension bars which shall be welded or bolted to the framework every 18 inches. Welded wire shall be welded to the framework every 12 inches on all sides. The bottom horizontal cross bar shall be no more than 3 inches above the concrete floor. If a bottom horizontal cross bar is not used, the walls shall be secured against the natural substrate or a wooden flooring in a manner which precludes escape. Corner posts shall be two 1-5/8-inch schedule 40 steel posts or one 2-3/8-inch schedule 40 steel post. The top cross members shall be spaced no more than 5 feet apart.
- f. Group II--Black and Spotted Leopard, Jaguar, Clouded Leopard, Mountain Lion, European Lynx and Hybrids Thereof:
- (i) At least 70 square feet of the floor space must be of concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Walls and tops shall be the same as for Group I cats.
- g. Group III--Caracal, Bobcat, Canada Lynx, Golden Cat, Ocelot, Serval, Jungle Cat, Fishing Cat and Hybrids Thereof:

- (i) At least 25 square feet of floor space shall be concrete or wood planking as a sanitary area for feeding, unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Walls and top of the enclosure shall be constructed of at least 12 gauge chain link or equivalent. Corner posts shall be either one 2-3/8-inch schedule 40 steel pipe or two 1-5/8-inch schedule 40 steel pipes and anchored as provided for Group I cats.
- h. Group IV--Margay, Leopard Cat, Pallas Cat, Marble Cat, Geoffroy's Cat, African Wild Cat, European Wild Cat, Jaguarundi, Little Spotted Cat, African Black Footed Cat, Sand Cat, Flatheaded Cat, Pampas Cat and Hybrids Thereof:
- (i) At least 20 square feet of floor space shall be concrete or wood planking as a sanitary area for feeding unless a secured food receptacle which is cleaned daily is provided.
 - (ii) Wall and top of the enclosure shall be constructed of at least 12 gauge chain link or equivalent. Corner posts shall be either one 2-3/8-inch schedule 40 steel pipe or two 1-5/8-inch schedule 40 steel pipes and anchored as provided for Group I cats.
- 7 Ursidae-bear Family
 Bears shall be classified into 3 groups:
 Group I= Sun Bears, Asiatic Black bears, Sloth bears and Spectacled bears;
 Group II= American Black bears and European brown bears; and Group III= Polar bears and Brown bears.
- (i) Floors of the enclosure shall be constructed of reinforced concrete 4 inches thick or they shall be of natural substrate or wood with the walls secured to a concrete footing deep enough below grade to preclude escape by digging (at least 5 feet for Group III).

- (ii) Vertical corner posts shall be made of either one 2-3/8-inch schedule 40 steel pipe or two 1-5/8-inch schedule 40 steel pipe. Other vertical, horizontal, and top cross member supports shall be made of 1-5/8-inch schedule 40 steel pipe for Group I and 1-7/8-inch schedule 40 steel pipe for Groups II and III. All horizontal pipe supports shall be spaced no more than 5 feet apart for any group. The bottom horizontal pipe shall be no more than 3 inches above the concrete floor.
- (iii) The framework for the walls and top of the cage shall be constructed of materials that are equal or greater in strength than the corner posts with all upright members set 2-1/2 feet in concrete and spaced no more than 10 feet apart for Group I and II or 5 feet apart for Group III. The cross members (stringers) forming the framework for the top shall be spaced no more than 5 feet apart for any group. Iron pipe shall be standard grade for Groups I and II and structural strength grade for Group III.
- (iv) For groups I and II the walls of the cage shall be constructed of 9 gauge chain link or welded wire with mesh no greater than 2 inches in diameter. For Group III bears the walls of the cage shall be constructed of 5 gauge chain link or welded wire. Welded wire shall be welded to the framework every 4 inches.

Chain link fencing shall be secured along all edges to the framework using tension bars which shall be bolted to the framework every foot. The walls of the cage for groups I, II and III bears may also be constructed of vertical steel bars or rods of 5/8-inch diameter, spaced on 4-inch centers, and welded at the ends to 1-1/4 inch x 1/4-inch angle iron.

The horizontal angle iron supports shall be welded to the vertical posts. The bottom horizontal support shall be no more than 3 inches above the concrete floor and each horizontal support shall be spaced no more than 4 feet apart between floor and top.

- (v) The top of the cage shall be constructed of material equal to the wall requirements for the particular group of bears enclosed. Shade shall be provided by covering $1/4$ to $1/2$ of the top with exterior grade plywood, fiberglass, or similar material.
- (vi) A concrete or concrete block den at least 4 feet high by 4 feet wide by 6 feet long or an equivalent shall be provided for each animal; or one den at least 4 feet high by 6 feet wide by 8 feet long for 2 animals or for a female and her offspring of the year. The top of the den shall be constructed of concrete which may be covered on top with wood for laying. A den shall be provided with shavings, straw, or a wooden platform or flooring for reclining. The den shall be provided with adequate ventilation to prevent condensation of moisture. The den box may be of wood if the den is completely within the cage.
- (vii) A bear shall be provided with a suitable scratching post.
- (viii) A pool deep enough for complete immersion shall be required for polar bears and the pool surface area shall be in addition to the minimum cage size requirement.

(L) Order Tubulidentata-Aardvarks

- 1 The floor of the cage shall be dirt. The walls of the cage shall be constructed of 9 gauge non-rusting welded wire or concrete which has been buried to a depth of at least 5 feet to prevent escape by digging.

(M) Order Proboscidea-Elephant

- 1 A heated barn shall be provided in any geographical area where the ambient air temperature drops below 40 degrees Fahrenheit. The floor of the barn shall be constructed of at least 6 inches of reinforced concrete. All lights and other such objects and obstacles in the barn shall be kept outside the reach of the elephant.
- 2 Elephants shall be provided free exercise unchained on dirt for a minimum of 5 hours per each 24-hour period.
- 3 An enclosure constructed of 6-inch reinforced concrete, 2-inch diameter steel bars or 4-inch diameter schedule 40 galvanized steel pipe shall be provided. No roof is required.
- 4 Chaining requirements:
 - a. Chains shall be secured to a concrete floor, concrete "dead man", or other immovable anchor.
 - b. A covered chaining area shall be provided.
 - c. An elephant may be chained by only one rear leg and the opposite front leg and in such a manner as to restrict movement but still allow the animal to easily lay down and rise again. Chains shall be rotated to the other 2 legs daily.
 - d. Elephants chained for any extended period shall have their leg chains padded and shall be checked regularly to insure they are secure and to detect any injury to the leg.
 - e. Snaps and clips may be used only within a primary enclosure. A clevis or stronger type chain attachment shall be used outside the primary enclosure.
- 5 Either a pool shall be provided or the elephant shall be washed with water daily, as weather or temperature permit.

(N) Order Hyracoidea - Hyrax

- 1 Limbs shall be provided for arboreal species.

- 2 Nest box or sheltered retreat shall be provided.
 - 3 The floor of the cage shall be constructed of 4 inch concrete which shall be covered with dirt or natural substrate.
 - 4 The walls of the cage shall be constructed of 1/2 inch by 1 inch mesh welded wire.
- (O) Order Sirenia - Dugongs and Manatees - These animals shall be maintained in a manner that complies with 50 CFR, Part 18, Section 18.13(c).
- (P) Order Perissodactyla - Tapirs, Rhinoceroses, etc.
- 1 The floor of the pen shall be dirt or natural substrate.
 - 2 The walls of the pen for tapirs shall be constructed of 9 gauge chain link, or equivalent material. The walls of the enclosure for rhinoceroses shall be constructed of 6-inch reinforced concrete, 2 inch diameter steel bars, or 6-inch heavy duty galvanized steel pipe.
- (Q) Order Artiodactyla - Wild Pigs, Hippopotami, Deer, Giraffes, Wild Cattle, Antelope, etc.
- 1 Wild Pigs and Peccaries
 - a. A shelter with a roof and three walls shall be provided.
 - b. The floor of the pen shall be dirt or natural substrate.
 - c. The animals shall be precluded from escape by digging.
 - 2 Hippopotami
 - a. A heated barn shall be provided in any geographical area where the ambient air temperature drops below 40 degrees Fahrenheit.
 - b. A pool shall be provided for the Nile hippopotamus which shall have a surface area of at least 300 square feet and a

35-degree nonskid ramp. The pool shall be not less than 5 feet deep. For each additional animal there shall be a 25% increase in the required pool area.

- c. A pool shall be provided for the pygmy hippopotamus which shall have a surface area of at least 100 square feet with a 35-degree nonskid ramp. The pool shall be not less than 3 feet deep. For each additional animal there shall be a 25% increase in the required pool area.
 - d. The walls of the corral or paddock enclosure shall be constructed of 5-inch reinforced concrete or 5-inch structural grade schedule 40 galvanized steel pipe.
- 3 Deer, Elk, Giraffes, Wild Cattle, Antelope, and Wild Goats and Sheep

- a. The floor of the pen shall be dirt or other natural substrate.
- b. All animals shall be provided with a shelter which has a roof and three walls.

Shelters for giraffes shall provide at least 140 square feet of floor space for each giraffe. A heat source shall be provided for giraffes.

- c. Fences for giraffe, elk and wild cattle shall be constructed of 9 gauge woven wire or chain link with mesh not more than 6 inches in diameter or equivalent. Posts shall be of structural grade schedule 40 quality steel pipe or structurally sound 4 x 4 wood, spaced not more than 12 feet apart. A 6-foot vertical fence, with or without overhang, shall be required; a 7-foot vertical fence is required for elk.
- d. Fences for deer, antelope and wild goats and sheep shall be constructed of 11 gauge woven wire with mesh not more than 6 inches in diameter or equivalent. Posts shall be of structurally sound 4x4 wood or equivalent, spaced not more than 12 feet apart. A 7-foot vertical fence is required for elk, red deer, bison,

buffalo, impala, eland, antelope, goats and sheep; a 6-foot vertical fence is required for white-tailed deer, fallow deer, auodad and sika deer.

(3) -Class Amphibia - Frogs, Toads, Salamanders

(A) General Requirements:

- 1 The animal's enclosure shall be kept within a closed and locked room or building which has covers over all drains and openings to prevent escape of the amphibians from the building. All doors shall be equipped with sweeps. Containers or exhibits shall be labeled with the identification of current species and the number of animals contained inside.
- 2 The rock or aquarium substrate shall be non-abrasive and shall be kept clean.
- 3 Any transfer containers shall have locked tops and shall be constructed in a manner which shall prevent the likelihood of escape.

(B) Family Bufonidae

- 1 One ten-gallon standard commercial aquarium shall be provided for one animal and an additional three-fourths of a square foot (equivalent to one 5 gallon aquarium) shall be provided for each additional animal.
- 2 At least one-third of the bottom of the aquarium shall be covered with water and two-thirds shall be dry.
- 3 Animals shall be kept at a temperature of between 60 - 80 degrees Fahrenheit.

(C) Family Pipidae

- 1 One 10 gallon standard commercial aquarium shall be provided for one animal. The minimum floor space requirement shall be increased by 50 percent for each additional animal. Water at a minimum depth of 1 foot shall cover at least the minimum floor space requirement for the number of animals confined.
- 2 Animals shall be confined at a temperature of between 60 - 80 degrees Fahrenheit.

(4) Class Reptilia

(A) Order Crocodylia - Alligators, Caimans, Crocodiles, Gavials

- 1 The minimum cage length and width dimensions for one animal shall be equal to one and one-half times the length of the animal by one and one-half times the length of the animal. This space requirement shall be doubled for two animals and shall be increased by a factor of two-thirds for each additional animal thereafter.
- 2 One-third of the minimum cage space shall be water that is deep enough for the animal to immerse itself. If more than one animal is present in the pen, the pool shall be of sufficient size that all animals can immerse themselves simultaneously. Pool surfaces shall be made of non-abrasive material and the pool shall have a drain.
- 3 That portion of the pen not occupied by the pool shall be covered with non-abrasive material such as dirt or grass.
- 4 Crocodylians, except alligators and caimans less than 4 feet in length, shall be kept in a totally enclosed building or exhibit. Animals shall be confined in a manner which precludes their coming in contact with the public. The walls of an open pen for other crocodylians shall be equivalent to at least one foot in height for every one foot in length of the largest animal up to a maximum of 6 feet high. If any of the walls are made of a climbable material such as fencing, the top 1-1/2 feet of the wall shall be constructed of a slippery, nonclimbable material for all crocodylians except alligators. The walls for all species shall be buried deep enough to prevent escape by digging, or a buried apron shall be used. The walls of an open alligator pen shall be at least 4 feet high, and the corners shall be covered to prevent climbing. The upper one-half of the walls of the enclosure shall be constructed of either concrete or concrete block or 9 gauge chain link or welded wire with no greater than 2-inch x 4-inch size

mesh. Concrete or concrete block shall be used for the bottom half of the enclosure. All chain link or welded wire edges shall be smoothly secured in a manner which will prevent injury to the animals.

- 5 Alligators may be kept outdoors if:
 - a. An external heat source is provided, and the pool temperature is maintained above freezing;
 - b. The pool is at least three feet deep; and
 - c. The nighttime temperature does not fall below freezing for more than 2 consecutive nights.
6. Crocodylians other than alligators may be confined outdoors between sunrise and sunset if:
 - a. The air temperature is above 65 degrees Fahrenheit.
7. Crocodylians other than alligators shall not be confined outdoors between sunset and sunrise.

(B) Family Chelydridae - Snapping turtles

- 1 The container or exhibit shall be labeled with the common and scientific name of the species and the subspecies, if known, and the number of animals contained inside.
- 2 Each turtle shall be provided with a minimum floor space that is equal to five times the size of the animal.
- 3 At least one-half of the minimum floor space shall be water which is deep enough to immerse the turtle.

(C) Snakes - Families Elapidae, Viperidae, Colubridae and Crotalidae

- 1 The container or exhibit for venomous snakes shall be labeled with the common and scientific name of the species and the subspecies, if known, and the number of animals contained inside. The label shall be legibly marked with the warning "Poisonous" or "Venomous".

- 2 The perimeter of the enclosure for snakes less than 6 feet shall be 1-1/2 times the length of the snake. The perimeter of the enclosure for snakes over 6 feet shall be twice the length of the snake.
- 3 All venomous snakes shall be kept in a locked exhibit or container which shall be located within a locked building, compound or enclosure.
- 4 The floor of the enclosure shall be constructed of non-abrasive material and hiding areas shall be provided.
- 5 At least two fully trained people shall be present when an occupied enclosure is opened or when one of these snakes is handled. The names of the trained handlers shall be listed with the department's Wildlife Protection Division in Sacramento.
- 6 Written animal escape "emergency procedures" shall be clearly and conspicuously posted in the building housing these snakes and shall be supplied to the department at the time the permit application is initially submitted.
- 7 A notice shall be clearly and conspicuously posted on the premises which shall provide the location of the nearest most readily available source of appropriate antivenin and a written plan from a hospital stating how a venomous bite should be treated. Each enclosure shall be clearly and conspicuously labeled with the appropriate antivenin to be used for the species in the cage.
- 8 If a snake is transported or removed from its primary enclosure for feeding or in order to clean the enclosure, the snake shall be kept in a fully enclosed container with a secure and locked lid which has air holes or other means of ventilation.
- 9 Snake hooks shall be present for caring for these snakes.
- 10 The permittee shall telephonically notify the department of any snake bite on humans or escapes of any snakes within 24 hours and shall provide a written report of the incident to the department's Wildlife Protection Division in Sacramento within one week.

- (5) All other Classes, Orders, Families, Genera and species for which specific caging and/or enclosure requirements have not been provided in sections (b)(1)-(4) above shall be humanely confined in a manner which precludes escape.

(c) Incorporation by reference of the Federal Animal Welfare Regulations and Federal "Guide for the Care and Use of Laboratory Animals". As follows:

Except as otherwise provided in subsections (a) and (b) above, permittees shall follow the requirements of the Federal Animal Welfare Regulations contained in 9 Code of Federal Regulations (CFR), Sections 2.33; 2.40; 3.75-3.85; 3.101(a)(3); and 3.136-3.142, as amended from time to time, as the United States Department of Agriculture adopted those regulations pursuant to the Laboratory Animal Welfare Act and its Amendments as found at 7 United States Code (USC), Sections 2131-2157. The Commission hereby incorporates by reference the cited Federal Animal Welfare Regulations and the "Guide for the Care and Use of Laboratory Animals," (NIH Publication No. 86-23, Revised 1985) as if they were set out in full.

(d) Variances to Minimum Caging and Enclosure Requirements.

- (1) The general requirements set forth in subsections (a) and (b) above are minimum standards for permanent facilities. Any deviation from these specifications because of the age of the animal being housed, the use of an unusual facility design, such as moats, islands, outdoor natural habitat enclosures, pits or barriers shall be subject to the approval of the inspecting officer with concurrence of the director. In granting any variance of the minimum caging and enclosure requirements, the inspecting officer and the director shall make a finding that the overall welfare of the animal(s) involved has been maintained.
- (2) Those cat cages which substantially conform to the provisions of Section 671.3(b)(2)(K)6. on or before August 3, 1989, shall be "grandfathered in". Existing cages, except currently approved cat cages, will be given three calendar years or until February 25, 1995 to comply with the new caging requirement set forth herein. The department may approve nonstandard cages on a case by case basis, if they substantially conform to the spatial requirements. The Regional Manager shall make a recommendation to the Chief of Patrol who will make the department's final decision. The department's final decision may be appealed to the commission.
- (3) These minimum facility and caging standards do not apply to wildlife temporarily maintained pursuant to Section 251.5(f) as provided by Fish and Game Code Section 3005.5.

(e) Care of Laboratory Animals. With the approval of the department, prohibited wild animals used for research purposes may be confined and cared for pursuant to the provisions of the "Guide for the Care and Use of Laboratory Animals" adopted by the U.S. Department of Health and Human Services (NIH Publication No. 86-23, Revised 1985).

(f) Regulations Manual. The facility and caging requirements specific to animals that may be lawfully possessed are provided in the DEPARTMENT OF FISH AND GAME MANUAL 671 (2/25/92)-IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS, which is incorporated by reference herein. Copies are available from the department's Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090. Facility and caging regulations of subsection 671.3(b) contained in DEPARTMENT OF FISH AND GAME MANUAL 671 (2/25/92) are hereby adopted and made part of this Title 14 and are thus incorporated by reference.

Authority: 1002, 2116, 2116.5, 2118, 2120, 2122, 2150, 3005.9 and 3005.92 Fish and Game Code.

Reference: 1102, 2116-2118, 2118.2, 2118.4, 2119-2155, 2185-2191, 3005.9 and 3005.92, Fish and Game Code.

671.4 Transportation Standards for Exhibition of Live Animals.

(a) Responsibility of Permittee. It shall be the responsibility of the permittee to provide a copy of these regulations to any carrier and intermediate handler being considered for transporting wild animals.

(b) Requirements for Carriers and Intermediate Handlers. (Also see subsections (d) and (f) of this Section regarding holding and food and water requirements.)

- (1) Carriers and intermediate handlers shall not accept any animal presented by any person for shipment more than four hours prior to the scheduled departure of the primary conveyance on which it is to be transported.
- (2) Carriers or intermediate handlers shall accept wild animals for transportation only if the transport cages are constructed in accordance with the provisions of subsection 671.4(e)(1) below.
- (3) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by these regulations may not accept for transportation any live animal consigned by any person unless the consignor furnishes to the carrier or intermediate handler a certificate executed by a licensed veterinarian on a date which shall not be more than 10 days prior to delivery of such animal for transportation, stating that such live animal is acclimated to air temperatures lower than 7.2 C. (45 F.). A copy of such certificate shall accompany the shipment to its destination. The certificate shall include at least the following information: Name and address of the consignor; the number of animals in the shipment; a certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2 C (45 F)"); and the signature of the accredited veterinarian, assigned accreditation number, and date.
- (4) Carriers and handlers shall not commingle animal shipments with inanimate cargo. All animal holding areas of any carrier, handler, or any mode of conveyance shall be cleaned and sanitized often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program shall be provided and maintained by the owner or operator of the holding facility for the control of insects, ectoparasites, and avian and mammalian pests for all animal holding areas. All animal-holding areas containing live animals shall

be provided with fresh air by means of windows, doors, vents or an air conditioning system to minimize odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal-holding area containing live animals when the air temperature within such animal-holding area is not compatible with the health and comfort of the animal. The temperature shall be regulated to protect the animals from temperature extremes. Animals shall not be placed in a direct draft.

- (5) Carriers and intermediate handlers shall attempt to notify the consignee at least once every two hours following the arrival of any live animals at the animal holding area of the terminal cargo facility. The time, date and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.
- (c) Conveyances (motor vehicle, rail, air, and marine).
- (1) The cargo space of any conveyance used to transport live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live animals contained therein at all times.
 - (2) The animal space shall be constructed and maintained to prevent the ingress of direct engine exhaust fumes and gases from the conveyance.
 - (3) No live animal shall be placed in any cargo space that does not have sufficient air for normal breathing for each animal contained therein, and the transport cages shall be positioned in the animal cargo space so that each animal has sufficient air for normal breathing.
 - (4) Transport cages shall be positioned in the conveyance so that the animals can be quickly removed in an emergency.
 - (5) The interior of the animal cargo space shall be kept clean and sanitary.
 - (6) Live animals shall not be transported with any material, substance, (e.g., dry ice) or device which may be injurious to their health and well-being unless proper precaution is taken to prevent such injury.

(d) Handling Provisions.

- (1) Carriers and handlers shall move live animals from animal holding areas to conveyances and from the conveyances to animal holding areas as expeditiously as possible. Carriers and handlers holding live animals in an animal holding area or transporting live animals from the animal holding area to the primary conveyance and from the primary conveyance to the animal holding area, including loading and unloading procedures, shall provide the following:

- (A) Shelter from sunlight. Shade shall be provided to protect the animals from the direct rays of the sun. Animals shall not be subjected to surrounding air temperatures which exceed 29.5 C, (85 F.). The temperature shall be taken outside of the primary enclosure at a distance not to exceed 3 feet from any one of the external walls and on a level parallel to the bottom of the enclosure at a point which approximates half the distance between top and bottom of the enclosure.
- (B) Shelter from rain or snow. Protection shall be provided so animals remain dry during rain or snow.
- (C) Shelter from cold weather. Transport cages shall be covered to provide protection for animals when the air temperature falls below 10 C. (50 F.) and animals shall not be subjected to surrounding air temperatures which fall below 7.2 C. (45 F.). The temperature shall be taken at a distance not to exceed 3 feet from any one of the external walls of the transport cage unless such animals are accompanied by a veterinarian's certificate of acclimation to temperatures lower than 7.2 C, (45 F.).
- (2) The transport cage shall not be handled in a manner that may cause physical or emotional trauma to the animal contained therein. Transport cages with animals inside shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

- (e) Transport Caging Provisions. No person shall offer for transportation any live animal in a cage which does not conform to the following requirements:

- (1) Cages used to transport live animals shall be constructed in such a manner that:
- (A) the structural strength of the cage shall be sufficient to contain the animal and to withstand the normal rigors of transportation;
 - (B) the interior of the cage shall be free from any protrusions that could injure the animal contained therein;
 - (C) the openings of such cages shall be easily accessible at all times for emergency removal of live animals;
 - (D) when a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90% of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

If there are ventilation openings located on two opposite walls of the primary enclosure, the ventilation openings on each wall shall be at least 16 percent of the total surface area of each such wall; or, if there are ventilation openings located on all four walls of the primary enclosure, the ventilation openings on each such wall shall be at least 8 percent of the surface area of each such wall. At least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure. Projecting rims or other devices shall be placed on the exterior of the outside walls to prevent obstruction of ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and

- (E) adequate handholds or other devices for lifting shall be provided on the exterior of the cage to enable lifting of the enclosure without tilting and to ensure that the person handling the cage will not be in contact with the animal.
- (2) Animals transported in the same cage shall be of the same species and maintained in compatible groups. Animals that have not reached puberty shall not be transported in the same cage with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) shall be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same cage with any male animal.
- (3) Transport cages shall be as set forth below. In the event, however, the provisions of 9 CFR, Sections 3.85-3.91, Sections 3.112-3.118 and Sections 3.136-3.142 are met, the requirements of this subsection shall be deemed satisfied.

- (A) All Animals Except Primates Traveling for Performances or Exhibition.

Minimum length: cages shall be at least 1-1/4 times the body length of quadruped (four-legged) animals, excluding the tail, or long enough for other animal species to lie down and get up normally.

Minimum height: cages shall be at least the full height of the animal plus 2 inches (antlers included in body height).

Minimum width: except for hoofstock, cages shall be at least 1-1/2 times the body width of the animal. For hoofstock, the width of the cages shall be consistent to the needs of the animal to ensure its safe delivery.

- (B) Primates Traveling for Performance and Exhibition. Minimum length: cages shall be at least equal to the length of the animal as measured from the buttocks to the top of the head.

Minimum height: cages shall be at least 1-1/2 times the height of the primate when it is in its natural posture.

Minimum width: cages shall be at least equal to the length of the animal as measured from the buttocks to the top of the head. The cage shall be large enough to allow the animal to lie down.

Notwithstanding the minimum requirements above, cages for adult chimpanzees and orangutans shall be at least 4' long(L) x 4' wide(W) x 4' high(H) with one shelf or perch. When not traveling, an exercise cage of at least 6'(L) x 4'(W) x 6'(H) shall be provided for a minimum of four hours per day. For adult small monkeys and baboons, cages shall be at least 3'(L) x 3'(W) x 4'(H) When not traveling, an exercise cage of at least 4'(L) x 4'(W) x 6'(H) shall be provided for a minimum of four hours per day. Primates less than one year of age shall be transported in a cage of such size and construction which ensures its safe delivery.

- (C) Immediately upon arrival at a destination, animals traveling for performances or exhibition shall be placed in a space equal to $1/3$ the minimum permanent space required for that species. Notwithstanding the foregoing, animals which are regularly exercised by exhibitors shall be permitted to remain in their transportation cages provided the permittee's veterinarian certifies that such cages provide sufficient space for the animal once it has arrived at a destination. The department shall bring to the immediate attention of the commission any circumstances where in the opinion of the department's officer, proper care is not being provided.

Animals not used in performances or exercised regularly shall be placed in a space equal to $1/2$ the minimum permanent space required for that species. Elephants accompanied by an attendant may be staked out in a roped off area which excludes the public.

- (4) Transport cages shall have solid bottoms to prevent leakage in shipment and shall be cleaned and disinfected pursuant to subsections 671.2(a)(4) and (5). Transport cages shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the animals, in sufficient quantity to absorb and cover excrement.
- (5) Transport cages consigned to carriers and intermediate handlers shall be clearly marked on top and on all sides with the words "Live Wild Animal" in letters not

less than 1 inch in height, and with arrows or other markings to indicate the correct upright position of the container.

- (6) Documents accompanying the shipment consigned to carriers and intermediate handlers shall be attached in an accessible location on the outside of one transport cage.

(f) Care in Transit.

- (1) To minimize the distress to animals during surface transportation, the driver shall visually inspect the animals at least once every 4 hours to assure that the animals are not in obvious physical distress and to provide for any needed veterinary care as soon as possible. When transported by air, animals shall be observed if the cargo space is accessible during flight. If the cargo space is not accessible during flight, the carrier shall visually observe the animals whenever the cargo space is accessible to assure that all applicable standards are being complied with and to determine whether any of the live animals are in obvious physical distress.
- (2) Animals shall not be taken from their cage except under extreme emergency.
- (3) Food and water requirements while in transit.
- (A) All live animals shall be offered potable water within 4 hours prior to being transported. Any person who transports live animals shall provide potable water to all animals being transported at least every 12 hours after such transportation is initiated except as directed by a veterinarian or in the case of hibernation. Animals requiring more water shall be treated appropriately.
- (B) Each animal shall be fed at least once in each 24-hour period, except as directed by a veterinarian. Predators are to be separated when feeding. Animals requiring more food shall be treated appropriately.
- (C) Any person who offers animals to any carrier or intermediate handler for transportation shall comply with the provisions of subsection 671.1(a)(4) and shall affix to the outside of the transportation cage written instructions pursuant to subsections 671.4(f)(3)(A) and (B) concerning the food and water requirements of each animal.

- (D) No carrier or intermediate handler shall accept any live animals for transportation unless written instructions concerning the food and water requirements of each animal are affixed to the outside of the cage.

Authority: Section 2116.5 and 2120 Fish and Game Code.

Reference: Section 2116.5, 2120, 2150 and 2150.3, Fish and Game Code.

671.5. Disposition of Violations Related to Possession of Wild Animals.

Any live wild animals brought into the state or transported or possessed within this state in violation of the provisions of the Fish and Game Code or regulations adopted pursuant thereto may, upon written notice from the enforcing officer inspecting them or discovering the violation, be shipped out of the state, returned to point of origin or destroyed, within the time specified in said notice, at the option of the owner or bailee.

The exercise of any such option shall be under the direction and control of the enforcing officer and at the expense of the owner or bailee. If the owner or bailee fails to exercise such option within the time specified in the notice, or to comply with the terms of a permit issued pursuant to Section 671.1, the enforcing officer shall immediately thereafter order the transfer of the animals to new owners or destroy the animals at the expense of the owner or bailee.

Authority: Section 2122, Fish and Game Code.

Reference: Section 1002, 2116-2118, 2118.2, 2118.3, 2118.4, 2119-2155, 2185-2190, 3005.9 and 3005.92, Fish and Game Code.

671.6. Release of Animals Into the Wild.

(a) No person shall release into the wild without written permission of the commission any wild animal (as defined by Section 2116 of the Fish and Game Code), including domestically reared stocks of such animals, which:

- (1) is not native to California;
- (2) is found to be diseased, or there is reason to suspect may have the potential for disease;
- (3) May be genetically detrimental to agriculture or to native wildlife; or
- (4) has not been successfully introduced prior to 1955.

(b) No permission will be granted to any person to release into the wild state turkeys that have been domestically reared for propagation or hunting purposes, except as provided in subsection 600(i)(4) of these regulations. Only wild turkeys trapped from the wild by the department may be released into the wild.

(c) Every person who releases Barbary partridges, Turkish or Greek chukar partridges; French, Spanish or Arabian red-legged partridges; and/or bobwhite or coturnix quail into the wild shall have a valid permit signed by the director of the department before making such a release. Persons desiring to release such birds shall submit an application showing the number and sex of birds to be released, the location of the proposed release, and the proposed date of such release.

At the time of time of release of such birds the department required that they shall be banded by the permittee with appropriate bands furnished by the department. The department may require a report giving the age, sex and number of the individual birds released.

(d) Application for the introduction of all non-native animals, except those birds listed in subsection 671.6(c) shall be made to the commission on forms supplied by the department.

Authority: Section 2120, Fish and Game Code.

Reference: Sections 2116, 2116.5, 2118, 2118.2, 2118.3, 2118.4 2120 and 2121, Fish and Game Code.

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 . FAX (215) 331-1947

July 10, 1992

Representative Charles Rose
Sub Committee on Department Operations
Research and Foreign Affairs
1534 Longworth Building
Washington, D.C. 20515

Dear Representative Rose:

I was speaking with a contact at the A.S.P.C.A. in New York and learned about the hearing you had this week, regarding more humane treatment of animals involved in entertainment.

The Greyhound racing industry reports that they are an entertainment sport and probably between 60 - 80 thousand Greyhounds are born each year for the purpose of racing in this entertainment sport. Probably 30 thousand or more will never see a race track, and will be culled because they are perceived not to be a winner. Of the 40 thousand Greyhounds that annually are registered for racing, only 7 thousand may be adopted annually when their racing careers are over. We must, of course, understand that a Greyhounds racing career may only last a few months. The Greyhounds that do not win die. Most of the Greyhounds we adopt are between the age of 2 and 3 years old. Each week we receive calls about situations dramatizing cruel and unusual punishment that Greyhounds must endure on a national basis. Greyhounds, of course, are ferried about across this country from state to state. There are no records kept of distemper or rabies vaccinations. Most states that engage in Greyhound racing do not require certificates of vaccinations for Greyhounds running in their state. Most states will allow Greyhounds to run that have been trained with the use of live animals, such as, jack rabbits or kittens. The reward for the Greyhound in this event is it's ability to tear some poor animal to pieces.

This week we received the following calls; Mr. Steve Richards, phone number, (407) 851-0634, formally worked at a veterinarian office. He said he was upset and left because 4 or more Greyhounds were being destroyed each week at the veterinarian's office. He wanted to know if this was legal. Dr. Peter Fernandez in Florida, in 1990 euthanized 525 animals in his practice. 500 were Greyhounds and 25 were all of the other animals involved in his practice. Arthur Lentz, the Director of the Orlando Humane Society, phoned us on July 9th and said that 23 Greyhounds would be dumped off at their humane society on tuesday. The kennel operator, Joe Anesta, was dumping his breeding stock. When told the cost would be \$20.00 per dog, he said is was too much mondy, and negotiated the price down to \$10.00 per dog. Mr. Anesta, told the humane society that he did not normally destroy his dogs and had adopted over 100 dogs through our program last year. He had actually sent us 3 litters of puppies that could not be registered because they were accidental breedings.

National Greyhound Adoption Program

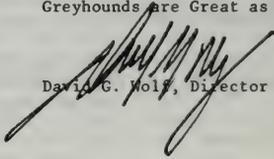
8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
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(2)

In March of "92", 124 Greyhounds were found shot to death in an orchard in Chandler Heights, Arizona. Almost all of the dogs had had their right ears cut off so they couldn't be identified. The perpetrator was found and fined for littering. In Arizona, it is legal to shoot a dog. In November "91", 200 Greyhounds were found starving to death in Ocala, Florida. Three and four dogs were stuffed into a cage that should only hold one. The owner of the kennel was never prosecuted. The state of Florida has 18 of the 57 dog tracks currently in the United States. There is no licensing of farms and kennels in the state of Florida. There are no standards set for the humane treatment of Greyhounds in the state of Florida. There is no standards set regarding euthanasia in the state of Florida. The industry as continued 60 years of abuse by operating under a code of silence. Anyone that speaks out against the industries practices or exposes industry practices is blacklisted. Our organization has been blacklisted by a track owner because she does not like our rhetoric. The saddest part about this carnage, is that it's unnecessary. Greyhounds as a breed are docile, gentle, affectionate loving animals that make wonderful pets. State legislatures continually are influenced by the racing industry, refusing to pass legislature to bring about more humane treatment for Greyhounds. I am enclosing information regarding some of the abuses taken place recently, that have been exposed. What I am sending is only the tip of the iceberg. Federal Government has the ability to correct all of the abuses entrenched in the dog racing industry. You only need the will to do it.

I will be at your disposal for any further information.

Greyhounds are Great as Pets!


 David G. Wolf, Director

DGW/vh

encl.

THIS ARTICLE WAS TAKEN FROM THE MIAMI HERALD TROPIC MAGAZINE - SUNDAY - OCTOBER 21, 1990

YOU CAN BET THEIR LIFE ON IT

One thing about a greyhound, it's not likely to die of old age.

Finally, Canis Minus was winning. Stretching her sinewy legs to the limit, digging up furious little clouds of dust with her paws, she scrambled past the pack of straining greyhounds as they thundered into a turn.

Suddenly, a bright blue flash. Then a loud crack. An electrical short circuit brought the eight-foot metal arm holding the Styrofoam rabbit to an abrupt halt.

Canis Minus, a sleek dark blur blistering the track at nearly 35 miles an hour, knew nothing of short circuits. All she knew was that the rabbit had slowed; it was right there ahead of her.

Eagerly, she leaped at it, but the muzzle kept her jaws from opening, and she banged her head into it.

It wasn't soft and warm, like the live rabbits some greyhounds are encouraged to chase and tear apart during training. It was hard and cold, and the dogs behind her plowed into her at full stride, tumbled her over, forced her against the mechanical lure, her right foreleg jammed against unbending metal. The pressure from the dogs behind bent her leg back. And back. Too far. It snapped. She howled. Mad to get at the rabbit, the other dogs pushed at her in a frenzy, grinding her shattered leg against the bar. Then the mechanical lure grabbed her leg and dragged her. She howled again.

Then hands were on her, lifting her, carrying her

away, the leg useless, open, splintered bone and torn muscle exposed, dangling by a piece of skin. She was unceremoniously placed on a table. A veterinarian inserted a needle in her side. And the pain went away. Forever.

Canis Minus, age 19 months, died on Dec. 10, 1988, "put to sleep" after the second race at Naples-Fort Myers Greyhound Track in Bonita Springs.

Spectators were shocked to silence. Workmen scurried to fix the mechanical lure. Then, after an awkward pause, the races resumed.

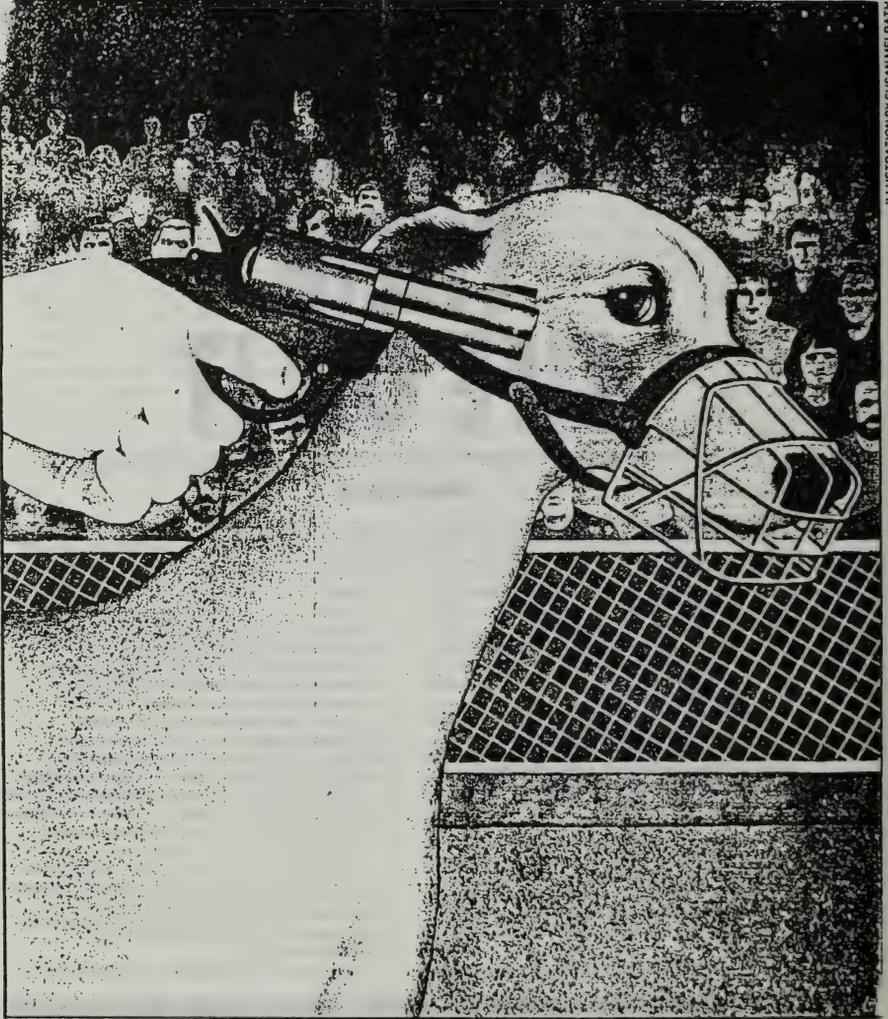
It was "like something out of the Roman Coliseum, the dog yelping in pain, the other dogs barking and trying to get through her to the lure," recalls Michael Labun, a Naples-Fort Myers regular.

The brutal death of Canis Minus may have shaken some fans, but it did not shake the industry. Accidents happen. At the Naples-Fort Myers track, the lure broke down eight times that same season.

In a business where dogs are killed to hold down costs, in a culture where the death of surplus dogs is a fact of life, one dog's death was no big deal. When Canis Minus' owner was asked about his dog months later, he said, "I don't know where she is now. Probably destroyed."

In a way, Canis Minus was lucky. At least she

B Y G A R Y K A R A S I K



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made it to the track. Many of the thousands of greyhound pups born each year on Florida dog farms are killed before they make it that far, victims of a breeding system that produces far more dogs than needed, efficiently weeded out the slow and the weak, and assures the dog tracks of a constant supply of the fastest, strongest dogs.

Trainers say that out of every 10 greyhounds born, only three become racers. Of the seven that do not, some are adopted as pets, some wind up in medical research labs, a few die naturally, but the overwhelming majority are killed. And most of those that do get picked to race die very soon anyway. Racing careers are short, usually two years. After that, most retired racers are killed to save their owners the cost of feed and care.

"The animal is a running machine," said Broward Sheriff's detective Sgt. Sherry Schueter, who heads up the department's animal abuse division. "When its usefulness ends, the concern ends with it."

That attitude kills about 30,000 greyhounds a year, according to the National Greyhound Association. Or more than 50,000, if you believe the Humane Society of the United States. In Florida alone, that might amount to 10,000 deaths a year — 27 each day.

A Necessity Of The Business

In 1983, city workers at Stock Island landfill in Key West looked up to see Milton Blackwell, a trainer with Bill Laird Kennels at the Key West Kennel Club, drive in with a truck full of dogs.

As the workers watched, Blackwell unloaded six greyhounds, then shot each one of them point-blank in the head with a .22 pistol. One of the dogs gasped for breath for several minutes before dying, a worker said.

Horrified, the dump crew called the cops. Blackwell was charged with cruelty to animals and discharging a firearm on city property.

His lawyer, Marshall Gifford, was indignant. He described his client as a man who had always been kind to animals. His simple defense: Killing surplus greyhounds is "a necessity of the business. . . . When a dog outlives its usefulness, it's got to be destroyed."

Gifford argued that the quickest way to kill dogs when they cease to be "a useful product of the industry" is by gunshot. He said the realities of the racing business in 1983 dictated that half the 40,000 or so greyhound racers born each year be killed. Since then,

greyhound racing has expanded from 46 tracks to 54 tracks across the country — 18 of them in Florida. That means more dogs are needed, and more are killed.

"When their racing lives end, their lives end," Gifford said.

As the trial progressed, the issue became not whether it was cruel to kill the dogs, but whether they had been killed humanely.

The jury convicted Blackwell of firing a gun, but acquitted him of cruelty to animals.

The acquittal underlined a simple fact of law: It is not illegal to shoot greyhounds when they stop winning.

"It is an absurdity that you can be prosecuted for withholding a few bowls of food from an animal but if you blow its brains out, it's OK," said Doug Moody, a lawyer for the state pari-mutuel division.

"If you execute the animal in a humane fashion, you are definitely within the law."

Rabbit Run

State-licensed greyhound racing was born in Florida in 1931. In those days, the concept of animal rights was about as popular as Prohibition. What a man did with his animals was pretty much his own business. People didn't give it a second thought when someone wore a mink coat, or when a dolphin turned up in a tuna net, or when rabbits were used as live bait to train dogs to run.

Over the next half-century, tens of thousands of rabbits were trucked in, unloaded at training tracks in rural North and Central Florida and dangled in front of dogs as an incentive to race. The warm, soft flesh and the taste of blood, dog trainers believed, would trigger the dogs' killing instinct, and prompt them to chase the mechanical lures at the real tracks more aggressively.

The fate of the "bait" has been well-documented: Some trainers would set rabbits loose in an enclosed "couraging" field, then let the dogs in. As the gap narrowed and the rabbit sensed the inevitable, it would bleat in pathetic terror and the dogs, excited, would put on a burst of speed, grab the rabbit and rip it apart with their jaws. Sometimes, the rabbit's hind legs were broken to make it easier for the greyhounds to catch it.

Greyhounds who graduated from the couraging phase of training would move to a schooling track, where a live rabbit was tied to the lure by its hind legs. The gliding metal arm of the lure would dangle the rabbit inches off the ground, its eyes bulging and chest pounding as it watched its killers go chase.

Frequently, the operator would slow the lure down so that the dogs could catch the rabbit at the finish line. The same rabbit, now mangled by whacks from the dogs' muzzles and perhaps dead, perhaps not, might be used in several schooling races in the same day.

After years of protest from the Humane Society, the Florida Legislature outlawed the use of animals as greyhound bait in 1986. Trainers immediately set about trying to find a loophole. If it was the image of a live rabbit squirring on a pole that had people upset, they would simply kill the rabbit first.

Before sunrise, on a hot August day in 1989, Humane Society investigator Ken Johnson took local officials to spy on a training track in Putnam Hall. They crouched in tall weeds in a roadside ditch, peering through binoculars and a telephoto lens. At first, the oval dirt track was deserted in the morning mist.

Then:

"We witnessed Robert Dove bring a

rabbit from behind the control booth to the front and holding it by its back legs, he smashed its head up against the wall a couple of times. Then he placed the carcass on the mechanical arm and ran the lure," Johnson recalled. The dogs were photographed leaping and snapping at the rabbit on the metal arm of the lure.

Dove was charged with cruelty to animals. Ironically, he could have killed the rabbit for other reasons, but not to train greyhounds. He pleaded no contest and was barred from Florida dog tracks. Dove admits killing the rabbits, but he says he thought it was OK to use them as long as they were dead.

"The majority of the time I hit them back of the neck with an iron pipe," said Dove. "They made it sound like we were slaughtering rabbits. But it wasn't like you go out there every morning and kill a rabbit. It wasn't even once a week."

Although Dove received no fine or adjudication of guilt, he broke into tears when a journalist called to ask him about the raid. He pleaded no contest, he said, because his wife was ill, and he could no longer afford gas for the 40-mile trip to town and back to see the lawyers.

"What I was doing was just something that I'd always seen done over there," said Dove, who had a part-time job running the track. "I didn't know it was against the law. If he [Johnson] was really interested in a humane issue, if he'd just come in and told us, we'd have stopped, every single instance of abuse would have stopped between then and the raid."

Top Stud

The arrest of Robert Dove was a sad affair. But the one that really sent a shock through the industry and demonstrated that the state meant business was the Oct. 4, 1988, bust of Robert Mendheim, one of Florida's most prominent breeders. At a training farm near Lee, Fla., state game agents caught Mendheim and three others using rabbits to train greyhounds. The Division of Pari-Mutuel Wagering suspended his license for five years.

Though Mendheim admitted using rabbits, a local jury acquitted all four of animal cruelty. "This is greyhound country," the courtly Mendheim explained. "Madison County only has about 15,000 people, and I guess I know about all of them."

Mendheim is one of the country's most successful breeders and kennel owners. One of his dogs — My Unicorn — is America's top stud. Three times per week hopeful dog owners bring females to Mendheim's manure, a 20-acre kennel complex in rural Madison County. Here they pay three times the normal fee — \$1,500, going up to \$2,000 next year — to have My Unicorn sire a brood.

Mendheim blames his arrest on politics: "They wanted to make an example of me, and they did. I know because I have a little influence. I asked a friend of mine, a judge I've known for a

Killing surplus greyhounds is "a necessity of the business When a dog outlives its usefulness, it's got to be destroyed."

— Marshall Gifford, lawyer for a greyhound trainer

YOU CAN BET THEIR LIFE ON IT

long time, to make a call to the governor's office, see if we maybe couldn't get things quieted down a little. It was told it was hands off, that the Humane Society was putting pressure on."

Ken Johnson admits the Humane Society was active in persuading Game Commission agents to make the bust. "We knew Mendicino and the others were well connected and were concerned we wouldn't get the cooperation of the sheriff," Johnson said. (Mendicino's daughter is married to a deputy sheriff.)

Mendicino says the arrest cost him \$18,000 in legal fees. And, because his license was suspended, he had to go over to his son the kennel's operator at seven Florida dog tracks.

Usually gracious and patient, Mendicino, 53, grows irate when he talks about the raid. "I've got a gun in my truck and a rifle in my house, and if anyone from the Humane Society steps one foot on my property, I'll kill them. If they're here without the law, those people will have one chance to get off my property before I shoot."

Mendicino is not the only dog owner and breeder who speaks with the passion of a man who feels unjustly persecuted.

Casey Blum's ex-owner, Bill Harris, is one of those who get around the Florida law by sending dogs to states where using live animals as bait is legal. He discusses arguments that dogs train just as well on artificial lures, and is unmoved by concern for the rabbits.

"They brought the greyhounds from Ireland to get rid of jack rabbits," said Harris. "They was like a plague, eating crops. Then every body was fun it. Now every body is raising hell about it because somebody runs a rabbit with a dog."

Harris warned of his subject: "You ever go to the market and get a chicken with a broken leg? The way they handle chickens, putting them on conveyer belts so fast, they break a lot of legs. You gonna stop eating chicken?"

"Ever read stories about the jack rabbit drives out West? They'd drive 'em into enclosures and kill 'em with stacks. You try to kill a jack rabbit with a greyhound now, man, you hear about it."

"It's these bleeding hearts, always squawking. You ever been at a slaughterhouse, where they slaughter hinds? You ought to hear the noise those animals make. You think a lot of those people hollering about greyhounds and rabbits won't turn right around and eat lamb chops?"

"You get those same people, bleeding hearts, the Humane Society, they raise all that hell about rabbits, they never say anything about fish. You ever poll a fish out of the water, then they gaint? You think they're not hurting? How come they never say anything about fish?"

He really don't see any difference. Now they don't want you to eat meat. It's getting ridiculous. What you gonna use for shoes?"

"It was OK for a good many years, now they want to turn the whole thing around."

Harris has a point. From the beginning, the state has been more interested in collecting its \$75 million a year share of the tracks' income and in keeping the industry clean — no numbers, no use of drugs, no drugs — than in what happens to the dogs before and after their racing careers.

Killing surplus dogs, for example, "is not an area over which we have jurisdiction," said Van Jones, director of Florida's Division of Pari-Mutuel Wagering.

But Jones is aware that the public is

becoming more concerned about animal abuse.

"The industry itself has been working diligently — and more diligently recently — in providing adoption programs for these dogs, and I think that's the answer," he said. "There are some trainers who will not put down a dog unless the dog is injured, and who do provide areas at their farms where these dogs can live out their lives after retirement. There should be more."

As for the dogs that never get to the track in the first place, Jones said greyhound over-breeding "is not something that this industry deals with."

But last year, some bug bite was discovered — so much so that the pari-mutuel division initiated an unprevalent crackdown on breeding farms.

In August, Lake City Animal Shelter Director Margaret Smith paid a visit to Imperial Kennels in Live Oak. She found 102 starving greyhounds lying in their own filth. Some had open wounds; all were covered with ticks. There were in such bad straits that they had to be killed immediately.

"I don't think anyone could've even moved," Smith said. "There was food there. There were eight 50 pound bags of food and raw meat, though that was rotting. But they weren't going any of it to the dogs. I told the caretaker to feed them but he refused, he said because he hadn't been paid in six weeks."

Within the week, 73 more dogs were judged so far gone to starve, and kennel owner Dan Mitten agreed to destroy them. Smith said that Mitten destroyed 40 dogs but failed to bury them, leaving them to rot. Neighbors finally were able to bury the dogs, she said.

And though Mitten had agreed to arrange for the care of the remaining dogs, Humane Society investigator Johnson visited later and found most of the dogs reduced to "living, breathing skeletons." All but six were destroyed.

Mitten was convicted of cruelty to animals and put on probation. He was stripped of his Florida pari-mutuel license.

This was not the first such incident. Two years ago, a Humane Society investigator found two dead and 23 starving dogs at a kennel north of Ocala. Four unspayed 50-pound bags of dog food were found on the premises.

Emaciated dogs covered with ticks and fleas were found in small compartments. The compartment held two dogs, one of which had already been dead for two or three days.

In May 1990, citing "the recent death of many greyhounds at unlicensed kennel facilities," the Division of Pari-Mutuel Wagering enacted a new rule requiring a state certificate of operation for any off-track facilities that have at least five dogs and that are "used for boarding, breeding or training greyhounds."

The rule states that the greyhounds "shall not be tortured, tormented, deprived of necessary sustenance or shelter, unnecessarily or cruelly beaten or otherwise mistreated." The farms are required to provide "food, shelter, medical attention and humane attention required to maintain the greyhound in a healthy condition."

Of course, none of that was intended to prevent breeders from raising thousands more dogs than they would need for racing, and "humanely" killing off the surplus. Even so, it spawned immediate opposition from some segments of the industry. Only nine of the estimated 1,150 farms and kennels

covered by the new rule have bothered to register thus far, and Mendicino has threatened to fight it. It's a private property thing, he says.

Breeding Frenzy

In 1988, the American Greyhound Track Operators Association tried to hire a new public-relations firm to improve the industry's image. An article in the industry publication, Greyhound USA, bid out the problem: "There is no way to put a happy face on hanging an animal from a rotating arm and eventually allowing dogs to tear it apart. Anyone who thinks this is ever going to be accepted is a fool."

The article went on to say that Ketchum Public Relations, a Washington, D.C. firm that was initially interested in the contract, examined the industry and withdrew itself from consideration. Ketchum Senior Vice President Ronald Mueller identified two major obstacles: the live-lure issue and the "disposition" of nonracing greyhounds.

Mueller's letter to the association was blunt. His firm had no interest in trying to defend the status quo.

"If at some point your members decide they want to change the way the industry operates, you might then want to decide which . . . public relations firm can best implement a program to communicate the change to the American public, with the goal being to change their opinion based on changed reality."

Gary Guccione, spokesman for the National Greyhound Association, says the industry is trying. He says that through the efforts of the tracks and outside agencies, 20 to 50 percent of the surplus dogs — roughly 10,000 a year — are adopted as pets. But, he said, "the industry shouldn't be and won't be satisfied until we can find a home for all the greyhounds that are out there."

But adoptions may not be the solution in a nation that is experiencing a pet

population explosion. Twelve million to 20 million unwanted dogs of all kinds are put to death each year. The only way to put a real dent in those grim figures is sterilization. But greyhounds are bred infrequently. And each greyhound that is adopted is likely to take the place of a dog waiting for death in an animal shelter.

Another approach is to divert some of the money flowing through the dog tracks to care for used-up race dogs. Guccione said the NGA is exploring "a retirement program where a percent of purses would provide retirement till the grave."

But greyhounds can live 15 years. Greyhounds begin their career at 18 months, race for 2 1/2 years, and retire at the age of 4. About 20,000 dogs retire annually, and if they are all kept alive, in 10 years there will be 200,000 retired greyhounds. If more states legalize dog racing, that number will be even higher.

"That's a lot of dog food."

"If you've got a solution," Guccione told a reporter, "I'd like to hear it. How do we control it? It's been suggested that we put a lid on the number that are bred . . . How do you do that though? Do you put fees on the number of dogs? Do we make it cost-prohibitive to breed dogs so only people with a lot of money can afford to breed racers . . . There's no practical way to control how many are being bred."

But Guccione admits that a lot of people breed many more dogs than they need because they can afford to do so, and the more dogs they have, the more likely they are to be successful. "The expense of getting into the greyhound business is much less than other forms of racing. This makes people want to breed a lot to get that one litter that has the champion in it."

But the Humane Society's Ken Johnson sees a way to control the overbreeding: "The Humane Society is

"No amount of money is ever sufficient justification for cruelty to animals . . . We think the dogs are entitled to normal life spans and humane treatment."

— Ken Johnson, Humane Society

YOU CAN BET THEIR LIFE ON IT

not concerned with solutions to the problem of how greyhound trainers can breed fewer dogs and still make money," Johnson said. "We care about the treatment these dogs receive. We think the dogs are entitled to normal life spans and humane treatment. If the trainers had to care for every dog they deliberately bred, they'd quickly decrease the number of dogs they bred."

Death At The Track

Bill Harris, owner of the late Canis Minus, had not known the gruesome details of his dog's death for months. He was horrified when he learned of them: "You gonna print that? ... That's not good for dog racing. Dog racing doesn't need any black eyes just now. The lottery's doing enough harm. You could wonder if that she was killed in an accident on a racetrack."

These things happen, Harris says. In fact, incidents like the one involving Canis Minus are distressingly common. "I worked as a paddock judge at Flagler Greyhound Track for 36 years. I saw a lot of things happen to dogs on a racetrack no one can prevent. It's not any different from horse racing. Jockeys got killed. Horses got killed."

But when jockeys get killed, there are investigations, public outcries. And horses are never dragged around a racetrack by a lure. Nor do they die the way two dogs died in a single race at St. Petersburg in February 1989: one from electrocution, the other from a collision with the lure.

In that incident, according to state records, a dog named Tick The Miller was bumped through the rail onto the lure's electrical-supply line and electrocuted. The lure continued moving with the other dogs in pursuit. When it came back around, it hit Tick The Miller's body and stopped suddenly. The leader, U Do Dat, ran into the lure and broke his neck.

The track's owners said the accident was a fluke. But dogs have been electrocuted at other tracks. In 1987, Claire Balbo, a patron at Jefferson County Kennel Club near Monticello, complained to the Humane Society after seeing an accident she described as follows: A dog was bumped through the rail onto the electrical-supply line, where, in full view of the grandstand, it cried and twitched while the lure made a complete circle of the track, came back and crushed the dog to death.

"It was horrible," Balbo said. "I love

dogs. I couldn't watch. The dog was stuck there and I knew the rabbit was going to have to hit it to get by it. I left the track and haven't been back."

Steve Andris, general manager and president of the Jefferson County Kennel Club, says he saw the incident, and that the dog was not electrocuted: "It jumped into the motor and was killed. That stuff about twitching, that's not true. She [Balbo] was an emotional woman."

Laura Bevan, a Humane Society official, went with Balbo to interview Andris after the incident: "He discussed the incident with us at length, and he basically confirmed Balbo's report. We talked about the dog lying across the electric lines. We wanted to know why the lure wasn't stopped, and he said it was because they were supposed to try and finish the race, and if they stopped the lure suddenly, the speeding dogs would run into it."

But the lure can be slowed down and stopped gradually, and though the lure carries no brakes, the lure operator had the entire oval to slow the lure down gradually. Instead, the lure continued full speed all the way around the track.

A state investigation concluded that it was a freak accident.

Bucking The System

The lure breakdown that killed Canis Minus at the Naples-Fort Myers Greyhound Track was number five in a series of 10 canceled races that occurred between September 1988 and July 1989. It is uncertain how many of those incidents involved injured animals; the state does not require reports on injuries, but it does require a report (called a no-race memo) on any race canceled after bets have been placed.

The total number of no-race memos in the Division of Pari-Mutuel Wagering's correspondence files for Florida's 17 other dog tracks for the past two seasons was 28, less than one per track per season. With 10 incidents from September to July, Naples-Fort Myers averaged one a month.

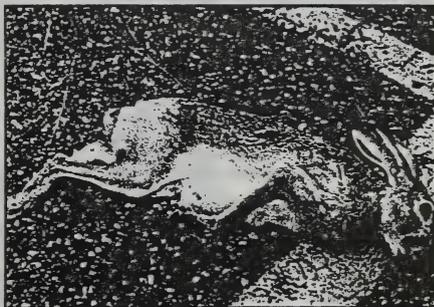
Eight of those cancellations were due to mechanical failure of the lure. Mechanical failures are regarded as so unusual, disruptive, and preventable that after only two breakdowns at Seminole Greyhound Track in Casselberry, Elizabeth Skeen, the state pari-mutuel judge there, wrote her supervisor, "This is obviously not in the best interests of the public or the racing industry."

As the incidents piled up at Naples-Fort Myers, Ed Richo, 43, a retired businessman who took up greyhound racing because he "fell in love with the dogs after buying one for my wife as a Valentine's Day gift," began to simmer.

It can cost more than \$5,000 to raise and train a racing greyhound. Highly trained and expensive dogs were running into the malfunctioning lure and getting



For years, thousands of rabbits like this one were trucked into North and Central Florida and dangled in front of young greyhounds to encourage them to race.



This dead rabbit was plucked from a truck stuffed with hundreds of rabbits bound for greyhound training farms. The truck was intercepted last year by Game and Fish agents.

hurt. But for Richo, it wasn't just the money.

"Oh, he loves the dogs," said Barbara Almqvist, one of the state officials at the Naples track. "That was his main concern when the lure was breaking down. He couldn't stand to see the dogs getting hurt. He would carry them off the track in his own hands."

Richo was also unhappy about the number of dogs "put down" when they were no longer profitable. He got excited when Helen Banks, a dog handler, told him of her attempts to save ex-racers from death by finding them homes.

Richo promised to help, and says he approached track officials and offered to

pay for signs for a booth at the track, and for the forms that prospective adopters would fill out.

"Mr. Richo was the first kennel owner in four years I was there to take an interest," Banks said. "He gave me all his dogs and told his trainers to hold dogs until they were adopted. He arranged for me to have the adoption booth, and sometimes he or his daughter would man it."

Richo believes he made some enemies when he suggested that kennel owners contribute \$25 per dog to the program to cover costs. He had figured that, with "euthanizing" costing \$40 per dog at the track, the kennel owners were still coming out \$15 ahead. But some owners

PHOTOGRAPHY COURTESY OF THE HUMANE SOCIETY OF THE UNITED STATES

PHOTOGRAPHY COURTESY OF THE HUMANE SOCIETY OF THE UNITED STATES

weren't paying \$10. Bullets are cheaper.

Track business manager Jacques Triplett says some owners thought Richo was putting too much pressure on them to pay: "Some kennel owners were coming to me to complain. I told him he couldn't charge them."

But the real friction between Richo and the track management came over the lure breakdowns. Richo says he had twice spoken to the managers and had been assured they were trying to solve the problem. But things weren't moving fast enough for Richo — his dogs were getting hurt. One dog, ABR's Brat, was injured in the race that broke Canis Minus' leg.

Then came July 3. Another breakdown. This time, a dog named Madds Katy was leading when the lure broke down. The dog bumped into the lure and was dragged.

Richo decided he'd had enough, and stormed into Barbara Almqvist's office to complain. As he left, Richo says, Triplett, the business manager, accosted him and said, "I've had enough crap out of you."

Triplett says he came upon Richo "holding court, proclaiming to a large crowd that the track didn't care about the dogs or about the people."

On July 28, 25 days after Madds Katy was caught in the lure, the Naples-Fort Myers Greyhound Track sent Richo a letter telling him his contract would not be renewed. Richo was given until Aug. 31 to remove his dogs from the track.

"We did not fire Ed Richo," said Bill Hutchinson, the track general manager. "We simply chose not to renew his contract. We have a right to do business with who we want."

Said Triplett: "I'm sure the incident had a lot to do with Richo's nonrenewal. It's very damaging to the integrity of racing to have one of our employees — that's how we think of kennel owners — hollering to the public that the track does not care about the public, the dogs."

But Richo insisted that he had lost his contract only because he had complained to the state.

The state agreed.

At the hearing, state pari-mutuel division counsel Doug Moody addressed the hearing officer, Division Director Van Jones: "Ed Richo lost his kennel contract because he broke the code of silence imposed on kennel owners and trainers at Naples-Fort Myers, and that code is, 'Keep your mouth shut and your eyes closed no matter what the conditions are because if you complain, you'll lose your license' . . . And to compound his offense, he brought those particular complaints to the state of Florida."

On Aug. 28, the track signed a consent decree. It agreed to pay the state \$10,000 for legal expenses and to abide by pari-mutuel regulations. But it admitted no wrongdoing.

Richo, meanwhile, is suing the track. "I'm in this, and I'm going to finish it," he said. "I can't believe the things track owners can get away with in this state."

To Ken Johnson and the Humane Society, the tracks are just one small part of a larger problem. The entire industry, Johnson says, is an affront to civilized behavior: "No amount of money is ever sufficient justification for cruelty to animals."

The society's official position is that "dog racing has inherent cruelties which should not be condoned. Dog racing as it exists today is nothing other than a blood sport since greyhounds in training are allowed to attack and viciously kill other animals. For these reasons, dog racing should not be tolerated in a civilized society."

Greyhound Country

In the heart of greyhound country, Robert Mendheim, gray-haired and compactly built, sits on the green grass outside a kennel. Inside, the dogs look healthy, alert, well-cared-for. Mendheim has 400 dogs in his empire — 150 here at the farm and 250 at kennels at various Florida tracks. He has just completed a new \$75,000 kennel and plans to build another to replace an older kennel that houses his prize stud, My Unicorn.

Mendheim takes My Unicorn out of his cage. The dog is as placid as a deer. "They're very gentle animals," says Mendheim, who's been involved with greyhounds since 1966. "In all that time, I've only been bitten once. They make wonderful pets. The dogs will sometimes fight with each other, but they will very rarely harm a person."

Mendheim says he hates to put his dogs to sleep and gives them to adoption agencies whenever he can. But he acknowledges that many dogs must die: "It's just economics. We have to do something with them. We can't just keep and feed them all."

He seems sincerely puzzled about all the fuss over the killing of dogs — and of rabbits.

After all, he says, "everything born dies." ■

GARY KARASIK is a free-lance writer. His last story for Tropic was about internal conflict in the pari-mutuel industry.

ADOPT A GREYHOUND

If you want to adopt a greyhound, call 1-800-366-1472.

The toll-free hotline has been established by one of the largest of the greyhound-adoption groups, Greyhound Pets of America, to help find new homes for surplus or retiring greyhounds that might otherwise be killed.

The hotline was "made possible by a donation from the American Greyhound Council in cooperation with the greyhound-racing industry nationwide," according to GPA vice president Gloria Sanders.

Sanders estimates 10,000 dogs are adopted annually nationwide through her group and others. Here are some other numbers to call if you're interested in adopting dogs:

Dr. Peter Fernandes, Aardvark Animal Hospital, Hialeah, 305-557-0531.

Emily Griffin, Lake Worth, 407-965-9581.

Jean Liedenfrost, Ormond Beach, 904-441-2317.

Donna Forster, Fort Myers, 813-731-3187

Paula Johnson, Key West, 305-872-2749.

Helen Banks, Second Chance for

Greyhounds, Bonita Springs, 813-947-2365.

Dead dog backlash hits AGTOA meeting

by Pat Horne

Residual backlash from the discovery of the carcasses of more than 100 dead racing dogs found in the citrus grove outside Phoenix still lingered on the Arizona greyhound front when the AGTOA pulled into Tucson for its annual spring meeting. As a result, the aura of the incident virtually dominated the conference of track owners.

"We had a whale of a week...we were inundated out there," said George Johnson, executive director of the American Greyhound Track Operators Association.

"One newspaper ran a three day expose of the dog killings just before we arrived, there were nasty editorials written about our organization, and there was criticism about us bringing the convention into Arizona.

"The first thing I realized was that we were inundated by animal people who had plenty of nasty comments for us. We held a press conference on the subject on our first Friday and then had Roger Karas in for a Saturday night presentation. Everything just kept the issue alive.

One of the conference's "highlights" occurred on a Sunday night when the AGTOA bused everyone to the Tucson track for a night at the races. "The buses had to push their way through the crowd of animal lovers who were there to object to us," Johnson said.

The organization had a gala night planned for a local entertainment center known as Trail Dust Town but the owners refused to honor their agreement, noting, "We are angered at how animals are being mistreated and slaughtered by your members." (Note: Please see entire letter next page and Johnson's reply.)

Other business:

- Set up a model greyhound adoption program.
- Passed a resolution to put a clause in contracts banning use of live lures.
- Seeks to return greyhounds to the breeders after their racing careers.

Striking Back

When the story broke about 100 greyhounds buried in a Phoenix citrus grove, the American Greyhound Council placed this advertisement in *The Phoenix Gazette*.

(Related stories page 268)

We Don't Intend To Take This Sitting Down.



We've heard you. And we understand your outrage. We're outraged, too, when we hear of situations involving animal abuse. Especially when it involves the racing Greyhound.

But we think you need to be aware of some positive steps being taken by Greyhound racing to address this problem.

The Greyhound industry cares about its athletes. It recognizes your concerns and is taking action to bring practices in line with 1990 standards.

Greyhounds make marvelous pets. And we know we must find more homes for Greyhounds when their racing careers have ended. The A.S.P.C.A. has joined us in stepping up our efforts to get the word out about what wonderful pets Greyhounds make. Brochures and videos are being produced toward this end.

We're also urging all tracks to establish adoption centers. And we're encouraging every potential Greyhound pet owner to

call 1-800-366-1472 to learn more about these beautiful pets.

But that's not enough. And we know it. We must continue our efforts to create new and innovative ways to promote Greyhound adoption. We can only rest on our laurels when the problem is solved.

Breeders And Farms Need Regulation.

Our ultimate goal is to rid the sport of every individual not complying with customary animal care standards. Presently we have 75 inspectors nationwide making regular, unannounced visits to farms and kennels, making sure Greyhounds are receiving proper care.

We will not tolerate people in this industry who do not treat Greyhounds with the care and attention they deserve!

We Want To Be Confident About The Future.

We're not going to tell you we've solved all of our problems. But we can say we recognize them and are taking positive steps to address them. Yes, it's a big task, but Greyhound racing is here to stay. We've made a big commitment to racing and to the communities we live in.

Most importantly, we are committed to the welfare of our athletes.

This ad is sponsored by the American Greyhound Council, a non-profit corporation supported by all segments of the Greyhound industry with the purpose of providing for the betterment of the welfare of the racing Greyhound and the Greyhound industry.



**AMERICAN
GREYHOUND COUNCIL**

Owners had a bash all set at Trail Dust Town

--until this letter arrived:

To George Johnson, (Executive Director of the American Greyhound Track Operators Association)

Dear Mr. Johnson:

This letter is to inform you that we do not accept your contract proposal for Monday, March 16, 1992. You must, of course, have assumed that we did not wish to have your business because we did not sign and return your proposal. Enclosed is your \$500.00 deposit.

We are angered at how animals are being mistreated and slaughtered by your members. Having your event

held at Trail Dust Town would be an embarrassment to our community and a detriment to our business. Specifically, we have been informed by several people that they would protest any event which your organization holds at Trail Dust Town, as well as the majority of the staff at the Savoy Opera House is refusing to work the party. Obviously, we cannot afford to have a controversial group such as yours on our premises.

Very truly yours,

Mary L. Bates
Owner

--whereupon, George Johnson wrote this to Mary L. Bates:

Dear Ms. Bates:

I was astounded to receive your letter of March 5th and most certainly had not assumed that you did not accept our contract. As far as I was concerned, we had a verbal agreement since our December meeting and subsequent conversation with your manager in mid-January and the fact that our deposit check had been cashed reaffirmed our agreement.

In the 45 year existence of our trade association, we have never had a contract canceled by a vendor. I also am surprised that an organization such as yours would consider it good business to cancel a contract only 11 days before a major event. This created undue hardship for our organization in rearranging the venue for our membership for that evening.

Most importantly, however, I cannot understand how you can be "angered at how animals are being mistreated and slaughtered by our members." In the first place, our members are owners and operators of

greyhound race tracks. They do not own, breed, train or race greyhounds. Secondly, I certainly have never discussed the treatment of greyhounds with you nor am I aware of anyone else representing our association having that discussion with you. I can only assume that you have made that determination based on third party information.

If you had any concerns about our organization or the way it conducts its business, I should think those concerns should have been raised with us and that we should have been given the opportunity to respond to them. I think that once you had factual information, your opinion would have been quite different.

This letter and other information relating to this matter has been turned over to our legal counsel.

Yours very truly

George Johnson
Executive Director
of AGTOA

Fred Havenick of the Hecht Group is the new president of the American Greyhound Track Operators Association (AGTOA) and Delaware North's Stanley Phillips will serve as vice president.

The new administrative leaders of the organization were elected during the meeting at Arizona and will serve for a two year period.

The newly elected board of directors is composed of: Thomas Blayney (Southland), James Boese (Lincoln), James Decker (Valley), Mike Dorough (Mutmomah), James Gartland (Woodlands), Fred Havenick (Hecht Group), Stanley Phillips (Delaware North), Robert Pitocchelli (Jacksonville Group), Ron Sultemeier (Dairyland), Kay Spitzer (outgoing president-Biscayne), and Vey Weaver (St. Petersburg).

Havenick, as an official of the Hecht Group, is actively involved with Flagler, Naples/Fort Myers, St. Croix and Corpus Christi.

The AGTOA has retained its other group officers, George Eckert as Treasurer, John Armstrong as Counsel, George Johnson as Secretary and Executive Director, and Mildred Hopkins as Historian.

McGaughey awaiting final sentencing

As *Update* went to press, Glen Eugene McGaughey of Chandler, AZ, the breeder and kennel operator who has already pleaded guilty to the charges of criminal littering in connection with the dumping of the dead greyhounds, was still awaiting final sentencing by the Arizona Superior Court and concluding action by the state's racing commission.

McGaughey, who had entered a plea agreement with the Attorney General, was due to be fined at least \$25,000 and to serve at least a 60 day jail sentence. However, conflicting information he provided to the probation department forced a postponement in his sentencing date.

The Arizona racing commission will act against him as soon as the final sentence is imposed.

National Greyhound Adoption Program

8301 FORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired 5-14-92

Adoption NO. 0346

Owner's Name Thomas + Joyce Mowbray

1. Racing Name of Greyhound My Jet
2. New Name (if changed) Jet
3. Explain the first few days in it's new home. He made out very well and seems to be content and excepts our other dogs.
4. Explain how it interacts with each family member.
 - A. Husband Very well
 - B. Wife Very well
 - C. Child (Age) Granddaughter 3 1/2 yrs Very well
 - D. Child (Age) Grandson 10 months. Very well
 - E. Other (Age) _____
5. Are you having any problems, if so, explain. None so far
6. Do you want us to give you a call? _____
7. Have others reacted to your new pet? Yes
8. Explain interaction with other pets. We have two very small Poodle type dogs, he seems to accept
9. Health problems or complications. He may need to have his teeth cleaned soon (StoneyCreek Vet Clinic) merton, Pa 19070
10. Veterinarian Report He had a Vet Check + Heartworm + ^{weren't} test 4/8/92
11. Personal Comments We are very fond of Jet and if we ever get our house sold and move to our small farm, we may

12. How many dogs do you have? 3 including Jet
13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? yes
- If yes, are you still feeding Pro Plan? yes
- If no, what brand are you feeding? _____
- Why? (comments) _____
-
-

Here is a picture of my Grandchildren
Katie & Mathew and their Father Joe, with
Jet and with our two poodles, and in his
favorite chair in the livingroom.

NATIONAL GREYHOUND ADOPTION PROGRAM

8301 Torresdale Avenue
Philadelphia, Pa. 19136

(215) 331-7918 (800) 348-2517 (215) 331-1947 FAX

TWO WEEK FOLLOW-UP REPORTDate Acquired Feb 7, 1992Owner's Name Thomas Culp1. Racing Name of Dog ThunderAdoption No. 2902. New Name (If changed) Var

3. Explain the first few days in its new home.

Var was curious but very timid. He was immediately housebroken.

4. Explain how it interacts with each family member.

A. Husband *listens and constantly follows my husband around the house.*B. Wife *He loves to play and run around with me.*C. Child (Age) *12 - Very gentle and constantly looks for her attention.*

D. Child (Age)

E. Other (Age)

5. Are you having any problems, if so, explain. *None*6. Do you want us to give you a call? *Not needed*7. Have others reacted to your new pet? *Everyone of our friends love Var.*8. Explain interaction with other pets. *Var is very friendly to them*9. Health Problems or Complications. *N/A*10. Veterinarian Report. *OK ear infections*11. Personal Comments. *Report attached. Scheduled to be neutered on 2/27/92.*

Var is such a joy to be around. He is like a child that is just beginning to experience life. He listens well and is even beginning to show a funny side to him. Getting Var is the best decision my husband and I have ever made. We are so pleased and know Var is also.

Return to: N.G.A.P.
8301 Torresdale Avenue
Phila, Pa. 19136

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired 3-25-92

Adoption NO. 314

Owner's Name LR ANDREW ERICKSON

1. Racing Name of Greyhound "MEL"
2. New Name (if changed) _____
3. Explain the first few days in it's new home. KICKED EVERYONE + EVERYTHING, BIT RESTLESS, CRYED FOR THE 1ST FEW DAYS -
4. Explain how it interacts with each family member.
 - A. Husband VERY WELL
 - B. Wife _____
 - C. Child (Age) (MANY OF THE CLIENTS WHO HAS
 - D. Child (Age) CHRISTOPHER + MEL HAS DONE WELL).
 - E. Other (Age) _____
5. Are you having any problems, if so, explain. _____
6. Do you want us to give you a call? NO
7. Have others reacted to your new pet? YES, EVERYONE LOVES HER
8. Explain interaction with other pets. MOST OF THE TIME SHE LOOKS TO SEE WHAT IT IS, THEN GOES BACK TO HER BUSINESS
9. Health problems or complications. NO, OTHER THAN PRE PROBLEMS UNWEIGHT (58.2)
10. Veterinarian Report LOOKS FINE
11. Personal Comments SEE BACK PAGE

58-038 1254

(over)

12. How many dogs do you have? WE OWN A VETERINARY CLINIC SHE SITS MANY!
13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? NO - BECAUSE WE CARRY HILLS IN OUR CLINIC
- If yes, are you still feeding Pro Plan? _____
- If no, what brand are you feeding? HILLS PUPPY GROWTH
- Why? (comments) TO BUILD HER BACK UP + TO PLACE SOME WEIGHT ON HER

WE ADOPTED OUR GREYHOUND "MEL" FOR 2 REASONS

1st. WE WANTED A DOG, IN OUR PRACTICE WE PRACTICE WHAT WE PREACH. OUR ANIMALS INCLUDING SCATS MANY OTHERS HAVE TAKEN QUITE WELL TO "MEL"

2ND WE ALSO WANTED TO ~~ADPT~~ ADOPT A GREYHOUND TO SHOW OTHERS THAT THEY ARE "GREAT DOGS" and THAT THEY LOVE TO BE LOVED. ALSO TO DROP THE STEREOTYPING OF GREYHOUNDS. IN THE AREA IN WHICH WE LIVE WE HAVE TOO MUCH (IN BREEDING, AGGRESSIVE BEHAVIORS, MISS HANDLING), ROTTS, SHEPHERDS, PHS. WE ARE AGAINST SUCH MISS USE OF A9's BUT IN THIS USE + ABUSE WORLD MANY PEOPLE FEED ~~THE~~ EGO PROBLEMS. WE FEEL IF PEOPLE WANT A LARGE DOG + ONE WHO LOVES TO LOVE WHY NOT OWN A GREYHOUND. WE HAVE ONLY HAD "MEL" FOR A SHORT PERIOD BUT SHE'S THE WORLD TO US.

3RD THE DL + I ARE UNABLE TO HAVE CHILDREN + ADOPTION IS HARD BUT OUR NEW GIRL "MEL" GETS OUR LOVE AND MUCH MORE SHE GETS FREEDOM + LIFE TO THE FULLEST SHE EVEN GETS TO RIDE IN OUR CARS, WE ARE VERY PROUD OF HER. WE LOVE HER SHE'S OUR GAL "MEL"

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

4-15-92

TWO WEEK FOLLOW-UP REPORT

Date Acquired 3-18-92

Adoption NO. 0355

Owner's Name Tina Billingiere

1. Racing Name of Greyhound Curly
2. New Name (if changed) SAME
3. Explain the first few days in it's new home. Curly adjusted immediately. He ate well & no bowel or bladder problems were noted. He loves the small children & has been very calm & gentle with everyone.
4. Explain how it interacts with each family member. HE SLEEPS ON MY HUSBANDS CHEST
 - A. Husband Curly loves to be spoiled & knows exactly how to get what he wants
 - B. Wife IT WAS LOVE AT FIRST SIGHT, HE FOLLOWS ME EVERY WHERE
LOVES TO WALK HER NEW DOG & FEEDS
 - C. Child (Age) TINA 4 1/2 YES HIM MEALS & TREATS
LOVES HER NEW DOG, PLAYS & Cuddles WITH
 - D. Child (Age) KELLY 2 1/3 YES HIM ON DEN FLOOR SHE SAYS "HE IS BEAUTIFUL"
 - E. Other (Age) RELATIVES FROM 9-84 YES COUSIN BELIEVE HOW GENTLE & LOVING THIS DOG IS.
5. Are you having any problems, if so, explain. WE DON'T KNOW EXACTLY HOW
TO EXERCISE HIM. HE WILL RUN A LITTLE BUT NOT ENOUGH TO KEEP HIM IN
CONDITION. HE WANTS TO PLAY BUT IN A PECULIAR MANNER.
6. Do you want us to give you a call? YES AIR PORT,
PEOPLE COMMENT AT VETS OFFICE
306 OBEDIENCE CLASS
8. Explain interaction with other pets. Curly is very calm around the 2 cats
HE IS RELAXED AROUND OUR 1 1/2 YEAR LAB BUT WILL NOT PLAY WITH HER. HE
IS EXCELLENT AROUND DOGS & PEOPLE AT OBEDIENCE CLASS.
9. Health problems or complications. Curly was listed as thin. He has
A GOOD APPETITE & WEIGHS 126 LBS.
10. Veterinarian Report HE WAS EXAMINED & NEUTERED ON 4-8-92
11. Personal Comments Curly is more than we ever could have imagined.
HE IS EXTRAORDINARILY GENTLE, LOVING AROUND A LIFE. HE IS EXCEPTIONALLY
INTELLIGENT & ADAPTS HIS EYES (OVER) THE ...

12. How many dogs do you have? ① Adopted Greyhound ① Yellow Lab
13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? YES
- If yes, are you still feeding Pro Plan? YES
- If no, what brand are you feeding? _____
- Why? (comments) _____
-
-

COMMENTS CONT.

IN OUR FAMILY. THANK YOU SO MUCH FOR ALLOWING US TO ADOPT OUR NEW FRIENDS. WE CAN'T IMAGINE LIFE WITHOUT HIM. HE HAS ENRICHED OUR FAMILY IN SO MANY WAYS & BROUGHT GREAT JOY & LAUGHTER TO OUR HEARTS & HOME.

National Greyhound Adoption Program

8901 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired 3-21-92

Adoption NO. _____

Owner's Name Bret & Shawn Davis

1. Racing Name of Greyhound Mikie
2. New Name (if changed) _____
3. Explain the first few days in it's new home. Very quite curious to new surroundings. Enjoys walks, loves his new bed Eating everything well. Playful, anxious at times, well behaved, smart animal.
4. Explain how it interacts with each family member.
 - A. Husband has a hard time to come by him alot. Bret rubs his head and neck so each night he comes for his dose of Rubenol.
 - B. Wife Primary care provider, so needless to say loves me. He responds loving to me at all times. He will come to me.
 - C. Child (Age) 7 years. Always looking for a hand out from my son. Will sit at his high chair and wait for goodness.
 - D-Child (Age) 1 year. Likes to lick his face alot. seems to accept him.
 - E-Other (Age) _____
5. Are you having any problems, if so, explain. Only problem at first was keeping him off of couch & chair. (Both leather) Got him at new bed and took care of that problem.
6. Do you want us to give you a call? Only if you wish to.
7. Have others reacted to your new pet? Curious about the breed. Not alot of Greyhounds in this particular area. all want to know.
8. Explain interaction with other pets. Does not bother my cat. cat comes to him. Curious and scared. He tried snapping at birds, they bite him and that was the end of that.
9. Health problems or complications. Was neutered on the 24th of March. Nails clipped also.
10. Veterinarian Report There was pre-lab work-up before being neutered so complications all lab work normal. He →
11. Personal Comments Has adjusted very quickly to us and his new home. Everyone that is around him for any period of time really likes him. all ask about program and how to obtain.

12. How many dogs do you have? Just Mikie
13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? No
- If yes, are you still feeding Pro Plan? —
- If no, what brand are you feeding? Pedigree Dry & Canned
- Why? (comments) Pro Plan is not readily available. Not even my veterinarian carries it at this time.

Please feel free to call anytime you like.
My # 209-781-1237. I most definitely will keep
in touch with you! Thank you so much,

Sharon Davis

and press his body up against me. If I'm sitting down
will lay his head in my lap. He gets excited when he sees
his leash because he knows its time for his walk. Will
give me kisses when I ask him. We're great together.

why he is so thin. Is he good with my son and how
did we acquire him? How much does he eat, what does he
weigh, etc?

stated dog appears to be in good health. Suggested certain
types of food and the ones to avoid. Great looking animal.

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired 3-24-92

Adoption NO. 352

Owner's Name Terry + Anita Yorkley

1. Racing Name of Greyhound DANNY
2. New Name (if changed) _____
3. Explain the first few days in it's new home. He acted as if he had known us all his life. Was a little insecure at the first few days (followed me every step), now he is content as long as he can see where I'm at.
4. Explain how it interacts with each family member.
 - A. Husband likes to curl up on the couch with him.
 - B. Wife most attached to follow me around when I'm home.
 - C. Child (Age) 17 likes to wrestle with him.
 - D. Child (Age) 1 1/2 keeps her distance because she is fascinated by his long tail.
 - E. Other (Age) _____
5. Are you having any problems, if so, explain. NONE
6. Do you want us to give you a call? NO
7. Have others reacted to your new pet? Suspected at how beautiful ^{he is} gentle.
8. Explain interaction with other pets. older dog ignores him younger one tries to play with him but gets intimidated by him when he plays back. Both like to run with him into the backyard.
9. Health problems or complications. NONE
10. Veterinarian Report N/A
11. Personal Comments We all think he is great! Biggest "lap dog" I've ever had

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired March 25, 1992

Adoption NO. _____

Owner's Name Jim & Pat Leatherbarrow

1. Racing Name of Greyhound "Wally"
2. New Name (if changed) _____
3. Explain the first few days in it's new home. The first day, he seemed depressed. There was so much going on around him. But, quickly his reactions changed. He's even snuggled at us!
4. Explain how it interacts with each family member.
 - A. Husband follows him everywhere. They play well together.
 - B. Wife We walk together then he'll lay at my feet when we return.
 - C. Child (Age) ^{Marcial (9)} She loves him, they lay on the floor + watch T.V. together.
 - D. Child (Age) ^{Megan (10)} None at first sight he rubs his head all over her.
 - E. Other (Age) ^{Joshua (3 years)} a little wary, but Wally wags by Joshua says "Kitty"?
Wally smiled like he knows.
5. Are you having any problems, if so, explain. He will not walk on the kitchen floor - I understand its slippery to him, but we want to feed him there.
6. Do you want us to give you a call? Yes, please ^{no} need to help him ^{there}.
7. Have others reacted to your new pet? Everyone thinks he's great! ^{for fear of the reaction.}
8. Explain interaction with other pets. Our cat was mad, but after a little while, she accepted Wally. When she sleeps, she creeps up to smell him ^{she just lays there.}
9. Health problems or complications. We had some problems after he was nuzzled, we almost lost him, but he's fine now.
10. Veterinarian Report Now in good health.
11. Personal Comments We can't thank you enough for sending Wally to us. He is quickly becoming a member of the family.

12. How many dogs do you have? 3

13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? yes

If yes, are you still feeding Pro Plan? yes

If no, what brand are you feeding? _____

Why? (comments) _____

12. How many dogs do you have? just our Greyhound.
13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? yes Pro Plan plus Pedigree canned.
- If yes, are you still feeding Pro Plan? yes. I plan to continue
- If no, what brand are you feeding? _____
- Why? (comments) _____

Even though Wally has been here a short time, his antics have kept us all laughing. He is so good with children, it just amazes me. He has met strangers on the street. He doesn't panic or bolt. And the stranger he's met in our home, has accepted as part of the family. Believe me, Wally will never lack for affection around here!

National Greyhound Adoption Program

6301 FORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired March 20, 1992

Adoption NO. 353

Owner's Name ROBERT SCHLOTT

1. Racing Name of Greyhound LEVI
2. New Name (if changed) _____
3. Explain the first few days in it's new home. very TIMID, but adjusted well.
4. Explain how it interacts with each family member.
 - A. Husband PLAY FULL & LOVING
 - B. Wife bonded to her Real well
 - C. Child (Age) Great AROUND GRAND CHILDREN
 - D. Child (Age) _____
 - E. Other (Age) _____
5. Are you having any problems, if so, explain. NO
6. Do you want us to give you a call? NO
7. Have others reacted to your new pet? yes
8. Explain interaction with other pets. get's ALONG swell
9. Health problems or complications. NONE
10. Veterinarian Report See ATTACHED
11. Personal Comments wouldn't give him up FOR THE WORLD

12. How many dogs do you have? 1
13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? YES
- If yes, are you still feeding Pro Plan? YES
- If no, what brand are you feeding? _____
- Why? (comments) LEVI IS DOING JUST FINE ON PRO PLAN.

Robert L. Silbert

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

TWO WEEK FOLLOW-UP REPORT

Date Acquired 3/26/92

Adoption NO. ?? - not given

Owner's Name Eric & Susan Olsen

1. Racing Name of Greyhound Casey
2. New Name (if changed) Quesi (same pronunciation)
3. Explain the first few days in it's new home. He was confused, easily frightened; afraid of stairs, snow & ice; but affectionate, willing to take new risks, easy to please, responsive to instruction
4. Explain how it interacts with each family member.
 - A. Husband Timid, shy but responsive to a male voice, & affectionate
 - B. Wife very affectionate & quickly bonded - Took to following very soon
 - C. Child (Age) we have no children, but children come to our house
 - D. Child (Age) rather often, & he has been gentle & friendly
 - E. Other (Age) Towards them
5. Are you having any problems, if so, explain. Some housebreaking was necessary as he messed in the house at first. Also he helps himself to food on kitchen counters when we're out - we're learning to put everything away!
6. Do you want us to give you a call? no
7. Have others reacted to your new pet? yes - very well. He greets almost every one with eager tail-wagging
8. Explain interaction with other pets. At first the cats were afraid, but now they're all very cozy. The other dog gets jealous, but they're beginning to play
9. Health problems or complications. recurrent diarrhea, & tapeworms. Vet treated worms; diarrhea seems to be decreasing
10. Veterinarian Report glowing - fine teeth, fine overall
11. Personal Comments We love him - & I think he is becoming happy as he gets used to being loved & cared for.

12. How many dogs do you have? 2 (including Quesi)

13. Did you feed your new pet(s) the Pro Plan dog food which was provided in your adoption kit? NO

If yes, are you still feeding Pro Plan? _____

If no, what brand are you feeding? Science Diet

Why? (comments) Pro-Plan is not available in our area. (We are quite isolated. Burlington, VT, is 2 hours away; Plattsburgh, NY, is an hour away; nearest large city is Montreal, Qc, 2+ hours away.) (I remain coupon here.

I am returning the Sterilization Verification, as Quesi came to us neutered & we owe you for that procedure, although we did not ask you to perform it, let us know, & we will settle up. His Teeth were very yellow & smelly at first, but we gave him bones, biscuits, & Chew-egz for the first few days, & by the time we got him to the vet the next week, his Teeth were white & clean. Vet was impressed. - If you wish to double-check these with our vet, he is Dr. John Cosar, High Peaks Animal Hospital, Ray Brook, NY, 12977, (518) 891-4110. We have a very close relationship with him - he has treated my family's animals for 15 years. Quesi dislikes snow, ice, & cold very much. This made our first couple of days challenging - we still have a lot, though the days are getting warmer & its starting to melt. I've made him a little jacket & a sweatshirt which help. I wonder if his fur will grow thicker next winter? , rope so!!

We have taken a lot of photos of Quesi, the other animals, & is all together - These are being processed at present, but we will send you copies of any good ones when we get them back.

We just adore him, & are so happy to see him relax, grow comfortable, & love. Just in the last couple of days, he's begun to cavort on our walks, playing with me with our other dog and running! - Yesterday he really ran for the 1st time since we've had him. He brings us such joy. Thank you!

NATIONAL GREYHOUND ADOPTION PROGRAM

8301 Torresdale Avenue
Philadelphia, Pa. 19136

(215) 331-7918 (800) 348-2517 (215) 331-1947 FAX

SIX MONTH PROGRESS REPORTDate Acquired 12-23-91Owner's Name Kristin Douglas & Eric BanksRacing Name of Dog "DOERAYMEFASO" OR "CLASSIC" Adoption No. RIGHT EAR: 87F, LEFT EAR: 47705Name (If Changed) "Tiberius"

- How are things going? Tye has adapted very well into his new family! He loves his new brother & sister and even the cats! His appetite would put a draft horse to shame! (I think he would sleep with his food bowl if we let him.)
- Are you having any problems? Explain. Our only major concern is that Tye needs a large enclosure to exercise in. He jumped over our fence so we don't take any chances now with letting him off of the leash, but he really needs to run on a football field.
- Can you send a photo of family with Greyhound?
Certainly, as you can see after several months of intensive therapy, Tye has worked through his irrational fear of the Easter Bunny!
- Have you spread the word about Greyhounds? Yes, I have placed posters in every grocery store and pet facility in our area.
- Do you want information to give to other potential Greyhound families?
Sure, Eric has been questioned numerous times on the topic being a veterinarian. It would be very helpful to have literature available to offer those with questions.
- Health Problems.
None so far. Tye has gained ~ 20 lbs. (we have serious concerns that he will soon need the JANE FONDA workout TAP!)
- Comments. Tye is an exceptionally loving, expressive and vocal animal with personality to spare! How anyone could classify a greyhound as stoic is beyond us, he has personality plus!!
- Please send a personal note we can use to encourage others to adopt Greyhounds.
Greyhounds are gentle and extremely loving creatures. They adapt well to multi pet families, exhibit unwavering patience with children, have personality to spare and down deep they really love the EASTER BUNNY!
- Keep in touch.

We will, and thankyou all very much!!!Return to: N.G.A.P.
8301 Torresdale Avenue
Phila, Pa. 19136

April 8, 1992

To: National Greyhound Adoption Program

Dear Mr. Wolf:

We have had "Rizkie" for six months and my husband and I are thrilled with her. She is a quiet, gentle and loving dog, who has adjusted quite well to our home.

"Rizkie" gets along well with our two cats, which was initially a great concern to me. She would love to be friends with them, but they are not interested. As a matter of fact, she is intimidated by the cats (and they know it)!

I take "Rizkie" for several long walks a week either at the park or the athletic park down the street from our house. She has been a wonderful exercise companion. Many people have stopped us on our walks to inquire about "Rizkie" or greyhounds in general. I'm always happy to talk to them and inform them of the fate of other retired racers who have not been as fortunate as "Rizkie".

Your adoption program has not only saved the lives of many fine dogs, but it has been beneficial in educating the public to the ugly dark side of this popular spectator sport. Keep up the good work at N.G.A.P. and thank you for saving the life of our beautiful dog.

Sincerely,

Lucy Roehm

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
 (215) 331-7918 (800) 348-2517 FAX (215) 331-1947

February, 1992

Dear Senator:

The Florida State Legislature during this 1992 Legislation Session has the opportunity to end 60 years of Greyhound abuse in the State of Florida.

Florida leads the Nation with the number of Greyhound Tracks, the number of Greyhound Farms and Kennels, and also the slaughter of tens of thousands of Greyhounds annually. This Legislation will change all of that. It will give Floridians the opportunity to be proud of their Greyhound Industry, and Florida can become the Leader and Shining Light in humane consideration of their Greyhounds.

This Legislation is not harmful to the Greyhound Industry; it will actually give the Industry an opportunity to eliminate what they have so long called "a few bad apples". With this Legislation there will be no need for a code of silence where no one is permitted to speak out about the abuses within the Industry. We would hope that the Industry will support this Legislation because it can only help them.

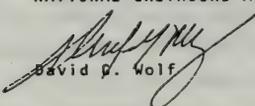
Greyhounds are loving, gentle, affectionate animals who love to run. When their running is finished, please give them the opportunity to enjoy the good life.

This presentation includes many of the key factors which we believe are important for you as Legislators to recognize.

We pray you will have the courage and conviction to support and help pass this Legislation.

Greyhounds are great as pets!

NATIONAL GREYHOUND ADOPTION PROGRAM


 David D. Wolf

DGW/cab

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
 (215) 331-7918 (800) 348-2517 FAX (215) 331-1947

THIS IS "SHEILA".....

NINE WEEKS AGO, SHEILA WAS ON A GREYHOUND FARM IN OCALA WITH 193 OTHER GREYHOUNDS PRESUMED DESTINED TO BE SHIPPED TO VENEZUELA TO RACE.

SHEILA WAS NEAR DEATH. SHE WAS DYING OF STARVATION. YOU COULD COUNT EVERY RIB IN HER CHEST AND EVERY VERTEBRA ON HER BACK. HER HIP BONES STUCK OUT LIKE SORE THUMBS. SHE HAD PRESSURE SORES ON MANY PARTS OF HER BODY. SHE WAS LAYING IN HER OWN FECES.

SHEILA HAS BEEN AWAY FROM OCALA FOR APPROXIMATELY ONE MONTH. SHE IS HEALED AND SHE IS HAPPY. SHE IS A TYPICAL GREYHOUND. I TOOK SHEILA WITH ME TO THE NORTH AMERICAN VETERINARIAN CONFERENCE ATTENDED BY 6,000 VETERINARIANS AND VETERINARIAN TECHNICIANS. FOR SIX DAYS SHEILA WAS HUGGED, KISSED, SQUEEZED, PULLED, AND HAD HER PICTURE TAKEN BY MANY OF THOSE CONVENTION PARTICIPANTS. NOT ONCE DID SHEILA SAY "ENOUGH IS ENOUGH".

GREYHOUNDS LIKE SHEILA DESERVE THE CHANCE TO LIVE, TO LOVE, AND TO BE LOVED. YOU HAVE THE POWER TO GIVE THEM THAT CHANCE.



National Greyhound Adoption Program

OPERATING AFFILIATE OF D.V.R.R.G.A.
 8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
 (215) 331-7918 (800) 348-2517 FAX (215) 331-1947

THE KILL NUMBERS

THERE ARE APPROXIMATELY 8,000
 GREYHOUND LITTERS BORN PER
 YEAR. THIS EQUALS 56,000 TO
 96,000 PUPPIES BORN.

56,000 Puppies Born		96,000 Puppies Born
<u>-38,000</u> Individual registration as reported		<u>-38,000</u> Individual registration as reported by NGA
18,000 DIE FROM FARMS		58,000 DIE FROM FARMS
38,000 NUMBER LEAVING TRACK ANNUALLY		58,000
<u>- 6,000</u> Adoptions registered by NGA		& <u>32,000</u>
32,000 DIE FROM TRACKS		90,000 DIE FROM TRACKS
32,000		
<u>&18,000</u>		
50,000 DIE		
50,000		90,000
<u>& 3,000</u> Accidental Births		<u>& 3,000</u>
53,000 DIE PER YEAR		93,000 DIE PER YEAR

OUR BELIEF IS THAT BETWEEN 53,000 and 93,000
 GREYHOUNDS ARE DESTROYED EACH YEAR DEPENDING
 ON THE NUMBER OF PUPPIES YOU BELIEVE ARE BORN.

National Greyhound Adoption Program

OPERATING AFFILIATE OF D.V.R.R.G.A.
 8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
 (215) 331-7918 (800) 348-2517 FAX (215) 331-1947

PEOPLE & ORGANIZATIONS

CONTROLLED BY GREYHOUND RACING INFLUENCED
 THROUGH "THE CODE OF SILENCE."

1. Track employees discharged if they speak out about Greyhound abuse. (Hollywood)
2. Kennel Operators lose bookings from Tracks if they speak out or support anyone not accepted by Track operators. (Florida Kennels)
3. Adoption Programs receive support only if they do not speak out about abuses. (Refer to A.G.G. letter)
4. News Media refuse to write negative articles about Tracks because of advertising revenue. (examples: MIAMI HERALD, HOLLYWOOD SUN)
5. Law enforcement officials don't prosecute NGA members because of political considerations. (examples: RICES not charged - JAMES FORS not charged)
6. UNIVERSITY OF FLORIDA, Gainesville Vet Division refuse to take humane stands on Greyhounds because of Track grants. (Twice in 1991 they chose not to help save Greyhounds 30 miles away, or help in the rescue of Greyhounds)
7. Veterinarians don't speak out because of potential loss of Track business or business from Kennel operators. (We have specific knowledge of this)
8. Veterinary product companies are afraid to support outspoken organizations for fear of industry retaliation.
9. Hopefully Legislators will consider the positive benefits of this Legislation and not be influenced by old hard-line Track operators seeking the status quo.

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

POSITIVE ASPECTS OF GREYHOUND REFORM LEGISLATION:

1. Bring up standards within the Industry.
2. Put Racing into a positive image with more adoptions without negative impressions.
3. Create more legitimate jobs with people qualified to properly care for Greyhounds.
4. Greyhound Racing elsewhere will be positively influenced.
5. Program funding that won't hurt the Industry or State. Winners pay!
6. Eliminate inhumane killing of Greyhounds.
7. Give Florida a better image. Florida will become the "good" Greyhound State.
8. Rid the Industry of what it calls "a few bad apples".
9. Uniform adoption programs will make more and better adoptions.
10. Stop the pain and suffering of Greyhounds.
11. Most important, allow people across America the joy of having a Greyhound as a pet.

National Greyhound Adoption Program

OPERATING AFFILIATE OF D.V.R.R.G.A.
8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

August 2, 1991

Ms. Kay Spitzer, President
Biscayne Kennel Club
American Greyhound Track Owners Assn.
320 N.W. 115th Street
Miami Shores, Florida 33168

Dear Kay:

Since the cold hard truth was too brutal for even your cast iron stomach to take, you took the coward's way out and hung up on me. You disappointed me, I was just getting to the good part!

By pressuring kennel operators to stop dealing with us at Florida Kennels, you are cutting off your nose to spite your face. Since we have been the only successful Greyhound Adoption program in your area for the last year and a half, your blacklisting us is making you look like a cold-hearted, dyed-in-the-wool dinosaur who definitely has something to hide.

You told me that you did not care to deal with us because of the bad things we said about the Greyhound Racing Industry through our use and distribution of an article in the Miami Herald's Tropic magazine. That article, which was true and as such has had each and every fact documented, has generated hundreds of responses from caring, concerned people wanting to adopt these loving, beautiful dogs. We have found homes for many Greyhounds from FLORIDA KENNELS, without us those dogs would have been long dead. Even if you don't like me personally, we have still found loving homes for Greyhounds. When you start your own program, certainly an additional program can help save additional lives.

Your track is a shining example of how cruel track operators can be to the canine athletes that help them to live like kings. Adoption of seasoned retiring Greyhounds and Greyhounds who never run fast enough to make it to the track is the only acceptable solution. The other choices include euthanasia, or a bullet to the head. We both know that these gruesome methods are still being used, as well as selling Greyhounds to laboratories for \$20.00 a head.

Key Spitzer
Biscayne Kennel Club
Page 2

Let's be frank (at least I'll be). Dog tracks are the best places to start up adoption programs. Your track has none and never had one. You should take a lesson from the tracks in the state of Wisconsin. They have state-mandated adoption and a very high rate of success because these people are as committed to the welfare of the dogs as they are to the success of the race tracks. Cutting us off has in no way curtailed our activities. We find Greyhounds from all over the country and send them all over the country. We have quadrupled the rate of adoptions we have facilitated since our beginning. We will always stand by our cry to "stop the killing"! Ironically, you as the president of the Track Owners Association sets the worst example. You told me just the other day that Florida Kennels has decided to start up a chapter of Greyhound Pets of America. I told you that was not enough. Kennel compounds don't come in contact with many potential adopting families simply by nature of the fact that one needs a license from the Parimutuel Commission to get in! Every track needs separate personnel hired to generate and facilitate adoptions through advertising and on track holding areas. Your greatest asset is the retired Greyhound as a pet, and you have no more regard for them than a bettor has for a losing ticket. Of course I found it interesting that you have selected GPA as an organization to support since GPA receives subsidies from track organizations and are effectively MUZZLED when it comes to admitting just how many Greyhounds are destroyed each year.

Maybe if a few dead Greyhounds were left on your doorstep, you might start thinking in terms of what a terrible scourge this problem has become.

Greyhound adoption and the lack of progress thereof is only one of many problems that the industry has brought on itself. Let's talk about the fact that only three out of every ten Greyhounds born make it to the track, while the others are destroyed.

What good can we say about some of those hell-holes calling themselves farms, that crank out Greyhound puppies by the thousands and keep these animals in the worst kinds of filth and neglect? These farms are supposed to be licensed by NGA and inspected. I have heard a story where the inspector would always call one week beforehand to allow the farm's operators to clean up. How considerate. We have been involved with two of these "farms from hell" this year. We know what NGA does, and we also know all the things they should be doing and don't do.

Kay Spitzer
 Biscayne Kennel Club
 Page 3

What about 4-D meat, (downer, dying, diseased, dead), is it still being fed to these dogs every day as part of their "racing diet"? Try taking your great Aunt Sadie's meat loaf recipe, you know the one that has been handed down for generations, and preparing it with 4-D meat one night for the family. If you and the rest of the Spitzers don't die from eating this atrocious slop, you'll be sick enough to wonder how anything could survive on a daily diet of this crap!

What about better regulation with regard to interstate commerce of racing dogs, and the fact that most dogs coming from racing kennels usually have internal and external parasites that remain untreated? This gets passed from state to state, and the fact remains that most Florida Greyhounds are not up to date with vaccinations and preventive health care.

What about the continued use of hormones to keep females out of heat cycles so they won't be prevented from racing? Talk about major PMS!

How about the practice of racing a dog too often, causing breakdowns and incredible wear and tear on their bodies?

Then there was your last statement to me before you hung up, that you are doing everything you can to correct a bad situation. You think the bad situation is all the negative publicity you receive and the fact that more and more people are being made aware that Kay Spitzer condones cruelty and inhumanity, not that fact that 60,000 Greyhounds die each year! What has Biscayne been doing for the last sixty years to halt this slaughter?

I want you to be very clear on our position. I and my organization will not rest until every racing Greyhound is assured of a second chance at life, and treated with the humane dignity they so richly deserve. We won't be paid off for our silence and be assured that we will do whatever is legally and ethically necessary to achieve our goals. I have heard too much blowing in the wind from track people. You have proven yourselves to be fair-weather, double faced friends with a loyalty to no one. Actions speak louder than words. Track operators' actions show one thing for sure, that is, state mandated adoption is the only solution. Anything else will always be as little as you can possibly get away with doing, or nothing at all if you can swing it!

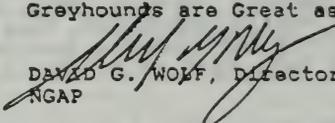
I hope this letter infuriates you. It would be far too optimistic of me to hope that it makes a dent in your hard heart. I am well aware of the influence you have with regard

Kay Spitzer
Biscayne Kennel Club
Page 4

to kennel operators, so we have taken the precaution of increasing the insurance on our kennel and myself so that we need not fear some illegal attempts to stop us in our mission. People will go to great lengths when they wish to hide something that is socially unacceptable.

Like your guardian angel, (only not so benevolent), I will always be right behind you. We'd rather fight than switch.

Greyhounds are Great as Pets,


DAVID G. WOLF, Director
NGAP

cc: concerned parties



➤ Jacque assists Dale in an exam. Before dogs are put up for adoption, they are inoculated for rabies and distemper, tested for heartworm and groomed.



I was gonna do this and invest my time and money, I'd do it right." Schnepf charges \$150 for each greyhound—absorbing a loss of about \$55 a dog.

Adoptions are expedited by about a dozen volunteers in four states, who interview prospective owners. Some even pick up the dogs at the Schnepfs' and deliver them to their new homes. Ladonna Rea, 49, and her husband, Tom, 56, a retired engineer from Plainfield, Ind., adopted Lady from the Schnepfs in 1988. Last October they decided to become volunteers themselves. "These dogs were born to die young," says Ladonna. "They have no other purpose, and I don't think that's acceptable. The male dogs don't even lift their legs to pee because there's no room in the cages they live in."

The Humane Society of the United

States estimates that 50,000 retired greyhounds are killed each year. Bob Baker, the society's chief investigator, says, "Greyhounds are bred for mass destruction: 70 percent are killed before they even reach the racetrack. If collies or golden retrievers were being slaughtered, people would be up in arms."



In the last five years, as new tracks have opened in Wisconsin, Massachusetts, Texas and Iowa, dog racing has become the sixth largest spectator sport in the country, draw-

◀ Volunteer Ladonna Rea walks an adoptee at the Schnepfs' clinic.

➤ Rea and a volunteer load a dog into her van for the trip to a new home.



ing 29.4 million fans who gambled \$3.4 billion in 1990. "We're the only segment of the parimutuel industry that continues to grow, because we keep admissions and parking to where the average family can afford it," says Johnson.

Gloria Sanders, a greyhound breeder and trainer from Storm Lake, Iowa, is vice president of Greyhound Pets of America, an adoption program started by the industry in response to increasing criticism of the way it disposes of its has-been racers. Sanders says her group places 6,000 dogs a year in adoptive homes (a figure disputed by humane societies across the country). "People like the Schnepfs are antiracing," she says. "We aren't. We love the dogs too. In fact, I've got some dummies sitting here now that won't run and need adopting."

"I have nothing against racing," says Schnepf, 66, "except for what happens to these dogs when they are done racing. We're talking about young, healthy, beautiful dogs that are being killed. When you look at them, you see all they want is a little attention and some love."

• MICHAEL NEILL
• BILL SHAW in Waterloo

National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
 (215) 331-7918 (800) 348-2517 FAX (215) 331-1947

NATIONAL GREYHOUND ASSOC. POSITION ON THE FINANCIAL RESPONSIBILITY OF THE STARVING GREYHOUNDS IN OCALA.

On November 20, 1991, Marion County Sheriff's Department raided the James Fors Greyhound Farm in Ocala, finding 194 Greyhounds starving to death.

The next day, Diane Linthacum from our organization, was on the site and stayed there for approximately one and a half weeks.

After the first week had passed, we were able to arrange for the shipment of 46 Greyhounds to an adoption kennel in Ft. Myers and 35 to the Pinella County Humane Society. This shipment was done to relieve the horribly overcrowded situation at Ocala.

After we had found a safe haven for over 90 Greyhounds, we asked Gary Guccione of the NATIONAL GREYHOUND ASSN. to subsidize the cost of transporting and feeding of these Greyhounds. His response to me, which I quote, was "if you can't feed them, don't take them". That was not my question. The question was, who should be responsible for the upkeep of these animals who the NGA would not allow to be adopted out until they received releases from the listed owners. Thus far since the raid in Ocala, our organization has made the largest single donation of food to the Ft. Myers kennel of 8500 pounds.

NATIONAL GREYHOUND ASSOCIATION quote.....

"IF YOU CAN'T FEED THEM, DON'T TAKE THEM"



April 24, 1990

Ms. Joan L. Headland
 President
 Greyhound Pets of America
 P.O. Box 3235
 San Dimas, CA 91773-2838

Dear Ms. Headland:

The American Greyhound Council, at its meeting of March 10, 1990, held in St. Petersburg Beach, Florida, approved a \$1,000 annual grant to any greyhound adoption program or chapter upon application that meets the following criteria and is endorsed by a local AGC participating greyhound race track.

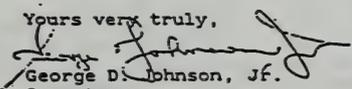
The criteria approved includes the following:

- o the adoption program would have tax exempt number;
- o a charter and elected officers;
- o have in place a proper screening device for adoption families;
- o would be in support of the greyhound racing industry;
- o there would be no negative quotes from them concerning the greyhound racing industry in any news media;
- o must provide neutering prior to adoption;
- o must furnish the council with a financial accountability of the funds granted and the number of greyhounds adopted in a 12 month period.

To receive this funding the chapter should send a letter requesting the grant to the American Greyhound Council to the address below and include a letter from their local greyhound track attesting to their qualifications.

Please advise your chapters of this program, as I believe many of your chapters, if not all, are eligible to receive these funds.

Yours very truly,


 George D. Johnson, Jr.
 Secretary

GDJ/arv

DraftFrom: Netboy
To: GPA

4/91

Dear :

I have been involved with greyhound rescue for seven years. During this time I have:

- placed several hundred spayed and neutered greyhounds into responsible homes;
- acted as the Northern California representative for Greyhound Pets of America (GPA) for four years;
- networked with rescue groups throughout the country, always making referrals to local rescuers;
- obtained the release of 40 greyhounds from research facilities;
- devoted two years to exposing the fraudulent sale of 600 greyhounds to research laboratories by individuals who represented to trainers and owners that the dogs would placed as pets.

As the research scandal unfolded in the press, I was afforded numerous opportunities to cast the industry in an unfavorable light. I declined, naively accepting GPA directives not to breathe a word about questionable industry practices.

I exercised immense restraint in the public forum. However, I was unwilling to totally abandon my personal integrity, and I reported to National Greyhound Association (NGA) officials two cases of greyhound abuse. I made the assumption that neither GPA nor the NGA condoned animal abuse, fraud and corruption. Apparently, this assumption was misguided, for I was recently informed by GPA President Darren Rigg that I would no longer receive GPA referrals because he suspected that I harbored anti-industry sentiments. All GPA representatives are repeatedly cautioned that "negative publicity about the industry endangers the greyhounds." Although I had some doubts about the validity of that claim, I took the warnings seriously because the welfare of the dogs is my primary concern.

I now realize that these are spurious arguments which are designed primarily to protect the industry. For the facts yield quite a different picture:

1. Rescue organizations place 5000 to 7000 greyhounds annually (5% to 10% of the dogs bred annually, according to industry figures).

2. New tracks and increasing greyhound registrations will easily outstrip even a 20% adoption rate. At the present rate of growth, 40,000 or 50,000 greyhounds will die annually regardless of adoption efforts.

3. 50% to 60% of greyhound owners specify that their greyhounds be placed in homes, making at least 30,000 greyhounds readily available every year.

4. Most trainers will give greyhounds away to anyone who offers to take the dogs off their hands. Few trainers earn enough money to continue to feed dogs which are not paying their own way. Regardless of an individual trainer's good intentions or concerns for the dogs, any dog which grades off represents an immediate financial liability. The industry has such an economic stranglehold on trainers that few can afford even minimal humane euthanasia fees. This economic bondage encourages corruption and animal abuse.

5. Economics and sentiment are the determining factors in the disposition of excess greyhounds, not the political issues conjured up by GPA.

6. Anyone who does rescue, regardless of his "politics," can testify that he turns away 10 greyhounds for every one that he rescues. The truth is:

NEGATIVE PUBLICITY ENDANGERS THE INDUSTRY, NOT THE GREYHOUNDS.

GPA representatives are being coerced into accepting what may for some be a morally compromising principle which is based on an entirely false premise.

In light of this, one must ask: What interests does GPA really represent? What are its real priorities? One must ask whose interests are served when GPA representatives are required to adhere to a code of silence which covers up the activities of industry degenerates who find it acceptable to rid themselves of excess greyhounds by abandoning muzzled dogs in wilderness areas, killing dogs with draine and rat poison, injecting them with liquid bleach, selling them for use as live shark bait, using them for target practice, dragging them into research facilities by the truck load, and the most common method of disposal - the pit and the gun.

These greyhounds are condemned to a cruel, heartless death because the industry has cultivated this code of silence, a code which protects the low-lives who are responsible for these atrocities. Why are the industry executives more interested in imposing gag orders on people of conscience than on ridding themselves of the liability of these degenerates who slither around in the industry's seamy underbelly? Is it because these deaths will never be added to the already embarrassing annual body count? Tallies which reveal that an average of 10 to 40 greyhounds are killed weekly at each of the fifty tracks around the country? Statistics which disclose that a single local animal shelter, which services the discards from one small, cheap track, kills 3000 to 4000 greyhounds annually?

How can Greyhound Pets of America solicit blind loyalty for an industry which encourages the endless cycle of overbreeding and senseless death? How can GPA advocate silence in the face of the industry's failure to weed out individuals who are capable of unspeakable atrocities against greyhounds? GPA should be openly and actively demanding support for those in the industry who are insisting on reforms, not compromising the conscience and integrity of its representatives.

The foregoing revelations have slowly emerged into my consciousness over the years; however, I probably would have continued to tow the party line, had I not suddenly found myself on a newly established GPA blacklist. I learned simultaneously that GPA higher-ups had made the decision to ACCEPT INDUSTRY MONEY IN EXCHANGE FOR SILENCE. At that moment I realized that I was part of an organization which, under its new code of ethics, had become perhaps the single most pernicious threat to greyhound welfare and industry reform.

It all fell together: GREYHOUND PETS OF AMERICA HAD BECOME THE OFFICAL AND MOST PROMISING PROPAGANDA TOOL OF THE RACING INDUSTRY. G.P.A. REPRESENTATIVES HAVE BEEN SCHOOLED IN AN ETHIC WHICH ALLOWS THEM TO RATIONALIZE THEIR SILENCE. ANYONE SUSPECTED OF VIOLATING THIS CODE WILL BE ELIMINATED FROM THE ORGANIZATION. G.P.A. IS FURTHER DISCOURAGING DISSENTERS BY USURPING AND MONOPOLIZING POTENTIAL ADOPTIVE HOMES. THE SAME TACTICS OF BLACKLISTING AND INTIMIDATION EMPLOYED BY THE INDUSTRY TO KEEP OWNERS AND TRAINERS IN LINE HAS BEEN ADOPTED BY THE ORGANIZATION WHICH CLAIMS TO BE THE VANGUARD FOR DISCARDED GREYHOUNDS. GLITZY MEDIAGENIC ADOPTIONS ARE JUST THE QUICK FIX THE INDUSTRY NEEDS TO DEFLECT CONCERNS ABOUT OVERBREEDING AND THE OMNIPRESENT BODY COUNT. THIS HIGH PROFILE, GLOSSY ADOPTION AGENCY, WHICH IS FINANCIALLY BEHOLDEN TO THE TRACKS AND MANIPULATED BY N.G.A. OFFICIALS, WILL KEEP

DISSENTERS IN CHECK AND THE GAG ORDER ENFORCED; THE SCENE IS SET FOR UNLIMITED INDUSTRY EXPANSION.

Who will plead for the tens of thousands who will die before their second birthday? Who will feel the grief and rage as the "killing trucks" pull out of the gate and vanish into the balmy Florida night? Who will be left to tell the truth about the thousands of brutal deaths in the back woods and deserts of America? Who will despair that these scenes will be repeated year, after year, after year?

And who will mourn when the last little brindle bitch stands terrified by the stench of death around her as she awaits the last offering from her caretaker? When she slumps over the bodies of her brothers and sisters, will her cries be really heard by those whose lips are sealed?...Who will beg her forgiveness for this final and ultimate betrayal?

National Greyhound Adoption Program

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RECENT DOCUMENTED GREYHOUND ABUSES IN FLORIDA

1. Key West - March, 1991. Greyhound Track closed. Abuse and many other irregularities reported. Many Greyhounds killed. One dog was deserted on I-95 in Chester, Penna.
2. Ocala - February, 1991. 109 Greyhounds found in tick infested, squalid conditions. Many severely injured and destroyed. Farm finally closed.
3. Jacksonville - March, 1991. Kennel operator closed his kennel and dumped off starving Greyhounds at the Jacksonville Animal Shelter to be gassed.

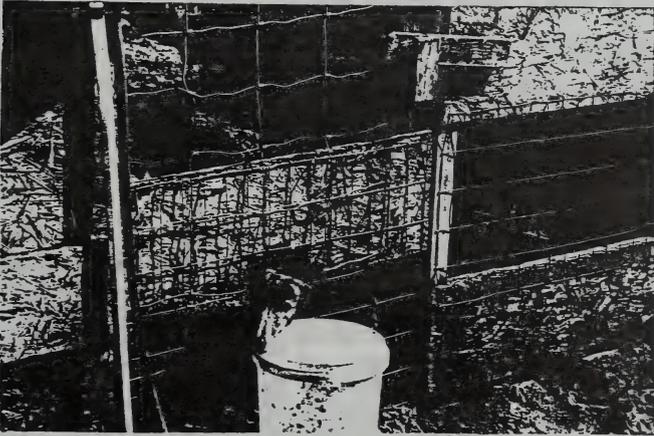


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RECENT DOCUMENTED GREYHOUND ABUSES IN FLORIDA (Cont.)

4. Pinellas County - July, 1991. Over 60 Greyhounds dumped off by John Diaz. Most in poor condition with extensive internal parasitic conditions.
5. Ocala - November, 1991. Farm with 196 Greyhounds raided. Greyhounds were found starving and near death. Local authorities have convicted the caretakers, but not the owner.
6. Live Oaks/Dowling Park - August, 1989. 83 Greyhounds destroyed when found near death from starvation, when the caretaker stopped feeding the Greyhounds because of a dispute.
7. Naples, Fort Myers - Present. Many Greyhounds coming off the Track with severe leg cuts due to glass and other debris on the Track.



Investigator predicted abuses at track



ELLEN MCGARRAHAN
TALKS TO FALLAWASSE

State ponders changing steps to execution

The jury wanted to let him live, for Beaudette. What never felt has got the eight six people were shot to death in a house in Coral Gables.

But "What died anyway in the electric chair in Florida State Prison, a 1972 electric he belonged there.

The jury wanted to let Ernest DeBoutier live, too, even though DeBoutier, once he had been convicted, had his own life with his two children.

But DeBoutier, just as did the big child, a 1972 man, had there.

Gen. Lavigne Gault's death "that was executed in error, ... to see it happen

By DAN KEATING
Special Staff Writer

KEY WEST — Sick and starving dogs left with no care or food at Berenson's Key West Greyhound Track shocked the public this week, but it was no surprise to the people responsible for preventing the abuses.

In fact, the former chief state investigator for the track predicted the abuses with startling accuracy after last year's racing season.

"Trainers are the heartbeats of the greyhound industry," wrote Stephanie Martin-Harris in a letter to her boss. "Survive as a monitoring division must be responsible for the licensing of competent people. Unlabeled persons in this industry will still derive of responsibility, can only lead to problems. Abandonment, abuse, neglect and ignorance to name a few."

She was told, in response, that the state agency that issues licenses to racing dog trainers cannot require experience in the field before a license is issued.

Martin-Harris did not return as an inspector this week.

"He was an excellent chief investigator," said her boss, John Puzar. "I miss the just get back of getting up with it."

The state finally took bold action Tuesday, shutting down the track in an emergency order for mistreating dogs, abandoning betters and the final straw — dumping a tank truck of lacerated dog waste into a manhole.

The waste backed up, creating puddles in the parking lot.

Louis "Bobby" Berenson, who is owner of the track, and the track's lot of number employees accused of mistreatment, he said.

The state industry could see problems coming for the Key West track, said Gary Goccione, inspector, National Greyhound Association based in Ablesse, Kansas.

Key West said a lot of the other small tracks in the country, at first they were just laughing it off, he said. "But in recent years, there's been a growing concern, because people say that if the owner isn't making money, he can't look after the welfare of the greyhounds."

'In recent years, there's been a growing concern, because people saw that if the owner isn't making money, he can't look after the welfare of the greyhounds.'

GARY GOCCIONE
Inspector, National Greyhound Association

Everyone knew the Key West track had been losing money. The state Fair-Market Commission approved a request last month by Berenson's tracks to cut two weeks off the end of last winter season.

"In order to say, our financial situation continues to worsen due to reduced business levels and cost increases that are beyond our control," wrote Richard Berenson,

president of the company, in the request for the reduction.

The Berenson company also resigned in February from the American Greyhound Track Owners Association in Miami, said George Johnson, president. The family company, based in Miami Beach, resigned after the dog track opposed an effort to relocate Goldstream and Calder horse racing at the Key West track, essentially making it an off-track betting parlor.

"The state should be commended for stepping in," Johnson said of the week's action at the Key West track. "It's really a black eye. It hurts the whole industry."

The state could have stepped in sooner. It made special arrangements last winter's racing season to let the track continue with troubled conditions and without enough dogs.

Each last year and this winter, the state waived policies intended to assure legitimacy of races. State inspection reports and correspondence with the track showed that Key West races were regularly run without the usual eight dogs and

which numerous dogs from one trainer in a race. In recent information about dogs was prepared in program — including the dog's racing history. Dogs were allowed to run despite evidence of forged ownership papers and owners who did not even know the dogs were in Florida.

"If we took a hard line and enforced the rules, there were not even enough dogs for four races a night," said Al Etkind, chief racing judge for the region, in a hearing Friday in Key West.

Three times last year trainers abandoned kennels full of dogs. It happened again three times this year. Racing greyhounds were left in dock-sized crates that fitted with their own waste. Already before, the kennel dogs' weight and became dehydrated.

Puzar, chief of inspections for the region, said the Key West track is unregulated in the state.

"This is the only facility that I know of where there have been abandoned kennels," he said. "The greyhounds are not living up to the standards of the industry."

Storms

Key West Dog Track shut, abuse charged

By DAN KEATING
and NANCY CLINGER
Special Staff Writers

KEY WEST — Greyhounds on the level of starvation, dogs with forged ownership papers, and puppies of lacerated animal waste in public paths brought Key West Dog Track's racing meet to a dramatic and premature end Tuesday.

It was the first time in Florida racing history that a track has been closed by the state in mid-season. Officials called the dilapidated track a veritable cesspool of animal abuse and unsavory operating practices unparalleled in their experience.

"Absolutely it is the worst in the state," said John Curtis, spokesman for the state's Division of Professional Regulation, which oversees pari-mutuel betting.

This agency can no longer tolerate the many safety violations, and most important, the lack of humane treatment for the greyhounds that race," said Janet Fertis, secretary of the state Department of Business Regulation, which oversees pari-mutuels. "If the track had been allowed to continue operations, I feel the integrity of the industry would have been threatened."

Track manager Richard DuBarne and the state were being unfair. "They're not bringing us old, lacerated, dry, lacerated. We've advised 90 percent of these problems, and the rest of them are on the way to being solved. They brought problems in our moment. We corrected them, and they still weren't satisfied."

In an order shutting down the track, the state alleged:

- Conditions included broken glass on the ground where dogs are kept. The dog used such substances among the greyhounds, as fire detectors or electric and premature dog waste.
- "I can put a little bit of dog waste," said Lyle Farrell, an investigator for the professional division. "I can't even describe the vast amount of dog waste we have seen and pho-

to hundreds of dogs were taken down on three or four or water.

"I've seen 40 dogs were found in varying stages of malnutrition and dehydration" in fifty kennels, the order said. Last Oct. 31, 38 dogs that had not been cared for in some time were found at the track grossly underweight. On Dec. 29, 25 greyhounds were found abandoned in kennels by trainers.

"I've never seen anything like this," Farrell said.

If fifteen dogs were improperly killed. They were dumped at Moore County's Cuddey Key landfill before the state could find out how they were killed, Farrell said.

If track managers conspired to forge ownership papers and record dogs with improper papers, resulting in maintaining the wagering pool.

In December, 73 dogs were dumped from Haulover Racetrack as New Hampshire unlicensed knowledge as approval of the owners, with forged applications for transfer of ownership, the order said.

Farrell said investigators believe the conspiracy was led by former track secretary William Johnson, who resigned in early January after being charged with violations of state racing laws. He could not be reached Tuesday.

If improperly dumped lacerated dog waste overboarded on the parking lot.

Farrell said waste from a tank truck was dumped into the local sewer Thursday night on DuBarne's order. The waste overboarded the sewer pump and caused a backup.

The result was that the public health department walking through puddles of animal waste as they drove on the track," the state.

DuBarne denied the accusation. The sewage system for the track was shut off Monday because of the

broken pump. "I've never seen anything like this," Farrell said. "There is no disposal system for human waste."

"I don't wish to say, but the waste material will float up through the manhole covers," the order said. "This creates an immediate danger to public health."

The order closes the track indefinitely, but the owners may appeal. A hearing is scheduled March 10 in Miami, but officials said the track will probably remain closed through its racing season that ends March 31.

Last week, the state modified the

license for this winter's season at the track, shortening it by two weeks at the owner's request.

DuBarne said he was not sure what track management would do next, but was not optimistic that the facility would reopen. About 150 people worked at the track, which had a daily payroll handle of about \$32,000. That is commensurate by Florida racing standards. The daily handle at Hollywood Greyhound Track is in the \$600,000-plus range.

Berenson, Park-Matthews in Miami Beach bought the Key West track in December 1986 for \$1.5 million.

Dog track to remain closed for season

By DAN KEATING
Special Staff Writer

KEY WEST — Berenson's Key West Greyhound Track will not reopen this season.

That conclusion was reached Friday after a hearing filled with testimony about mismanaged dog food, public puddles of sewage and mistreated dogs.

The emergency hearing was brought by Louis "Bobby" Berenson to get the South Island track re-opened as soon as possible after Tuesday's emergency order by the state stopped racing.

But Van Jones, director of the state Division of Professional Regulation and presiding officer at the hearing, announced that he would not allow any decision within 30 days. Since the season is scheduled to last only through the end of the month, the license suspension will run through the end of the racing season.

"MIAMI HERALD 3/1/91"

Much of the testimony at the hearing came from dog trainers at the track.

Berenson asked Trainer Al Gardner whether the track should be reopened. Gardner said he couldn't make a living with the track closed, but added he would rather see it closed than problems with sewage and dog care can be resolved.

"I've never seen such things before," he said.

Four trainers and the track's head racing judge described puddles of sewage coming from a manhole in the parking lot a week ago.

"It was overflowing. The sewer was overflowing," said trainer Jay Myers.

She said the bad-smelling puddle was three feet wide and 12 feet long. She and others said it was as porous of the track's parking lot that it seeped down by commuters.

The trainers also said they witnessed track

and covering a tank truck of lacerated dog waste another manhole in the parking lot, again that day.

Then Berenson asked Myer if track and garbage service at the track was better than to service trainers, the said it wasn't.

"There were maggots crawling all over the place in front of my kennel because the garbage truck isn't there," he said.

Gardner said he had seen a few lacerated dogs that were abandoned by their trainers. He said the bones should be cleaned by the trainer and the track, which should maintain care of the greyhounds.

"It was total neglect," he said of the track management.

Dogs in each abandoned kennel were mistreated and distributed, Gardner said. "Some a bitch, they were abandoned with ticks on her teeth were closed."

Three arrested in Summerfield, charged with animal cruelty

It is shown in the county road was destroyed after their rescue by the Ocala Star-Banner.

Clark, who said he received permission to enter the premises, discovered that the dogs were being kept in a filthy, dark, and crowded place. He found that the dogs were being kept in a filthy, dark, and crowded place. He found that the dogs were being kept in a filthy, dark, and crowded place.

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Greyhound kennel owner may face cruelty charges

The kennel has been cleaned and the dogs are being fed and are according to medical treatment, said Jan George, board member of the Florida Greyhound Association.

Whether or not Fore is charged, the National Greyhound Association is planning a hearing to do with them to have anything to do with greyhounds again," according to Gary Guccione, secretary-treasurer of the association.

Fore told investigators he sent money to the Todds to take care of the animals, said Deputy Jays Ferrat, animal cruelty officer for the Marion County Sheriff's Department.

Hodges said he does not yet know where the money came from to buy that food.

"Now it's a question of what we intuitively know as opposed to what we can prove in court," Hodges said.

He is in jail, The three men in a county jail under investigation.

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Sick dogs recover with help

By Alvin L. Perrow

RECOVERING — The 116 greyhounds which were taken to the hospital and treated and some have been put ready for release, according to Bill Harding, the secretary of the Florida Greyhound Society.

Harding said that over three thousand dogs of the animals, people have been working hard in their task to care for the sick dogs.

"Questions are being asked," Harding said. "The Florida Society and National Greyhound Association are working to get all the kennels and kennelmen to work as well as possible."

According to Perrow, the dogs had been left untreated in equally conditions for several days.

"Any money donated will be used to pay for the medical treatment of the sick dogs," he said.

"A lot of people used to go directly to the kennel to help but the dogs are so ill from malnutrition that if people kept coming in they would be killed," Harding said.

"However, people have criticized us for leaving the creature in the kennels but they are not the only ones who are suffering. They are suffering from malnutrition and they might fight such other."

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National Greyhound Adoption Program

8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19136
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

OCALA GRAVES

THIS PHOTOGRAPH REPRESENTS THE REMAINS OF ONE OF
MANY GREYHOUNDS FOUND BURIED AT THE OCALA FARM SITE.
THIS EXHUMATION WAS DONE FEBRUARY 1, 1992 IN THE PRESENCE
OF THE MARION COUNTY SHERIFF DEPUTY.

THE COLLARS IN THE OTHER PHOTO'S ARE SOME OF THE
COLLARS FOUND BURIED AT THE SITE WITH THE GREYHOUNDS.



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ACTIVE BURIAL SITE FLORIDA
1992

These photographs were taken January 29, 1992. It is an active site for burial of Greyhounds in Florida very close to a Greyhound track. There are thousands of Greyhounds buried here.



Suzanne Hopkins, D.V.M.
R.R. 2, Box 227-AA
Harlingen, TX 78552

January 20, 1992

Governor Lawnton Chiles
Executive Office of the Governor
PL-05- The Capitol
Tallahassee, FL 32399-0001

Dear Governor Chiles:

As a veterinarian involved with the greyhound industry for five years in Arizona, Wisconsin, and Texas, it is appalling that Florida is known throughout the industry as a state where cruelties to greyhounds are commonplace and retired racers are killed in unprecedented numbers.

Certainly you are aware that the two most recent greyhound horror stories (Key West and James Fors' Ocala farm) took place in Florida. When I worked for the Wisconsin Racing Board last year, one Florida trainer told us at his hearing on animal cruelty charges that had the same incident transpired in Florida, he would have killed the dog and thrown it in a dumpster with no repercussions (he was subsequently ejected from my race-track and barred from racing in any other jurisdiction through reciprocity agreements with Racing Commissioners International). Furthermore, it is a shameful tragedy that with half the nation's greyhounds racing in Florida, there is no substantial adoption effort outside of volunteer programs.

To clean up Florida's image in the public eye it is essential that when the parimutuel laws are rewritten in the near future,

1. Very serious and costly penalties are imposed that will not tolerate cruelty to greyhounds,

and,

2. State-mandated adoption be required, just as is done in Wisconsin.

Enclosed is a copy of the Wisconsin Racing Board's Greyhound Adoption Program. I would recommend one change from the Wisconsin program for Florida due to the large numbers of tracks in close proximity to one another. Some tracks should be required to have on-site adoption centers, while neighboring tracks be required to fund centers in non-greyhound states. This could be done by working with existing adoption groups such as GPA, GAP, and NGAP, who already have bases in many non-track areas. (Enclosed is a map of which volunteer groups operate where). This would increase the adoption rate by exposing and making greyhounds available to new populations.

I was closely involved with the Wisconsin program as Board Veterinarian at Wisconsin Dells Greyhound Park, and can tell you that this program, which is mandated and overseen by the state but paid for and operated by the tracks, works very well. Besides the obvious benefits to the retired greyhounds, the tracks receive positive PR, the state's involvement is in a favorable light, and the "humaniacs" are held at bay.

In sharp contrast, non-state mandated/overseen track adoption programs as exist in Texas where I now practice at Valley Greyhound Park, are a disaster. Without the state's mandate, the tracks are too cheap to pay for the adoptions to be done right- and thus greyhounds are given away, unspayed and un-neutered, to anyone who will take them. The result is litters of greyhound cross pups turning up on the streets and in the animal shelters along with true horror stories of greyhounds given out to bad homes. The tracks brag of "numbers" of greyhounds "adopted", but follow-up shows that more than half are now either dead, abandoned by their original adopters, dumped in pounds, roaming the streets, chained to doghouses, neglected, full of heartworms, or worse. Most have never been spayed or neutered.

This is not to undermine the national volunteer groups, such as GPA, who do not operate at the tracks, but elsewhere in Texas, and generally do good adoptions.

The bottom line is that tracks are simply too cheap to invest in a quality adoption program, such as Wisconsin has, unless the state mandates it.

I have just returned from the 8th International Racing Greyhound Symposium and the North American Veterinary Conference in Orlando, where I easily spent \$1,500. I will certainly not continue to attend these meetings in your state if Florida declines to take action on greyhound welfare. By following Wisconsin's lead, Florida could do a complete turnaround and be a leader rather than an eyesore in the greyhound industry.

Sincerely,



Suzanne Stack, D.V.M.

441 East 92 Street
New York, New York 10128
212.876.7700
212.348.3031 Fax

January 31, 1992

Mr. David G. Wolf
National Greyhound Adoption Program
8301 Torresdale Ave.
Philadelphia, Pa. 19136

VIA FAX #215-331-1947

Dear David:

The American Society for the Prevention of Cruelty to Animals and its 400,000 members offer complete and unqualified support for bill #PCB RI 92-01 affecting the fate of greyhounds in the greyhound racing industry in Florida.

This bill represents landmark model legislation for the rest of the country and promises to put Florida in the forefront in dealing with the agonizing problem of surplus greyhound euthanasia. This problem has been an ongoing problem for not only the humane community across the country but legislators trying to find a way out of a terrible dilemma and for the greyhound racing industry itself.

My heartiest congratulations to the National Greyhound Adoption Program for their role in bringing this bill this far. The ASPCA and all of its staff and volunteers and members pray for its success.

Very truly yours,

A handwritten signature in cursive script that reads "Roger A. Caras".

Roger A. Caras
President

RAC:jah

8301 Torresdale Avenue
Philadelphia, Pa. 19136

(215) 331-7918 (800) 348-2517 (215) 331-1947 FAX

TWO WEEK FOLLOW-UP REPORT

Date Acquired JANUARY 9, 1992 Owner's Name FERN; ROBERT KOHN

1. Racing Name of Dog RAINBOW MYTH

REG. NO.
Adoption No. 78784/119E

2. New Name (If changed) BABY

3. Explain the first few days in its new home. LEARNING TO ADJUST TO HER NEW ENVIRONMENT WHICH INCLUDED TWO CATS - 14 ROOMS - AND A LOT OF LOVE!

4. Explain how it interacts with each family member.

A. Husband - EXCEPTIONALLY LOVING, TRUSTING, GENTLE AND SWEET

B. Wife - EXCEPTIONALLY LOVING, TRUSTING, GENTLE AND SWEET

C. Child (Age) 19 - DITTO

D. Child (Age)

E. Other (Age)

5. Are you having any problems, if so, explain. TAKES UP 75% OF OUR KING SIZE BED

6. Do you want us to give you a call? ANYTIME, TO TELL YOU HOW WONDERFUL SHE IS.

7. Have others reacted to your new pet? BABY IS LOVING, GENTLE & KIND TO OTHERS

8. Explain interaction with other pets. A FRAID OF OUR CATS, BUT GENTLE AROUND THEM

9. Health Problems or Complications. NONE

10. Veterinarian Report. BABY IS KNOWN AS MRS. ARNOLD SCHWARZENEGGER TO OUR UK

11. Personal Comments.

WE HAVE HAD OTHER WONDERFUL DOGS, BUT WE CANNOT BELIEVE HOW LOVING, GENTLE, SWEET, & FANTASTIC BABY HAS TURNED OUT TO BE IN ONLY TWO SHORT WEEKS. SHE IS ABSOLUTELY PART OF THE FAMILY FOR GOOD! WE HAVE FOUND HER TO BE EXTREMELY BRIGHT. SHE OF COURSE IS NOT A WATCH DOG BECAUSE SHE NEVER BARKS!

Return to:

N.G.A.P.
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Phila., Pa. 19136

NATIONAL GREYHOUND ADOPTION PROGRAM

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Philadelphia, Pa. 19136

(215) 331-7918 (800) 348-2517 (215) 331-1947 FAX

TWO WEEK FOLLOW-UP REPORTDate Acquired 12/28/92Owner's Name WENDY KHEEL

1. Racing Name of Dog ALFIE Adoption No. _____
2. New Name (If changed) NICHOLAS
3. Explain the first few days in its new home. GREAT. HOUSEBROKEN IN 2 DAYS. VERY LOVING
4. Explain how it interacts with each family member.
- A. Husband
- B. Wife
- C. Child (Age)
- D. Child (Age)
- E. Other (Age) ROOMMATE 26. ADORE EACH OTHER
5. Are you having any problems, if so, explain. NONE
6. Do you want us to give you a call? NOT NECESSARY.
7. Have others reacted to your new pet? VERY IMPRESSED.
8. Explain interaction with other pets. SOME DIFFICULTY WITH CAT BUT FINE NOW.
9. Health Problems or Complications.
10. Veterinarian Report. KENNEL COUGH.
11. Personal Comments. VACCINATIONS ALL CURRENT. CURRENTLY ON ANTIBIOTICS FOR KENNEL COUGH.

BEST DO I'VE
EVER HAD!

Thanks a lot -

Wendy Kheel

Return to: N.G.A.P.
8301 Torresdale Avenue
Phila, Pa. 19136

Contributions enclosed of \$25.00

8301 Torresdale Avenue
Philadelphia, Pa. 19136

(215) 331-7918 (800) 348-2517 (215) 331-1947 FAX

TWO WEEK FOLLOW-UP REPORT

Date Acquired 12/21/91

Owner's Name Dr. & Mrs. John Ruch

1. Racing Name of Dog O.B. An Ace ("Annie") #8

Adoption No. _____

2. New Name (If changed) Anne

3. Explain the first few days in its new home. She has fit in beautifully - is very affectionate & drinks very well

4. Explain how it interacts with each family member.

A. Husband very affectionate & attentive

B. Wife loving & follows around during the day

C. Child (Age) 10 - Playful & attentive

D. Child (Age) 8 - Playful & loving

E. Other (Age) 1 yr. grandchild - she enjoys being around her

5. Are you having any problems, if so, explain.

6. Do you want us to give you a call? -no nothing major - just a few adjustment problems

7. Have others reacted to your new pet? yes - she has gotten a great deal of positive response

8. Explain interaction with other pets. -some problems with our cat & she did kill one of our rabbits

9. Health Problems or Complications.

10. Veterinarian Report. 12/24/91 - She weighs 56 lbs - had slight ear infections & was put on Thesalern drops - received all vaccinations

11. Personal Comments.

none

We have enjoyed her so much and still can't believe how easily she has fit into our lives. She seems to love all of us and is appreciative of our care and affection. She tries to sit in our laps and is sleeping in the bed with us! She has already brought us a great deal of joy and we would recommend this breed to anyone

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NATIONAL GREYHOUND ADOPTION PROGRAM

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TWO WEEK FOLLOW-UP REPORTDate Acquired 1-3-92Owner's Name MIRIAM & EUGENE WAGNER1. Racing Name of Dog BAMBIEAdoption No. 0263

2. New Name (If changed)

3. Explain the first few days in its new home. BAMBIE WAS VERY INQUISITIVE ABOUT EVERYTHING. WE WERE A LITTLE NERVOUS WHEN SHE MET OUR TWO CATS BUT SHE WAS ONLY CURIOUS ABOUT THEM. SHE GOT ALONG WITH OUR4. Explain how it interacts with each family member. COLLIE MEGAN RIGHT AWAYA. Husband SHE IS ATTENTIVE AND HAPPYB. Wife WITH BOTH OF US.

C. Child (Age)

D. Child (Age)

E. Other (Age)

5. Are you having any problems, if so, explain. No

6. Do you want us to give you a call?

7. Have others reacted to your new pet? EVERYONE WHO MEETS HER LOVES HER8. Explain interaction with other pets. BAMBIE GETS ALONG FINE WITH OUR HEIDI9. Health Problems or Complications. NONE COLLIE AND TWO CATS.

10. Veterinarian Report.

11. Personal Comments.

NEVER HAVING OWNED A GREYHOUND BEFORE WE DIDN'T KNOW WHAT TO EXPECT. WE ARE PLEASED AND HAPPY TO FIND HOW FRIENDLY AND LOVING BAMBIE IS, ALSO HOW WELL SHE ADAPTED TO FAMILY LIVING.

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TWO WEEK FOLLOW-UP REPORT

Date Acquired THURS. MON-DEC-23, 1991 Owner's Name Kristin Douglas & Eric Banks

1. Racing Name of Dog (Mr. Wolf referred to him as "CLASSIC", but his real racing name was "DOERAYMEPASO") Adoption No. _____
2. New Name (If changed) TIBERIUS
3. Explain the first few days in its new home. He has a tendency to bark or howl at 6:00 AM or when he hears my alarm clock go off. He loves his new house (I could tell how relieved he was to find out that he was headed someplace that was heated (vs. outside) over 5
4. Explain how it interacts with each family member.
 - A. Husband - ERIC - he loves Eric and enjoys burrowing his head into his shoulder when Eric is on the couch (our Shepard does this too!)
 - B. Wife - Kristin - I feed him and distribute Mothers Natural Dog Cookies to all the kids! I walk him and he is very loving, gentle (extremely), tolerant of small children and just a great guy!
 - C. Child (Age) _____
 - D. Child (Age) _____
 - E. Other (Age) _____
5. Are you having any problems, if so, explain. As the days pass by and Tyc begins to feel more and more like his old self he is becoming very aware of my cats Andrew & Harry.
6. Do you want us to give you a call?
Yes, if you have more suggestions.
7. Have others reacted to your new pet? Yes! He is the star of our neighborhood and both my own & ERIC's workplace has been very very supportive and inquisitive!
8. Explain interaction with other pets.
He is the lost brother who has finally come home to both our Shepard & Beagle!
9. Health Problems or Complications.
He seems normal, very alert & very friendly (he'll be on weight watchers in no time!) (The cats I am a little worried about)
10. Veterinarian Report.
He has been neutered.
11. Personal Comments.

We love our new golden boy!

Return to: N.G.A.P.
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NATIONAL GREYHOUND ADOPTION PROGRAM

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Philadelphia, Pa. 19136

(215) 331-7918 (800) 348-2517 (215) 331-1947 FAX

TWO WEEK FOLLOW-UP REPORTDate Acquired 12-21-91Owner's Name Pat Sauberg

1. Racing Name of Dog

Adoption No. 2442. New Name (If changed) Luck Luck

3. Explain the first few days in its new home.

4. Explain how it interacts with each family member.

A. Husband - GreatB. Wife - GreatC. Child (Age) 2 1/2 - Great

D. Child (Age)

E. Other (Age)

5. Are you having any problems, if so, explain. No6. Do you want us to give you a call? No7. Have others reacted to your new pet? Yes, they all love her.8. Explain interaction with other pets Pets doing well with our other dog9. Health Problems or Complications. None

10. Veterinarian Report.

11. Personal Comments.

Lucky is a fantastic dog and we feel very fortunate that you found her for us. A special thanks to Vivian, Diane and David Wolf, you're doing a great job.
Pat Sauberg.

Return to: N.G.A.P.
8301 Torresdale Avenue
Phila, Pa. 19136

P.S. Lucky is going to be spayed Jan 2^d at that time she will also get her shots. Had an appointment for her to be spayed Jan 8th but she came into room!

One wag of tail saves greyhound from starvation

By CHRISTINE McCAMMON
Of the Erie Daily Times

He was nearly another greyhound racing statistic, a dog left to die in the Florida sun. But 51842/127D is Happy at last.

Wagging his long, bony tail, Happy lives up to his name. It was that same wag, thumping against a veterinarian's table, that saved him from being euthanized even though his eyes had sunken into his skull and he blew bubbles of saliva with every breath.

That one wag of the tail also gave him the name he carried into his new life — as a pampered, privileged member of Rob and Carrie Lowther's Edinboro household.

Mrs. Lowther said she and her husband weren't actively looking for a dog when her mother-in-law, an Atlantic Beach, Fla., resident, suggested they inquire about programs that rescue retired racing greyhounds from certain death.

Their 16-year-old Doberman pinscher died in May, Lowther said, and the couple weren't quite ready to replace it. But guilt prevailed.

"My mother-in-law said, 'Wouldn't you feel better? That'd be one less dog that was put to sleep.'"

Mrs. Lowther's mother-in-law put the family in contact with Diane Linthacum, a Thomasville, Ga., resident who's dedicated part of her show dogs' kennel to greyhounds rescued from a racing kennel in Lake City, Fla., and two

animal shelters in Jacksonville, Fla.

While the kennel is reputable, and provides Linthacum with dogs in good condition, the origin of most of the animals left at the shelters is a mystery. Happy was one such mystery, said Linthacum, who began her "adoption agency" this spring. He and two other dogs that were left at the same time suffered from severe malnutrition, worms, fluid on the joints, and exposed bones.

"They had absolutely no muscle mass," she said. "He was just a rack of bones with no mass. He was literally a hollow shell."

A healthy greyhound weighs around 75 to 80 pounds. Happy's weight when rescued was 48 pounds, she said.

Linthacum told the Lowthers that Happy must have been a fairly successful runner, or he wouldn't have lived as long as he has — four years. Like other racers, his life was probably spent in a wire crate, with the exception of four daily trips outside, and two to three races a week. And when the races stop being profitable, or the population of dogs in a racing kennel becomes too high, the dogs are killed or left to die.



ERIE DAILY TIMES PHOTO BY JIM BO



This is "HAPPY" when taken from Jacksonville racing kennel. He could not stand.



This is "HAPPY" today.



National Greyhound Adoption Program

OPERATING AFFILIATE OF D.V.R.R.G.A.
8301 TORRESDALE AVENUE, PHILADELPHIA, PA 19135
(215) 331-7918 (800) 348-2517 FAX (215) 331-1947

IF WE FAIL

and Florida does not pass Legislation.....

1. Our Organization will seek funding from every Foundation that gives money to help causes such as ours to fight Greyhound Racing and abuses.
2. Flyers will be circulated to arriving passengers as they leave airports, telling them of Greyhound abuses.
3. Bumper stickers will circulate emphasizing the negative aspects of Racing.
4. We will fund Adoption Programs to release the strangle-hold of Tracks.
5. We will continue to expose abuses through the media on local and National basis.
6. We will place 10,000 display signs on Tractor/Trailers running across the U.S. in 1992.
7. We will have people distributing flyers at Tracks telling about Greyhound abuse.





The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037
(202) 452-1100

June 19, 1989

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Colorado Racing Commission
Department of Regulatory Agencies
Room 110
1525 Sherman St.
Denver, CO 80203

Dear Mr. Ramirez,

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization with 13,000 constituents in the state of Colorado, I would like to take this opportunity to comment on the permanent adoption of proposed alternative rule #8.44, and proposed rules 8.44:1 and 8.44:2 of the Rules Governing Greyhound Racing. These rules are intended to prohibit the possession or use of animals for the training of greyhounds.

As a field investigator with The HSUS, my experience in greyhound racing has been extensive. I have been investigating greyhound racing for three years, nearly on a full-time basis. I was involved in what is to our knowledge the largest investigation in the country into the use of live lures, an investigation that culminated in the arrests of several well-known greyhound trainers, including felony charges being brought against one of the nation's most prominent greyhound owners.

The HSUS strongly supports the permanent adoption of proposed alternative rule #8.44, believing that this measure, combined with a strict enforcement mechanism, could have an impact on the current widespread use of animal lures for greyhound baiting in Colorado. Already, HSUS undercover agents have come into contact with greyhound trainers who have expressed trepidation regarding their continued use of animal lures, due to the emergency rules issued by the Colorado Racing Commission.

Mr. Ramirez
June 19, 1989

Page Two

The HSUS believes, however, that to achieve the desired impact of this strong measure, proposed rules § 8.44:1 and 8.44:2 should be modified slightly to require disciplinary action by the Commission against any individual found to be training greyhounds in violation of Rule #8.44. Also, to ensure that the intent of Rule #8.44 is carried out, The HSUS requests that a new rule be adopted to clearly define those disciplinary actions to be taken by the Commission should an individual be found to be training greyhounds in an unauthorized manner. Our specific recommendations regarding these modifications will be elaborated on further.

THE PROBLEM

Over the past ten years, HSUS agents have conducted extensive investigations into the use of animal lures by members of the greyhound industry. The findings of our investigations, as well as information provided by state racing officials, industry leaders, industry participants, and countless media exposes, indicate that the use of animal lures -- particularly jackrabbits and domestic rabbits, although chickens, guinea pigs, piglets, and cats have been known to be used -- is a very pervasive and widely accepted practice within this industry. The HSUS estimates that over 100,000 live animals are used annually for this purpose, with 90 percent of America's greyhound trainers utilizing animal lures at some point during the greyhound's training regimen.

In October, 1988, following an intensive investigation into the use of live lures in the Lee, Florida, area, The HSUS, with assistance from the Florida Game and Fresh Water Fish Commission, was successful in charging 12 individuals for participation in greyhound baiting. HSUS investigators had witnessed the use of domestic rabbits at that particular schooling track on several previous occasions. One of the individuals charged with a felony during the October raid had actually gone so far as to contact The HSUS Southeast Regional Office the previous year to inform the organization that he was no longer utilizing animal lures for this purpose. As a result of the October action and the extensive publicity it generated, The HSUS has received numerous complaints regarding the use of jackrabbits, domestic rabbits, and cats for greyhound baiting in Florida and other states.¹

¹ The criminal trials for both felony and misdemeanor cases have been continued and no new trial dates have been set. An administrative hearing conducted by the Florida Division of Pair-Mutuel Wagering is scheduled for Monday, June 26, and Tuesday, June 27, at which time the Division is expected to take strong action against those charged.

Mr. Ramirez
June 19, 1989

Page Three

At the request of several members of the Kansas Legislature, an investigation was recently conducted into the use of animal lures in that state, as well. In 1988 and 1989, HSUS investigators 1) observed the use of animal lures at schooling tracks in that state, 2) obtained extensive information from trainers and owners about the widespread use of animal lures, 3) identified a number of individuals who breed and supply domestic rabbits for the purpose of greyhound training, and 4) observed the remains of numerous animals at the county land fill, primarily rabbits and piglets used in both coursing and track training. Greyhound owners in Kansas also informed an HSUS undercover agent that the recent busts in Lee, Florida and Aurora, Colorado have made them both more fearful and more furtive in their continued use of animal lures.

Evidence regarding the ongoing use of animals lures is not, however, limited to eyewitness accounts and information provided by greyhound trainers but, over the years, has repeatedly been substantiated by the industry's own publications. The most recent examples were two articles that appeared in the December, 1988 issue of Greyhound USA. In both articles the columnists acknowledged that the use of live lures continues to be a standard training practice throughout the United States.

"Any greyhound person who says he or she can maximize the potential of their greyhound pups without the utilization of live lure training," admits Greyhound USA, "is either a hypocrite or will discover that he or she is sending inferior greyhounds to the racetrack."

The second article that appeared in the December Greyhound USA, by Miami columnist Tom Jicha, was written after a prestigious public relations firm declined to represent the greyhound industry because of its tainted image from the live lure issue. Initially, Ketchum Public Relations Vice President Ronald Mueller thought a great potential existed to improve the industry's image. When he interviewed numerous members of the American Greyhound Track Operators Association (AGTOA), however, "he quickly found out that not only weren't the tracks prepared to make a minimum effort [to end live lure use], but they didn't want to make any effort at all," reports Jicha in Greyhound USA.

The P.R. firm conducted extensive research into the issue and concluded that there was no measurable difference in the performance of greyhounds trained on artificial lures as opposed to those trained on live animals.

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"Whether it takes a year, a decade or a century, the sport is going to have to come up with a way to train greyhounds without using live rabbits," admits Jicha. "It might be costly to research and experiment with the problem, but it's money that's going to have to be spent sooner or later. If it's later, there will be untold amounts spent defending those caught defying the law in the interim . . ."

"[T]here is still no way to put a happy face on hanging an animal from a rotating mechanical arm, and eventually allowing dogs to tear it apart," Jicha continued in a personal plea to industry members to change their ways. "Anyone who thinks this is ever going to be accepted is a fool."

Similar reports of live lure use have been surfacing since the early 80's. In May, 1984, the St. Petersburg Evening Independent reported that dogs that were actively racing at Florida racetracks were being taken off the track and run on live lures, a practice called "shaking up." According to the Independent, Robert Corder, chief investigator for the Florida Division of Pari-Mutuel Wagering "and several investigators documented numerous incidents of trainers taking dogs from Sanford-Orlando Kennel Club racetrack to Ryan's unlicensed training track five miles away [for the purpose of shaking up the dogs on live rabbits]." To this day, The HSUS still receives complaints about this practice in other areas of Florida, a practice which is not only a violation of the anti-baiting law, but is considered a form of race fixing as well.

In addition to the industry's own admissions of its continued use of live lures, the strongest evidence that animal lures are still being used in great quantities lies in the fact that whenever legislation is introduced to prohibit the use of live lures in states where greyhound training is prevalent (i.e., Florida, Texas, Kansas) and even at the federal level, greyhound trainers initiate extensive lobbying campaigns in an effort to defeat such legislation. Legislation in Florida making the baiting of greyhounds a felony offense was vigorously opposed and lobbied against by greyhound trainers, and consequently took 14 years of legislative battles to gain passage. In 1984, after passage of an anti-live lure measure in that state, the greyhound industry challenged the law, acknowledging that Florida's greyhound trainers, "along with the vast majority of other individuals and firms in the same business utilize live jackrabbits in the training of greyhounds for racing on Florida's licensed pari-mutuel race tracks and other licensed tracks throughout the country." Also in 1984, Florida trainers protested a proposed Game and Fresh Water Fish Commission regulation banning the

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importation of jackrabbits into the state, arguing that the animals were necessary to train their greyhounds and were "crucial to their livelihood." In 1986, after the Florida Game Commission finally adopted the regulation, the Greyhound Breeders Association of Florida filed an administrative rule, challenging the regulation, and claiming that its members required "recently deceased" jackrabbits to train their dogs, and the importation of live jackrabbits was necessary for this purpose!

When efforts were underway to legalize greyhound racing in Kansas, trainers and owners assured legislators there that live lures were no longer used for training purposes in that state. Despite such assurances, after the legislation passed in 1986 and an attempt was made to attach an amendment onto the implementing legislation to ban the use of live lures, industry officials suddenly felt a need to offer up a "compromise" amendment that prohibited the use of household pets -- dogs and cats -- for the training of greyhounds, but allowed the use of all other small animals.

Finally, the fact that the National Greyhound Association (NGA) and the AGTOA refuse to support any legislation that would specifically prohibit the use of live lures in training is further evidence that this practice is still common.

THE SOLUTION

As the Commission knows, artificial lures have been developed for use in place of animals, and have gained the support of both the NGA and AGTOA. Such mechanical alternatives have been proven highly effective for the training of greyhounds, and a film demonstrating the use of the Jack-A-Lure, the most popular mechanical bait, has been produced to encourage the discontinuation of animals in training. Unfortunately, this film, as well as other efforts, have not had any significant impact on changing the more traditional and more desired method of using live animals to train racing greyhounds.

The HSUS believes that the only means to reduce the numbers of small animals being used for the training of greyhounds is through 1) the enactment of state laws specifically prohibiting their use, 2) the adoption of strong state racing commission regulations prohibiting the use of anything but artificial lures, and providing tough penalties for those individuals using unauthorized methods to train their greyhounds, and 3) strict enforcement of both.

For this reason, The HSUS strongly supports the permanent adoption of proposed alternative rule #8.44, which prohibits the

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use of anything but an artificial lure in the training of any greyhound that has a tattoo identifying it with the NGA, whether the greyhound is actively racing or in training. Additionally, The HSUS supports the rule's provision declaring the possession or use of anything other than an artificial lure wherever greyhounds are present as prima-facie evidence of race fixing.

Because the effectiveness of such a strong rule lies in the penalties meted out for its violation, The HSUS feels that proposed rules #8.44:1 and #8.44:2, as written, would not effect adequate enforcement of the measure because of their somewhat vague language. The rules state that individuals found guilty of violating rule #8.44 may be subject to disciplinary action, action that translates to possible disqualification from the meet and being reported to the Commission for proper -- yet undefined -- disciplinary action.

The HSUS requests that rule #8.44:1 be modified to read:

Any person(s) found by the judges or the Commission to have trained a greyhound by unauthorized methods shall be subject to disciplinary action.

Furthermore, we request that rule #8.44:2 be strengthened in the following way:

Any greyhound that has been determined to have been trained by unauthorized methods shall be disqualified by the judge of the meet for the entire duration of the meet and they shall report the circumstances to the Commission for proper action.

The HSUS feels strongly that without clearly defining the nature of the disciplinary action to be taken by the Commission, rule #8.44 lacks "teeth," thus making it less effective as a deterrent against the use of animal lures. For this reason, it is our feeling that an enforcement mechanism needs to be added to proposed rule #8.44:2. The HSUS requests that rule #8.44:2 be expanded, or a new rule be adopted, to clearly define the disciplinary actions to be taken by the Commission should an individual be found to be training greyhounds in violation of rule #8.44. Such a rule could include the following:

Upon completion of a hearing, and upon finding any person(s) guilty of training a greyhound by unauthorized methods, the Commission shall permanently revoke the license(s) of said person(s), whether said person(s) is operating at a race track under the Commission's jurisdiction or not. Additionally, when said person's license is revoked, every greyhound wholly or partly owned or trained by him or which

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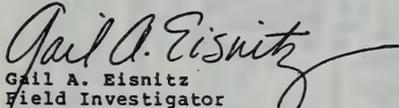
is under his care, management, or superintendence, or which he has any interest in the winnings, shall be prohibited from entering or running in any race.

The HSUS believes that the use of rabbits and other animals as lures for the baiting of greyhounds is a brutally cruel and inhumane practice. Additionally, both the training and "shaking up" of dogs on animal bait clearly contribute to the manipulation of race results. The widespread practice of using animal lures in training further serves to denigrate the integrity of the sport, impacting the public's perception of the activity, and ultimately, track attendance as well. Division of Pari-Mutuel Wagering officials in Florida report that following the Lee raid and the publicity it generated, public support diminished and with it, track attendance dropped considerably, thus resulting in reduced revenues to the state.

It is for all of the above reasons that The HSUS offers its wholehearted support of proposed alternative rule #8.44. We do, however, strongly urge the Commission to consider adopting a new rule that would help enforce rule #8.44 and, in so doing, would adequately serve to discourage the use of animal lures in the state of Colorado.

Thank you very much for your consideration of our comments.

Sincerely,


Gail A. Eisnitz
Field Investigator
Department of Investigations

GAE:jh

Big comeback Gallant Mel rallies down stretch to win Tampa Bay Breeders' Cup Page 14

Sports

THE TAMPA TRIBUNE

Sunday, February 17, 1991



Tribune photograph by FRED FOX
Pleaded by low attendance and hands, greyhound shows have gone to the dogs.

Florida's dog racing industry is struggling to get back on track.

— called the handle — closed at \$64.4 million, 18.7 percent less than the previous season. Four years ago, the handle peaked at \$90 million!

The season attendance also was down about 10 percent.

Optimism about greyhound racing's present state is hard to find. Track owners, kennel owners and state officials — while often at odds with each other — share the sentiment of one lobbyist who says the state of the industry is "the worst it's ever been."

Among the problems facing greyhound racing in Florida:

■ More states are opening dog tracks, muscling in on territory

See DOG RACING, Page 14

By MICHAEL FAY
and MIKE O'KEEFE
Tribune Staff Writers

LARGO — When it comes to greyhound racing, Florida is a king with a tarnished crown.

The business of running the long, slender dogs before crowds of bettors has seen its peak. Attendance, dropping 50 to the amount of the 1980s.

What reached its height as a billion-dollar industry faces a decline foreshadowed by recession, the lottery and competition from other states. The Tampa Greyhound Track, which recently spent almost \$2 million on crowd-pleasing renovations, had its worst season in a decade. The amount placed as bets

311
 MR. G
 BB
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 BB
 CD
 MR. G

Sale of Dogs for Army Experiment Probed

More Than a Dozen Greyhounds Were Obtained for Research Without Owners' Approval

By Molly Moore
 Washington Post Staff Writer

Lawrence Cutler just assumed his two greyhounds, Green Grocer and Shmohawk, were on the Arizona racing circuit, safely in the care of the track kennel.

But Cutler's racing dogs, and those of more than a dozen other greyhound owners nationwide, had been sold by a private dealer to the Army for a medical experiment. In the experiment, a piece of bone would be removed from one hind leg of each dog and replaced by a new bone-mending compound. After a two-month healing period, the slender, long-tailed dogs would be euthanized and their legs subjected to stress tests.

"I was outraged and very upset," Cutler, a Phoenix attorney, said in a letter to the Army. "I thought they were racing. I wanted to find out how dogs that belonged to me ended up at a research lab without my permission."

What began as a medical research effort to find better ways to treat battlefield wounds has become a major animal-rights controversy that has prompted at least two federal investigations into the way the Army obtained the dogs and a review of the planned experiments.

the checks he receives for his dogs' winnings. When his red fawn greyhound, Medora Cutler, had produced no checks since May, he assumed the dog was having an off season or was recuperating from an injury.

A few weeks ago, Payne learned from animal-rights activists in San Francisco that Medora Cutler had been sold for Army experiments. "I thought that was pretty awful," the grain elevator worker said. "These dogs are real lovable. You don't want to see anything like that."

"Because the owners don't tend to keep track of the dogs, it's very easy for somebody to come pick them up and not be honest about where they're going," said Susan Netboy of Greyhound Pets of America. Netboy has been active in trying to locate owners of the dogs sold to the Army.

The Army is investigating possible legal actions against the dealer who sold 19 dogs for about \$350 each, according to Tom MacKenzie, chief spokesman for The Presidio in San Francisco, where the experiments were being conducted at Letterman Army Institute of Research (LAIR).

"We bought the animals in good faith," said MacKenzie. "They were

purchased from a U.S. Department of Agriculture-approved vendor. "The Army is looking for another dog source, an Army spokesman here said.

In addition to her own congressional probe, Boxer has asked the Agriculture Department to investigate the supplier.

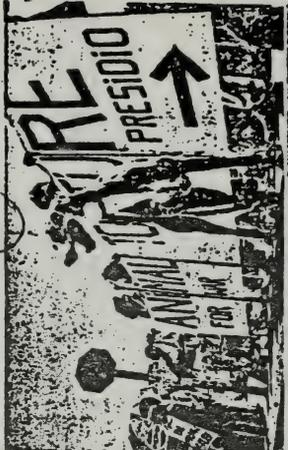
Greg Ludlow, sold the greyhounds to the dealer who sold the dogs to the Army. He said he never learned the dogs from kennel owners, who assured him they had the owners' permission to dispose of the dogs for medical research.

"I've turned into the fall guy. They're trying to make me look like some Genghis Khan," Ludlow said in a telephone interview. He said he has been caught in "a political boxing match between Boxer and the Army."

The Army decided on Friday to return the 19 dogs in its possession to their owners or give them to local animal-rights groups for adoption.

"To keep it simple, we're going to forget this entire batch of selling," MacKenzie said, adding that some of the dogs' owners said they would allow the military to use their animals for the experiments.

"I feel like we were able to rescue these dogs from death row," said Boxer, who said she is pushing



Animal-rights activists protest use of dogs in Army experiments at The Presidio.

the Army to abandon its plans to use greyhounds for the medical experiments.

The Army maintains the experiments could lead to valuable medical advances, but MacKenzie said the service is reviewing the research.

Greyhounds were chosen for the experiments because of their long, powerful back legs, whose bones have healing characteristics similar to those of humans, according to Army officials.

"The Army feels the research is very valid," an Army spokesman here said. "Bone fractures are common for military personnel, not only in training, but combat."

The experiments were to test a new, synthetic compound designed to mend fragmented bone together, bones if the dogs were alive.

STATE OF FLORIDA - DEPARTMENT OF BUSINESS REGULATION
DIVISION OF PARI-MUTUEL WAGERING
BUREAU OF INVESTIGATIONS
CASE CONTROL REPORT

I. CASE OPENING		
CASE FILE NO: 89BI4-277	FILE TITLE: JORDAN, Reginald D., D.V.M.	DATE OPENED: 05/25/89
ORIGIN: Northern	FACILITY: JEFFERSON COUNTY KENNEL CLUB, INC.	FACILITY NO: 146
SE: (A) Initiated <input checked="" type="checkbox"/> (B) Assigned <input type="checkbox"/>		INVESTIGATOR ASSIGNED: Jerry N. Jenson
JRCR: Observations & Bureau of Operations		ALLEGED VIOLATION: 7E-2.019 - Absence of Veterinarian

II. CASE ACTIVITY

FACTS AND NARRATIVE OF SIGNIFICANT DEVELOPMENTS:

05/25/89 - Case opened upon receipt of information that Track Veterinarian R. D. JORDAN was not in attendance during racing activities as required. As a result, injured greyhounds are failing to receive necessary medical care and treatment. Case Status: ACTIVE

05/29/89 - Received information that greyhound "CALLED QUICKLY" of CRUCE KENNEL was injured in schooling race. Took 30 to 40 minutes before Veterinarian JORDAN arrived to care for greyhound. Would not bandage hock or provide supplies. Owner, Jerry CRUCE, had to go purchase bandage material and take care of animal himself. Case Status: ACTIVE

05/31/89 - Greyhound "JACKIE'S ALIBIE" of MOSIER KENNEL injured in race # 13, no veterinarian available. Case Status: ACTIVE

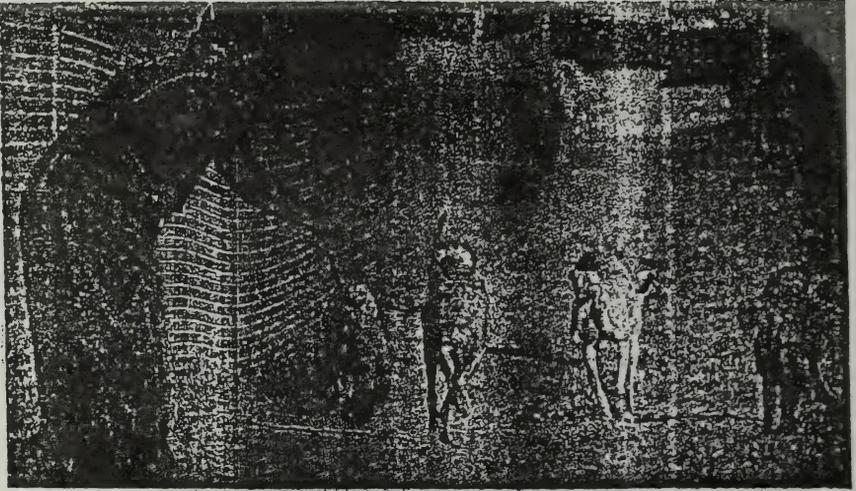
06/15/89 - Randy Wilkins, Bureau of Operations, reported absence of veterinarian during racing activities during his assignment there from 06/05/89 - 06/10/89. Case Status: ACTIVE

06/25/89 - Draft Administrative Complaint submitted to Miami. Case Status: PENDING

08/01/89 - Chief Inspector, John Rush, reported that he had received information that veterinarian JORDAN had quit the job at J.C.K.C. Track is without veterinarian.

10/03/89 - Per instructions from Chief Pozar, case file is being closed since Subject JORDAN was functioning as approved by ANDRIS while employed as the Track Veterinary Surgeon. Also, he is no longer with the J.C.K.C. Case Status: CLOSED

III. CASE DISPOSITION	
ADMINISTRATIVE COMPLAINT:	CASE CLOSING:
Date sent to Miami <u>06/25/89</u>	Closed by -
Date sent to Legal _____	<input type="checkbox"/> (A) Administrative Action
Date sent to Respondent _____	<input type="checkbox"/> (B) Corrective Action
Response due date _____	<input type="checkbox"/> (C) Allegation Unfounded
Hearing date _____	<input type="checkbox"/> (D) Lack of Jurisdiction
Final Order date _____	<input type="checkbox"/> (E) Referral to Other Agency
	<input checked="" type="checkbox"/> (F) Other (Explain Above)
	Date Case Closed <u>10/03/89</u>



L.H. Saxon gets his pups up and running by holding up a coonskin lure used in race training

Hounded

Sport of greyhound racing is plagued by its seamy side.

By Dahlia Wren

Macon Telegraph and News

EMPIRE — Scores of greyhounds, a variety of ages and colors, stood at attention, ears up and tails twitching.

Gary Saxon moved close to the wire dog run, holding what appeared to be a coonskin cap.

He squeezed the coonskin, which emitted a squeaking sound that made the dogs squirm and whine. Their lean bodies were, like springs, coiled and ready for action.

"They think they're going for a run," Saxon said. The coonskin he tanzalized them with is the lure he uses for teaching them to race.

The dogs, all 110 of them, are the property of Saxon Greyhound Farms. They are born and trained on the Dodge County farm, then taken to be raced in such states as Florida and Alabama, where parimutuel betting is legal.

Since betting is illegal in Georgia, the greyhound industry escapes the regulation it faces in states where there are racing commissions to protect against abuses, said Bob Barker, a field representative for the Humane Society's national headquarters in Washington, D.C.

Though the dogs at Saxon farms appear comfortable and well cared for, greyhound racing has a very dark side, said Barker.

"We consider it a blood sport," he said. "The blood just happens to be behind the scenes rather

than visible as in dog fighting.

While the Saxons train their dogs with artificial lures, other trainers use jack rabbits and other small animals that the dogs ultimately maul to death.

Since that practice was outlawed in Florida in 1967, many Florida trainers are bringing their dogs to South Georgia, where they can train them with live lures, Barker said. "It's not uncommon for trainers to throw the mauled animal in the garbage to let it die," he said.

Despite the breed's name, there is not a gray dog among Saxon's lot. Their colors are fawn, red, brindle, blue brindle, red brindle and white.

Gary Saxon works with his father and mother — L.H. and Lucy Saxon — in a business the elder Saxon established some 18 years ago. Their only help is Pete Guyette, who came to Dodge County from Florida two months ago to learn more about dog handling.

"I had always liked animals," L.H. Saxon said of his venture into dog raising, but he tried every other thing a poor man could get into. "The one day I saw an advertisement of a farm liquidation sale. From that sale, I bought a litter of four greyhound pups."

Saxon said he had tried when he bought those first dogs. Not long after, in 1976, he moved his operation to his native Dodge County.



By SAU CABELL/Macon Telegraph and News

L.H. Saxon shows off C's Dixie Lee's form

(See HOUNDS, page 1D)

Hounds From page 1D

He learned to train dogs by working with others who train dogs and working with the dogs themselves. "And I used a lot of common sense," he said.

The two cardinal rules of dog raising are keep the dogs in top mental condition and keep them in top physical condition.

"You've got to keep greyhounds happy," he said. "High blood pressure is a real problem with them."

Keeping the dogs happy may not be as easy as it sounds. There are as many personalities among the dogs as there are dogs. And they react to racing very differently.

"One dog will think racing is fun," Gary Saxon said. "He'll come off the track with a look on his face that says, I did good didn't I? He looks at the other dogs wagging his tail and laughing at them.

"Another dog will be all business. He looks like he is saying: Bathe me and feed me. I'm tired.

"Then others come off the track and want to go right back on."

The pride of Saxon Farms is an 11-year-old, 58-pound brindle named G's Dixie Lee, who is now retired from the track. For the last few years, she has been one of 12 females at the farms used only for breeding.

"She's the queen of the operation," L. H. Saxon said. "She's one of the fastest animals that ever ran in Florida."

As the Saxons talked about their dogs, a half-dozen curious 4-month-olds watched from their pen, barking and wagging their tails.

Suddenly a fight broke out between two of the pups; the others crowded around barking.

"Now you can see why we keep the older dogs muzzled," Saxon said after he and his son broke up the dog fight. "They can kill each other."

Nevertheless, he maintains that the only danger the dogs pose is to each other. He insists that they are harmless and playful with humans.

Greyhound pups weigh one to two pounds at birth. Adult males range in weight from 75 to 80 pounds, females from 55 to 65 pounds.

The dogs are carefully documented, registration numbers and whelping dates tattooed inside their ears.

Saxon never names a dog until he is sure it will race because a name can't be used twice.

Training for the track begins when the pup is 3 to 4 months old.

"That's when I play with the puppies," Gary Saxon said. "I drag the coonskin inside their runs. It's the same lure I use with them later on the track."

Some pups care little about chasing the lure. They just want to run with other dogs, he says.

At that point, he generally works with two pups at the time.

When the pups are 6 to 8 months old, they are introduced to the whirling, a miniature track some 300 feet in circumference a short distance from their pens.

"This is when we start them breaking from the starting box in a straight line with the lure in front of them," Saxon said. "Some of them are scared at first because it's new to them."

At 18 to 22 months, the dogs are acclimated to the race track during several weeks of "official schooling" — practice at the racetrack with the public watching. Here they are judged on performance by racing officials and deemed fit or not to race.

It is the dogs that are weeded out that causes concern for Barker and the organization he represents.

"Breeding greyhounds is inexpensive," he said. "A female will come in season twice a year and produce up to 10 pups in a litter. Only about 30 percent of the dogs born to greyhound breeders ever make it to race track. That leaves a surplus of about 30,000 dogs annually."

Many of those dogs are destroyed, Barker says. Often they simply are shot to save the cost of having a veterinarian euthanize them with an injection.

National Greyhound Association officials deny the figures, saying they only register a certain number of dogs a year; therefore there cannot be such a surplus, Barker said.

"But you can register a dog at any age. The dogs that don't go to the track are never registered," he said.

The dogs that pass muster are entered in the maiden class. As a dog wins, "it moves" into more advanced racing classes.

"Dogs usually run until they are about 5 years old, but in Florida a few years ago a dog named John L. Sullivan was running and winning when he was 9," Saxon said.

Barker, however, does not agree with Saxon's estimation.

On an average, the racing life of a dog is 1½ to 2 years. Then the dog is destroyed, Barker says.

Although statistics show that 75 percent of all "super races" — those with stakes in the \$100,000 range — are won by males, and of those winners, 75 percent are red brindles, Saxon says the sex of the dog is irrelevant.

The dog business is a gamble on both ends — not only for the patrons of the race tracks but for the dog owner, Saxon says.

Saxon says it costs him about \$5,000 a month to maintain the dogs at Saxon Farms, a figure that includes food, medical bills and hired labor.

A pup guaranteed to win only its maiden race sells for about \$5,000, while a championship dog can be worth \$14,000 to \$15,000.

Racing doesn't shorten a greyhound's life span so when a dog retires, it must continue to have human care, Saxon said. "They're totally dependent on humans because they've never known anything else."

That dependency contributes to the sad side of greyhound racing, Barker says.

"People don't realize that the dogs are literally running for their lives," he said. "The owners aren't going to feed losers."

Retired Greyhounds As Pets (REGAP), an agency in St. Petersburg, Fla., is dedicated to finding homes for retired greyhounds.

The agency checks out applicants like an adoption agency, Saxon said. "Sometimes the dogs become watchdogs, sometimes jogging companions, sometimes just pets."

Although REGAP is supported by the National Greyhound Association, the gesture is a cosmetic one, Barker says.

"The agency is handling only a minuscule number of dogs. If the humane society homes for the dogs place care, how can REGAP find hundreds of dogs?"

Injured canines sometimes pay a hard price

By JIM SULLINGER
City Editor

TOPEKA—Baseball pitchers often get sore arms and many football players hobble on bad knees.

For the racing greyhound, more than 50 percent of the injuries on the track are to the animal's hock or ankle.

Like all injured athletes, the dog begins intense rehabilitation, but that's where the similarity ends.

If the football player can't return to the gridiron, he finds another job. The dog, if not put out to stud or for adoption, is destroyed.

Dr. Mark S. Bloomberg, director of the University of Florida's Center for Veterinary Sports Medicine, said a weekly average of 2.5 injuries per track was recorded at three Florida tracks surveyed between 1984 and 1988.

Studies also have found that 87 percent of those injuries occur in

the first turn, when the dog is running full speed and then turns left as it moves around the oval track.

Bloomberg said that to negotiate that turn, the animal twists and pushes off on its right rear foot. Consequently, he said most hock injuries—from sprains to fractures—occur in that leg.

Racing operators have tried banking the first turn so that the outside part of the track is higher than the inside. Both the Woodlands track in Kansas City, Kan.,

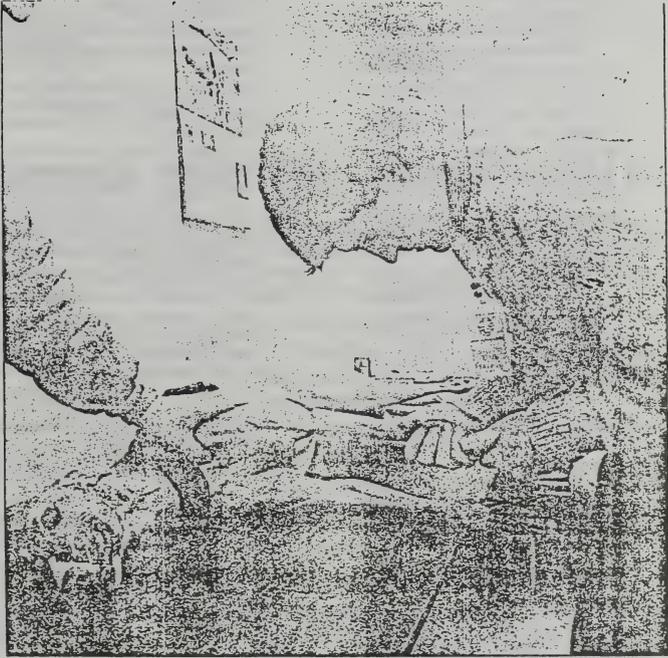
and the Wichita Greyhound Park in Wichita are constructed that way.

When that technique was undertaken at a Florida track, officials reported injuries dropping to one per week.

"That's still too many," said Wendell Maddox, a Kansas City official of the Humane Society of the U.S.

Maddox said his organization was opposed to racing dogs because of the injuries and training methods.

Racing dogs catch the eye of research



Greyhound studies have been started at Kansas and K-State.

By JIM SULLINGER
Of the Topeka Bureau

TOPEKA—Dr. Rob Gillette's athletes run on four feet instead of two, but like human athletes, his canines are reliant upon sports medicine and research—a growing industry in Kansas and a lifesaver for many dogs.

The University of Kansas veterinarian and researchers at Kansas State University are in the vanguard of an effort that could turn the state into one of the leading national centers for research on greyhound racing.

That expectation is fueled by an estimated \$300,000 this year for such research provided by the state's fledgling pari-mutuel racing industry.

Only two other states—Texas and Wisconsin—will exceed that amount in the near future, according to Dr. Mark S. Bloomberg, director of the University of Florida's Center for Veterinary Sports Medicine.

What Kansas and the other states are discovering is that, like human track stars, racing dogs are susceptible to a variety of injuries. And trying to determine how to prevent those injuries and rehabilitate injured dogs can translate into big bucks.

Years of research and millions of dollars have gone into studying human sports injuries. But little, according to Gillette, has been done for the greyhound. That's something he and the others want to change.

"I'm looking out, No. 1, for the dogs," said the Overland Park man who also works at the Woodlands race track in Kansas City, Kan. "We need to protect them as much as we can."

He recently was awarded a \$33,000 research grant by the Kansas Racing Commission, the first of the state's research dollars.

A similar fund has been established for horses, though it isn't known how much that fund will generate.

The greyhound money comes from more than \$1 million a year in unclaimed winning tickets at Kansas dog races.

Dr. Harish Minocha, associate dean of research at K-State's veterinary school, said a 12-member greyhound research team already had been put together there and projects were being evaluated.

"We want to be ready to go when the racing commission begins accepting proposals," Minocha said.

Gary Guccione, secretary-treasurer of the National Greyhound Association, agreed that money could make Kansas one of the leading states in greyhound research.

Steve Darham, executive director of the Oregon Racing Commission, said a similar fund there raised approximately \$100,000 a year. Bloomberg said Florida University receives less than that for research.

Gillette said his research focused on the forces that put stress on bone, joints and muscles as the dog runs.

Out of the starting box, the animal races down a straightaway, reaching a full speed of approximately 40 mph.

Without slowing down the dog turns left with the pack on the way around the oval track.

Gillette said most injuries, especially to the right rear leg, occur in that first turn. He wants to know why and how some of those injuries can be prevented.

He said that both the Woodlands and the Wichita Greyhound Park in Kansas bank the first turn. That is a recent innovation that has dramatically reduced injuries at tracks in other states.

Gillette said his research, using a sensitive pressure plate, would measure the forces exerted by the animal as it normally runs.

"Once we know what is normal, we can begin investigating what is abnormal," he said, adding his work could lead eventually to more track modifications and better, faster rehabilitation methods for injuries.

More than a dog's health is at stake.

The research eventually could put more money in the owner's pocket.

Gillette said a dog's racing life was approximately three years. If a top-quality dog is injured and out of racing a year, for example, a lot of money-making potential for the kennel has been lost.

Moreover, if the dog can't be rehabilitated, it might lose its life.

Minocha said K-State could use the Kansas research dollars to develop new vaccines to fight diseases.

He said another area of research was nutrition, i.e. finding the best diet for a racing dog.

"Right now there are a lot of bad diets, such as raw meat," he said. "But is that really the best? We don't know."

Minocha said researchers at K-State, using private money, had developed a test that takes blood samples while the dog is running.

Those samples are then used to study the animal's metabolism, which Minocha said was different when running.

He said many of the projects would be basic scientific research.

Bloomberg said only a few years ago, universities got no money for such activities.

"There's a lot to be done," he said.

File Greyhound Racing



FBS
MP
PW

PENSACOLA, FL
NEWS JOURNAL
D. 64,948—S. 71,733
PENSACOLA METROPOLITAN AREA

SEP 18 1987

Greyhounds not the worst of it

One of the unpleasant facts of life is that each year, on the average, some 30,000 racing greyhounds are put to death around the country.

This year this included the 23 greyhounds gassed at the Escambia County Animal Shelter at the closing of the dog racing season here.

It's also an unpleasant fact that this same shelter humanely put to death more than 14,480 other animals in fiscal year '86.

Eighty-six percent of all animals brought to the shelter are put to death.

And that's just in one county of the country alone — and not a very big county at that.

It's as simple as this:

As long as the nation allows greyhound racing — and there's no sign it's going to stop — some of these animals are going to be put to death.

It's a matter of simple economics.

If the dogs are not winning, producing income for their owners, then they must be disposed of in some manner.

The owners can't afford to continue to feed and house them.

Of course, there are some groups — like Retired Greyhounds as Pets, headquartered in St. Petersburg — working to find homes.

But it doesn't have a local chapter.

Moreover, according to Bob Baker, a field investigator with the Humane Society of the United States in Washington, D.C., REGAP has only placed about 5,000 dogs since its beginning in 1982.

"Even if they were placing 2,000 to 3,000 yearly, they'd still be placing very few of the 30,000 greyhounds destroyed each year," he said.

And while Baker looks at this negatively, it means 5,000 who otherwise would have been destroyed have been placed in good homes.

It's a shame any of them have to be destroyed.

But it's even more a shame that society in general can't find a way to stop the overproduction of pet animals that annually have to be destroyed — untold thousands more of them than come from the dog racing industry.

RADIO-TV MONITORING SERVICE, INC. 3408 WISCONSIN AVENUE, N.W. + WASHINGTON, D.C. 20016 + 244-1901	
PROGRAM: INSIDE EDITION	DATE: SEPTEMBER 19, 1989
STATION OR NETWORK: WRC TELEVISION	TIME: 4:00 PM, EDT

BB GE MP copy to monthly

ABUSE OF GREYHOUNDS IN FLORIDA

(FILM SHOWN)

JOHN SCOTT, WRC NEWS: She is nothing more than a puppy; awkward, inquisitive, and playful. She's been born to the breed that carries a peculiar curse, the fastest breed of dog in the world: she is a greyhound. And very soon, she'll start running, quite literally, for her life.

SALLY ALLEN, Greyhound Advocate: They are now a product, and when they no longer generate bets, then they're killed.

(UNIDENTIFIED TRAINER): You would have dogs coming out of your ears if you didn't destroy them.

It is early morning at a greyhound training track in Northern Florida, the state with the largest dog racing industry. The men and women who raise greyhounds bring their dogs here for trials. These are young dogs with names like "Blue" or "Lucas", Iron Mike" and (?). For many it's their first race. For others it's their last chance.

KEN JOHNSON, Humane Society: We have spoken to people within the greyhound industry - greyhound trainers - who tell us themselves that they euthanize or kill 75 to 85% of their dogs before they actually make it to the track.

It comes down to dollars and cents for the dogs' owners. They raise dogs for one purpose: to make money winning races. Those that show no promise at winning at the big-time dog tracks are weeded out.

ALLEN: It's really the exceptional dog that runs the five years and becomes one of the top winning dogs. The bulk of them don't make it.

Dogs that do succeed in training and go on to a racing career are only delaying the inevitable. The industry has no use for most of its retired racers. Chances are, even a successful dog will be killed soon after it finishes its last

race.

These dogs are four years old and they can expect a life span of maybe five years and when their racing careers are finished, so are they. To the Humane Society, that's inhumane but to dog owners, that's just part of the business.

Bill Maloney is a long-time greyhound owner and trainer. He runs the training track; sends the lure flying around for the dogs to chase. A friendly man, and very direct. He makes no apologies for the industry practice of "putting down" racing dogs. In other words, killing those whose careers are done.

SCOTT: So after the two and a half year or three year racing career, the dogs have to be put down?

BILL MALONEY, Greyhound Racer and Trainer: Yes. It's part of the business. An unfortunate part, but part of the business.

The Humane Society and other animal rights organizations are taking on the greyhound racing industry over a number of issues including the killing of unwanted or unneeded dogs.

JOHNSON: In Key West, for example, there was a case two or three years ago where it involved a greyhound trainer who was taking some of the surplus greyhounds to the county dump and actually shooting them there at the dump. And these dogs were not killed when they were shot, some of them were just left to die.

A few dogs do survive past their racing years and are used as breeding stock to create more dogs. The number of greyhounds destroyed each year is uncertain, but estimates range from 30 - 70,000.

SCOTT: From the point of view of the Humane Society and the people who support it, that's what really makes this look like a cold-blooded...

MALONEY: Oh, I'm sure.

SCOTT: Is there an answer to that? Or is it...?

MALONEY: No, I don't think so.

It is not just the treatment of the dogs that has animal rights groups howling. October, 1988, a Florida State Game Officer hiding in underbrush videotaped this training session at a track several miles away from Bill Maloney's. The lure, in this case, is a live rabbit sent around the track at least a dozen times hanging by a rope tied around its abdomen. Law enforcement agents then

raided the track, arresting twelve people on animal cruelty charges. Several rabbits were found unhurt, but the first one, tied to the arm, was killed. The lure used at Bill Maloney's track is a bleach bottle with a flexible animal call (?), the type hunters use for a tail. He says he's used live lures in the past but won't anymore. That's the law.

One of the most shocking cases of animal abuse involving greyhounds was uncovered last month in North Florida. A boarding kennel was found to be keeping greyhounds under . . . indescribably bad conditions. An investigator from the local Humane Society Chapter shot this videotape of the kennel. Dogs were so starved, their ribs could be counted. Others, living in filthy pens, lacking food and water. And still more with medical problems as severe as open sores on their bodies. Most of the dogs could not be saved so they were put to sleep and then buried in a mass grave.

For a small but growing number of greyhounds, there is another option. Organizations are springing up nationwide to serve as adoption agencies, taking greyhounds out of the racing world and placing them with qualified families. Sally Allen and Bob Jann are part of an organization known as REGAP or, Retired Greyhounds As Pets.

ALLEN: They're excellent pets. They're gentle, intelligent. They don't shed. They're so eager to please, I've been around a lot of dogs and the greyhound is truly special.

This is a dog named Bare Facts, three years old, and already washed up as a racer. He wasn't fast enough to make it on the track. This is the kind of dog that would have been destroyed by the trainer without a second thought. But Bare Facts got a second chance.

BOB JANN, Greyhound Advocate: As the dogs are adopted; as more people have them and know them, there will be a constituency far beyond...Can you imagine the noise that would occur if they found out someone was slaughtering poodles, or German shepherds? Hundreds of thousands of owners around the country would tell them to stop.

But adoption programs are still meeting with resistance in the greyhound industry.

MALONEY: I'm sorry, really. I may be cruel in some people's eyes, but I would much rather the dog be put to sleep. I know he's not being abused. Not because the people are cruel, they kill them with kindness. They feed them everything on

earth. They walk them around; they're all 50 pounds overweight. I just couldn't bear the thought of a dog that I have taken this care of - and I'm very particular with my dogs - for 3 or 4 years and see that six months later it can't breathe because it would be so fat.

ALLEN: These, to us, are living, breathing, loving creatures. Each one with its own worth. But to the dog racing industry, they are the same as a deck of cards or a slot machine. They are a product. So every dog that we place is kind of a thorn in their side in the sense that we're saying, "These dogs can be placed; there are alternatives. They don't have to be killed."

(END OF FILM)

BILL O'REILLY, WRC NEWS: If you would like information about adopting a greyhound, then write to: REGAP, PO Box 111, Camby IN, 46113. (Address shown...)

(END)

DOG TRACKS CLAIM dual tracks could help horses, state

11/5/89
By Eddie Donnally

SPECIAL TO THE TIMES HERALD

Two years after horse racing stumbled out of the gate in Texas, the future of pari-mutuel wagering appears dim unless dual racing facilities for horses and dogs are developed.

Since 1987, two Class I horse tracks have failed in bids for licenses from the Texas Racing Commission, and the state's only Class II track in Brady has had its problems.

That trend can be reversed to bring racing to cities like Dallas, owners of greyhound tracks in Texas say, because dual-racing facilities are a more financially viable alternative to thoroughbred tracks.

But the horse racing industry is leery of any expansion of dog racing beyond the three Gulf Coast counties where it is permitted, contending that racing enthusiasts — the bettors who support tracks — could come to prefer greyhounds to thoroughbreds.

Greyhound racing is subject to the same state 5 percent pari-mutuel taxes as horse tracks. But dog tracks cost less to build and maintain, assuring a greater profit margin. And though the daily average mutuel handle is traditionally lower at dog tracks, Texas law permits as many as 450 race cards per dog track each year while Class I horse tracks are limited to 144 racing days.

"If we had a dual-facility dog track running in Dallas 280 days a year and an adjoining Class I horse track running the other 80 days, it would be a very good arrangement," said Gary Calfee, president of the \$14.5 million Valley Greyhound Park scheduled to open near Harlingen next summer. "There's no reason they can't coexist. Greyhound racing is in a position to make major

Please see RACING, A-22

GOOD MORNING

MOLLY IVINS:

Lt. Gov. Bill Hobby has stated the obvious.

Texas needs a state income tax.

Before long the state's big businesses will realize they'll benefit from one, and they'll lead the tax charge.



PAGE A-25

■ Missing pet snakes are just one of the Bay Area's problems. Report, Page A-7.

■ Formerly rebellious students are learning to solve disputes. Report, Page A-27.

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RACING

From A-1

horse racing viable.

During the last fiscal year in Florida, where dog and horse racing has coexisted for a 60 years, its 18 greyhound tracks paid more than \$78 million in state pari-mutuel taxes while its four thoroughbred tracks paid less than \$12 million.

The \$68 million Woodlands Racetrack near Kansas City, Kan., opened for greyhound racing in September and its adjacent horse track opens in May. The daily average mutuel for greyhounds has been more than \$500,000 and track officials predict the horse track will handle at least \$750,000.

"While we handle less, we run more races and that allows us to produce more revenue for the state," said Jim Frey, a member of the board of directors and spokesperson for the Texas Greyhound Association. "I think that dual-purpose tracks in major Texas cities would work. But there has to be a meeting of the minds."

Though the names of prominent Texas horse owners Dr. Charlie Graham and Joe Strauss appeared as part owner on dog track applications to the Texas Racing Commission, the horse faction holds dog racing in disdain.

Kirwin Drouet, president of Houston Turf Club, which so far has been unsuccessful in obtaining a Class I racing license, is a good example. He recalls a September meeting of the Board of Governors of the Texas Horse Racing Association in which an attorney for a Texas dog track proposed joining forces to seek dual-purpose dog/horse tracks in Texas' major cities if the Legislature did not lower its pari-mutuel taxes during its Nov. 6 special session.

Gov. Bill Clements has said workman's compensation will be the only topic of the special session.

"If anybody thinks the dog interests are content to stay in the three Gulf Coast counties, they're crazy," Drouet said.

Besides Valley Greyhound Park, the racing commission has licensed Corpus Christi Greyhound Park, scheduled to open in September 1990, and given an oral agreement to license Lone Star Racing Association, which plans to build a track near Galveston, about 40 miles from the proposed Houston Turf Club.

In August, the racing commission denied racing licenses for Drouet's proposed \$52 million Houston Turf Club and the \$76 million Houston Downs, both Class I tracks. The commission cited poor financing in rejecting Houston Downs, and backstretch security in rejecting Houston Turf Club.

Drouet said Monday he will appeal and ask for 45 more days

to address to commission's concerns. If he is again rejected, he cannot reapply until spring, which would delay major racing until at least 1994, he said.

Drouet said he is afraid that if a horse track is delayed and local bettors become accustomed to dog racing's faster action — they run a race each 15 minutes while horse racing requires about 26 minutes between races — as well as dog racing's many exotic wagers, they will be lost forever to horse racing. Although he insists his financing is secure, he said a nearby dog track would discourage bank loans for a horse track.

"There are already thousands of dollars pouring into Austin to get dog racing extended to the rest of Texas," he said. "If we don't get licensed and up and running by 1991, it's all over for Class I horse racing in Houston."

After much quarreling, Texas horsemen tried unsuccessfully to pass a bill lowering the state's pari-mutuel taxes last summer. The current law permits the state to take 5 percent of the mutuel handle; another 5 percent goes for purses; and tracks keep 8 percent on win, place and show wagers and 10 percent on exotic wagers.

A state tax of 5 percent is too high to make a profit and service the debt on the \$80 million to \$100 million necessary to build a Class I track in Texas, track experts elsewhere have said. Among them are Edward J. DeBartolo, owner of Louisiana Downs and Remington Park in Oklahoma; R.D. Hubbard, principal owner of Woodlands and Rudoso Downs in New Mexico; and Tom Meeker, president of Churchill Downs.

Statistics compiled by the Association of Racing Commissioners International show that at 5 percent the state Texas would rank third behind California and Louisiana in tax levy percentage.

Last year at least six of the 38 states that held pari-mutuel horse racing taxed their tracks 2 percent or less and one, Nebraska, did not tax its tracks at all. Oklahoma approved horse racing in 1982 with a 6-6-6 split, but received no viable Class I license applications until 1985.

Preston Carter, president of the Texas Horse Racing Association, proposes lowering the pari-mutuel tax to 1 percent of the first \$100 million bet while 7 percent would go to purses and 10 percent to tracks on regular wagers and 15 percent on exotics. The 1 percent would graduate to 5 percent as a track's total handle reached \$500 million.

Texas pari-mutuel racing finally got under way on Oct. 8 at G. Rollie White Downs, a Class II track, in Brady. But low attendance and a low mutuel handle forced them to drop racing on Fridays.

Horse proponents say the tiny track is not indicative of the economic impact that would be produced by major horse tracks in Dallas, Houston and San Antonio.

The Topeka Capital-Journal, Wednesday, July 19, 1989

Dog trainers deny claim mostly live lures used

ABILENE (AP) — Greyhound training representatives are disputing claims by the Humane Society of the United States that live lures are used to train 90 percent of the dogs taught racing in Kansas.

At several news conferences Monday, Kansas Attorney General Robert T. Stephan and Robert Baker, a Humane Society investigator, announced a \$5,000 reward program for information leading to the arrest and conviction of people involved in dogfighting, cockfighting or the use of live animals as lures.

Baker said an 18-month Humane Society investigation led his group to estimate that live lures are used at some time to train 90 percent of the greyhounds taught racing in Kansas.

Wayne Strong of Abilene, a long-time greyhound breeder and president of the Wichita greyhound race-track now being built, said Baker's figures are "off-base" and exaggerated.

"He's looking for numbers to raise money for the Humane Society," Strong said. "Some of the things he

says are so ridiculous it's unbelievable."

Baker also claimed trainers sometimes suspend kittens, guinea pigs, chickens or domestic rabbits from the pole that moves ahead of racing greyhounds on a circular track.

Strong said while a few trainers might still use jackrabbits, he has never heard of the use of chickens or guinea pigs.

"There is nobody, but nobody, who uses kittens," he said. "When they stretch these numbers and say things like kittens and guinea pigs, those things are just untrue."

Gary Guccione, secretary of the Abilene-based National Greyhound Association, also challenged the 90 percent figure.

Guccione said while there may still be some use of live lures to a limited degree, "We talk to people in the state and they are going with artificial training methods. They're working and they're effective."

Artificial training lures usually consist of an animal skin that encloses some sort of a noisemaker.

... need fewer people to take care of them, run for smaller purses, and if they don't run fast enough they might be killed. That's why ...

Dogs beat horses to the bottom line

By Jeff Krupsaw
News staff writer

When greyhound racing, the economy car of parimutuel wagering, competes directly with thoroughbred racing, the gas-guzzler, dog racing has a big head start toward a profitable bottom line.

"It's not a big secret," says Delbert Reed, who has been on the inside of both industries during the past 12 years and is now on the side of the horses at Birmingham Race Course. "It's a pure economic thing."

Nowhere is it more evident than in Alabama, where greyhound racing flourishes and horse racing struggles to survive.

Through Nov. 4, the state's dog tracks in Greene, Macon and Mobile counties handled \$292,726,204 in wagers in 1,281 performances. As decreed by state law, about 80 percent of that money was returned to patrons. The rest — about \$58 million — has been used by the tracks to pay their purses, bills and taxes. What's left over is profit.

Birmingham Race Course, the state's only horse track, handled \$38,746,631 in 107 live performances through Nov. 4, an average of more than \$362,000 per performance. The horse track has distributed approximately 79 percent of all wagers back to the patrons. The rest — approximately \$8.1 million — went to purses, bills and taxes.

An industry insider said the typical dog track has a 10 percent profit margin on its handle when admission charges and concessions are added. A pamphlet produced for the American Greyhound Track Operators Association puts the figure at 6.1 percent.

Apply those figures to the state's three dog tracks, and you've got big profits: Between \$20 million and \$30 million thus far in 1989; between \$25 and \$40 million in 1988 when the state's three dog tracks handled \$387,798,808.

By contrast, Delaware North Inc of Buffalo, N.Y., which is operating Birmingham Race Course for the Birmingham Turf Club under the Chapter 11 bankruptcy plan, has said it figures to lose between \$2 and \$3 million by the first of the year.



Cost to build	\$5.5 million	\$84 million
Average daily handle	\$174,396	\$362,118
Amount returned to patrons per day	\$139,516 (80%)	\$286,074 (79%)
Amount retained by track per day	\$34,880 (20%)	\$76,044 (21%)
Distribution in purses per day	\$4,708	\$28,982
Cost to train per week (one horse, one dog)	\$35	\$210

Sources: Birmingham Race Course, Greentrack and other industry experts. Handle, takeout and purse estimates are based on 1989 figures through Nov. 4.

See Bottom line, Page 10A

A BIRMINGHAM NEWSCHART

BIRMINGHAM, AL
NEWS
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BIRMINGHAM METROPOLITAN AREA

Greyhounds at Victoryland.

Humane Society estimates.

They don't like it, but trainers admit killing greynolds is part of racing

By Kevin Scarborough
News staff writer

Another day, another day. That was looking unusual for Lynn Friday and the Shelby County Humane Society.

But the dog was different. It was a greyhound racing dog. Friday knew that by the ear tassel.

"You almost never see greyhounds," Friday said, at least not at animal shelters.

Friday, who works now as the president of the Alabama Federation of Animal Welfare and as director of the Chilton County Humane Society, said she has seen two greyhounds in her nine years in the animal-care business.

This stray greyhound found a new home at the office located at 1000 Shelby County Humane Society. It also found a new name: Trailways.

"How did it get away from being destroyed," Friday said, "has no idea."

Why it might have been destroyed is an unusual part of the professional greyhound racing industry. Dogs that aren't running or reproducing become expendable.

Greyhound trainer Dewey Spawp put the issue in bottom-line terms: "You can't hold a dog that isn't going to make you any money. You have to get rid of it."

Maybe they'll give it away as a pet, although the average greyhound spends a special home to settle down. Maybe they'll use it for breeding, although trainers will tell you not to expect a more dog to breed last pup-pet.

Or maybe, in the lingo of the track, they'll have the dog "put down," as in put to sleep.

"These dogs are treated entirely different from pets that you and I might have," said Ken Johnson, a field investigator with the Humane Society of the United States. "They're like a car to a race car driver."

"It babies the car. He loves the car. He treats it as well as he can be treated because that car's going to make him more money."

"In the event the car breaks down to the point that it can no longer make him any money, he throws it away and gets a new one."

The Humane Society estimates that 30,000 greyhounds a year are killed because either they're not good enough to make it to the track or first place or their winning days are over, one big reason the Humane Society is philosophically opposed to what one of its leaders, Robert Baker, called a "blood sport."

Johnson said he documented a case in Key West, Fla., a few years ago where they were taking the dogs to the county dump, shooting them and leaving them there to die.

Such reports cast a pall over the entire industry, but the greyhound industry would like to keep its association.

Delbert Reed worked for 13 years at three different tracks, including Greentrack in Kalam, before becoming the assistant general manager at the Birmingham Race Course. For Reed, today dog racing is competition, but it's not barbaric.

"It blows me away to see some of the Humane Society staff board up where I've been and what I've seen," Reed said. "I don't believe that to be true."

Reed said a relatively small number of greyhounds who race at Greentrack, "maybe 10," will be killed in a given year.

"They take them to the veterinarians," Reed said, "who put them to sleep, and it's done very humanely."

Lisa Huff — "everybody laughs at my name" — joined husband Dewey in the greyhound training business about five years ago, and they tend to a kennel of some 50 dogs at Greentrack.

Mate to see dogs go

Sue Gils enjoy when dog racing is portrayed as a cruel business, like the recent TV report she saw "that made it look like putting them down was just part of the business."

"Well, it is part of the business, but it's not a part of it we enjoy. We hate to see the dogs go. There are a lot of us that really care for them."

Gary Guccione, the secretary-treasurer of the National Greyhound Association, said the Humane Society's estimate of 30,000 greyhounds killed a year "is grossly exaggerated," but added his organization does not keep such figures.

By comparison, the Humane Society estimates 3,000 greyhounds a year are placed as pets through three programs throughout the country. Retired Greyhounds as Pets in St. Petersburg, Fla.; Greyhound Pets of America in Vienna, Va.; and Greyhounds as Pets in Colorado Springs, Colo.

The disposal of unwanted greyhounds is not the only industry practice to draw questions. Some people inside the business are troubled by the use of live animals such as rabbits and guinea pigs to train the greyhounds.

During races the dogs chase a mechanical device around the track, but some trainers maintain that a dog must taste food as a peppy to run its best. In that type of training, known as "conditioning," rabbit or guinea pig is released in an enclosed space where the greyhounds chase it and kill it.

Willie Butler, who trains some 65 dogs at Greentrack, said "I've got a taste of the rabbit, he wants the rabbit. He's more aggressive. If he doesn't get a taste of the rabbit, he won't chase rabbit but not as bad."

Guccione of the National Greyhound Association admitted that the practice does take place, but said the Humane Society's estimate that 30,000 of greyhound trainers use live animals in training is way too high.

"Practically all trainers and breeders use artificial training methods," he said.

Officials at all three Alabama dog tracks opposed the use of live animals in training. J.H. Brown, the racing manager at Victoryland near Daingerfield said using live items "is one thing you can't forbid. It's caught up in the dog's mind that it's dead if it kills severely."

Lisa Huff, from Texas, located the first greyhounds in Mobile. Johnson of the Humane Society said the rabbits were going to be used as live items in greyhound training.

"We used the largest supplier in the Southeast who supplied rabbits to the industry," Johnson said. "We confirmed that at least 300-500 of those pups rabbits were coming into the industry."

Laws in many states, including Alabama and Florida, make it illegal to use greyhounds with live lures.

White-collar-care workers may complain about dog racing, they are generally not about horse racing. An employee at the Birmingham Humane Society said the base received a single complaint about white-collar-care workers of the Race Course horsebreds.

But that happens to thoroughbred who they're doing racing. The finer points and mares are used for breeding purposes, but that is a small percentage. Other horses who outrun their usefulness at the track but remain physically sound can be used as polo ponies, show horses, hunters, jumpers or simply backyard pets.

There's another argument of breeders and horses — normally, greyhounds — who can't run successfully anymore and can't be used for

breeding purposes. Horsemen say they're sold in horse auctions with the going rate for a thoroughbred about \$300.

"Those who buy thoroughbreds and other horses in auction sometimes look like people called 'killers,'" several Birmingham Race Course trainers said. When horses are killed, the trainers said, their meat is used for making dog food and their bones can be used to make glue.

Despite the calm surrounding horse racing and the storm around dog racing, the greyhounds continue to thrive financially. The two sides of the debate about the greyhound industry give differing reasons why.

Said Guccione of the National Greyhound Association, "Fans find our game exciting and honest. We're one of the biggest. The industry is not turning its back. We're not there yet, but we're getting there."

In 1987, the Turf Club, a lavish \$4 million horse track, had \$16 million in horse racing, but \$10 million in dog racing.

Millon McGregor, president of Maceo County Greyhound Park, said he estimates the 8 or 10 percent profit figure applies to his track, also known as Victoryland. But he did say that track was making money. Last year Victoryland had a handle of \$104,987,937, more than any other of the 51 greyhound tracks in the nation. This year Victoryland has handled \$153,043,828 through its first 226 performances.

Combined, the state's other two dog tracks in Greene County and Mobile County have handled slightly less than Victoryland. The latter had 148 performances. Mobile County handled \$67,933,374, an average more than \$171,000 per performance. In its first 195 performances, Greene County handled \$70,630,491, an average of more than \$174,000 per performance.

Reed, assistant general manager at the Race Course, said Delaware's new track spent more than \$13 million to reconstruct the facility in the spring, his hope of repairing the books by the end of the 1990 season. But with cooperation from three dog tracks and the threat of a lottery bill, it won't be easy.

"It's getting more competitive. It's a tough deal," said Reed, who has worked at Greentrack for Paul Bryant. J.P. and has helped start new greyhound tracks in Iowa and Idaho. Alabama is one of nine states where dogs and horses compete head to head. Combined, horse racing and greyhound racing attract more fans annually than any other sport. Horse racing was the nation's No. 3 spectator sport behind baseball in 1988, attracting 1,612,188 fans. Greyhound racing was No. 8 on the list, just behind hockey, with 28,613,532.

New dog tracks are expected to open next year in Wisconsin, Texas and Kansas. At present, the two industries co-exist in Alabama, Arkansas, Arizona, Florida, Idaho, Iowa, Massachusetts, New Hampshire and West Virginia.

Dollar competition

Horse racing officials say they've got racing as simply another competitor for the entertainment dollar, but dog fans like to boast about their ability to dominate the horse in head-to-head competition.

"We're not in case either a horse races up to a dog track out of business," said George Johnson, executive director of the American Greyhound Track Operators Association.

On the other hand, Johnson points to dog tracks in West Virginia, New Hampshire, Vermont and Florida using space once occupied by horses.

Birmingham, of course, is the most obvious example of a horse track trying to exist in dog country.

But, there are other areas where the two industries jangle.

For instance, there are 1,000 horse tracks and a handful horse track in New Mexico that is founded. But there are also established horse track in Omaha, Neb. — Al Sar Beer — that was knocked sideways when Bluffs Race Track sprouted up on the east side of the Missouri River in Council Bluffs, Iowa, in 1986.

At Sar Beer General Manager Robert Volk said the Omaha horse track, which is 30 years old, saw business go down 25 percent as a result of the new dog track in 1986. Since then, its handle has continued to decline and Volk said he expects the numbers to continue to go down.

"We have to work 10 months to get what we used to get in four months," Volk said.

To get an idea of why dog tracks have a better shot at turning a profit, let's assume for a moment, Volk said, that the Omaha horse track handles \$1 million in a given week.

The track's got to take out 20 percent of that money for state and local taxes.

The horse track does get a lot of break. Birmingham Race Course gives 11 percent of its takeback to the state, dog operators are taxed at 41 percent.

Reed said that hardly makes up for the manna in the expense.

For instance, he points out that the Birmingham Race Course has a \$300,000-a-month electricity bill. When he worked at Greentrack, Reed said, that bill was only \$28,000. And there are employees. Greentrack has 178. When Birmingham Race Course was still open during the summer, it employed more than 500.

Reed points out the difference to a service as simple as manure removal. At the dog track, manure removal is a part of the daily garbage removal. At Birmingham Race Course, Reed paid the cost at \$60,000 a year.

At Greentrack, which was built 13 years ago for an estimated \$5.5 million and takes up about one-fourth of the space of Birmingham Race Course, operations manager Bill Lee acknowledges the difference in operating a horse track and a dog track.

"I'm not saying it's because dog people manage better. I think they have a harder job than we do. They are in contact, we are the Volkswagen. And most important, we've got the puppaw."

Said Reed: "Horse racing has to be more practical in its approach to participant wagers."

The puppaw and the punner, in Alabama, some people prefer the puppaw before the punner. Few seem to regularly attend both.

Movie vs. Broadway

The common denominator in particular wagering, bet the way the two industries differ, is in attracting the money to the difference between going to the movies and going to Broadway.

The dog track is gambling, pure and simple. The horse track is fantasy. The races are run every 10 minutes. At Greentrack, there are 13 races a night and 14 on double-header days. At Victoryland, there are 13 races a night and 14 on double-header days.

At the horse track, the waiting is long. The races are short. They're like the dogs — the last-second action and betting.

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At the Race Course, if there are fewer than eight horses in a race, the Racing Commission allows no trifecta betting. Reed said a race without trifecta betting can cost the track about \$15,000 in wagers.

Because of the many exotic wagers at the dog tracks, there has been a perception over the years that they pay more money back to patrons than horse tracks. But that is not necessarily true. Birmingham Race Course returns 83 percent of money bet on win-place-show bets, 79 percent of the money bet on quinellas and exactas and 77 percent of the money bet on trifectas.

The state's dog tracks, meanwhile, return 81 percent of money bet on win-place-show, quinella and exacta bets to the patrons. On trifectas, twin trifectas and superfectas, 79 percent of money wagered is returned to the public. A horse player who doesn't bet trifectas stands to get more of his money back than a dog player who bets mainly trifectas and superfectas.

The Race Course estimates that it retains 21 percent of its total handle, and returns 79 percent. Greenetrack, manager Bill Lee estimates, keeps about 28 percent.

But how they spend that \$200,000 goes a long way in explaining why dog track operators are working at a 6 to 10 percent profit margin while tracks such as Birmingham Race Course, Prairie Meadows in Iowa and Canterbury Downs in Minnesota are sweating to stay alive.

By state law in Alabama, Birmingham Race Course is required to set aside 7 percent of its 20 percent takeout for purses. The dog tracks are required to set aside 2.7 percent.

The Race Course actually has overpaid its purses by \$318,184, bringing purses to 8 percent of its handle.

The reasons for the different purse structures are as obvious as looking at a greyhound and a thoroughbred side by side. Horses eat more, take up more space, require more exercise and attention, and simply cost more money to take care of. Jim Jolley, who is one of the leading trainers at Birmingham Race Course, charges \$36 a day to keep a horse in his barn.

At the dog track, officials say, it costs about \$10 a week to keep a greyhound in training. And when you consider that some dogs run as often as 60 to 75 times a year, about four times as often as their equine counterparts, it becomes obvious why horse tracks must dish out more purses.

To get a horse player and a dog player together is like getting into a political discussion. Everybody has his opinion.

"It's definitely a different game," horse trainer Jolley said of dog racing. "You don't see any dog racing on television. It's not a sport, it's a gambling tool. It's no more than a live gambling machine."

Others beg to disagree. "I like the excitement of dogs," said Willie Cockrell, a greyhound regular from Bessemer. "At the horse track, you've got to read and read and read. That's too slow for me."

Dogs can't read

Others say they like dogs better because they don't have to worry about jockeys, the human element. They think dog racing is a better bet. "Dogs can't read the tote board," greyhound association executive director Johnson said. "And dogs don't get disqualified. Payoffs are posted almost as soon as the race is over. At the horse track, there are stewards who can disqualify a horse if it blocks the path of another. In an extreme example, six bettors had an opportunity to share in the \$100,000 Pick Nine surlier this year at Birmingham Race

Course because the horse they bet on in the ninth race was disqualified.

In Alabama, where dog racing has been the standard by which to judge parimutuel gambling, horse racing can be difficult to get used to.

Said Johnson, "Horse racing is a Johnny-come-lately in Alabama."

Said McGregor, "I think greyhound racing appeals more to the average Alabamian, to the average American. Horse racing, as you know, is more of a rich person's sport."

Bessemer's Cockrell said he would rather make the three-hour round trip to Greenetrack on a regular basis than the 45-minute round trip to Birmingham Race Course just to bet on the dogs. But "if they put a dog track in Birmingham, it would put this place (Greenetrack) out of business," he said.

Greenetrack cut 20%

Lee said the reintroduction of horse racing at Birmingham Race Course has taken 20 percent off the business at Greenetrack. "But I think Greenetrack can survive as long as no more than 20 percent is taken away," he said.

With more than 60 percent of its business coming from Birmingham, Greenetrack relies on the lure of the dogs to the city's residents.

For its part, Birmingham Race Course operator Delaware North Inc., which operates eight dog tracks and four horse tracks in the United States, believes it can make Birmingham Race Course successful without dog racing. Simulcasting races from out-of-state tracks, a tool many horse tracks use to compensate for increased competition from dog racing and lotteries, might be one way to keep the facility in use when live racing is in hiatus.

Though he doesn't rule out the idea of someday seeking dog racing to supplement the horse racing at Birmingham, Delaware North executive vice president Stanley Phillips said, "I don't know if it will be the ultimate savior or not."

Pointing to the failures of new multi-million dollar horse tracks in Iowa, Minnesota and Colorado over the past few years, Phillips said too many have tried to be Santa Anita right out of the gate.

Rich Schulhoff, director of the service bureau for the Thoroughbred Racing Association, said the association cringes at the thought of tracks opening and closing down in less than a year. The association, Schulhoff said, begs prospective track operators to take a long look at projections and market studies before embarking on track-building ventures. Birmingham, of course, is the main example.

Reed said horse tracks in competition with dog tracks must do as the dog tracks do. Speed up the races. Offer exotic wagering on every race. Cut down on overhead. Find a source of revenue — such as simulcasting — when the live season is down.

Delaware North puts its money on horses — for now

DOGS VS. HORSES

B. Jeff Krupsaw
News Staff writer

Birmingham Race Course is a horse track and that the way track operator Delaware North intends to Dubert Reed said.

But, Reed said the possibility of using greyhound racing to supplement horse racing as a last resort to saving the track somewhere down the line is something tucked in the back of the minds of track officials.

"It is one alternative to closing down the facility and seeing it grow up in weeds," Reed said. "But, it's so far away in the distance. We're looking at success with thoroughbred racing in Birmingham and we have great hopes and expectations to do that."

There is one big reason why track officials are not more inclined to seek greyhound racing.

Reed said Delaware North realizes it does not have enough political influence to get a greyhound racing bill introduced, let alone passed, in the state Legislature. Such a bill, if passed, also could carry a local ref-

Turf Club and has guaranteed at least 150 days of live racing in 1990 and 1991.

Reed said Delaware North figures to have lost between \$2 million and \$3 million by the first of the year, and the company still figures to lose money in 1990.

But by 1991, Reed said, Delaware North expects things to turn around. And, if it doesn't, "Then, it's back to the drawing board," Reed said.

One of the keys to successfully operating Birmingham Race Course as a horse track, Reed said, will be the introduction of intertrack wagering with Southern California tracks, which could start at the first of the year. This would allow Birmingham Race Course to tie into

greyhound pools in California, allowing bettors to wager as much as they want without having a great effect on the odds as they do now during simulcasting performances from the Meadowslands in New Jersey.

If that form of simulcasting proves successful, the need to even think about getting greyhound racing could vanish. But since it has

been proven this fall that live racing cannot be held year-round in Birmingham, something must be done in the down period to provide revenue for the track, Reed said the track would like to establish a permanent March-to-Labor Day live racing schedule.

Reed said those who believe Delaware North deliberately tried to run down the track with its disastrous fall simulcasting live racing experiment are wrong. After averaging more than 4,000 fans and \$400,000 in handle during the 79 days of the summer season, the numbers have been reduced by 50 percent during the fall.

Reed said Delaware North officials in Buffalo, N.Y., simply got carried away with the success of the summer season and underestimated the brick wall called football in the fall.

The company has vowed to never race live in the fall again in Birmingham.

"If they think we're intentionally doing poorly, that's really... that's totally incorrect," he said.

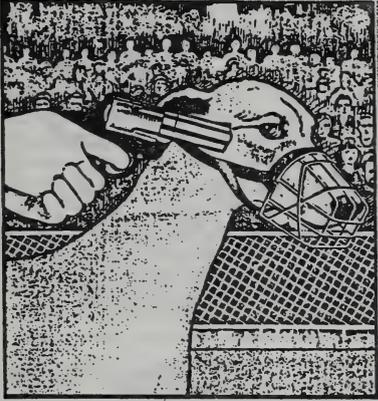
Comparing figures



	Race Course	Victoryland	Greentrack	Mobile
1988				
	None	2,521,065 504 performance	620,105 472 performance	764,190 460 performance
	416,849 3,895 average 107 performances	1,038,481 2,449 average 424 performance	481,000 3,187 average 405 performance	615,892 388 performance
1989 (this year, 4)				
	None	\$204,087,937 Total \$404,536 per day 504 performance	\$96,674,818 Total \$204,819 per day 472 performance	\$87,036,053 Total \$189,208 per day 460 performance
	\$38,746,631 Total \$362,118 average 107 live performances	\$155,062,388 Total \$365,711 per day 424 performance	\$70,630,492 Total \$174,386 per day 405 performance	\$67,032,874 Total \$172,321 per day 388 performance
1989 (Estimated based on state law)	\$28,982 per day 8.0% of handle, Race Course has overall losses by \$310,764	\$3,874 per day 2.7% of handle	\$4,708 per day 2.7% of handle	\$4,652 per day 2.7% of handle

Note: Race Course figures do not include simulcasts. Sources: Race Course, Victoryland, Greentrack and Mobile.

endum with it, requiring voter approval. The power of the greyhound racing interests is too strong. "I'd say the possibility of all parties agreeing at this point is about zero," Reed said, talking about greyhound legislation. "Zero" now. The next two years will likely determine the fate of horse racing in Birmingham. Delaware North has a five-year management agreement to operate bankrupt Birmingham



RUNNING FOR THEIR LIVES

**VOTE NO
TO
DOG RACING
ON
AUGUST 27TH**

**DOG RACING IS NOT ENTERTAINMENT.
DOG RACING IS A CRUEL BUSINESS...**

■ **THE DOG RACING INDUSTRY CAUSES THE DEATHS OF OVER 100,000 SMALL ANIMALS EACH YEAR.**

Small animals are used as live "bait" in the training of greyhound dogs. Every year, over 100,000 rabbits, puppies, kittens, guinea pigs and other small animals are mutilated and killed on greyhound training farms which are located far from the cities where dog racing takes place.

■ **RACING GREYHOUNDS ARE CONFINED IN SMALL CAGES AT RACETRACKS AND WHILE BEING TRANSPORTED TO TRACKS ACROSS THE COUNTRY YEAR-ROUND.**

■ **THE DOG RACING INDUSTRY CAUSES THE DEATHS OF TENS OF THOUSANDS OF GREYHOUND DOGS EACH YEAR.**

Greyhounds who don't run fast enough to make a profit for their owners, and dogs who suffer from racing injuries are killed, abandoned on the streets or taken to animal shelters which are already over-burdened by problems of too many unwanted animals and not enough homes. 70% of puppies and young dogs are killed before they make it to the track if they are not fast enough to race. 80% of racing dogs will ultimately be killed when they no longer make a profit. The Humane Society of the United States puts the number killed at 50,000 annually.

RUNNING FOR THEIR LIVES...

**THE ANIMALS ARE THE LOSERS WHO LOSE THEIR LIVES
IN THE DOG RACING BUSINESS...ALL IN THE NAME OF "ENTERTAINMENT".**

CRUELTY TO ANIMALS IS NOT ENTERTAINMENT.

**PAKD
(People Against Killing Dogs)
2027 2nd Avenue North
Birmingham, AL 35203
328-1500 or 870-5726**



RACING COMMISSIONS

Racing commissions set policy and rules for policing the racing industry. They decide such things as which drugs can be used, racing season, etc. As is true of wildlife commissions, when a position becomes vacant the people most involved choose the new member and give the name to the Governor to officially appoint. Choosing the new member(s) is not a process usually open to the general public. Rarely does anyone get appointed who is not accepted by the industry or who is not an integral part of it.

People concerned about the humane treatment of racing animals should break the 'old boy network' by getting themselves or other humane minded people appointed to the racing commission(s). In this way, rules would be made to protect the animals instead of just exploiting them.

Challenging the current system of appointments is difficult but not impossible. Here's how to begin:

BEFORE LEGISLATION TO LEGALIZE RACING IS PASSED. Of course, you want to stop racing from ever coming into your state if possible. One way to stop it is to build into the legislation so many provisions unacceptable to the industry that the bill is killed. This is a risky strategy. However, be sure the legislation contains a very definite provision designating one or more slots on the Board to represent humane concerns and the general public regardless of what the rest of the bill includes. If the bill does not pass, that is fantastic. But if it does, you still have an opportunity to protect the animals in some ways.

STATES WITH RACING In states where racing already exists and the board(s) are already formed, take the following steps:

1. Get a copy of the law establishing the racing board. Find out what the requirements and procedures are for filling the positions. (You can request such information from the governor's office, your state legislators, or you can find it in your state law library.)
2. On the staff of the current Racing Board, someone is probably assigned to find people to fill upcoming vacancies. This person sends names to someone else with similar responsibilities in the governor's office. You may not find the racing board personnel helpful, but the individual in the governor's office should be willing to meet and talk with you about potential nominees.
3. Work with other humane individuals in your state to come up with a list of people qualified to be appointed. Narrow your list down to the best candidates and then start lobbying for their appointment. Letters should be sent to the governor endorsing the candidate(s) and pointing out important qualifications. If the State Senate must consent to the appointment, lobby key members to let them know of your choices (especially the senator from that candidate's home district).

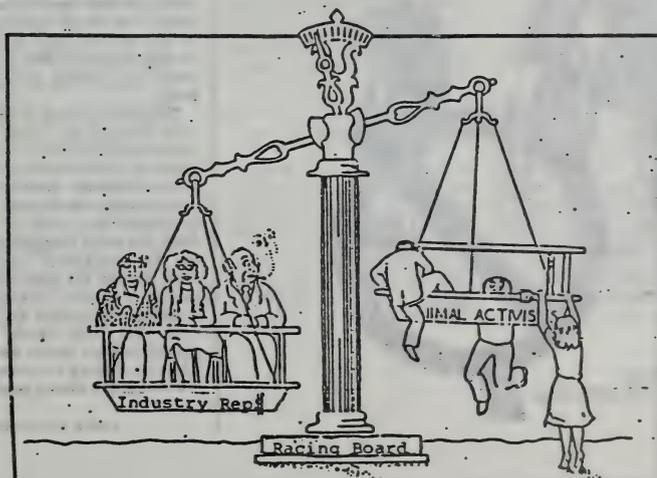
4. If working within the system does not work, go public. Write letters to the editor of newspapers around the state pointing out that not all segments of the public are represented on this important policy-making Board. Find out how many people in your state actually attend racing events. Discuss the fact that non-gamblers and those concerned with animal welfare want to be involved in policy-making decisions affecting racing animals even if they don't gain financially from the racing industry. Because there are so many obvious humane problems with dog racing, a humane advocate is especially needed. If local humane societies often have to handle abandoned or no longer wanted greyhounds, make that part of your arguments for appointment of a member of your choosing. As a state resident, you should have that right. If a humane oriented person is appointed to the Board, make sure that person isn't "used" by the Governor and commission. They can give the impression everything is okay because a humane society person is on the Board even if that person is constantly overruled. Make sure this person is able to actually contribute positively towards improving the plight of the animals.

CHANGE EXISTING LAW

If, for any reason, a legislative vehicle exists for you to change the make-up of the board by changing the statute, do so. For example, if the racing board wants to change a funding level or even the length of board member terms, get a friendly legislator to add an amendment changing the qualification for the board positions. Be creative! Get as many positions as you can open for you to nominate enlightened individuals.

FINDING CANDIDATES

Almost anyone with a true interest and knowledge of horses and/or greyhounds, should be able to fill some slot on one of the bodies. Find sympathetic people at universities, among the most active humane societies (look at employees and board members), sympathetic veterinarians, and consider those people who traditionally testify before the legislature on horse or dog issues as well as friends of the governor with an interest in racing.



Melody Sarecky



The Humane Society of the United States
2100 L Street, NW, Washington, DC 20037

KEEPING RACING OUT OF YOUR STATE

by Ann Church



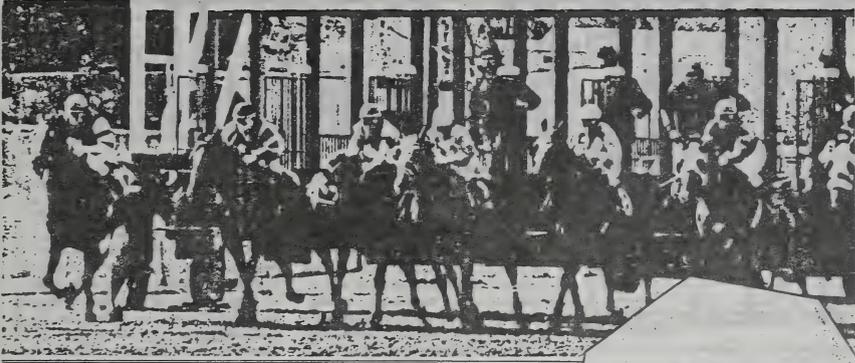
A REPRINT FROM
THE HUMANE SOCIETY NEWS
• FALL 1983

It is no secret that the scale-down in federal aid has hit state treasuries hard. Legislators looking for other sources of income to make up for lost federal revenue have often eyed legalized dog and horse racing as a way of painlessly adding to state coffers.

Dog and horse racing may be painless to the lawmakers and to those few bettors who end up ahead at the end of a day at the track, but they are sources of misery for thousands of animals raced and abused in this country every year.

Dogs, horses, and other animals involved in racing are business tools of their trainers, owners, and riders. Although a Triple Crown winner like Secretariat makes an enormous amount of money for its owner and is, often, royally treated for the rest of its life, there are thousands of horses that endure miserable existences—and even die on the race track—in order to try to live up to the hopes of their owners and trainers. Many racing fans may see sleek, gleaming animals parade to the starting gate, but what they don't see would shock and disgust them. The HSUS *does* see what happens. We see the fatal injuries—the result of joint stress overload, poor track conditions, and drug abuse—taking place literally on the finish line. We see greyhounds trained by chasing and killing live rabbits dangled before them. If dog racing and horse racing are legal in your state, you may already know of these tragic and horrifying consequences. If they are not legal, you may have to fight against a well-financed campaign to legalize racing in your state.

The most common method of legalizing racing is for a state legislature to enact a law. There are other ways, however. In Minnesota, for example, a constitutional amendment voted upon in a general election is required to legalize any form of racing. In 1982, the effort to legalize horse racing was successful; now, Governor Rudy Perpich has announced the formation of a group to spearhead the campaign to legalize dog racing in 1984. For this battle, however, animal-welfare forces have enough advance warning to make defeat for the measure a strong possibility.



In West Virginia, where racing is legal on a state-wide basis, a different fight is being waged. There, residents can vote to prohibit racing in their county specifically by gathering enough signatures to put the issue on the ballot. If the majority of voters rejects racing, the county will be racing-free. Recently, citizens of Kanawha County waged a gallant effort to thwart racing interests there, but they fell short of gathering the 10,000 signatures needed for ballot approval. A public notice printed in the newspaper announcing the advent of racing was not noticed by anti-racing groups until too little time remained to mount opposition. However, The HSUS's Bob Baker did work with local humane activists and religious groups in their efforts against racing. Our publicizing of racing's abuses may eventually force the racing industry—which, after all, depends on public tolerance for its existence—to address its many problems.

In Massachusetts, the situation is different. There, instead of local communities bearing the burden of keeping racing out, racing proponents must act to have it established by affirmative vote. Opponents of racing have been successful in keeping racing out of several areas in that state under this system.

In other states where the legislature has failed to enact enabling legislation to allow racing, racing's backers have worked to put the question on the ballot at the local or state level. In this way, they feel that they can apply pressure on state legislatures to legalize racing. Because so

few people are aware of the cruelties associated with this industry, referenda often pass by overwhelming margins unless concerned citizens have worked to educate the public.

Thirty-four states, by law, currently permit horse racing and fifteen states permit dog racing. In the last year and a half, three states have legalized one form of racing and/or the other. Close to a dozen others have seriously considered it. It is clear that we are going to have to fight the battle again and again, in state after state, as racing's backers continue to press for legalization. The issue is not going away until we have educated the general public to the cruelties involved in racing. We must make it clear that since racing as it is now operated is a barbaric and inhumane sport which benefits only a few people financially, there is no room for it in a civilized society.

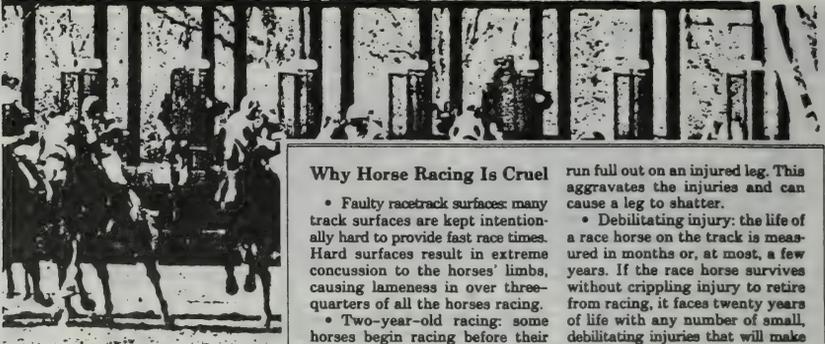
The HSUS opposes further legalization of horse racing until it can be demonstrated that racing can be conducted without mistreatment of horses. Dog racing is so inherently cruel

States Without Racing

Horse racing is illegal in Alabama, Alaska, Georgia, Hawaii, Indiana, Kansas, Mississippi, Missouri, North Carolina, North Dakota, South Carolina, Tennessee, Texas, Utah, Virginia, Wisconsin, and Washington, D.C.

Dog racing is illegal in Alaska, California, Delaware, Georgia,

Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, Wyoming, and Washington, D.C.



—HSUS/Pauline

that The HSUS opposes *all* current dog racing and is working to defeat its expansion into other states. The industry has indicated a willingness to work with us to clean up its sport, and we hope that it will make dramatic changes. However, *until such changes are adopted at all levels of the sport*, it will be vigorously opposed.

In almost every racing state there is a racing commission, composed of from one to ten members, appointed by the governor, which oversees racing activities. These commissioners have varied professional backgrounds and serve terms of from three to seven years.

In some states, a separate racing commission exists for dog and horse racing. The commissions control all aspects of the industry including where the racing will be located, how long the seasons will be, rules and regulations on the care and treatment of animals, etc.

The commissions are answerable to the state government, yet a state government is dependent on the racing industry for revenue. This creates a clear conflict of interest: the government has a vested interest in making sure the industry survives regardless of whether animals suffer. Its goal is increased revenue, not humanely treated animals. The HSUS goal is to make it more responsive to our concern for the animals. We will have to confront both government and industry to make progress.

Unfortunately, just showing the extensive cruelty involved in horse and dog racing will probably not be enough to defeat concerted efforts

Why Horse Racing Is Cruel

- Faulty racetrack surfaces: many track surfaces are kept intentionally hard to provide fast race times. Hard surfaces result in extreme concussion to the horses' limbs, causing lameness in over three-quarters of all the horses racing.
- Two-year-old racing: some horses begin racing before their musculo-skeletal system is mature, resulting in many needless injuries and deaths.
- Abuse of drugs: pain-killing drugs are often used to mask a horse's suffering, enabling it to

run full out on an injured leg. This aggravates the injuries and can cause a leg to shatter.

- Debilitating injury: the life of a race horse on the track is measured in months or, at most, a few years. If the race horse survives without crippling injury to retire from racing, it faces twenty years of life with any number of small, debilitating injuries that will make it useless for jumping, pleasure riding, or other athletic activities in the outside world. Every day, scores of ex-racers go to slaughter because they cannot earn their living in any other way.

Why Dog Racing Is Cruel

- Young dogs are encouraged to chase and kill live rabbits in order to develop a lust for blood. So that his young dogs did not get discouraged, one trainer broke a rabbit's legs so that it could more easily be caught. Another locked a dog unwilling to kill with a live rabbit in a cage without food until the dog killed it.
- Officials of the greyhound industry have admitted that the entire industry should be using artificial lures in training. They are trying to convince breeders and trainers that the Jack-A-Lure can be a better training tool than live animals. We commend them for this positive action and are

hopeful it succeeds. Until then, thousands of rabbits suffer the trauma of being chased and caught by the dogs. They are often used repeatedly until ripped apart by dogs or else tossed onto a pile to die.

- An estimated fifty percent of the dogs are killed before they get to the race track because they did not show enough racing potential.

• Even money winners are killed to save on feed costs when they stop running. Few dogs are allowed to live longer than four years.

- Because so many dogs have to be culled, oftentimes they are shot or shipped to research labs. The dogs are bred only to be used and then destroyed.

for its legalization. A broader set of arguments is essential to appeal to more legislators. Animal welfarists find that forming coalitions with others who oppose the industry is advantageous to all. From experience, we know that religious groups have been successful in opposing racing primarily on the basis of their concerns about gambling. They are usually eager to learn about the cruelties associated with racing so that they can help educate others. Their network of dedicated workers is firmly in place and can be organized quickly into ac-

tion. Other citizens and groups may be concerned about racing because of the association it sometimes has with organized crime and other criminal activities. Residents of an area where racing is proposed are usually told only of its good points. They are not informed of the accompanying noise, traffic congestion, and influx of strangers that are part of the racing environment. It helps to bring all the facts to their attention.

It is imperative for racing opponents to attack head-on the ques-

tion of increased revenue to the state. The average amount of racing revenue reported by the states is less than three-tenths of one percent of the states' budgets. That is hardly enough to justify cruelty! And increased expenses for police, road maintenance, and other needs can outweigh any revenue increase over a period of time.

A 1980 effort in the District of Columbia is indicative of what can be done to halt racing. A group of concerned citizens and humane groups banded together to inform the public of the cruelties involved in dog racing. As a result, an initiative placed on the ballot to legalize dog racing and a lottery operation was defeated. Interestingly enough, when a measure to allow a lottery only was voted

upon, it was overwhelmingly approved. In Texas this year, backers of horse racing were very confident of victory. But a strong coalition opposed to racing was victorious, due, in large part, to the work done by HSUS investigator Bob Baker. He testified in person about the many cruelties in the industry and pointed out the amount of corruption that often accompanies it. Prior to his well-documented testimony, little information on cruelty and corruption had been presented to the legislature. It was enough to produce a surprise defeat on the measure this year.

In Florida, a bill was enacted in 1981 which, effective July 1, 1984, will prohibit the use of live animals in training greyhounds. The HSUS worked for this measure with the Florida Federation of Humane Societies in one of the biggest dog racing

states in the country. We are anxious to see how well the industry will comply with this humane change in training procedure.

The HSUS has worked with others to attain victories at the county or state level in Massachusetts, Tennessee, California, Pennsylvania, Delaware, and other areas over the years. We are, at press time, working in Michigan to defeat a local referendum to allow dog racing, scheduled to take place in September.

The abuse and suffering involved in racing in this country must come to an end. The HSUS will continue its efforts to halt this inhumane practice. We urge you to join our fight. Public pressure is essential to our success.

Ann Church is coordinator of state legislation for The HSUS.

How To Correct Current Abuses

If you live in a state where racing is legal, you can still do much to alleviate animal suffering.

- Find out as much as you can about the state racing commission and how it operates. You will want to know who its members are, how often they are appointed and how long their terms are, how the commission formulates its rules and regulations, and whether the public can attend commission meetings. Write to them directly for this information (they are often located in the state capital) or contact the governor's office. Getting a copy of the original law that created the racing commission would be useful. Ask the commission for that statute number, then you can find the law at your local library or request it from your secretary of state's office.

- Contact your legislators—or local elected officials if racing is in your community—and tell them about your concern for animal welfare. Tell them that you will not tolerate abuses in your state or community. Ask them to work with you to enact laws to make racing more humane.

- Work to have someone who cares about the welfare of animals appointed to the racing commis-

sion when the next vacancy occurs. (You will need to work with the governor's office for this.)

- Make the industry answerable to the public. When you learn of specific abuses in your area, bring them to the attention of others concerned about animal welfare, elected representatives, and the press. Put pressure on the commission to correct abuses.

- Race track veterinarians are employed to protect the health of racing animals. It is imperative that they be employed by the state government, not by the track itself, otherwise, when conflicts between the animals' welfare and the owners' interests arise, the animals may be the losers. If your track veterinarian is not employed by the state, find out how that can be changed. (Chances are that the racing commission has control over this.)

In dog racing...

Work for a racing commission regulation—or even better, a state law—to prohibit the use of live animals in the training of racing dogs and a law to prevent dogs from coming into your state from states that don't prohibit the use of live lures. You will have

to lobby your state legislature for new laws or bring public pressure on the racing commission to make the changes voluntarily.

Investigate what is happening to the multitude of dogs bred for racing. Are large numbers bred in your state? If so, how many are culled because they do not show racing potential? How are they killed or disposed of? Find out what is happening to the dogs when out of public view.

In horse racing...

Work for passage of a state law to prohibit the use of any drug that would have a pharmacological effect on the horse at the time of racing.

Help The HSUS in our effort to rid racing of drugs nationwide by writing to members of the U.S. Congress and urging them to support S. 1233 and H.R. 1694.

Work to have racing restricted to physically mature horses by eliminating two-year-old racing. This could be done by the racing commission or by the state legislature.

Find out if experts believe the track surfaces are too hard and work to get the racing commission to make modifications.



The American greyhound, part of that species called "man's best friend," may endure exploitation as a racing animal and a laboratory subject during its short lifetime.

—John L. Abbey



The Humane Society of the United States
2100 L Street, NW, Washington, DC 20037

Why We Oppose Greyhound Racing

"There is a revulsion against the wholesale destruction of animals... used as... an economic commodity..."

Last summer, HSUS President John Hoyt addressed the executive session of the American Greyhound Track Operators Association, delivering a no-holds-barred condemnation of greyhound racing as practiced in this country. Here are excerpts from that speech.

As many of you already know, a series of meetings was held, composed of representatives from the American Greyhound Track Operators Association (AGTOA), the National Greyhound Association (NGA), and The Humane Society of the United States, in 1982 and 1983. During those sessions, which were initiated by the AGTOA and the NGA, members of my staff and I raised some of the same concerns and objections I shall discuss now, the use of live animals for training being one of them. And, partly as a consequence of those meetings, a training film promoting the use of the Jack-A-Lure, a mechanical bait developed by Keith Dillon, was produced to assist in and, one would hope, encourage the discontinuation of jack rabbits and other animals being used for training purposes. Unfortunately, it does not appear that this film and, presumably, other efforts, have had any significant im-

pact on changing the more traditional and, apparently, more desired method of "jacking" using live animals. As late as June 29, 1983, Troy Stiles was quoted by *The Daily Mail* of Charleston, West Virginia, as estimating that "only seven or eight percent of trainers use the mechanical device exclusively," while Keith Dillon said in a NGA seminar held in October 1983 that he still uses live lures on ten percent of his greyhounds.

The HSUS contends that, in spite of efforts currently being made in some limited quarters to promote the use of artificial lures, at least ninety percent of greyhound trainers contend that the use of live animals is necessary to teach their dogs to chase the mechanical lure during a race. Mr. Art Tiggert, supervisor of greyhound racing for the state of Florida's Division of Pari-Mutuel

Wagering, said in a personal visit with one of our staff members on July 7, 1984, that all the greyhounds trained in Florida are trained on live lures, specifically rabbits, chickens, and guinea pigs.

The HSUS concludes, therefore, that a conservative estimate places the number of animals suffering the trauma, injury, and sometimes death of being chased and caught by greyhounds during training, at 100,000 animals, the majority of which are rabbits.

Let me now turn to the issue of the excessive breeding of greyhounds. Racing greyhounds are presently being bred in all states where racing is legal and in others, such as New York State, where it is not. According to statistics published in the July 1984 issue of *The Greyhound Review*, official publication of the NGA, 25,287 greyhounds were registered with NGA in 1983. This is greater than the number registered in 1982 (24,741). This is significant since it was stated in our meeting with representatives of the NGA and AGTOA to which I referred earlier that breeders are raising fewer dogs and, thus, there will not be such a severe problem with the mass destruction of sur-

HSUS President John A. Hoyt (inset) addresses the American Greyhound Track Operators Association on the problems plaguing greyhound racing.



plus greyhounds. Based on statistics for the first five months of 1984, it appears that 1984's registration will exceed 1983's. It seems likely, therefore, that massive destruction will continue, perhaps in even greater numbers than in prior years. And when one considers that "approximately fifty percent are killed before ever reaching a real track" (according to Richard Kiper, a greyhound trainer in Florida, *St. Petersburg Times*, May 6, 1983) and eighty percent by the age of five years, is it any wonder that there is revulsion at this wholesale destruction of animals viewed as little more than an economic commodity, though they are among that species which long ago was crowned with the title "man's best friend"?

It is only recently that humane societies and the general public have become aware of the degree of this destruction. Until now, the most pointed criticism of greyhound racing has focused on the abuse and suffering experienced by the animals used in training. However, as the picture of the massive destruction of the greyhounds themselves unfolds, including the ways in which they are destroyed or otherwise disposed of, I predict that this issue

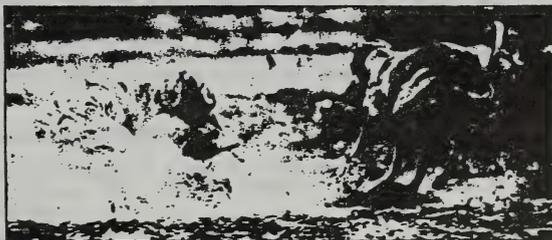
will replace the "live bait" issue as the number one objection to greyhound racing.

In a conversation with Dr. Harry Sherman (8/31/83), track veterinarian at Plainfield Greyhound Park, Dr. Sherman indicated that the usual method of disposing of unwanted greyhounds was shooting them because that was a cheaper method than paying a veterinarian to inject

a lethal dose of a barbiturate. Dr. Sherman said that kennel operators at most tracks usually remove unwanted dogs from the track for destruction, usually by shooting, or send them back to the owner or breeder where they meet the same fate.

Without going into the several reasons why humane societies are strongly opposed to the use of domestic animals, including greyhounds, for research purposes, let me tell you quite unequivocally that nothing will generate greater opposition to greyhound racing where it already exists than to discover that excess or injured and old dogs are becoming the victims of research. The efforts to oppose greyhound racing in this country are minuscule when compared to the enormous and growing efforts to oppose the use of live animals for research purposes, especially domestic animals. And, if greyhound racing hopes to avoid becoming the object of a far greater protest than now exists, it had better avoid completely and without exception the selling or giving of greyhounds to research establishments, which is surely akin to going from the frying pan into the fire.

Finally, let me comment on the stress and injuries to greyhounds resulting from certain training procedures, racing conditions and frequency, as well as their housing and care. While these conditions appear to be somewhat less obvious and, thus, of less concern to the public, they can not and will not be ignored



Greyhounds in training rip apart a live rabbit.

by humane societies and concerned individuals. One of the most serious concerns is the high percentage of dogs sustaining injuries during racing.

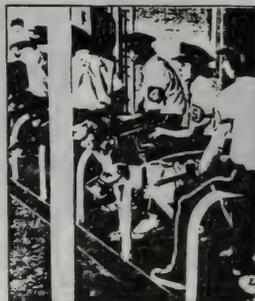
According to *Veterinary Medicine/Small Animal Clinician* (August 1983), "Racing greyhounds are prone to a plethora of injuries including skin lacerations, 'dropped' and torn muscles, ruptured tendon sheaths, and fractured bones."

Estimates derived from statistics kept by the track veterinarian at Plainfield Greyhound Park indicated that approximately 160 dogs had to be destroyed due to the severity of their racing injuries during a twelve-month period (August 1, 1982—July 31, 1983) at one racetrack.

Dogs with less severe injuries are even less fortunate since they are forced to continue racing despite painful ailments. An unfortunate fate also awaits the permanently crip-

pled dogs that are kept alive, despite painful ailments, for breeding purposes.

Few, if any, persons associated with the humane movement are of the opinion that dog racing in the United States is on its way out in the foreseeable future. But neither do we expect to see it spread to other states or expand to any significant degree in states where it is already approved so long as the abuses and suffering I have addressed today remain. Only as these conditions are changed and improved will humane societies focus their energies and efforts on other, more serious issues and concerns. But under no circumstance, no matter how significant the changes and improvements made, will greyhound racing as now practiced be approved or endorsed by those within the animal-welfare/rights movement. For even if the apparent abuses be removed and the suffering and stress eliminated, there is a developing ethical consciousness within our society and culture that views the exploitation



Handlers wait to parade their charges to the post at a greyhound racetrack.

of animals for any nonessential purpose as wholly inappropriate. Even so, it would appear to be sometime in the very distant future before even the most obvious of cruelties and abuses are mitigated.



F A C T S H E E T

DOG RACING

1. WHY WOULD ANYONE OBJECT TO ORGANIZED DOG RACING?

Because dog racing results in the unjustified exploitation and subsequent abuse of thousands of animals every year. The animals abused are not only the dogs which are treated merely as "racing machines," but also the untold number of innocent animals used as training bait for the racing greyhounds.

2. WHAT KIND OF ABUSES DO THE RACING DOGS ENCOUNTER?

One of the most serious abuses is the countless number of dogs that are produced only to be destroyed. The majority of the greyhounds raised for racing each year do not exhibit enough racing potential to be successful at the race track and over 50% are killed before they even reach the tracks. Very few live to the age of four since even dogs that race successfully are destroyed to save feed costs when they stop earning money. In effect, the dogs literally "run for their lives."

Because so many dogs have to be killed (approximately 30,000-plus per year), unprofessional and often inhumane methods are used to dispense of the dogs to save costs, such as having them shot, abandoned, or sent to be used in research. In addition, racing greyhounds are subject to a plethora of painful racing injuries which they must endure during their entire career.

3. ARE DOGS THE ONLY ANIMALS ABUSED?

No. In order to encourage the dogs to race after mechanical lures used on the racetrack, most dogs are trained by having them chase "live" lures. The dogs are allowed to catch up with the live bait and rip the small animals to pieces in order to develop a lust for blood. Over 90% of greyhound trainers believe the use of live lures is necessary to teach their dogs to chase the mechanical lure during a race. Rabbits are the most commonly used "live" bait, but investigators have discovered that chickens, guinea pigs, and even kittens have been used on occasion. This training method results in approximately 100,000 animals per year suffering the trauma of being chased and caught by the dogs. They are often used repeatedly until ripped apart by the dogs or else tossed onto a pile to die.

4. WHY WOULD A STATE LEGALIZE SUCH CRUELTY?

Because many perceive organized racing as a way to raise needed revenue, they are turning toward racing during this time of budgetary crisis, initially unaware of the cruelty involved.

5. COULD DOG RACING EVER BE HUMANE?

Ideally, it is possible to minimize the cruelties in dog racing with the first step towards this goal being the training of dogs with artificial lures instead of live animals. Unfortunately, from a practical standpoint, this change in training method seems unlikely since greyhound trainers believe it is imperative for racing dogs to develop a lust for blood to be successful racers. They adamantly refuse to use artificial lures even though it has been proven that dogs trained with artificial lures race just as well as dogs trained with live bait.

Dogs that have to be killed because they are no longer useful for racing could be euthanized humanely by qualified personnel if the owners were willing to spend the money for such service. However, the sport will always require that dogs be bred in large quantities in the hopes of producing a few good runners. And since few dogs can find good homes after a racing career, their lives will be short and usually unpleasant due to their exploitation by owners and trainers in order to make a "buck." This hardly justifies the sport's existence.

6. WHO OVERSEES THE RACING INDUSTRY?

Racing commissions exist in each state to regulate the industry. However, the main duty and function of state racing commissions is to generate revenue for the state. Therefore, if a conflict of interest exists between revenues and the welfare of animals, the animals are always the losers since the state has a vested interest in making sure the industry not only survives but prospers, regardless of animal suffering.

7. IS IT POSSIBLE FOR LEGISLATION THAT SEEKS TO LEGALIZE DOG RACING TO BE WRITTEN IN SUCH A WAY AS TO ELIMINATE THE CRUELTY INVOLVED IN THE SPORT?

No. While one state attempted to do so, it failed in its objective because the majority of greyhound racing dogs are trained outside of the states in which they race. It serves little purpose to prohibit the use of live lures by state law if the dogs are trained in other states, such as Texas or Kansas, and then brought into your state to race. Similarly, any laws requiring humane euthanasia for racing greyhounds at the racetrack are of no help to the majority of dogs that don't make it to the track and are disposed of in the state where they were bred and trained. Even the dogs at the racetrack are usually removed from the track grounds for destruction purposes and thus avoid any regulations pertaining to euthanasia established by state racing commissions.

8. ISN'T THE REVENUE RAISED FOR THE STATE SUFFICIENT JUSTIFICATION FOR THE CRUELTY?

The amount of money generated by greyhound racing towards the general state tax fund might appear substantial on surface, but compared to the states' total budget, this amount is infinitesimal. The average amount of greyhound racing revenue reported by the states is less than three-tenths of one percent of the states' budget. The state of Florida, which has 18 of the 48 pari-mutuel greyhound racing tracks in the country, generates only .7% of its revenue from dog racing. It should also be emphasized that pari-mutuel tax revenue is a regressive form of taxation and is merely a redistribution of the sources of a state's income, since money not spent at the track would probably be spent on consumable goods upon which there is a state sales tax. The money spent on other consumable goods or services would also generate jobs; thus, pari-mutuel racing contributes little to the economic welfare of a community. And, of course, no amount of money is ever sufficient justification for cruelty to animals.

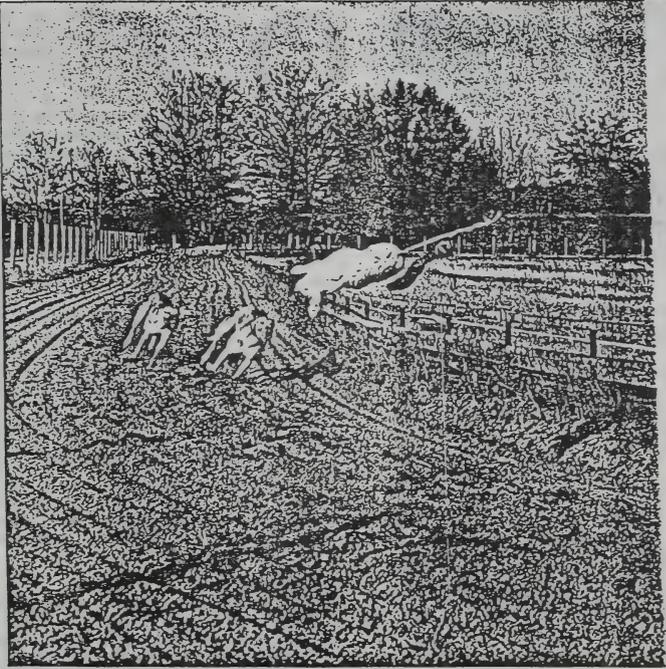
9. SHOULD ALL DOG RACING BE ABOLISHED?

At the present time, all dog racing has inherent cruelties which should not be condoned. Dog racing as it exists today is nothing other than a "blood sport" since greyhounds in training are allowed to attack and viciously kill other animals. For these reasons, dog racing should not be tolerated in a civilized society.

19 STATES WHERE DOG RACING IS ALREADY LEGAL:

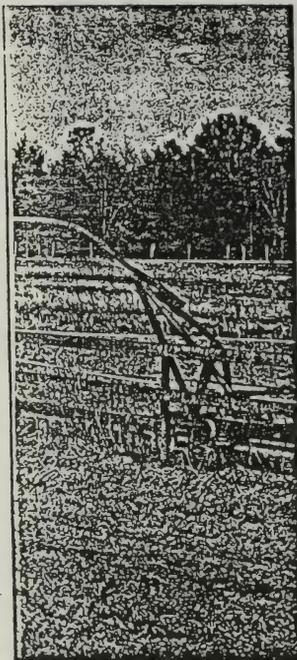
Alabama	Idaho	Oregon
Arizona	Iowa	Rhode Island
Arkansas	Kansas	South Dakota
Colorado	Massachusetts	Texas
Connecticut	Nevada	Vermont
Florida	New Hampshire	West Virginia
		Wisconsin

Right, greyhounds pursue a live domestic rabbit attached to a mechanical arm at a Florida training track. Opposite, jackrabbits such as this one, confiscated by wildlife officers, traditionally are used to train racing greyhounds.



FLORIDA'S FELONY GREYHOUND

The Humane Society News • Spring 1989



KUSPELSHITZ

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

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

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

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



HSUS

Twelve-dollar Jacks

Faster than domestic rabbits, jackrabbits are traditionally used in "coursing"—releasing two or more greyhounds in an enclosed field to chase, and ultimately savage, a jackrabbit. "Jacks," as they are called, are widely used for this purpose because they dart about quickly, giving greyhounds a good run for their \$12 cost. The dogs eventually catch up with their quarry,

RAID

A dozen
arrested
for use
of live
lures

tearing it apart. The HSUS estimates that 90 percent of America's greyhound trainers believe that "bloodying" a greyhound in this fashion is a vital first step toward teaching a dog to chase the mechanical lure at the professional track.

Jackrabbits are captured primarily in Texas and New Mexico. Crammed into tiny compartmentalized crates without any food or water, they endure the long haul by truck to any of a number of states where they'll be used as bait. In their weakened, dehydrated condition, it's not uncommon for jackrabbits to die during transit or within hours of delivery, so survivors are generally used shortly after arrival.

Live Rabbits Whirled Around Track

In response to the anonymous call, The HSUS dispatched an investigator to the Lee, Florida, area to assess the situation. Using a cover that gave the investigator wide acceptance among kennel owners, the HSUS investigator made numerous visits to the Frost kennels. There, in addition to housing and schooling dogs for owners, George Frost operated a training track where, four mornings a week, as many as one hundred greyhounds came to train on live lures.

Over the course of several months, our investigator spent a great deal of time with the suspects and gained extensive information, not only about the widespread use of jackrabbits throughout the state, but also about the use of domestic rabbits during the second phase of the greyhound's schooling.

Once a young greyhound has had its share of jackrabbits, it graduates to the more sophisticated training track. Training tracks can range from small dirt circles with hand-operated "whirligigs" to elaborate quarter-mile set-ups with motorized mechanical arms; many such facilities operate clandestinely throughout Florida. There, live animals—usually domestic rabbits, although guinea pigs, chickens, and even cats have been known to be used—are fastened to the track's mechanical arm and whirled about the track at speeds of up to thirty-five miles per hour. As the dogs are released from the start box, the bait is chased—and ultimately caught—by the greyhounds when the track operator slows the mechanical arm. The dogs are then "teased" back to the start box by being allowed to savage the bait.

The HSUS investigator reported:

"When the mechanical arm stopped at a distance of approximately fifteen feet from me, I observed that the domestic rabbit was still alive. Suspended from the mechanical arm by a rope around its midsection, the rabbit struggled to free itself....

"With each successive run around the

track, the rabbit became increasingly dirty until it looked almost brown. It was not possible to determine at what point the rabbit lost consciousness or died, due to the fact that the mechanical arm was in constant motion.

"When I asked why the domestic rabbits must be used live, I was told that live rabbits are what the dogs are used to and that's what they expect....

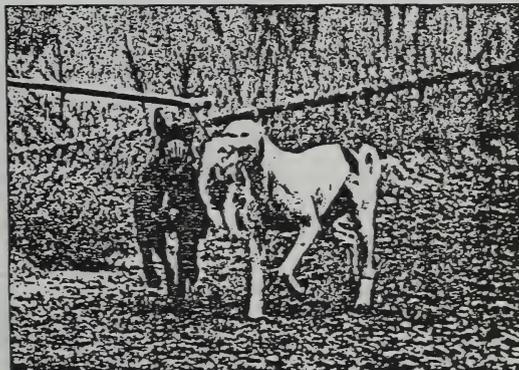
"When I visited the Frost training track, I was surprised to see the large number of dog trucks lined up, waiting to run their greyhounds on live lures," said the investigator. "And I was told that many of the people who came to the track had travelled

mechanical lures at the training track.

"Greyhounds are sight hounds, not scent hounds," our investigator continued, "and they'll chase after any fast moving object."

The use of live lures remains a standard training practice throughout the industry. Greyhound trainers, steeped in tradition, consistently assert that live lures give their dogs the added edge they need at the track.

"Some trainers go so far as to 'shake their dogs up' with a live jackrabbit or kitten immediately before a race," says HSUS Investigator Robert Baker, "a practice that is not only illegal under Florida's felony law, but is considered a form of race fixing, as well." Mr. Baker has been investigating dog



Greyhounds are teased back to the start box by being allowed to tear at and torment the rabbit dangling helplessly from the mechanical arm.

from several counties, despite the fact that what they were doing was a felony. It just didn't make sense that so many people continued to use live lures, especially when a few training tracks in the state had already switched to artificial lures."

Artificial lures, the most popular of which is the jack-a-lure, are now available to greyhound trainers as a humane alternative to live bait. "The jack-a-lure, which is simply a ball of fur fastened to a motorized rope, is used to simulate a jackrabbit," said the investigator, who had seen it in operation several times, "and it's highly effective for field training of greyhounds." There's no measurable difference reported in the performance of greyhounds that have been trained on live lures and those that pursue

racing for six years. In all, he estimates that more than one hundred thousand animals each year suffer the trauma of being chased and caught by greyhounds in training exercises or simply thrown into kennels to excite the dogs. Lure animals are often used repeatedly until they are ripped apart by the dogs or are tossed onto a pile to die.

Florida Unique in Many Ways

Although dog racing is legal in nineteen states, nearly 40 percent of all racing in the country is conducted in Florida, which is a leading state in the breeding and training of greyhounds as well.

Florida is also unique in that, in 1986, following more than a decade of legislative efforts by The HSUS, a strong state law was

enacted prohibiting the use of live lures for the baiting of animals. F.S. 828.122 makes the baiting of animals a felony offense, with penalties up to five years in prison and/or a \$5,000 fine. Those who attend the "fighting or baiting of animals" are guilty of a misdemeanor and, if convicted, face up to one year in prison and/or a \$1,000 fine.

"While several states have enacted legislation that specifically prohibits greyhound baiting," says Mr. Baker, "Florida is unique in that it's the only state where greyhound breeding and training occur to any great extent where strong legislation exists." In Texas and Kansas, two leading states for training, legislation prohibiting live lures is either inadequate or nonexistent.

In 1986, the Florida Game and Fresh Water Fish Commission adopted a regulation prohibiting the importation of jackrabbits—considered to be agricultural pests—into the state. Previous to the new regulation, tens of thousands of jackrabbits were being legally imported into the state each year. Despite the new regulation, however, thousands of jackrabbits continue to be smuggled into the state, and, in August of 1988, one supplier was cited and fined by the Florida Game Commission for bringing jackrabbits into the state from Alabama.

"Instant Invasion"

After gathering critical information about suppliers illegally importing jackrabbits into the state and having witnessed and photographed the use of live domestic rabbits, the HSUS investigator had the necessary evidence to move. Because of the Florida Game Commission's interest in illegal jackrabbit importation, the HSUS was able to enlist that agency's support, and an investigator with the Florida Game Commission was introduced to and accepted by greyhound trainers.

On Tuesday, October 4, at 5:00 a.m., officers with the Florida Game Commission and Madison County sheriff's office met with the HSUS investigator and Southeast Regional Director Marc Paulhus to discuss plans to carry out the morning raid. Most present were instructed to take their positions within two miles of the Frost training track. Two officers proceeded to set up videocamera equipment in a wooded area adjacent to the training track to tape the training exercise.

At dawn, the HSUS investigator and the game commission investigator arrived at the track to observe training. Robert Mendheim, who lives only a few miles from the training track, was first on line, and a few other greyhound trainers were present, awaiting start-up of the track. At approximately 7:35, a live domestic rabbit was tied

INDUSTRY ADMITS ITS IMAGE DAINED BY LIVE LURES

The HSUS was surprised (and delighted) to find a commentary in the December 1988 issue of *Greyhounds USA* that openly acknowledged the serious problems plaguing the greyhound industry. According to *Greyhounds USA's* writer, Tomm Jicha, the American Greyhound Trick Operators Association (AGTOA) had been shopping for a new public relations firm to help improve the industry's poor image when Ketchum Public Relations of Washington, D.C., responded to the plea. A vice president there had once worked a dog trade and believed a potential existed to boost the industry's status.

After the firm began to examine the greyhound industry, it took a look at dog racing, gambling and said that was just not their thing. Says Mrs. Jicha in *Greyhounds USA*, Ketchum Public Relations withdrew itself from consideration for the account.

In an initial letter of withdrawal, Ketchum Public Relations Senior Vice President Ronald Mueller stated, "Ketchum has a great deal of experience in implementing successful public relations campaigns for many firms and in dealing with animal rights issues. But we have found that in order to improve a client's present programs to work, the client must be willing and able to make substantive, important changes in its operations and in our interviews with several of your members we did not find a consistent and capable willingness to make changes."

According to Mr. Jicha's commentary, "Mueller informed track owners that their most formidable obstacle to greyhound racing success widespread acceptance are the live lure issue and the disposition of greyhounds after their racing careers. (Destroying dogs that no longer make tracks or save out feed owners' kennels) practices nationwide. (The track greyhounds are killed between two and five years of age. With the death of the animal, the times they do make tracks are few and far between.)" Mueller says his firm stressed public relations that returned greyhounds which unfairly made its way back into the news freely with the well-publicized arrest

of dogmen in North Florida is an economic problem," continued Mrs. Jicha. Mrs. Mueller was quoted as saying, "We looked into this extensively and found that there was no measurable difference in the performance of greyhounds who are trained on live lures and those who are trained on mechanical devices. It is more costly to use artificial lures, however."

"A number of veteran dogmen would disagree strenuously with that assessment," stated Mrs. Jicha in his commentary, "arguing that at some point in their development young greyhounds must be given the chance for a kill."

"It really doesn't matter," he continued. "If the sports going to have to come up with away to train greyhounds without using live rabbits, it might be costly for experiments with the problem, but it's money that's going to have to be spent sooner or later. If it's later, there will be a total amount spent defending those caught defying the law in the interim."

"It can be pointed out, accurately," continued Mrs. Jicha in an attempt to defend greyhound trainers, "that it is not the Easter bunny we are talking about, many jackrabbits, not crop-destroying rodents, no different than mice or rats." (Apparently, Mr. Jicha got his facts wrong because domestic rabbits as well as jackrabbits are exactly what the HSUS is talking about.) He continued,

"Yet there is still no way to put a happy face on hanging an animal from a rotating arm and eventually allowing dogs to tear it apart? Anyone who thinks this is ever going to be accepted is a fool."

Mr. Mueller points out that the problems plaguing the industry need not be eliminated immediately, but there must be signs that sincere efforts are underway to change. He concludes his letter, "I understand by saying, 'If all someone from your members desire to see change they (presumably you) might as well want to decide which public relations firm can best implement a program. It is common sense that since it is the American public's health and being to change their opinion based on charges made by the HSUS."

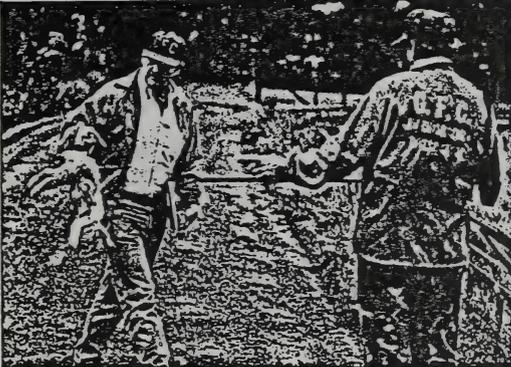
Mrs. Jicha responded, "We should all live so long."

by the abdomen to the track's mechanical arm and whirled once around the track to ensure that the track was in good working order. Shortly thereafter, the first two greyhounds were released to pursue the pathetic

southeast office.

At press time, a continuance had been issued for the felony trial and no new court date had been set.

In addition to the criminal charges against



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

creature as it whirled face down around the quarter-mile track. After the initial run, the dogs were teased back to the start box by baiting the live rabbit.

After eighteen greyhounds had raced around the track, and a number of additional trainers had pulled their dog trucks into the line of waiting vehicles, the game commission investigator gave the go-ahead to waiting units to move in. "Man, they came racing up in their vehicles and climbing over the fences," one greyhound trainer was quoted by the *Madison County Carrier*. "We were instantly invaded." A total of eight marked and unmarked vehicles converged on the property. Track owner Frost, Robert Mendheim, and two others were charged with felonies, while eight individuals waiting to run their dogs were cited as first-degree misdemeanants.

All sixty-eight dogs present at the time were photographed and catalogued, and a search warrant was obtained. A search of the Frost premises revealed evidence documenting the purchase of both domestic rabbits and jackrabbits, which may prove useful in future prosecution of suppliers. All domestic rabbits on the property were seized and were being cared for by the HSUS

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

To date, the Florida Division of Pari-Mutuel Wagering has been very thorough in its investigation of the circumstances surrounding the October raid, and The HSUS is looking to that agency to impose stiff penalties, pending an administrative hearing, on those involved—suspending hundreds of dogs from racing. Such a move would send shock waves throughout the entire greyhound industry and serve as a deterrent to those currently using live lures in their training regimens.

Needless to say, the October raid made headlines and television coverage throughout the state, and anonymous tips have been

pouring in since. One, in fact, led to the November arrest of another Madison County, Florida, man who was caught with seventeen jackrabbits in his pickup truck. (According to another Florida statute, it is a misdemeanor to possess nonindigenous animals without a special permit.) At his trial, that individual, employed by a well-known north Florida greyhound trainer, stated that he purchased the jackrabbits for cooking purposes. Thereafter, his mother took the witness stand, where she reportedly rattled off her recipe for jackrabbit stew!

"It's particularly ironic that the vast majority of greyhound trainers continue to use live lures," says investigator Baker, "while, at the same time, in those states where attempts are underway to legalize dog racing, industry leaders are telling legislators that live-lure baiting is an archaic practice that's been superceded by mechanical lures."

"Just two years ago," said our investigator, "Robert Mendheim telephoned our Tallahassee office to boast that he was no longer using live lures in training. Look where he is today.

"While we are pleased with the Lee bust," the investigator continued, "we realize that it represents only a very small step toward getting the industry to clean up its act. During the investigation, and with all the tips we've received since, it's become very clear that this is a huge problem throughout the greyhound industry, and one we will continue to expose until it stops." ■

THE HSUS POLICY ON GREYHOUND RACING

The Humane Society of the United States condemns greyhound racing and, specifically, the training event known as coursing, in which greyhounds are released to chase and kill a hare or other animal, and all practices utilizing live bait (on other animals as lures) in training greyhounds. It is HSUS policy, therefore, to oppose dog racing because of cruel training methods, the large-scale breeding of greyhounds, in the hope of producing a winner, the often cruel methods by which the winners are sometimes killed, and because this so-called sport is inhumane and unjustified exploitation of animals for profit. In accordance with this policy, the Society works to prevent legalization of dog racing in states where it is not permitted and establishment of racing tracks in communities where none now exist. ■



ILLUSTRATIONS BY SUSAN MELRATH

GOING TO THE DOGS

When we lose our money at the dog track, we want to know that it's because we picked the wrong dog. A story of gamblers and faith.

BY GARY KARASIK

On March 1, 1986, Leonard Boyette Jr. bet on the dogs at the Hollywood Greyhound Track. It was his lucky day. In two consecutive races he picked not only the winner, but also the second- and third-place finishers.

Which meant that he won the twin trifecta. That meant that for his \$2 ticket, Boyette took home \$111,000 and change.

Which would have been the end of a happy story except for this:

In April 1988, Boyette found in his mail a white business envelope bearing the official imprint of the Florida Division of Pari-Mutuel Wagering, the state agency charged with regulating Florida's wealthy and politically powerful racetrack-betting industry. Boyette, a kennel operator who had a contract to race his dogs at Hollywood, knew that there were many things that particular state agency might want to communicate to him.

But there was one thing it definitely did not want to communicate. And that one thing was precisely what Leonard Boyette found inside the envelope.

The note written in the same handwriting as the address consisted of a single sentence: "Are you aware that the Hollywood Greyhound Track owes you \$56,000 from the twin trifecta you won two years ago?"

If it had not been for that one sentence, it is doubtful that Leonard Boyette or anyone else would have discovered that two state auditors and two state lawyers had all agreed that Boyette had been underpaid, that his \$54,000 had been split among scores of other bettors by mistake. No one would have known that Boyette's situation was only one of as many as 20 other instances where winners seem to have been underpaid by \$50,000 each; that among these winners were South Floridians Brad Shalmsater and Howard Lincoln, the gentlemen mentioned on the cover of this magazine, both of whom probably have a lot to thank about this morning. No one would have found out that when the

track owners discovered the potential million-dollar liability, they complained so vociferously that the state agency charged with keeping racetracks honest overruled its own auditors and lawyers. The tracks wouldn't have to pay after all, the division decided, and the less said about the whole thing the better.

That was when the anonymous letter went out. Included with the cryptic note was a copy of an internal memo from an attorney in the state's Department of Business Regulation named Robert Bentler, which explained why Boyette was indeed owed the money.

The letter had its intended effect: Boyette sued the state for his unpaid winnings, plus \$32,000 interest.

It also had an unintended effect: The pari-mutuel division began an energetic search for the source of the embarrassing leak. Division managers gave the three auditors who had the most obvious access to the damning information a choice to "less up. By the way, division managers told the auditors after nobody admitted anything, you have 30 days to sell your houses and move to Tallahassee, or you will have to find another job.

The fear and loathing that has convulsed the state's pari-mutuel division has roots far deeper than a single bet. Since 1931, when Florida reluctantly permitted its citizens to legally wager on horses and dogs and men with straw baskets on their wrists, state regulators have been obsessed with keeping the industry clean: no mobsters, no race-fixing, no drugs, no shady dealings at the ticket windows.

But the commitment to keeping those who profited from other's losses on a tight state rein has been brought into question in recent years. Track and trotting owners have become increasingly aggressive in claiming the benefits of the state's legal gambling industry for themselves. They have been able to increase their profits by dipping into the money set aside for winning ticket holders to improve their private facilities and even pay some of their taxes. And this year, for the first time in

anyone's memory, they have managed to persuade legislators to give back some of the state's share of the tracks' take.

At the same time, public confidence in the industry has repeatedly been shaken: Accusations of fraud have gone unchecked, known race-fixers have been permitted to saddle up, convicted felons have been hired. And now this.

The unimposing business envelope that shipped out of the pari-mutuel regulatory agency without authorization carried more than the threat of a million-dollar liability. The leak threatened the foundation of an entire industry, the public's implicit trust in fair treatment — the certainty that for a bad day at the track, they had only their back to blame.

Mike Lane is an unlikely and unwilling source of controversy. He is a aggressively medium: medium height, medium build, medium hair, medium-thick glasses, medium cautious — even now, three years later, he will agree only to respond to direct questions without volunteering any information. The perfect accountant. But as a good accountant, Lane goes by the numbers. And in May of 1987, the numbers landed him in trouble.

Lane was doing a routine audit of the 1985-1986 season at the Hollywood Greyhound Track when he came to the payoff of a twin trifecta jackpot.

Normally, the payoff comes in two parts: the jackpot, which is the money left over from previous twin trifectas, which no bettors had won; and the money bet on the current day's twin trifecta. But there was a case where there was a winner who had been paid only the jackpot. The rest of the money had been handed out to other bettors.

An alarm rang in Lane's head. He looked up the complex rule that governed twin trifectas — Rule 7E-6.024. It confirmed his initial suspicion. Someone had goofed. In characteristically colorless language Lane recalls: "I noted in my audit report that there was a large underpayment, then signed the audit . . ."

By "large" Lane meant "hundreds." The

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underpayment on this single ticket amounted to \$56,000. The ticket holder's name was Leonard Boyette Jr.

The track didn't profit from this error — the only ones who profited were the winners of the first leg of the triecta who were paid twice as much as Lane thought they should have been paid. But since those lucky people were not likely to volunteer to give that windfall back, Hollywood definitely stood to suffer for the mistake.

And so did some other tracks. Mike Lane would later estimate that there may be as many as 20 instances where Florida tracks underpaid winners of the twin-triecta (or super-tri-combo) jackpot by as much as \$1,000,000, and much more if interest is included. Depending on how each of Florida's 36 tracks figured the payouts — Lane says several did it right — anyone who won a twin-in or

super-tri-combo jackpot between September 1985 and Oct. 18, 1988, may be owed massive bucks.

Lane's audits turned up three such underpayments: Nov. 7, 1985, at West Flagler Kennel Club, for \$47,000 (one ticket); March 1, 1986, at Hollywood, for \$56,000 (Boyette); Oct. 18, 1986 at West Flagler, for \$52,000 (three winning tickets).

Ordinarily the names of the ticket holders would not be listed in the audit materials. Boyette's name was listed only because he asked for his winnings to be issued in check form rather than carry home so much cash. And there were two other names — the owners of one of the Oct. 18 West Flagler tickets: Howard Lincoln and Brad Shalmaster. Neither man was ever informed about this. Until now.

Lane's discovery of the underpayment at Hollywood was reviewed by other auditors. Lane's colleague, Expedito Santiaño, came to the same conclusion Lane had. But Maria Sanchez, the auditing department manager, disagreed. So the dispute was bounced to attorney Robert Beiter in

the Department of Business Regulation. Four months after the audit, on Sept. 25, Beiter issued his opinion: Lane was right.

The auditing field supervisor, Tony Tufano, directed his staff to comply with the legal opinion. Presumably this meant that the department supported Lane's finding.

But another six months passed, and no one notified Boyette.

Long delays were not unusual in the pari-mutuel division. In January 1987, the division was put under the control of Billy Veselica, a '50s college football star with interests in real estate and horse breeding. His regulatory function fell rapidly into disarray. It could take two years before some urine samples — taken from animals after suspicious race results — were tested for narcotics. Other samples mysteriously disappeared. In a sharp break with previous policy, dozens of convicted felons were granted permission to work at Florida's 35 tracks. A jockey who tried to fix a New Jersey race was licensed to ride in Florida. A track president



successfully interceded to reduce penalties against a trainer who had been suspended and fined \$2,000 for doping a horse.

Clearly the balance of power between the regulators and the regulated was shifting. Between February 1987 and May 1989, 89 of the division's 90 employees quit, many crying crocodile tears.

Steve Smith, a division investigator for 8½ years, left in September 1988 because, "They weren't letting us do anything. They weren't fixing the problems. Drug positives were going unchecked. We had to get permission to investigate problems, had to let tracks know in advance we were coming. . . . It is corrupt, corrupt to the gills. The industry shouldn't be allowed to get away with it."

Critics claimed that the politically connected Veselski gave preferential treatment to friends in the horse-racing industry and undercut his own investigators, charges that Veselski denied. He

explained that he simply wanted a less confrontational approach that relied more on track officials and less on his investigators. He said, "I felt like they were trying to be too tough on people." For the director of an agency that was supposed to be a regulatory watchdog, he would say the darndest things.

Thus, for example: "I trust the trainers. I like them. I didn't trust the investigators we had." And this: "I had a different outlook toward the industry. I didn't consider them as enemy, I considered them a partner."

Billy Veselski took over regulation of the racing industry as part of a changing of the guard in Tallahassee. Bob Martunes had moved into the governor's mansion. The new governor named Van Poole (currently chair of the Florida Republican

Parry) head of the Department of Business Regulation. Poole in turn packed Veselski to head the pari-mutuel division. And Veselski cleaned out the old management of his division and reappointed it.

A woman named Kathy Donald eventually became Veselski's director of the track auditing operation. She began work in February 1988 with an embarrassing legacy from her predecessor: the matter of Leonard Boyette. Boyette's opinion stating that Boyette should get his money was now six months old and nothing had been done.

Donald knew she had been handed a lit stick of dynamite, and she handled it with care. In March she sent a memo to Department of Business Regulation General Counsel Joe Sole — Bestler's boss — with a copy of Boyette's opinion and a draft of a letter that would instruct tracks to comply. Her memo to Sole says: "Because this rule interpretation was written



The \$1 Million Dollar Question

The twin trifecta, sometimes called the tri-super-combo, is not a bet for dabblers. It requires predicting the outcome of not one, but two races; and not one, but all three winners of each race. That's easy enough. The complicated part is how to figure out the payoff. To explain it requires an enormous number of columns.

Here's how it works: The racing program will designate two of that day's races as the twin trifecta. Bettors will pick three horses, in order, for the first race. Each ticket costs \$2. On a good day, a track might sell in excess of 50,000 tickets, creating a total pool of more than \$120,000. Almost a quarter of that goes to the track and the state treasury, which leaves roughly 100 grand, split in two pools of \$50,000 each. The winners of the first trifecta — there might be dozens of them — split the first \$50,000. A typical winning ticket pays off hundreds of dollars.

But the winners of the first race don't stop there. They alone are eligible to bet on the second race. Out of this small group of second-round bettors, no more than a handful will predict all three places correctly. Which means big money. The remaining \$50,000 will probably be split among three winners, or two, or as in the case of Leonard Boyette, one winner will take it all.

Now it gets really complicated — so complicated that even racing professionals couldn't get it right. So complicated, it took accountants and lawyers to figure it out:

Sometimes, nobody picks the second race correctly. That leaves our hypothetical \$50 thus with no lucky bettor to claim it. What happens? The money gets held over until the next twin trifecta is run. On Day Two the winners of the first race again split half of that day's pot. The winner (or winners) of the second race claim the other half of the Day Two pot. PLUS the \$50,000 held over from the previous day. The \$50,000 bonus is called a jackpot, for obvious reasons.

What happens if on Day Two again there are no winners in the second race? No problem: The unclaimed half of the Day Two pot gets added to the jackpot, all of which will go to the Day Three winner(s) of the second race in the twin trifecta.

The state feared too large a jackpot — a temptation to race fixers and betting syndicates — so it instituted a rule that capped the twin trifecta jackpot at no more than its total on the day it goes above \$100,000. So if nobody wins the second half of the pot on Day Two — let's say it's \$55,000 — this brings the jackpot to \$105,000. Now the jackpot is capped.

Up to this point, everyone agrees. Then we get to Day Three. Once again, nobody wins the second half of the jackpot. The unclaimed half of the

Day Three pot can't simply be added to the jackpot because the jackpot is capped. So what do you do with all the money? You add it to the first half of the Day Three pot, and give it all to the winners of the first race, making the first-half payoff twice as big.

The million dollar question: What if there is a winner in the second race on Day Three? Does he get the second half of the Day Three pot, plus the jackpot, exactly as a Day Two winner would have?

Or does the fact that the jackpot is capped mean that a Day Three winner would get only the \$105,000 jackpot, and that the daily pot, which is normally added to the jackpot, would revert to the winners of the first race?

That's the way Hollywood Greyhound Track figured it on the day Leonard Boyette it was not quite as lucky as he thought. Boyette got a \$111,000 jackpot, and the \$56,000 from the second half of the Day Three pot was added to the winnings of the first race winners — which meant that those 170 lucky bettors took home \$680 each instead of \$340 each.

Here, from DPMW rule 7E-6.024, is the paragraph that caused Hollywood's problem: "If, at the close of any performance, the amount accumulated in the Carryover Jackpot equals or exceeds the \$100,000 cap, the Carryover Jackpot shall be frozen until it is won under the other provisions of the Twin Trifecta rules. Thereafter, 100 percent of all subsequent contributions, which ordinarily would have been added to the Carryover Jackpot, will be distributed equally to winners of the first race!"

Hollywood Greyhound Track officials won't comment on the matter, except to say that Boyette's suit has "no merit," but Phil Lindner, a computer programmer who gave technical support to the designers of the rule, is less reticent. The payoff went exactly as the rule specified, he insists. There was no mistake. The entire pool was always intended to go to the first-leg winners when the jackpot was capped.

"There's no way to misinterpret that rule," he says. "That rule is perfectly clear. The problem is letting lawyers who know nothing about racing interpret it."

But the state accountants and lawyers say the problem is that Lindner, and Hollywood track officials, didn't read the rule carefully enough. They were paying too much attention to the last sentence of the paragraph — ". . . 100 percent of subsequent contributions. . ." — and not enough to the first.

They were missing the crucial phrase: the "Carryover Jackpot shall be frozen until it is won under the other provisions of the Twin Trifecta rules." The other provisions of the rules clearly say that the second race winners are entitled to both the Carryover Jackpot and half the daily pot.

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under the prior administration, I feel I should get your approval on it before I mail the letters."

Sole reviewer Bentler's opinion, confirmed it, and gave Donald the go-ahead to send out the letters to the tracks. On April 20, the letters were sent. Then, to use a racing term, the manure hit the fan.

Donald would later recap the situation as follows: "I wrote a memo to all association general managers (the private owners of the tracks and frontons are called "associations") on 4-20-88 instructing them to comply with Mr. Bentler's interpretation. This memorandum met with much resistance. . . .

There was a flurry of phone calls to Tallahassee. The track owners' basic argument was that the way Boyette's two-trifecta winnings were figured was "standard industry practice." In other words: Everyone did it that way, and if the way the rule was written had confused some auditors and lawyers, they shouldn't be penalized for it.

Not everyone agrees. "One of the problems is that there is no standard industry practice," says Dave Payton, marketing manager for Amiotte, one of the three pari-mutuel computing companies that operate in Florida, and the largest in the country.

"This [the twin-tri payoff] is the most confusing issue that the wagering public's had to deal with for quite a while. Florida was among the first three states to introduce the wager. Several states use Florida's rule as a model, and many people have tried to introduce their own version."

"This problem doesn't arise much in other states because they don't cap their jackpots. Or, rather, they set jackpot limits so high they are virtually unattainable."

In most other states, Amiotte interprets the rule the way Bentler did: "You obviously don't want to do anything [with the money] until after the second race. You may have a legitimate winner that day, and he's going to be the one that's, I think, entitled to that."

This thing was sticky.

From Donald's memorandum: "After discussing the issue with Mr. Veselica, I decided to hold a workshop. . . ."

The "workshop" on May 11 was in fact a meeting of track owners to decide if they should get stuck with repaying a million bucks plus interest in misdirected winnings. Given the invitation list, the result of the workshop was not surprising.

Again in Donald's words: "The result of the workshop was issuance of the emergency rule clarifying the payout. . . . and thus nullifying Bentler's legal opinion."

It was official: The rule that had gone against the tracks' interest had been "clarified." The tracks would now have to pay Boyette, or any other bettor in the same situation, after all. It was a classic example of the "partnership style" the division had adopted.

And that was nearly the end of it. In September, Kathy Donald sent Hollywood's parent company the following letter:

"The Division of Pari-Mutuel Wagering hereby grants approval to destroy all cashed tickets and related Pari-Mutuel records of Investment Corp. of South Florida, Inc. for the 85/86 meet." Also, the records of the audits themselves were slated for destruction.

But before they could be destroyed, someone sent Boyette the fatel envelope.

Boyette waited a year and a half before he acted on the information in the envelope. It wasn't that he didn't care about \$56,000, it was just that he was a kennel operator, and dog-track owners virtually control the fate of the people who supply the dogs. Only kennels under contract to a track can race.

Without a contract, no racing. Without racing, no purses won. Without purses, no money coming in to feed the dogs. Or the kennel owners.

As long as Boyette wanted to race his dogs in Florida, he would be unwise to antagonize Hollywood management.

But as of the beginning of 1990, Boyette was no longer racing his dogs. His claim arrived at the pari-mutuel division in January. In February, Boyette's attorney, Steven Lieberman, filed suit against the Hollywood Greyhound Track in Broward County Circuit Court, asking for \$56,000 plus \$37,000 interest.

After Boyette filed his claim, division investigators interviewed him. They spent some time on the question of why he had waited so long to file. But they really zeroed in on something else: Who had sent that envelope. Was there any name on it? Any return address? Any clue at all?

Boyette was no help.

On Feb. 6, the Department of Business Regulation director, Van Jones, ordered a state investigator named John Pozar to find the source of the Boyette leak. Pozar, a spare and intense former cop, says, "I wouldn't call it an investigation. I was just talking to people." His report reads: ". . . orders were that if it could be determined that a division employee had sent the information without authority, a full investigation would then be initiated."

When the people Pozar talked to was Tony Tufano — Mike Lane and Expo Santiago's supervisor. According to Pozar's report, Tufano told Pozar about an incident during which he (Tufano), Lane, and Santiago were having coffee together at the cafeteria, and in the course of conversation, a referral to the Boyette matter came up and Lane stated, "I have the names of all the other ones, referring to the other tracks that have the same problem with the Super Trifecta."

The report goes on, "Mike Lane was interviewed regarding the letter. . . . and denied any knowledge of who sent it."

But ultimately Pozar concluded, "Based on the lack of information, a considerable passage of time since the incident took place, the number of persons who have left the division's employment, and the considerable number of people who had access to the information, it was determined that no further action be taken at this time."

But Van Jones wasn't content to let the matter drop. "It was insubordination to send out these documents after the department had determined that Boyette's claim was invalid. There is a proper process to follow if an employee has a problem with a decision."

A pari-mutuel division staffer, who would speak only on condition of anonymity, responded, "Oh, there's a process. But if you use it, suddenly you're not part of the team anymore. Your evaluations start coming back Below Standard. You find yourself on the outside. Suddenly, though you can't put your finger on it, something's different. Promotions you were promised are delayed or denied. Your career stalls. You might even find yourself out of a job. But there's a process. Definitely."

On Feb. 20, Van Jones and Kathy Donald flew to Miami, where Jones met with his auditors.

Present at the meeting were Jones, Pozar, Tufano, Santiago and Lane. They discussed some other matters, then turned to the Boyette letter.

"Jones asked if anybody wanted to confess," Lane recalls. "Then he tossed letters to each of us and said, 'By the way, I have some letters transferring your positions to Tallahassee, which has nothing to do with the Boyette case or any of the problems just discussed.'"

"Then Expo [Santiago] asked, 'What is the basis for this inference that one of the three of us did this?'"

"And Jones said, 'We have a letter here that

indicates that one of the three auditors in Miami notified Mr. Boyette.' But he didn't produce the letter. Then he said, 'I want you all to know that I'll be here all day if any use of you want to tell me anything.'"

"They gave us 30 days," Lane says now. "There wasn't enough time to sell my home or find someone to rent it to."

Jones does not dispute that the auditors were informed of the move to Tallahassee immediately after they were asked about who sent the letter to Boyette. But he insists the two discussions were connected only by coincidence; that the move was not meant as punishment, and that he told the auditors he very much hoped all of them would be able to make the move and stay in their jobs.

Lane and Santiago's supervisor, Tufano, said that after the group meeting he met with Jones and Donald — "this time alone — to ask why he was being transferred."

"I couldn't understand it," he said, "I was always loyal. I always kept them informed of everything that was going on. . . . Jones told me, 'We can't move only them. We have to move all of you.'"

"We were being punished because of the Boyette thing. Everybody knew it. And Tufano, after talking so freely at first, then retracted much of what he'd said:

"I'm talking too much, aren't I? I'm going to get myself in trouble. I always talk too much."

Retracting the above statements, he either denied he had said them, or insisted he was being misquoted. When read back the statement about Van Jones telling him "We can't move only the other auditors," Tufano said, "You heard that wrong. I never said that. Jones is too smart to have said anything like that. If you print that I'll deny it. I'll make you look silly."

Most of the state's racetracks, where the auditors must do their work, are within a few hours drive of Miami, but an expensive plane trip from Tallahassee. The auditors thought that moving them from South Florida to Tallahassee was obviously counterproductive.

"The division managers defend the move. 'They were out of control down there,'" says Kathy Donald. "There was no supervision. We weren't getting the work out of them we needed to."

But in the same interview she conceded that Mike Lane did 60 percent of the audits statewide, and said that Expo Santiago was the "best auditor we have."

Jones' explanation was more careful: "It was inefficient having them in Miami. We needed them here [in Tallahassee]. Under our new team-building program, we need them where they can talk to each other and work together."

Asked about the added expense of travel, food and lodging when auditors have to go to the Miami area, Jones replied, "Travel will be a little more expensive, but on balance, having the auditors here will be more productive. We always intended to move them."

Recently, the division announced that it would no longer do as many audits, citing a "shortage of money for payroll expenses."

Epilogue:

Expedito Santiago was the only one of the three auditors who made the move to Tallahassee. Tony Tufano quit and became an accountant for the Dade County Department of Public Works. Mike Lane could not sell his house in time, and could not afford to move to Tallahassee for a job that had become somewhat unpleasant anyway. He had to quit, and is still unemployed today. He is a reluctant interviewee. The first time he heard that a reporter wanted to talk to him, he ran out the back door of the Division of Pari-Mutuel Wagering division's Miami offices, where he had returned for papers he needed in his search for a new job.

Tracked to his home, he said, "I know they think I

sent that envelope to Boyette, but I didn't. It could have been any of 40 people. I don't want DPMW thinking I volunteered anything. I'm trying to get another job with the state, and these people have a very long reach."

Billy Vessels was eventually eased out of the division directorship and into a newly created job called Executive Assistant to the Pari-Mutuel Commission, in which, according to his new job description, Vessels "works directly with PMW commissioners, communicates between them and the Secretary, and schedules meetings."

Vessels was unavailable for comment on any part of this story.

Vessels' boss, Steve McNamara, the director of the Department of Business Regulation who replaced Van Poole, said he didn't know where Vessels was either: "He went on leave right after the legislative session. He's entitled to do that. It was a very intense session. Billy works hard, but he's very good at what he does. I've heard no complaints from the Commissioners."

McNamara didn't know whether Vessels was on administrative or medical leave or when he'd be back, exactly, a situation that DBR Director of Personnel Services Paul Bechstien admits is "a little unusual."

"Generally," says Bechstien, an employee would tell his supervisor what type of leave he was on and when he'd be returning."

Kathy Donald is still the director of the state's track auditing operation.

When asked how she justified overruling her own auditors and legal counsel, and on her own authority issuing the emergency "clarification" of the trifecta rule, Donalds shrugged and said, "I was new and this dropped in my lap. I probably made other mistakes too. If I had it to do over again, I'd give it to Legal and get out from under it."

Leonard Boyette is "on extended vacation" according to his attorney. His phone is disconnected.

As is the phone for Howard Lincoln, one of the two owners of the winning ticket mentioned on the cover of this magazine. Lincoln's partner, Brad Shafmaster, has an unlisted phone number. His father, Sumner Shafmaster, listed as an attorney in the Yellow Pages, was called at 11 a.m. one weekday morning.

"This is a little early for Brad," the elder Shafmaster said. "He usually sleeps late." He promised to pass along an urgent request for his son to call back.

He never did.

So for Brad and Howard, there is one final message:

Have a nice day. ■

GARY KARASIK is a free-lance writer.



Alvaro Posada-Salazar of the World Society for the Protection of Animals oversees that organization's booth and its display of HSUS materials at the CITES conference.

Kong to trade the ivory it is holding. Fortunately, with the active support of the U.S. delegation, that ill-conceived resolution was resoundingly defeated.

The Appendix I listing is not an end to our efforts to protect this most magnificent of species—it is just a beginning. The HSUS is continuing its efforts to have the African elephant declared an endangered species under the U.S. Endangered Species Act, which would end all domestic ivory trade. More than 86,000 citizens sent cards or letters or signed petitions urging the Department of the Interior to list the African elephant as endangered. We are continuing to educate consumers not to buy or wear ivory. Activists should now urge Congress to spend money where it is needed, on anti-poaching and conservation programs in Africa. The U.S. government spends millions of dollars in assistance funds in Africa, and animal protectionists should work to see some of these funds spent to protect Africa's wildlife heritage.

In its closing remarks, the Kenyan CITES delegation made an eloquent statement using a distinctly African metaphor:

All of Africa is like the elephant. The elephant uses its large ears to hear and gather in distant sounds. Africa has heard distant sounds from the entire world, and events far and wide were felt throughout Africa. In turn, the elephant uses its trunk to trumpet to its family members what it has heard from far and wide.

Africa trumpeted to the world at the CITES conference that it needs the greatest protection that CITES can provide to its elephants and significant international assistance to allow African elephant populations to recover from the devastation that ivory consumption has caused.

The CITES conference approved the transfer to Appendix I of several other spe-

cies now endangered due to excessive trade. These include several bird species endangered due to the international pet trade (including the Tucuman Amazon parrot, Illiger's macaw, and Moluccan cockatoo).

It is frustrating to see at every CITES conference the necessity of placing several more primate species on Appendix I. After depleting these particular species, the international pet trade merely transfers its efforts and interests to species not yet endangered. We will be working very hard between now and the next CITES conference to amass the evidence necessary to convince the CITES parties that the time has come to put a halt to the trade in wild-caught tropical birds for the international pet trade. We are also continuing our efforts to educate consumers that they should be ashamed to purchase furs, ivory, or imported wild animals. Since the United States is by far the world's largest importer of much live wildlife and many wildlife products, the resulting consumer upheaval could go a long way in saving our precious international wildlife heritage.—*John W. Grandy, HSUS vice president for wildlife and environment, and Susan Lieberman, associate director, HSUS department of wildlife and environment*

INVESTIGATIONS

Hounding Racing in Its Stronghold HSUS fights greyhound cruelty

On October 14, 1989, a white Ford diesel truck with custom trailer began its journey from somewhere out west. Its destination was St. Elmo, Alabama, a small town west of Mobile; its cargo, 330 jackrabbits. At the same time, staff members of The HSUS's Southeast Regional Office, the U.S. Fish and Wildlife Service (USFWS), and the Alabama Game and Fish Commission made their way to a rendezvous with the truck when it arrived at the home of George McCarron during the early morning hours of the fifteenth.

The truck was scheduled to make only

a brief stopover in St. Elmo to switch drivers. Then, as it had for years, it was to travel through south Alabama and Georgia, making stops along the way at gas stations, restaurants, and hotel parking lots to deliver crates of jackrabbits. The customers were greyhound owners and trainers who would use the jackrabbits to train their dogs in a practice called "coursing." Many of the buyers were from Florida, but the truck had not entered that state since wildlife officers began a crackdown on the importation of jackrabbits in the winter of 1988.

On October 15, the truck made no such deliveries. As its driver, Jerry White of

Mobile, pulled into the McCarron yard, USFWS agent Mike Luckino calmly stepped out of the bushes across the street and strolled up the driveway. Other officers followed, along with HSUS staff. The two men offered no resistance as their bloody trade was brought to an abrupt halt.

"Coursing" involves releasing a live jackrabbit into an enclosed field to be chased, caught, and torn to shreds by racing greyhounds. Sometimes, the rabbit's back legs are broken to ensure that, while it can still give a good chase, it cannot escape. Trainers believe that "jacks" are necessary training tools to make their dogs faster and more agile.

Since jackrabbits are not indigenous to the southeast, where the majority of greyhound training and racing takes place, they must be brought in from southwestern states such as Texas and New Mexico.*

Ken Johnson, HSUS southeastern regional investigator, began his undercover work on the use of jackrabbits by the greyhound industry soon after he joined The HSUS in January 1989. Using an alias, he contacted greyhound owners throughout the southeast and slowly gathered information on jackrabbit suppliers: George McCarron was the largest, with shipments of several hundred each week. Mr. McCarron paid up to \$8 for each jackrabbit, then sold them for \$15 each. Such possessions were ap-



HSUS staff members and a veterinarian gently remove a jackrabbit from a crate. Lacey Act violations have been alleged against two men in the Alabama case.

parent violations of Alabama law, and although only misdemeanors, important to the HSUS case.

We worked with the USFWS to document transactions and collect sufficient information to convince the U.S. Attorney that Mr. McCarron and his accomplices were in possible violation of the federal Lacey Act, which prohibits the interstate transportation, sale, and possession of wildlife and wildlife products if moved illegally from one state or country to another. Violations of the

Act carry penalties of up to five years in jail and/or a \$250,000 fine.

After ten long months, the USFWS believed it had enough documentation to act. The jackrabbits were seized, as were the truck, trailer, and sales receipts containing the names of some of Mr. McCarron's customers. Without the customized vehicle, Mr. McCarron was out of business. One vital link in the greyhound industry's chain of cruelty had been broken.

For HSUS staff and USFWS agents, the early morning raid was only the beginning of a longer day. Even though the jackrabbits had been spared agonizing deaths in the jaws of the dogs, they could not be saved. Forty-seven were dead on arrival, others lay in the crates so near death it was difficult to determine whether they were still breathing. Still others had open, bloody wounds from their capture or from bashing the sides of the wooden crates in desperate, but futile, attempts to flee. Nearly all of the survivors were in shock from the trip and



A terrified jackrabbit awaits rescue from a crate seized in the Elmo, Alabama, raid.

*In earlier years, some rabbits arrived via plane in South Florida, with escapees even establishing breeding populations around the runways at some airports. The Florida Game and Freshwater Fish Commission issued permits to three suppliers that allowed them to bring up to 500 jackrabbits a week each into the state. All this changed in 1986, when the Florida legislature passed a law making the buying of greyhounds with live animals a felony. The game commission soon after banned the possession of jackrabbits.

weak from days without food or water. Returning them to their native habitat was impossible, as it was unlikely any could withstand the trip. With the assistance of Joan Richardson of the Mobile SPCA and a local veterinarian, Dr. Albert Gaston, Jr., each jackrabbit was injected with a humane euthanasia solution. For all, it was a quiet end to a terrifying journey.

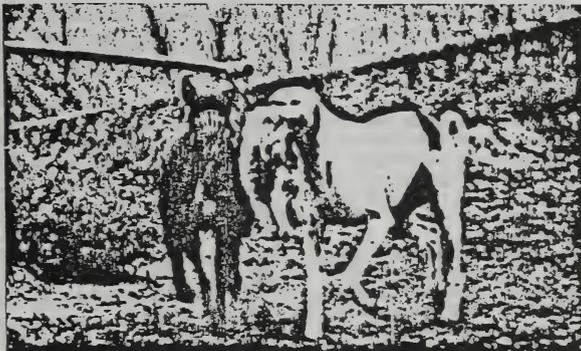
George McCarron and Jerry White are now facing charges of violating Alabama wildlife regulations prohibiting the possession of jackrabbits. The penalty is a maximum of six months in jail and/or a \$500 fine. A federal grand jury has recently indicted both men on Lacey Act violations. Charges of cruelty to animals may be brought under Alabama law.

The October 15 raid has disrupted the main source of jackrabbits to greyhound trainers, but the trade has not been stopped. Other suppliers are going further underground, refusing to abandon the easy money that comes with trafficking in animals. The HSUS Southeast Regional Office is continuing its investigation and hopes similar charges can be brought against these individuals.

The Alabama raid comprised only one part of a larger, more in-depth investigation of cruelties within the greyhound industry in the Southeast. Charges are pending in Putnam County, Florida, for the use of live and dead animals in the training of racing greyhounds, and a Florida greyhound owner is facing cruelty charges after allowing his dogs to starve almost to death in their cages.

After months of undercover surveillance, four kennels and a centralized training track near the town of Putnam Hall were raided. The local sheriff's department, the Division of Pari-Mutuel Wagering, and the Florida Game and Fresh Water Fish Commission moved in with HSUS staff as a rabbit attached to a mechanical arm was spun around the track with greyhounds in hot pursuit. During a search of all the properties, one greyhound owner was found to have numbers of dead domestic rabbits and jackrabbits in a freezer.

In the north Florida town of Live Oak, a different type of tragedy began to unfold in August 1989. The Southeast office was contacted by two area humane societies after they received numerous complaints about



Greyhounds are allowed to maul a domestic rabbit at the Frost/Brown training track in 1988. Four men charged in the Florida case were acquitted last fall.

a local greyhound kennel. Margaret Smith, director of the Lake City Animal Shelter and an experienced animal-cruelty investigator, was appalled at her findings when she visited Imperial Kennels. More than 100 greyhounds were in varying degrees of starvation and neglect, some with open wounds, others covered with ticks. The facility was in disrepair and the dogs' cages were filthy. Two greyhounds had to be euthanized immediately.

Days later, 73 more dogs had to be destroyed. Kennel owner Don Mitten agreed to the euthanasia of his animals but then failed to provide a proper burial, leaving them to rot in the hot Florida sun. The case got national press coverage when neighbors started complaining and were finally forced to bury the dead dogs themselves.

Ken Johnson visited the property soon after and described the remaining dogs as "breathing skeletons." Though the owner was to have made arrangements for the care of these greyhounds, authorities returned to the property a month later and euthanized all but six.

Don Mitten and the kennel's caretaker, Debbie Johnson, have been charged with cruelty to animals and abandonment. Mr. Mitten and Ms. Johnson have fled, and warrants have been issued for their arrest. The National Greyhound Association has permanently revoked Mr. Mitten's registration

privileges. No other racing greyhounds will ever suffer in his custody.

Unfortunately, another earlier undercover greyhound operation came to a much less successful conclusion. On October 4, 1988, a ten-month undercover operation by The HSUS into the use of live rabbits to train racing greyhounds in Lee, Florida, had resulted in the arrest of twelve people, four of whom were charged with felonies under a state law that prohibits the "baiting" of greyhounds with live animals (see the Spring 1989 *HSUS News*). The other eight were charged with misdemeanors for attending the activity.

The raid was conducted with the assistance of the Florida Game and Fresh Water Fish Commission, which videotaped that morning's training practice. The video showed a live domestic rabbit being tied upside down to a mechanical arm, which was then moved around the track at speeds of up to thirty-five miles per hour as pairs of greyhounds were allowed to chase, catch, and brutalize the animal.

The state Division of Pari-Mutuel Wagering, which regulates Florida greyhound racetracks, held administrative hearings in August of 1989 to determine whether its own regulations had been violated at the Frost/Brown training track. HSUS Investigator Gail Eisnitz was the key witness in the hearing as she testified about her

undercover work. A few months later, the Division released its decision. Ten people involved at the track had their licenses suspended for periods ranging up to five years.

However, on November 16, 1989, the four men charged with felonies were found not guilty by a Madison County jury. The following editorial, entitled "Live Lures: Jurors Took the Law into Their Own Hands," appeared in the "Opinion" section of the *Tallahassee Democrat*, November 22, 1989:

They're guilty.

They're not guilty.

They're a greyhound track owner, George W. Frost Jr.; greyhound owner Robert E. Mendheim; and greyhound trainers Luis Rodriguez and David Gibson, who participated in using live rabbits to train some hounds on a day last year when Florida Game and Fresh Water Fish agents were on hand with a video camera.

The foursome broke the Florida law which makes it a felony to use a live rabbit as bait to train greyhounds. They didn't deny breaking the law. The state Division of Pari-mutuel Wagering revoked their pari-mutuel licenses last month because of their actions.

But, in Madison County, a six-member jury took the law in its own hands. Jurors considered the offense a wink-and-nod affair and acquitted the four.

The use of live lures is a grotesque practice. Even the conservative Florida legislature recognized that in 1986 by making the use of live rabbits as training bait a felony, punishable by up to five years in jail and a fine of \$5,000.

Taking a live rabbit, hanging it upside down on a mechanical arm and setting dogs aching to kill to chase it—that's a good definition of terror; an apt description of cruelty.

Florida has 18 greyhound tracks and more than 400 training farms. The Humane Society of the United States, which instigated the investigation that led to the October 4, 1988, arrests, is focusing on training practices in Florida because they affect 50 percent of the greyhounds that race in the United States.

Other countries, other states have plenty of racing success without using live bait. But old ways die hard—especially in this part of Florida.

Despite the jury's acquittal of the four, the Humane Society and the Game Com-

mission should continue to press Florida dog owners and trainers to clean up their acts.

Even though they lost the battle in the courtroom in Madison, they did not come away empty-handed.

The fact of the trial itself will have a chilling effect on trainers, who more assuredly don't desire even a victorious day in court.

And Florida's many trainers wd dog

owners should look beyond the acquittal to the lost pari-mutuel licenses.

The state of Florida is serious about stopping the use of live lures in training. Even if a jury of six in Madison isn't.

Halting greyhound-racing cruelty continues to be a high priority for The HSUS and its regional offices.—Lauri Bevan, HSUS Southeast regional program coordinator

CAMPAIGNS

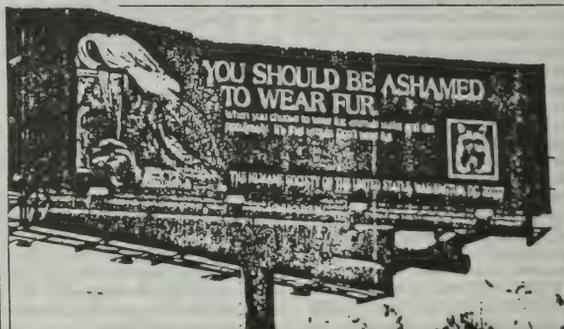
Fur on the Run

Our campaign continues—and yields results

If fashion isn't about freedom of choice, what is? Freedom of choice is not only essential to the fashion industry, it is the cornerstone of our country." So reads the text of a recent Fur Information Council of America (FICA) advertisement to be placed in periodicals around the country. The fur industry is reeling from another year of what even it can only optimistically report as "flat" sales, and the forecast for the 1989-90 season is gloomy. According to a recent report from the U.S. Department of Commerce, August 1989 fur imports declined 13.1 percent compared to the same

period in 1988.

The HSUS wholeheartedly agrees that consumers and the public should have the freedom to choose. However, the fur industry would have consumers choose on the basis of incomplete knowledge and the most shallow of values—that no price in terms of animal suffering and cruelty is too great to pay for the vanity and luxury of fur fashion. We believe that consumers have the right—even the duty—to know not only the composition of a fur product, but also how that product is produced. That is why we feel it is of utmost importance that con-



An HSUS billboard in Georgia proclaims our anti-fur message. Billboards appeared in more than twenty cities in our autumn fur campaign.

NEW LAWS IN TEXAS

The Texas legislature recently passed two important laws. H.B. 948 set requirements for the mandatory sterilization of animals adopted from public and private animal shelters. Under the new law, adult animals must be spayed or neutered within thirty days of adoption. Puppies and kittens must undergo the surgery between six and eight months of age.

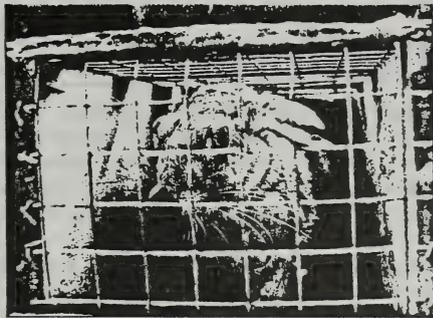
GULF STATES

H.B. 187 allows Texas courts to release animals cruelly treated by their owners to the care of nonprofit animal shelters for preferred disposition. Prior to the passage of this law, animals seized during cruelty investigations had to be sold at public auction. Animal protectionists feared that the original owners would eventually regain possession of such animals.

State legislators are considering laws to restrict so-called "canned hunts." If passed, H.B. 232 would ban hunting of large cats, hyenas, and bears in confinement. The HSUS Gulf States office strongly supports the proposed law.

CATLEMEN HEAR CALL

In August, Gulf States Regional Director James Noe addressed livestock producers at the annual meeting of the Texas Independent Cattlemen's Association. Mr. Noe urged conferees to stop delivering injured and diseased animals to auction and called upon them to report any intentional abuse of animals by auction staff. ■



Jackrabbits such as this one, confiscated by wildlife officials, are brought into the Southeast to train racing greyhounds.

JACKRABBIT SALE STOPPED

An almost-year-long investigation by The HSUS has put an Alabama man out of the business of selling jackrabbits for use in the training of racing greyhounds. Greg Salter of Repton, Florida, pleaded guilty to charges of illegal possession and sale of the animals. He received a \$3,800 fine and two years' probation.

SOUTHEAST

Jackrabbits brought from New Mexico by Mr. Salter were sold to trainers throughout the Southeast. The greyhound trainers buy rabbits then turn them loose in fields to be chased and torn apart by their dogs, a practice called coursing.

Three men found on Mr. Salter's property were training dogs with live rabbits the day of the raid. All were found guilty of cruelty to animals. These cases marked the first time anyone in Alabama had been charged with cruelty

for coursing.

Richard Gaines, who bought rabbits from Mr. Salter, pleaded guilty to possession of jackrabbits earlier this year. His arrest by Florida wildlife officers was based on a tip by an HSUS investigator.

PROBLEMS AT FLORIDA SHELTERS

The small town of Crestview will soon have a new animal shelter. HSUS southeast office staff worked with a local citi-

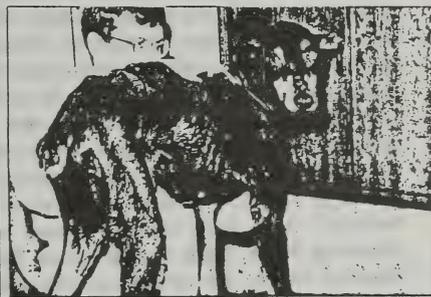
zens' group to demand improvements in animal control after serious problems had been reported in the local press.

City council members agreed to renovate the dilapidated shelter building. Within six months, the city will build a new facility based upon HSUS recommendations.

Such concern is not as visible at the Blountstown shelter. The HSUS investigated the operation of that North Florida facility after the bones of dogs were found behind the building. It is the second time in four years that the shelter has been investigated for improper treatment of its animals.

SAYING NO TO SEA WORLD

The death of a killer whale at Sea World in Orlando, Florida, has prompted The HSUS to call for an immediate suspension of all permits submitted by the park to obtain more of the animals. It was the nineteenth death among the thirty whales Sea World has owned since its theme parks opened. The cause of the whale's death is under investigation. ■



Veterinary technician Scott Mehr examines a dog shortly after HSUS staff rescued it by adopting it from the Blountstown shelter.

MAR 7 1989

Ketchum Public Relations.

September 16, 1988

Mr. George D. Johnson, Jr.
Executive Director
American Greyhound Track
Operators Association
1065 NE 125th Street
Suite 219
North Miami, Florida 33161-5832

Dear Mr. Johnson:

This letter is to notify you that, after a great deal of research which included interviews with several of your members, Ketchum Public Relations has decided to withdraw from competition for the opportunity to provide public relations services to the AGTOA.

Ketchum has a great deal of experience in implementing successful, national image enhancement programs and in dealing with animal rights issues. But we have found that in order for image enhancement programs to work, the client organization must be willing and able to make substantive, important changes in its operations, and in our interviews with several of your members we did not find a consistent and eager willingness to make changes. On animal rights issues, we have found over the years that the only way to effectively deal with such activist groups and with negative public opinion about the "inhumane treatment of animals," is to have honest answers for all of their challenges. But your members have made it clear to us that they are unwilling to get actively involved in the live lure issue, and both the members and the association have expressed only an interest in "passive cooperation" with organizations seeking to find homes for greyhounds whose racing careers have come to an end.

Ketchum Public Relations.

September 16, 1988

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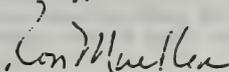
What we want your members to know is that the image of greyhound racing can be significantly improved, but not by an agency doing it for them. They themselves need to be willing to take some risks, to get actively and forcefully involved in the live lure issue (yes there are somethings that track owners and operators can do, and we would be willing to share our recommendations with them if they are interested); they have to be willing to sponsor, promote, support and finance the greyhound pet adoption organizations, not just "cooperate with them;" they have to be willing to finance major purses for a true national competition of the caliber that will interest ESPN, ABC Wideworld of Sports, etc., not continue waiting for a corporate sponsor (which actually might come along after a year or two of success).

It is Ketchum's recommendation that you not change public relations firms. I'm sure Hill & Knowlton is doing as much as they can do under the circumstances. If at some point your members decide they want to change the circumstances, you might then want to decide which of the large national public relations firms can best implement a program to communicate the changes to the American public, with the goal being to change their opinions based on changed reality.

It was not an easy decision for Ketchum to decide to withdraw from competition. And when we did decide to withdraw, it would have been easy for us to send a one sentence letter stating our decision. This lengthy letter was sent out of a spirit of cooperativeness and helpfulness, and I hope you will take our comments as useful, thought provoking, and hopefully a stimulus for some lively discussion within and among your membership.

With best wishes for a positive and successful future,

Sincerely,



Ronald R. Mueller, APR
Senior Vice President/Director

cc: Members of AGTOA

MEMORANDUM

TO: Regional Staff and Washington Investigators
 FROM: Ken Johnson, SERO
 DATE: October 4, 1990
 SUBJECT: Greyhound Racing Statistics

The National Greyhound Association (NGA) says roughly 7,690 litters of greyhounds were registered during 1989. The dogs included were between 7 and 90 days old. The average litter registered consists of 6 dogs. Therefore, 46,140 dogs were registered.

According to a veterinarian from the University of Florida who specializes in animal reproduction, the average number of greyhounds in a litter is between 7 and 8. This means that as many 12,000 or more puppies are not included in NGA litter registrations, bringing the total born to nearly 58,000.

NGA indicates 38,443 individual dogs were registered as racers during 1989. The average age was between 16 and 17 months. Subtracting this number from the 58,000 mentioned above, means as much as 20,000 (35%) of the greyhounds born are not registered as racers.

The NGA estimates that there are over 40,000 dogs racing throughout the country. The average greyhound retires after two years of racing at 3.5 years of age. Therefore, the average turn over of racers 50% each year, in other words there is a demand for 20,000 dogs at the tracks. This subtracted from the 38,443 registered racers available leaves close to 18,500 dogs which cannot race.

The 20,000 which do not make it to become registered as racers, plus 20,000 former racers at the tracks, and the 18,500 registered racers which are unable to be placed at tracks means that up to 60,000 greyhounds are disposed of each year. NGA claims 10,000 of these are adopted.

These figures indicate that nearly 65% of the greyhounds born each year intended for racing do not make it to the pari-mutuel tracks. Those which do begin a career last no longer than a few years.



STATE OF FLORIDA

OFFICE OF ATTORNEY GENERAL

ROBERT A. BUTTERWORTH

April 23, 1990

INFORMATION COPY

The Honorable Winston W. Gardner, Jr.
 Senator, District 17
 862 Dixon Boulevard
 Cocoa, Florida 32922

90-29

Dear Senator Gardner:

You have asked for my opinion on substantially the following questions:

1. Is the use of a live animal in the training of racing greyhounds a violation of s. 828.122(3), F.S., or does the exemption contained in subsection (7) for recognized training techniques nullify the specific prohibition contained in subsection (3)?
2. Is the killing of an animal for the purpose of using its carcass in the training of racing greyhounds a violation of s. 828.12(1), F.S., which prohibits the "unnecessary killing of an animal"?
3. Is the use of a dead animal during the training of racing greyhounds a violation of s. 828.12(1), F.S., if the animal was killed specifically for this purpose?

In sum:

1. The use of a live animal to train racing greyhounds is a violation of ss. 828.122(3) and 828.12, F.S.
2. The killing of an animal for the purpose of using its carcass in the training of racing greyhounds is a violation of s. 828.12(1), F.S.

3. Nothing in s. 828.12(1), F.S., addresses the use to which a dead animal may be put.

As sponsor of amendments in 1986 to "The Animal Fighting Act," you have questions about the effectiveness of the act in light of a recent county court decision. Based on my response to your questions, I assume that you may introduce amendatory legislation relating to the issues of animal cruelty and animal fighting.

Initially, I would note that no comment is made as to the appropriateness of any court decision regarding application of these statutes. Lower court decisions are binding on the parties until overturned by an appellate court and may serve as precedent for adjudicating identical or similar cases which arise afterward.

Question One

Section 828.122, F.S., "The Animal Fighting Act,"² provides that:

- (3) Any person who commits any of the following acts is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:
- (a) Baiting, or using any animal for the purpose of fighting or baiting any other animal.
 - (b) Knowingly owning, managing, or operating any facility kept or used for the purpose of fighting or baiting any animal.
 - (c) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals.

The term "baiting" is defined by the act to mean "the use of live animals in the training of racing greyhounds."³

Thus, by its clear terms, s. 828.122, F.S., makes it a violation to use live animals in the training of racing greyhounds.

However, subsection (7) of the act states that "[n]othing in this section shall be construed to prohibit, impede, or otherwise interfere with recognized . . . training techniques or practices not otherwise specifically prohibited by law." Thus, nothing contained in s. 828.122, F.S., may be construed to prohibit recognized training techniques unless such activities are otherwise made illegal.

The Honorable Winston W. Gardner, Jr.
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While this office possesses no authority or expertise to determine what constitutes a "recognized training technique or practice" within the greyhound racing industry, the Division of Pari-Mutuel Wagering designates the use of animals in the training of racing greyhounds a corrupt practice:

Any person licensed by the Division found guilty of using or permitting the use of rabbits, cats or fowls or other animals in the training of active racing greyhounds shall be fined or suspended or both by the Presiding Judge, who shall report all such cases to the Division.

Thus, it would appear that the use of animals in the training of racing greyhounds is not a recognized training practice within this industry.

I would note that in 1973 this office determined that a trainer of greyhound racing dogs commits a crime in violation of s. 828.12, F.S., if he or she hangs a live rabbit from a mechanism which moves around the track in front of the pursuing dogs until they catch up with and inflict pain or suffering upon the rabbit.⁶ It was also determined in that opinion that a violation of the statute would occur if the trainer turns a live rabbit loose in front of starting boxes containing racing dogs and thereby entices them to leave the boxes and attack the rabbit and inflict pain or suffering upon it. As this office stated, under each set of facts, the trainer violates s. 828.12, F.S., by causing the rabbit to be tortured and tormented, in that the trainer's actions cause the rabbit unnecessary pain and suffering.

Thus, while subsection (7) states that recognized training techniques or practices are exempted as violations of s. 828.122, F.S., the use of live animals for training racing greyhounds does not fall within the exemption as it is designated a "corrupt practice" by the Division of Pari-Mutuel Wagering. Further, this practice is "otherwise specifically prohibited by law" pursuant to s. 828.12, F.S. Therefore, the use of live animals to train racing greyhounds is a violation of, and prosecutable under, both ss. 828.12 and 828.122, F.S.

Question Two

As discussed above, this office has stated that the use of a live rabbit in the training of greyhound racing dogs is a violation of

s. 828.12, F.S., as such action causes the animal to be tortured and tormented, and causes unnecessary pain and suffering.

Section 828.12, F.S., provides in part that:

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine or not more than \$5,000, or both. (e.s.)

The term⁸ "unnecessarily" is not defined for purposes of the statute. Words of common usage, when used in a statute, should be construed in their plain and ordinary sense.⁹ "Unnecessarily" is defined to mean: "not by necessity"¹⁰; "[a] comprehensive term, meaning without necessity, needlessly, or uselessly; outside the usual course of business pertaining to the subject."¹¹

In light of the above and my conclusion in Question One, the killing of an animal for the purpose of training racing greyhounds would appear to be needless and outside the usual course of business for this industry and would constitute an unnecessary killing in violation of s. 828.12(1), F.S.

Question Three

Section 828.12(1), F.S., makes it a crime for any person to unnecessarily overload, overdrive, torment, deprive of necessary sustenance or shelter, or unnecessarily or cruelly beat, mutilate, or kill any animal. The term "animal" is defined for purposes of Ch. 828, F.S., as "every living dumb creature."¹² Thus, a dead animal would not appear to come within the scope of statutes prohibiting cruelty to "animals."

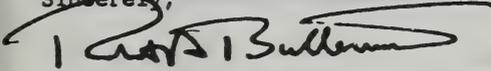
I have concluded above that the use of a live animal in the training of racing greyhounds is a violation of ss. 828.12 and 828.122, F.S., and that the killing of an animal for such purposes is also a violation of s. 828.12, F.S. However, nothing in either of these statutes appears to address the uses to which

The Honorable Winston W. Gardner, Jr.
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dead animals may be put. The Attorney General has no authority to supply additional words to or modify the meaning of a duly enacted statute.

Sincerely,



Robert A. Butterworth
Attorney General

RAB/tgk

¹ See, 21 C.J.S. Courts ss. 186, 196, and 197.

² The statute is so designated by s. 828.122(1), F.S.

³ Section 828.122(2)(a), F.S.

⁴ Rule 7E-2.022(8), F.A.C. And see, Rule 7E-2.011, F.A.C., which provides for racing judges and their authority.

⁵ While s. 828.12, F.S., has been amended since this opinion was rendered the changes would not effect the conclusion contained in AGO 73-211.

⁶ Attorney General Opinion 73-211.

⁷ Id.

⁸ The Supreme Court of Florida, in Wilkerson v. State, 401 So.2d 1110, 1112 (Fla. 1981), has determined that the term "unnecessarily" as used in 828.12, F.S., is not unconstitutionally vague. The Court stated:

The particular words complained of, "unnecessarily or excessively" are not vague when considered in the context of the entire Statute and with a view to effectuating the purpose of the act. The fact that specific acts of chastisement are not enumerated, an impossible task at best, does not render the statutory standard void for vagueness. Criminal laws are not "vague" simply because the conduct prohibited is described in general language.

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⁹ Pedersen v. Green, 105 So.2d 1, 4 (Fla. 1958).

¹⁰ Webster's Third New International Dictionary 2504 (unabridged ed. 1981). And see, The American Heritage Dictionary 1403 (New College ed. 1979).

¹¹ 91 C.J.S. Unnecessarily 504.

¹² Section 828.02, F.S.

¹³ Cf., Chaffee v. Miami Transfer Company, Inc., 288 So.2d 209 (Fla. 1974). And see, AGO's 87-43, 86-32, and 82-20.

RECEIVED NOV 19 1991

**State of Wisconsin**

Department of Agriculture, Trade & Consumer Protection

Alan T. Tracy
Secretary310 N. Midvale Boulevard
Madison, WI 53705-3265

November 14, 1991

Mr. Ken Johnson
Humane Society of the
United States
1624 Metropolitan Circle
Tallahassee, FL 32308

Dear Mr. Johnson:

Per our discussion, enclosed is the information I have available on known persons involved in greyhound training activities. This is the first such database developed and already I find it to be of great assistance. It must be noted that I have not yet verified each location.

I do appreciate your assistance and hope to develop with HSUS a solid communication network. I am actively involved in the initiation and investigation of law violations which includes the prohibited use of live lures. The Salter case file ties individuals racing in Wisconsin with jack rabbit purchases. We have now begun our investigation into these activities and I will advise you as it develops.

I have also included among the information sent, a copy of the handbook from a meeting I attended last January in Orlando. I will contact you directly when I receive the registration information for the January 1992 meeting. If I can make it to Florida, would you be available to meet with me personally?

Please contact me if you encounter Wisconsin connections and concerns and do not hesitate if I can be of assistance.

Sincerely,

Nancy E. Grana

Nancy E. Grana
Racing Compliance Officer
Animal Health Division

enc.

cc: Dr. Dennis Carr DVM.
State Veterinarian

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
WD	Oxbow-Trow		Max Trice Farm	RT 2, Box 255C	Stuttgart	AK		501/673-8342
GLKC	Muth	Muth, William F.	Labits Farm	F. O. Box 1421	Proctor	AK		501/732-3219
DRY	Houndskeeper		Faulk Farms	136 Dalraida Rd	Theodore	AL		205/661-2719
WD	East Coast		Ed's Greyhound	Rt D Box 79	Montgomery	AL	36401	205/270-9138
DRY	Erwin\Wilson	Allen, Thomas B Jr.		1229 31st St. East	Evergreen	AL		205/578-5337
WD	East Coast	Helms, Chris		7800 Kimbrell Rd	Tuscaloosa	AL		205/553-6954
DRY	Houndskeeper	Kelly, T. E.		1165 Old Ridge Rd	McCallie	AL	35111	205/477-4349
DRY	Houndskeeper	Propst, Roger		Box 292	Irvington	AL		205/365-4150
WD	East Coast	Robinson, John H.		9645 Argie Rd	Irvington	AL		205/957-6321
DRY	Houndskeeper	Vito, Clarence	Welch Greyhound Fm	5063 Travis Rd	Irvington	AL	36092	205/567-3938
DRY	Houndskeeper	Welch, William	Welch Greyhound Fm	5063 Travis Rd	Mobile	AL		205/957-6046
DRY	Houndskeeper	Welch, William		403 S. Avalon	W. Memphis	AL		414/652-127
DRY	Erwin\Wilson	Cook, Henry B.		RT 2, Box 395	Marion	AR	72364	414/654-8549
GLKC	Mullen	Mullen, C. E. Jr.		1021 Rick Rd	Marion	AR		501/735-5665
GLKC	Cal Holland	Piranis, Mary		PO Box 268	Turrell	AR	72384	501/343-2350
GLKC	Gary Hillard	Stiles, Art		Rt 3, Box 193-A	Hope	AR	71801	501/777-9195
GLKC	Sunrunner	Sutton, Colleen	Wallin Farms	RR 1, Box 197	Proctor	AR		501/823-5533
DRY	Houndskeeper	Wallin, Billy D.		RT 1, Box 258	Crawfordsville	AR		501/777-9195
SCM	J. E. O'Donne	Wood, Gregory		Rt 2, Box 559	Marcicopa	AZ	85239	602/340-6...
WD	Tri-State	Eplin, Dan		2143 Orange Ave	Patterson	AZ		209/892-5896
WD	Sunrunner	Reidt, Gerald G.	Zephyr Farm	RT 1	Baltimore	CAN	KOKICO	416/342-3391
GLKC	Emerald		Kinsey's Kennel	202 S. Deuel St	Florence	CO	81226	719/784-4189
WD	Pat Collins		Yearous Farms	10025 WCR 52	Ft. Morgan	CO		303/279-6239
GLKC	Cal Holland		Phillips Kennel	1124 F. St.	Milliken	CO	80543	303/587-2747
WD	Loring		Penrose Gray Farm		Penrose	CO		719/372-3261
WD	Pat Collins	Anderson, Earl		Box 149	Ft. Lupton	CO		303/659-8472
WD	East Coast	Bailey, Leonard		15027 Rd 18	Woodrow	CO	80757	303/386-2215
GLKC	Gary Hillard	Baker, Curtis Jr.		1726 30th Ave. Ct.	Ft. Lupton	CO	80621	303/857-4910
GLKC	Cal Holland	Blanch, Linda		Star Rt. 56-A	Greeley	CO	80631	303/356-89
FV	Cal Holland	Brunage, Daryl		Star Rt 56-A	Greeley	CO		303/822-5528
GLKC	Cal Holland	Brunage, Daryl		10141 WCR 13	Byers	CO		303/822-5528
WD	Pat Collins	Collins, Pat		15357 WCR 18	Longmont	CO		303/772-3129
WD	Wildfire	Frank, Jesse			Ft. Lupton	CO		303/857-2026

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
GLKC	Cal Holland	Frank, Jessie E.		422 E. Pearl	Denver	CO	80216	303/294-9449
DRY	Ervin\Welson	Garland, Elaine	Garland Kennel	37632 WCR 37	Loveland	CO	80615	303/352-639
GLKC	Cal Holland	Godley, C. Don		9904 WCR 22	Eaton	CO	80621	303/454-2807
WD	East Coast	Gurley, Gene & H.E.		1172 Colorado Rd 9	Ft. Lupton	CO		303/857-4904
GLKC	Cal Holland	Kinsey, Richard		2209 E. Peacemaker	Florence	CO	80920	719/784-4189
WD	Cal Holland	Meastas, Robert		2209 E. Peacemaker	Co. Springs	CO		719/590-9329
GLKC	Cal Holland	Meatos, Robert		2209 E. Peacemaker	Col. Springs	CO	80920	719/590-9829
GLKC	Gary Hillard	Palmer, Mike		Box 77	Byers	CO	80103	303/822-5724
WD	East Coast	Phillips, Wayne		23070 WCR 70	Greenley	CO	80615	303/352-639
GLKC	Gary Hillard	Teplin, George		172 County Rd. 95	Florence	CO	81226	913/263-3504
GLKC	Cal Holland	Washburn, David		2209 E. Peacemaker	Colorado Spgs	CO	80920	719/590-9829
GLKC	Oxbow-Trow	Williams, Ronald		461 S. Marshall	Lakewood	CO	80226	719/598-211
SCM	New Horizon		New Horizon Kennel	P.O. Box 1629	Pompano Bch	FL	33061	305/785-4215
DRY	Connell		Connell Farm	580 Woods St	Lake Mary	FL	32746	407/322-1608
GLKC	Gary Hillard		F2F Kennels	Box 3116	Sarasota	FL	34232	813/355-0564
WD	Black&Ward		Skimar Gryhds	3807 SE 8th St	Ocala	FL	32571	904/594-4784
GLKC	Muth		Carrier Farm	10699 Gandy Blvd	St. Petersburg	FL	33702	813/576-6673
DRY	Connell		Christy Acres	P.O. Box 98	Osteen	FL	34736	904/425-5100
DRY	Connell		Lucky Lynn Farm	19544 N. CR 33	Groveland	FL	32666	904/473-3172
SCM	New Horizon		Mosier's Gryhd Fm	RT 1, Box 1552	Melrose	FL	32059	904/971-5856
DRY	Connell		Happy Oaks Farm	P.O. Box 9415	Lee	FL		904/792-2237
GLKC	Sunrunner		Stauros Racing	RR 3, Box 158	Jasper	FL		904/386-5046
GLKC	Skimar	Alderson, Donald		Box 433, Rt 10	Brooksville	FL		904/596-1310
GVLK	Alderson	Alderson, G.A.	Alderson Kennels	8670 15th St. N	St. Petersburg	FL		813/576-3694
GLKC	Parvin	Alderson, Jerry	PDQ Kennels	P.O. Box 82	Lowell	FL	38663	904/386-5046
GVLK	Alderson	Alderson, Ken		P.O. Box 82	Lowell	FL		904/386-5046
GLKC	Gary Hillard	Anderson, Kenneth		PO Box 52	Lowell	FL	32663	904/368-5046
WD	Black&Ward	Andrews, Dick		RT 1, Box 780	Lee	FL	32059	904/971-5016
WD	East Coast	Ball, Richard		RT 10, Box 4332	Brooksville	FL	34610	904/796-4648
WD	Wildfire	Beckner, Ronald G.		RT 1, Box 230	Lee	FL		904/971-5757
WD	Black&Ward	Bratcher, JW		RR 2, Box 144	Ft. White	FL	32038	913/263-2727
FV	Cal Holland	Brown, Daryl		RR 2, Box 112	Quincy	FL		904/627-7227
WD	Wildfire	Brown, Olin W.		8469 Waverly Rd	St. Peter	FL		813/576-4192
GLKC	Parvin	Callahan, Coreen			Ocala	FL		904/628-6639
WD	East Coast	Callahan Greyhounds			Homosassa	FL		904/628-6639

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TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
GLKC	Skimar	Campbell, Glen	Glenn Campbell Fm	15950 NE Hwy 316	Ft. McCoy	FL	32134	904/236-4459
WD	Black&Ward	Campbell, Glen	Glenn Campbell Fm	15950 NE Hwy 316	Ft. McCoy	FL	32134	904/236-4208
GLKC	Gary Hillard	Cochran, Moses E.		Rt 1, Box 77	Pinetta	FL	904/929-2070	
WD	AG's Grhds	Collins, Larmer		1210 Myrtle St.	Sarasota	FL	813/351-1026	
GLKC	Skimar	Combee, Alan D.		RR 1, Box 259-4	McAlpin	FL	32062	904/963-1239
GLKC	Lockhart	Cotrell, Frank	Happy Oaks	P. O., Box 9415	Madison	FL	32059	904/971-5856
GLKC	Muth	Cruz, Elizabeth E.	K.P.C. Kennel	RT 3, Box 1275	Madison	FL	32340	914/929-9137
WD	Newmakers	DeMaggio, Pete		RT 1, Box N 141	Defuniak Sprgs	FL	32433	904/892-680
GLKC	Skimar	Dixon, Henry P.	Dixon's Gryhd Cente	6280 S. 52nd St.	Ocala	FL	32674	904/237-2057
WD	Loring	Early, Dick		1850 Jones Rd	Jacksonville	FL	904/786-2654	
GLKC	Sunrunner	Fagen, Doug	L&F Kennels	P. O. Box 31116	Sarasota	FL	34232	813/355-564
WD	East Coast.	Fisher, Harold		Box 1105	Bellview	FL	32620	913/263-2244
WD	Loring	Forzley, Lee & George		RT 1	Lake City	FL	904/755-1562	
GLKC	Mt. Hood	Forzley, Lee & George		RR 3, Box 192-B	Lake City	FL	904/935-1562	
GLK	Mt. Hood	Freeman, C. Roger	CR's Lucky Lyn Farm	19544 N. CR 33	Graveland	FL	904/429-9500	
GLKC	Gary Hillard	George, J. D.	George Gryhd Farm	7211 NW 21 St	Ocala	FL	32675	904/237-1852
		George, Janis		7211 NW 21st St	Ocala	FL	32675	904/237-1852
		Green, Charlotte		P. O. Box 434	Sparr	FL	32192	904/867-5368
WD	Sunrunner	Gretsky, Emil	Skimar Grhds	3817 SE. 8th St.	Ocala	FL	32671	904/694-8888
GLKC	Skimar	Griffon, Ron		RR 1, Box 420 J	Palmetto	FL	34221	813/722-8888
GLKC	Muth	Harnett, Mary		RR 1, Box 235	Lee	FL	904/971-5555	
WD	Sunrunner	Harper, Althia		10529 Skewlee Rd.	Thonotosassa	FL	33592	813/986-1785
GLKC	Sunrunner	Houchin, Larry		RR 3, Box 234	Williston	FL	32696	904/526-6068
GLKC	Muth	Hyers, Bonita (Marge)		9702 Sandler Rd.	Jacksonville	FL	32244	904/771-5987
WD	Sunrunner	Ingar, Ellen		9702 Sandler Rd.	Jax	FL	904/771-5987	
WD	Sunrunner	Jackson, Linda		950 NE 205 St. #305	Miami	FL	33179	652-604
		Landall, Barbara		RT 1, Box 170	Lee	FL	904/971-5321	
GVLK	Boyd	Maloney, Bill		RT 6, Box 98	Ponce Inlet	FL	32059	904/760-5874
DRY	Valley	Maloney, Bill		RT 71 Buschman	Live Oak	FL	904/658-2444	
GVLK	Boyd	Marriott, Charles	Marriott Kennel	P. O. Box 20756	Live Oak	FL	904/658-2444	
GLKC	Sunrunner	Meier, Wendy	Stavros Racing, Inc	RR 3, Bx 158	St. Pete	FL	33742	813/576-4757
GVLK	Alderson	Mandheim, Sharon		RR 1, Box 72	Jasper	FL	904/792-2237	
GLKC	Muth	Muth, Donald		Box 2C	Lee	FL	32059	904/971-5587
GLKC	Muth	Nelson, Sandra C.		6271 Gold Oak	Iverness	FL	32650	904/344-9610
					Keystone Hgts	FL	32656	904/473-3324

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
GLKC	Mullen	Lefebvre, Ronald R.		RR 1, Box 96	Mapelton	IA	51034	712/882-2712
GLKC	Mullen	Mullen, Ron		107 Seven Oaks Rd	Council Bluffs	IA	51503	712/323-8198
GLKC	Oxbow-Trow	Recker, Ronald		RR 1, Box 94	Earlville	IA		319/875-2283
DRY	Terry Creek	Stated, Quad		P.O. Box 16	Honey Creek	IA		712/642-2981
FV	Alderson	Waller, Tim		RR 1	LaMotte	IA		319/583-4433
WD	Loring	Waller, Tim		RR 1	LaMotte	IA		515/893-2366
DRY	Terry Creek		Sky The Limit Farm	Box 75 AA	Girard	KS		316/724-4669
WD	Loring		Evans Grhd Farm	RT 5, Box 222	Abilene	KS		913/598-2378
WD	Blackward		Neely Kennel	Box 478	Abilene	KS		913/263-7272
DRY	Terry Creek		Go-Fast Kennel	Box 405	Chapman	KS	67431	913/922-6513
WD	Wildfire		Benjamin Farm	RT 3	Abilene	KS	73521	913/263-7238
GLKC	Sherck		Sheck Farm	RT 3	Abilene	KS	67410	913/263-4044
GLKC	Sherck		Mayfield Training	1900 S. Plummer	Chanute	KS	66720	316/431-1594
DRY	Terry Creek		Sun Sand Kennels	RT 1	Solomon	KS		913/655-3986
GLKC	Parvin		Sunsand Kennel	RT 1, Box 187A	Solomon	KS	67480	913/655-3986
DRY	Valley		Terry Creek Farms	817 NW 3rd	Abilene	KS		913/263-3718
GLKC	Sherck		Dick Andrews Kennel	16022 W. 84th St	Lenexa	KS	66219	913/492-3930
GLKC	Sherck	Arneson		RR 4, Box 270	Abilene	KS	67410	913/263-2759
WD	Oxbow-Trow	Augustine, Daniel L.		2334 Quincy	Salva	KS	67401	913/825-5553
GLKC	Mullen	Ballard, Vince	Flying Eagle	RR 5, Box 74	Abilene	KS	67410	913/934-2444
GLKC	Cal Holland	Bartley, Don/Esther		RR 1, Box 69	Abilene	KS	67410	913/263-3644
GLKC	Cal Holland	Bartley, Rick		RR 3, Box 210	Abilene	KS	67410	913/479-5980
GLKC	Cal Holland	Bartley, Rick		RR 2, Box 250	Abilene	KS	67410	913/479-5980
GLKC	Lockhart	Bartley, Rick		RR 33, Box 250	Abilene	KS	67410	913/479-5980
GLKC	Sherck	Berland, Paul		RR 3, Box 26	Abilene	KS	67410	913/263-7735
WD	East Coast	Berns, Mark	Prime Kennel	RR 4, Box 79	Abilene	KS	67410	913/263-1255
GLKC	Oxbow-Trow	Bertholf, Dean		RR 1, Box 12	Anthony	KS		316/842-3665
DRY	Houndskeeper	Black, Bob		210 NW 10th St.	Abilene	KS		913/263-4044
GLK	Mt. Hood	Black, Bob		RR 3	Abilene	KS	67410	913/263-2308
GLKC	Sherck	Black, Robert		RR 2, Box 261	Chanute	KS	67101	316/431-4188
WD	Cal Holland	Bortley, Rick		RR 2, Box 250	Abilene	KS	67410	913/479-5980
WD	Blackward	Boydell, Bobby		Rt 3 Bx 76	Augusts	KS		316/775-2932
WD	Tri-State	Boyle, Jamie		RR 1	Solomon	KS		913/655-3951
DRY	Terry Creek	Budden, Bradley		RR 4, Box 256	Abilene	KS		913/263-3718
FV	Alderson	Chestnut, Dude			Glade	KS		913/543-5923

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
GLKC	Gary Hillard	Cole, Jeff		RT 1, Box 172	Solomon	KS		913/655-4861
WD	Terry Creek	Collette, Bernie		RT 4	Abilene	KS		913/263-7288
WD	AG's Grhds	Connellis, Gary		RT 5, Box 98	Clay Center	KS		913/632-5168
GVLK	Alderson	Crawford, Larry	Belmar Kennels	RT 1, Box 128-B	Riley	KS	66531	913/485-2283
GLKC	Moen	Davis, Kevin		RR 4, Box 2A	Abilene	KS	67410	913/263-7835
WD	Connell	Dennett, Larry	Cottonwood Farm	RT 3, Box 70A	Augusta	KS		316/775-3745
GLKC	Sherck	Dillon, Keith		15865 S.Ridgeview	Olathe	KS		913/782-265
GLKC	Lochhart	Dunbar, Charles	Runnin D Farms	RR 1, Box 187	Solomon	KS		913/655-9429
GLKC	Mullen	Foss, Jerry		RR 2, Box 18	Levant	KS		913/586-2231
FV	Alderson	Geier, Larry	Sky's the Limit	RT 1, Box 75AA	Girard	KS		316/724-4669
WD	Wildfire	Gresham, Patrick		RT 1, Box 232F	Rosehill	KS		316/776-2491
GLKC	Oxbow-Trow	Haney, James / Pat		RR 1, Box 102	Manchester	KS	67463	913/388-2544
WD	Tri-State	Hanson, Norman		RT 1	Solomon	KS		913/655-3951
WD	Oxbow-Trow	Hauser, Bill		RT 2, Box 68	Abilene	KS	67410	913/263-4027
WD	Wildfire	Heath, George		RT 2, Box 92	Attica	KS		316/254-7887
WD	Tri-State	Heath, Gordon		RR 2	Attica	KS		316/254-7768
WD	Terry Creek	Heine, Jerry		RT 4	Abilene	KS		913/263-1178
FV	Alderson	Heinen, Craig		RT 1, Box 48	Downs	KS		913/454-6396
WD	Heatherbrook	Herrera, Mike		RT 4, Box 238	Abilene	KS	67410	913/263-4365
GLKC	Muth	Jenne, Scott	Still River Kennel	RT 4	Abilene	KS		913/263-4365
GLKC	Sherck	Jones, Jack		RR 2, Box 131	Burton	KS	67410	913/263-4365
WD	Wildfire	Keasling, Roscoe		RR 4, Box 84	Abilene	KS		913/263-4365
GLKC	Muth	Matheny, Elaine		RT 1, Box 274	Perry	KS		913/597-5507
WD	Oxbow-Trow	Miller, Fred		RR 2, Box 131	Burton	KS	67020	316/543-6561
GLKC	Mullen	Neely, Trudy		3900 N. 99	Kansas City	KS	66109	913/334-4506
WD	Erwin\Nelson	Nelson, Richard A.		RR 4, Box 55	Abilene	KS	67410	913/263-1803
WD	Sunrunner	O'Toole, Michael		RT 4, Box 214	Abilene	KS		913/263-2790
WD	Oxbow-Trow	Olson, HV		RT 4, Box 207	Girard	KS	66743	316/724-8923
WD	Alderson	Olson, Sonny & Mavis	Go Fast Kennel	RT 1, Box 87A	Solomon	KS	67480	913/655-3986
FV	Alderson	Phelan, Mark	Plum Creek Kennel	P.O. Box 405 RR 2	Chapman	KS	64731	913/922-6513
WD	Terry Creek	Potter, William		Box 234	Holyroad	KS		913/252-3624
WD	Houndskeeper	Pratt, Allen E.		RT 5	Abilene	KS		913/598-2457
WD	Sherck	Redman, Gerald		RR 2, Box 87	Scranton	KS		913/296-2326
GLKC		Reynolds, Susanne		RR 4, Box 19	Abilene	KS	67410	913/262-2107
				RT 4, Box 275A	Abilene	KS	67410	913/655-4872

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
SCM	Mill City	Rider, Dennis		RT 1	Solomon	KS	67480	913/653-9419
DRY	Valley Creek	Riggin, Bob		RT 5	Abilene	KS		913/934-2313
GLKC	Sherck	Riggin, Bob		RT 5	Abilene	KS		913/934-2313
GLKC	Sherck	Rodman, Gerald		RT 4, Box 252A	Abilene	KS	67410	913/263-2107
SCM	Don Ryan	Rodman, Jerry	Rodman Kennel	RT 4, Box 252A	Abilene	KS		913/263-1613
DRY	Valley Creek	Ryan, Donald	Ryan Farms	RR 4, Box 87	Abilene	KS		913/263-4008
DRY		Ryan, John		RT 3	Abilene	KS		913/263-4034
WD	Wildfire	Saucier, Bob		RT 1, Box 95	Abilene	KS	67410	913/263-3012
		Schmidt, Deb		RT 2, Box 100 B	McLouth	KS		913/796-6766
		Sellman, Tom		RT 2, Box 100 B	McLouth	KS	66054	913/796-6766
SCM	Don Ryan	Sellman, Tom		RT 2, Box 262	Chanute	KS		316/431-4188
GLKC	Sherck	Sherck, Jack		210 N.W. 10th St.	Abilene	KS	67410	913/263-4044
GLKC	Gary Hillard	Sherrets, Mike		RT 2, Box 68	Abilene	KS	67410	913/263-1579
WD	AG's Grhds	Smith, Darwin		RT 1	Cunningham	KS		316/532-3570
		Staley, Harold		RT 1, Box 139 A	Edgerton	KS	66021	913/883-4745
GLKC	Cal Holland	Strickland, Deborah		RR 2, Box 134A	Abilene	KS	67410	913/479-5510
FV	Alderson	Strong, Wayne		RT 4	Abilene	KS		913/263-1150
GLKC	Cal Holland	Taplin, Tom		RR 2	Abilene	KS	67410	913/263-3508
DRY	Valley	Taylor, John		RR 4	Abilene	KS		913/388-2431
GLKC	Terry Creek	Taylor, John H.		RR 4	Abilene	KS		913/388-2431
GLKC	Cal Holland	Thompson, Larry	PrairieLand Kennel	RR 2, Box 68	Abilene	KS	67410	
GLKC	Gary Hillard	Thompson, Laurie		RR 2, Box 68	Abilene	KS		913/263-3512
DRY	Valley	Tomlinson, Richard		P.O. Box 325	Abilene	KS		316/755-988
FV	Alderson	Unrein, Neel		546 W. Main	Valley Center	KS		913/769-5242
GLKC	Sherck	Walt, Gary		RT 1, Box 53	Collyer	KS		913/263-7272
WD	BlackWard	Ward, Wayne			Abilene	KS		913/263-7272
WD	Oxbow-Trow	Weis, Donna		3288 N. Mahan Rd	Brooksville	KS	67425	913/283-4423
GLKC	Fullen	Welch, Le Ann		RR 4, Box 214	Chanute	KS	66720	316/431-6320
WD	Wildfire	Werr, Dominic		RR 1, Box 38	Park	KS		913/673-5581
WD	Sunrunner		Burdett Kennel	149 Keene Rd. E.	Freetown	MA	2717	508/763-5445
WD	East Coast	O'Donnell, William		23 Sparhawk Rd	Lynn	MA	01905	617/593-6442
DRY	Erwin\Nelson	Edan, Russel M.		22750 Balsa Ave	Prior Lake	MN	55372	612/461-3569
SCM	Dick Andrews	Fabar, Armand		RT 1	Motley	MN		218/352-6155
		Henry, James		RR 3, Box 171	Centralia	MO	65240	

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
WD	Wildfire	Johnson, Doug		RT 1, Box 215	Rich Hill	MO	64779	417/395-4373
FV	Alderson	Kelfner, Wayne		RT 3, Box 215	Rich Hill	MO		417/395-4373
WD	Wildfire	Anderson, Gordan	Runnin D Farms	RT 1, Box 121B	Willard	MO		417/756-2881
WD	Wildfire	Elliott, Bill			Anselmo	NE	18813	308/749-2435
GLAC	Skimar	Elliott, Bill A.		317 N. Webster	Red Cloud	NE	68970	402/746-3712
DRY	Kugler	Kugler, Howard		RR 2	Red Cloud	NE		
GLAC	Gary Hillard	Steadman, Jenifer	Feathers Farm	RT 2	Inavale	NE		409/746-2482
GLAC	Gary Hillard	Hillard, Gary		RT 1, Box 101	Paxton	NE	69155	308/239-4631
DRY	Valley	Decker, Rick	Antelope Valley	Lot 2, Streeter Ln	Hinsdale	NH	3451	603/256-6927
WD	Tri-State	Zeroski, Shirley		RT 1, Box 55	Springer	NH		505/483-2798
WD	Oxbow-Trow			Box 7	Mt. Pleasant	OH	74036	614/769-7701
WD	AG's Grhds			RT 2, Box 129A	Inola	OK		918/341-4849
WD	Fritz			RT 2, Box 141	Altus	OK		405/482-588
WD	Loring			Box 308	Blair	OK	73526	405/563-2552
GLAC	Gary Hillard			RT 1, Box 74A	Blair	OK		405/563-2841
WD	Blackward			Box 259	Keota	OK	74941	918/946-7434
WD	Wildfire			Box 4322	Laverne	OK		405/921-5333
SCM	D.O. Williams			RT 3	Altus	OK		405/482-5378
WD	Wildfire			RT 4, Box 260	Sayre	OK	73662	405/225-5275
WD	Oxbow-Trow			RT 3	Altus	OK		405/485-1077
FV	Alderson			Len-Mar Greyhound	Claremore	OK	74017	918/341-4941
DRY	Connell			RT 3, Box 25	Mangum	OK		405/563-9467
WD	Newmakers			RT 1, Box 78	Cache	OK		405/429-3541
WD	Sunrunner			RT 1, Box 60	Lawton	OK		405/357-693
GLAC	Gary Hillard	Allgood, Carl		RR 2, Box 627	Altus	OK	73554	405/367-2180
WD	Tri-State	Allgood, Carl Wayne		RT 3, Box 55	Mangum	OK		405/782-2818
WD	Blackward	Altom, Bud		RT 1, Box 45	Blair	OK		405/563-2521
DRY	Ervin\Nelson	Ballard, Gary		RR 2	Keota	OK		913/966-3397
SCM	J. E. O'Donne	Banks, Gary	Banks Farm	RT 2, Box 191-1	Keota	OK		918/966-3598
WD	Tri-State	Banks, Mike		RT 1 A, Box 32	Sentinal	OK	73664	405/393-4512
DRY	Connell	Biddy, Dale		RT 1, Box 62D	Lawton	OK		405/355-9282
WD	Loring	Boyer, Bob		RT 2, Box 146 #14	Altus	OK		405/477-1728
GVLK	Boyd	Breeze, Jacky		RT 1, Box A	Blair	OK		405/563-2841
GLAC	Skimar			RT 4, Box 353	Elk City	OK	73644	405/225-10
				P.O. Box 26	Carter	OK	73627	405/486-3675

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
GLKC	Oxbow-Trow	Bortherton, Ken		RR 1, Box 227A	Elk City	OK	73644	405/225-4816
GLKC	Sherck	Bruce, Jerry		Box 423	Lawton	OK	73501	405/355-6510
WD	Terry Creek	Carter, Luther		RR	New Castle	OK		405/387-5616
GLKC	Tri-State	Collier, Tom		RR	Blair	OK		405/563-2272
GLKC	Skimar	Conger, Robert		P.O. Box 314	Blair	OK	73526	405/563-2272
WD	CConnell	Cook, Dan	Sunnyside Kennels	P.O. Box 291	Mangum	OK		405/782-3428
SCM	J. E. O'Donne	Corey, Donald	W.L. Greyhound	Rt 1, Box 7	Keota	OK	74941	918/966-3166
WD	Oxbow-Trow	Cornell, Ken		Box 316	Laverne	OK	73848	405/921-3234
GVLK	Emerald	Dillard, Danl		P.O. Box 2103	Elk City	OK	73644	405/225-4147
WD	Tri-State	Dugan, Jim		3609 W. Bois Darc	Duncan	OK		405/252-543
GLKC	Moen	Farmer, Harold		RR 1, Box 35-1	McCurtain	OK	74944	918/966-3390
WD	Blacksward	Farmer, Harold		RR 1	McCurtain	OK	74944	918/966-3391
WD	Oxbow-Trow	Farr, Don		RR 3, Box 31	Mangum	OK		405/563-2585
WD	Pat Collins	Figurilli, Dick		16201 Hwy 7	Brighton	OK		303/452-3636
GVLK	Boyd Hillard	Gooch, Roy E.		Rt 2	Guyman	OK	75942	405/338-5678
GLKC	Fritz	Green, Lloyd	Green's Gryhd Farm	Rt 1, Box 19	Kowawa	OK	74849	405/925-3305
WD	Blacksward	Harrison, Mike		RR 2	Indianhoma	OK		405/246-3456
SCM	Dick Andrews	Hawkins, Tom		RR 2, Box 376	Keota	OK	74601	913/966-3326
WD	Blacksward	Hazel, Joe		Rt 6, Box 186	Ponca City	OK		408/268-5222
WD	Blacksward	Hornel, Frankie	Casey's Racing Grhd	RR 1, Box 174	Anthony	OK		405/227-5222
GLKC	Sherck	Jones, Tom		RR 1, Box 174	Erick	OK	73645	405/928-5611
WD	Tri-State	Livingston, Carl		RR 1, Box 78	Cache	OK		405/429-3511
GLKC	Sunrunner	Mace, David		RR 2, Box 162	Carnegie	OK	73015	405/347-2507
GLKC	Gary Hillard	Mann, E.J.	Mann Racing Gryhd	Rt 3, Box 182	Lexington	OK	73051	405/327-2761
WD	Oxbow-Trow	Mitchell, Sam		Rt 1, Box 2345	Fletcher	OK	73541	405/549-6506
WD	Tri-State	Mooneyham, Windall		Box 218-6	Keota	OK		918/966-3693
WD	Connell	Nunley, Jackie		Rt 1, Box 1300	Fletcher	OK		405/365-4263
WD	Connell	Paris, Bob		RR 1, Box 124B	Sallisaw	OK	73755	918/775-9286
WD	Oxbow-Trow	Patterson, Thomas (Roy)	Petzold Farm	Rt 3	Lonesdale	OK	73521	405/227-2158
SCM	J. E. O'Donne	Petzold, David	Poff Farm	RR 1, Box 766	Blair	OK	73526	405/482-100
SCM	Dick Andrews	Poff, J. K.	Pickrell Farm	RR 1, Box 212	Tipton	OK	73750	405/563-9307
WD	Erwin\Nelson	Prickrell, Jack		Rt 2, Box 400	Inola	OK		
WD	Connell	Reel, Richard		Rt 1, BX 2	Faxon	OK		
WD	Tri-State	Rhodes, Richard		Rt 2, Box 128	Cheyenne	OK		
WD	Tri-State	Scott, Gary				OK	73540	413/267-4038
WD	Tri-State					OK		405/497-3753

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
WD	Black&Ward	Shields, Lynn		RT 1 A, Box 29	Sentinel	OK	73664	405/393-4901
GLAC	Sherck	Smith, Art & Mary		RT 1, Box 46	Frederick	OK	73542	405/335-3947
DRY	Connell	Smith, Brenda		RT 1, Bx 60	Lawton	OK		405/355-7880
WD	Fritz	Smith, Carter		RT 1, Box 244	Lawton	OK		405/357-693
		Smith, Kay		RT 2, Box 46	Frederic	OK	73542	405/335-3947
WD	Oxbow-Trow	Smith, Kay	Kowia Kennels	RT 2, Box 46	Frederick	OK	73542	405/335-3947
SCM	J. E. O'Donne	Smith, Lois	W.L.Greyhound	Rt 1 Box 7	Keota	OK		918/456-5532
GLXC	Sherck	Spurlock, David		RR 1, Box 38 A2	Morris	OK	74941	918/733-2136
DRY	Connell	Staggs, Don & Scott		RT 1, BX 49A	Blair	OK		405/563-2750
WD	Fritz	Stover, Blake		Box 54	Mangum	OK	73554	405/782-3287
WD	Black&Ward	Stover, Jim & Pat		201 S. Robinson	Mangum	OK		405/782-3956
GLXC	Gary Hillard	Tomperlin, Gail		RR 4, Box 266	Sayre	OK		405/225-2140
WD	Fritz	Tomberlin, Gale		RT 4, Bx 231	Square	OK	73662	405/225-2140
WD	Tri-State	Weltrips, John		Box 424	Arapaho	OK		405/323-4903
GLAC	Mullen	Williams, Bill/Paula		RR 3, Box 258A	Sayre	OK		405/225-359
GLAC	Gary Hillard	Williams, Rudy		Rt 4	Sayre	OK	73662	405/243-4758
WD	Fritz	Winters, Burl	Win D Farm	1019 Falcon Rd	Altur	OK	73521	405/482-2644
DRY	Valley	Winters, Burl		RR 1, Box 17Aa	Blair	OK		405/482-6853
WD	Black&Ward	Winters, Glen			Blair	OK		405/477-2835
GVLK	Boyd	Woodall, Bill		RR 2, Bx219	Keota	OK	74941	918/966-3386
WD	Black&Ward	Wooden, Dennis		RT 1, Box 128 A	Willow	OK	73673	405/287-3391
GLK	Mt. Hood	Dewey, Don	Snake River	1400 Falcon Dr	Ontario	OR	97914	503/889-8462
GLK	Mt. Hood	Heater, Donna	Cascade Kennel	2315 SE 322nd	Boring	OR		503/668-6832
SCM	D.O. Williams	Jones, Don	MtHood Kennel	7616 SE 267th	Gresham	OR	97080	503/663-5688
DRY	Terry Creek	York, Herbert		24481 SE Filbert R	Eagle Creek	OR		503/637-3593
GLXC	Gary Hillard	Rink, Charles Jr.		Rt 2, Box 225	Aynor	SC	29511	803/365-1474
GLXC	Muth	Helok, Leona		8568 Kettering Dr.	Cordova	TN	38018	901/382-1253
GLAC	Muth	Muth, William F.		8568 Kettering Dr.	Cordova	TN	38018	901/382-1253
WD	Oxbow-Trow		Burke Greyhounds	P.O. Box 743	Chico	TX	76030	817/644-5371
WD	Newmakers		C & C Kennel	Box 1261	Trockdale	TX	76016	512/446-3366
GVLK	Boyd		C & S Kennels	329 Malone Dr.	Devine	TX	78016	512/663-3354
WD	Pat Collins		Green Grove Farm	1220 Taylor Ave	Waco	TX		817/799-639
GLAC	Parvin		Bosque Woods Kennel	RT 1, Box AA107	Stephenville	TX	76401	817/968-6693
WD	Fritz		Excel Kennels	RT 2, Bx 78-A	Buckholts	TX	76518	817/697-4036
GLAC	Parvin		Hall School Farm		Gardendale	TX		915/563-2217

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
WD	East Coast	Barber, Buddy/Marvin		Rt 1, Box 190	Blum/Brum	TX	76627	817/694-4295
DRY	Erwin\Nelson	Brown, John T.		1901 Alaska	Waco	TX		817/799-5060
GLKC	Don Ryan	Burk, Donald Jr.		PO Box 743	Chico	TX	76030	817/644-5371
GLKC	Gary Hillard	Cates, Gerald		318 N. Azalea	Booker	TX	79005	806/658-4709
DRY	Kugler	Compton, Herman		Rt 1, Box 106 P	Gladewater	TX		214/877-3893
DRY	Terry Creek	Creek, John		2800 Eagle Nest	Odessa	TX		915/381-3970
DRY	Terry Creek	Creek, Leroy		Rt 2	Odessa	TX		915/381-675
DRY	Erwin\Nelson	Erwin, Gerald		2101 NCR 1140	Midland	TX		915/682-8388
DRY	Valley	Eubanks, Tom/Irene		Box 720	Edinburgh	TX		512/380-1162
GLKC	Parvin	Fairly, Robert		RT 2, Box 410	Riesel	TX		817/896-6434
WD	AG's Grhds	Frey, Joe		Star RT Box 40	Bastrop	TX		512/321-4996
FV	Alderson	Galbreath, Billy		RT 1, Box 452	Rockdale	TX		512/446-2059
WD	East Coast	Gauvin, Ed		Box 1278	Fabens	TX	79838	915/764-2978
WD	Tri-State	Hall, Jim		#56 Goldenrod	Gardendale	TX		915/563-2217
GLKC	Cal Holland	Harlan, George		RT 1, Box 25	Slaton	TX	79364	806/828-5613
WD	Wildfire	Hays, Barbara/William		RR 4, Box 214	Waco	TX		817/799-8192
GLKC	Parvin	Hibbs, La Verne		RT 3, Box 510	Elgin	TX	78621	512/285-3226
WD	Oxbow-Trow	Hibles, Bobby		P.O. Box 898	Elgin	TX	78621	512/285-3226
GLKC	Muth	Hudson, Laverne		RT 3, Box 294	Springtown	TX		817/677-2222
GLKC	Parvin	Jablonski, Richard		RR 1, Box 765	Reisel	TX		817/986-7552
GLKC	Skimar	Judd, Darrell		RT 3, Box 430	Azle	TX	76020	817-444-2323
GLKC	Skimar	Kenneth Beihle	KB Farm	RR 49A	Thorndale	TX		512/898-2959
GLKC	Skimar	Kenneth Beihle	KB Farm	RR 49A	Thorndale	TX		512/898-4945
DRY	Terry Creek	Lasky, M.A.		P.O. Box 10841	Midland	TX		915/687-6521
DRY	Parvin	Martin, Don	Martin kennel	RR 3, Box 219	Stephenville	TX	76401	817/965-7496
GLKC	Erwin\Nelson	McDonald, Carl		RR 1	Covington	TX		817/854-2875
GLKC	Oxbow-Trow	McRethan, J.W.		RR 2, Box 1126	Scurry	TX	75158	214/452-8931
GLKC	Sherck	Montgomery, Monty		RR 1, Box 348B	Springtown	TX		817/523-5493
GLKC	Fulginiti	Newell		RR 2, Box 78A	Buckholts	TX	76518	817/697-4038
SCM	J. E. O'Donne	Pariseau, Norman	Excell Kennels	Box 98	Davilla	TX	76523	817/527-3951
GLKC	Parvin	Parvin, J.B.		Box 215	Gardendale	TX	79758	915/563-418
DRY	Erwin\Nelson	Pevehouse, Charles	Powell Gryhd Farm	RT 9, Box 222	Lubbock	TX		806/745-1409
DRY	Houndskeeper	Powell, Andrew		RT 12, Box 720	Axtell	TX		817/863-5749
WD	East Coast	Ray, Ron		RT 4, Box 341	Azle	TX	76020	817/444-1335
GLKC	Cal Holland	Rudd, Wayne		Box 296	Scurry	TX	75158	314/498-3164

1991 TRAINING FARMS IDENTIFIED

TRACK	KENNEL NAME	TRAINING FARM OPERATOR	DBA	ADDRESS	CITY	STATE	ZIP	PHONE
WD	Loring	Scitern, Shirley	Sellaff Farms	329 Malone Dr.	Devine	TX	76682	512/663-3354
WD	East Coast	Sielaff, Norma Jean		Box 7 Sunset Rd	Riesel	TX	76682	817/896-3662
WD	Loring	Smith, J.C.		Rt 3, Box 5	Slaton	TX	77358	806/828-6859
WD	East Coast	Stringham, Tom		Box 1187	New Waverly	TX	77358	409/344-2470
GLKC	Sherck	Walters, Richard		P.O. Box 313	Chico	TX	76030	409/344-2470
WD	Cal Holland	Rosenstock, Richard		540 Glenwood Hwy	Goldendale	WA	98620	817/644-5471
GLK	Mt. Hood	Dermott, Richard H.		4739 Enchanted Val	Middleton	WA	98620	509/773-5686
GVLK	Emerald	Nusberger, Douglas	Lone Pine Kennel	RR 1, Box 10 AA	Wheeler	WI	53562	608/798-2395
GVLK	Emerald	Steffen, Ardell & Vivi	Emerald	5501 376th Ave	Burlington	WI	54772	715/632-2011
WD	Tri-State		S & S Racing	528 S. York	Wheeling	WV	53105	414/537-4174
SCM	D.O. Williams	Chalfant, Jay		Rt 2, Box 99	Cheyenne	WY	73628	304/232-4151
							73628	405/497-2330

TAKING ANIMAL ISSUES INTO THE SCHOOLS

The ANIMALS' AGENDA

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SEE HOW THEY RUN...

See Why They Run



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Tracking the Seamy Empire of Frank Perdue

See How They Run:

A Look at the Hidden Side of Greyhound Racing

BY PHIL MAGGITTI

One evening near Lubbock, Texas, 20 greyhound owners gather to train their dogs. The men belly up to a chain-link fence enclosing a small field, unaware that among them is an investigator for the Humane Society of the United States.

Someone releases a jackrabbit onto the field and sends two greyhounds after it. The owners shout at the rabbit when he scrambles toward the fence, trying to escape.

A fresh dog races into the field as the greyhounds tire. She catches the rabbit, who screams again and again as the dogs tear his flesh.

Several youngsters run to fetch the dying rabbit. One boy flings the animal to the ground and stomps on him. He picks the rabbit up by his hind legs and bashes his head against a fence. The other boys jump aside to avoid the spattering blood. Their mothers, no doubt, would scold them for getting their clothes dirty.

In addition to seven other coursing sessions, the owners stage several training races on an oval track. They cut the dead rabbits from the coursing runs in half and tie them to the end of a motor-driven, steel "arm" that swings around the track just ahead of the pursuing greyhounds. After each race, dogs gnaw on the rabbit carcass. Considering the night's activities, the owners might as well be wearing togas.

"Walking to my car, I saw children about four or five years old playing with a dead rabbit," the HSUS investigator reports. "I asked myself what kind of human beings allow their young to view and participate in such cruelty. I am at a loss to understand them."

Greyhound racing is the sixth-most-attended spectator sport in this country. In 1990, 29.4 million people wagered \$3.5 billion at 57

tracks in 18 states. From 1980 through 1990, annual attendance at greyhound races grew 41 percent, and betting increased 67 percent. Since 1948, when there were only 13 greyhound tracks in five states, the industry has grown by an average of one new track each year.

Greyhounds race at distances from 3/16ths of a mile (990 feet) to 9/16ths (2,970 feet). The two most popular distances are 5/16ths (1,650 feet) and 3/8ths of a mile (1,980 feet). At warp speed, greyhounds reach 40 miles an hour, hurtling 5/16ths of a mile in 30 seconds.

Critics of greyhound racing are at a loss to understand other industry practices besides the use of live animals in training. Additional charges in a multicount indictment of racing include: wholesale "culling" of tens of thousands of greyhounds every year; the greyhound's gulag existence; frequent racing injuries; and a substandard diet.

Industry officials acknowledge that some abuses and routine killing of the dogs occur, but they accuse their critics of knowingly exaggerating the extent of these occurrences. Officials also contend that they are not remiss in identifying and punishing miscreants.

"We're doing everything we can to weed out bad trainers," says Tim Horan, managing editor of *The Greyhound Review*, a monthly publication funded by the National Greyhound Association.

Live-lure training continues

No issue damages greyhound racing more than the use of live animals in training. NGA, founded in 1906, officially detaches itself from this custom and advises its 8,000 members and associates to

Continued on next page

use mechanical lures. NGA does not, however, censure anyone for using live bait.

"We leave that to state racing commissions and the statutes of the land," says Gary Guccione, secretary/treasurer of NGA and executive editor of *The Greyhound Review*. "But we have gone beyond merely stating that we're against the use of live lures. We have tried to show our people that it can be done with artificial lures, and we have tried to develop better ones."

Guccione, whose family raced greyhounds, told *Dog Fancy* magazine last year that the use of live lures is "very low and gets closer to zero all the time." Yet with few variations, *Deliverance*-like productions such as the one in Lubbock have been observed by HSUS investigators in other states. Sometimes live rabbits are tied to the mechanical arm instead of dead ones. Sometimes trainers break one of the rabbit's legs before sending the animal into the coursing field. Some nights the kids have homework.

On April 4, 1991, an Alabama Game and Fish officer filmed three men training greyhounds with live jackrabbits on a farm belonging to Greg Salter of Repton, Alabama. When Salter's farm was raided on June 21, investigators found three lists, totalling five pages, containing the names of greyhound trainers who had bought jackrabbits from him.

On October 15, 1989, state and federal wildlife officers and HSUS investigators visited George McCarron of St. Elmo, Alabama. They confiscated 330 jackrabbits who had been shipped in from Texas. According to Ken Johnson, southeast region investigator for HSUS, "McCarron was moving a thousand to 1,500 rabbits a month, buying them at \$6 and selling them for \$15."

On two occasions during recent years, HSUS investigators have apprehended Florida trainers red-handed violating a state law that prohibits using animals as bait in training. One of those raids bagged Florida greyhound maven Robert Mendheim and 11 other sportsmen. A jury of Mendheim's peers acquitted him of four counts of cruelty, but the Florida racing commission suspended his license for five years nonetheless. Trouble is, no Florida law prevents a suspended owner from signing his dogs over to his son, who continues to race them.

The most persuasive evidence that live-lure training is still par for the coursing is the greyhound establishment's predictable opposition to any legislation curtailing the practice. Six years ago when Kansas conducted hearings prior to legalizing parimutuel wagering, greyhound breeders assured legislators that rarely, if ever, were live lures used in training. A year later, after parimutuel racing had been legalized, greyhound officials vigorously opposed the passage of a Kansas bill forbidding the "rare" use of live lures. State legislators were not amused.

With all the proof HSUS has collected—and continues to collect—one is hard put to imagine the use of live lures getting "closer to zero all the time." It is easier to conclude that Bob Baker, chief investigator for HSUS, is much closer to the truth when he argues that 90 percent of all trainers use live lures and that 100,000 small animals are cruelly slaughtered in greyhound training each year.

Surplus breeding of dogs

Not surprisingly, the greyhound industry and its critics disagree regarding the number of surplus greyhounds killed annually. HSUS places that figure at 50,000. Racing officials claim it is much lower, perhaps as low as 15,000.

"Obviously, if we registered 38,615 dogs in 1990, we did not euthanize 50,000 greyhounds that year," says Horan. But NGA registered more than 38,615 dogs—most of them 17 or 18 months old—in 1990. It also registered 9,473 litters containing an average of six puppies. That amounts to 56,838 pups, and right there, racing fans, is where the fussing begins.

While Guccione and HSUS agree that not every puppy born is

registered, they disagree about the average size of greyhound litters. Guccione, relying on two-year's worth of whelping reports submitted by NGA members, says the average greyhound litter contains "around 6.25 puppies."

Ken Johnson, who cites a Florida veterinarian specializing in reproductive science as his authority, says there are seven or eight puppies per greyhound litter. If Guccione is right, 2,368 puppies born in 1990 were never registered. If Johnson is right—and if we use 7.5 as an average litter size—14,210 puppies born in 1990 were never registered.

According to NGA, roughly 80 percent of all litter-registered puppies are eventually registered as adult dogs. Thus, the 38,615 dogs registered in 1990 left 9,654 littermates behind, bringing the surplus-greyhound count to 12,022 by industry estimates—to 23,864 by HSUS's reckoning.

Further attrition occurs because some registered greyhounds fail to become racing greyhounds. NGA does not know what that percentage is, says Horan, "but obviously it's not 90 percent, and obviously it's not 50 percent."

How about 75 percent? At that rate an additional 9,654 dogs wash out, raising the surplus-dog total to 21,676 by industry estimates—and to 33,518 by HSUS figures.

The greatest number of surplus greyhounds are the dogs retired from racing. If 75 percent of the 38,615 adult dogs registered in 1990 become racers, then 28,961 new dogs went to the races that year. If 20 percent of those dogs were needed to fill additional demand created through industry expansion, then 23,168 new dogs were needed to replace retirees, bringing the surplus-dog total to 44,844. If, as Guccione argues, we must factor out retired dogs used for breeding (30 percent and 6,951 dogs, according to Guccione), and we also factor out the 6,000-7,000 greyhounds NGA claims were placed in pet homes by rescue groups in 1990, we are still left with 30,893 surplus dogs, using industry figures, or 45,103 dogs by HSUS calculations.

The greyhound industry vows that surplus greyhounds are killed humanely. "We strongly recommend—we insist really—that it be done by lethal injection," says Horan. But some trainers prefer culling the drug-free way—by starvation. Last November nearly 200 greyhounds were found starving on a farm in Florida. James Henry Fors, lessee of the farm and owner of a racetrack in Venezuela, had been ruled off a Daytona Beach track earlier in the year for failing to provide adequately for the dogs in his care.

Five other times since 1988 investigators found brutally neglected dogs on Florida farms or at a Key West racetrack. The most repulsive of those episodes occurred in August 1989 when Lake City Shelter Director Margaret Smith found 102 starving greyhounds, layered with fleas and ticks and lying in their own filth, at Imperial Kennels in Live Oak. Not far from where the dogs lay dying, 400 pounds of food sat in unopened bags. The dogs' caretaker refused Smith's order to feed the dogs because he had not been paid in six weeks.

Seventy-six Imperial dogs were in such dismal condition they had to be euthanized within a week. Don Mitten, master of the kennel, agreed to destroy them, but he refused to bury them. He left that task for his neighbors. Eventually, he was relieved of his last 26 dogs, 20 of whom had to be destroyed, because they, too, were near starvation. Mitten was convicted of cruelty and put on probation. Florida revoked his parimutuel license. NGA suspended him.

Last year Florida finally shut down the Key West track for a dozen or so violations of state and natural law. One parimutuel official called Key West "a veritable cauldron of animal abuse," but the offense that brought out the padlock was a pool of liquid dog waste three feet wide and 13 feet long in the track parking lot. The puddle appeared after track workers dumped the waste into a sewer, overloading its pump. The sewage system at the track had to be shut off; otherwise toilets at the track would have backed up when flushed, human waste would have floated up through manhole covers around the facility, and the shit would have hit the fans. But for that

inconvenience, Key West would have remained open: the only reason for closing a track during mid-run is when the health, safety, and welfare of the betting public is threatened.

Investigators learned during the Key West inquiry that on February 15, 1991, 51 greyhounds had been removed from the track in violation of a judge's order. At least 15 of those dogs had been "improperly killed." Their trainers could not produce papers certifying that the dogs had been legally disposed of by veterinary injection.

Landfills are favorite burying grounds for some greyhound trainers. When Baker visited a landfill outside Abilene, Kansas, two years ago, he found plastic bags containing the remains of greyhounds who had been shot. The dogs appeared to be less than a year old.

In 1983 city workers at a landfill in Key West observed greyhound trainer Milton Blackwell drive in with six dogs in a truck. He unloaded them and shot each one in the head with a .22-caliber pistol. One dog who survived the bullet was left bleeding to death.

Workers at the landfill called the cops. Blackwell was charged with cruelty to animals and with discharging a firearm on city property. Lawyer Marshall Gifford argued that Blackwell had done nothing wrong because "once a dog outlives its usefulness, it's got to be destroyed." A Florida jury agreed, convicting Blackwell on the firearms charge but acquitting him of all cruelty charges. The director of parimutuel wagering in Florida suspended Blackwell, "not because I thought the dogs suffered, but because he embarrassed the industry."

Some dogs sold to labs

Some trainers embarrass the industry—and cause dogs to suffer—by selling them to research labs. In 1988, the *Fairfield County Advocate*, of Westport, Connecticut, reported that 1,500 to 2,000 greyhounds a year were sold to Massachusetts laboratories alone, including those of Harvard, the Massachusetts Institute of Technology, and Tufts.

Visitors, in their own peculiar way, are greyhound fanciers. Dr. Sallie B. Cosgrove, staff veterinarian at the University of California at Davis School of Veterinary Medicine, sent a memo to a colleague a few years ago touting the greyhound as "the ideal animal for your research." Greyhounds can be had "at a price only slightly above that of a conditioned pound dog," enthused Cosgrove. Furthermore, they are models of uniformity and are user friendly. "Having been handled extensively in their racing careers, these animals are extremely tractable [and] friendly, lead easily, and stand quietly for bleeding."

Selling a spent racer to a research lab effects a \$40 to \$60 turnaround: \$20 to \$30 saved on euthanasia fees and another \$20 or \$30 cash in hand for the dog. So many trainers choose the carry-and-cash alternative that NGA was moved to pass a regulation forbidding trainers from selling dogs to vivisectors without the consent of the dogs' owners.

The racing life

A racing greyhound is function-honed to a stiletto point. Standing 26-28 inches at the shoulder and weighing 50-85 pounds, the greyhound has an elegant, narrow head set on a beautifully sculpted neck. An aerodynamic torso gathered into a dramatic tuck up, arched and seriously muscled loins; long, sturdily boned legs; and a protracted balance-beam of a tail enable the greyhound to accelerate like a rail car at a drag strip. Yet for all its raciness, the greyhound has a deep bellows of a chest that houses industrial-strength lungs and a heart almost twice normal size.

Critics contend that greyhounds need a lot of heart to survive. Puppies spend most of their first year in spacious runs, some the length of a football field. "But once dogs begin serious training, they're kept in cages their entire lives," says Baker. Cages so small (three feet by four feet by three feet high) the dogs have room only to

stand up and turn around—about as much room as a calf raised for veal.

Greyhounds live in their wire shoeboxes for two or three years, if they are good enough, beginning around their first birthday. "The backs of the thighs of many racing dogs are worn bare," says Baker, "and some dogs develop sores from lying in their cages for extended periods."

Greyhounds pass 22.5 hours a day in crates. Their free time, divided into four or five segments, is spent being groomed, walked on the end of a lead, or turned out with a few other dogs in a 20 by 15 foot exercise pen. Except when they eat, greyhounds wear muzzles, "mainly to protect them from each other," says Horan, pointing out that muzzles do not prevent the dogs from barking, as some people claim.

Greyhounds' freest moments come in the handful of seconds they spend racing. Dashing pell mell after the mechanical lure, they most resemble their Egyptian ancestors who trained on live lures for the Pharaohs. Yet freedom is not without risk. Dogs rocketing out of their starting boxes are bunched tightly. Turns on the racetrack are challenging. Spills can fracture bones and cause other injuries; and the normal rigors of racing every three to five days for months on end cause foot-pad abrasions, sprained ligaments, and fractured right-front hocks, which absorb most of the concussion as dogs bend around counter-clockwise turns.

"The breakdown rate in greyhounds is just as serious as it is in horse racing," says Baker, who has investigated both activities in detail. At Plainfield Greyhound Park in Connecticut, 160 dogs were destroyed after suffering severe racing injuries during the 12 months preceding July 31, 1983. At the Naples-Fort Myers track in Florida four years ago, the mechanical lure broke down and a dog had to be destroyed after crashing into it and breaking a leg. In St. Petersburg, Florida, three years ago, two dogs died in one race: one was electrocuted after being bumped through the inside rail and landing on the supply line that provides electricity to the mechanical lure. When the lure came around the track again, it hit the dead dog's body and stopped. A second dog hit the lure and stopped.

Most greyhounds are raced by kennel operators who lease dogs from their owners. Trainers and owners split purses 65-35, and trainers pay for a dog's care and maintenance out of their 65 percent. In 1990 greyhounds raced for \$115 million in purses. Assuming there were 45,000 greyhounds in competition that year, a reasonable assumption, the average runner earned \$2,555.00, with \$1,660.75 going to the trainer. If it costs \$3.00 a day to keep a dog on the track and \$1.50 a day to keep a dog on the farm, and if a dog spends three hundred days a year on the track, it costs \$997.50 to maintain that dog, which leaves the trainer with \$663.25 net profit per dog.

Understandably, trainers are wont to economize where they can. Many choose to economize on food. Hence the popularity of 4-D meat, which is derived from animals that were dead, dying, diseased, or disabled upon reaching the slaughterhouse. Excessive residues of sulfa drugs and procaine and the threat of salmonella render 4-D meat illegal for human or animal consumption. A few years ago, when HSUS sent five randomly chosen meat samples obtained from greyhound tracks to Cornell University for analysis, all five samples contained procaine, three contained sulfa drugs, and one contained salmonella. 4-D meat can also carry anthrax, botulism, lockjaw, tuberculosis, and other diseases.

The effects of 4-D meat have added a colorful word to the racing lexicon: blow-out, meaning severe vomiting and diarrhea. Another interesting side effect of tainted meat is its potential to influence the outcome of a race. Forensic chemists cannot distinguish between procaine ingested in 4-D meat and procaine injected into a dog before a race to stimulate the dog or to deaden the pain from an injury. Because 4-D meat contains procaine so frequently, most state chemists will not disqualify dogs found with traces of procaine in their urine following a race.

Resistance to reform

Despite the attendance figures, greyhound racing is a marginal

phenomenon, confined largely to New England, the South, and the Midwest. Network television ignores greyhound racing—though owners and trainers have been seen breaking the law in television documentaries—and except for Pizza Hut, Ralston Purina, and the Abilene Super 8 Motel, there were no nationally recognizable sponsors of NGA's 1991 fall racing meet.

This near underground status is a function of geography and image. The sport is not legal in New York or California, where major media nuclei pulsate, and even longtime racing fans like Jonathan Rand of *The Kansas City Times* allow that racing has "a horribly dark side.

"As someone who frequented dog tracks for the last 20 years," declared Rand in 1989, "I never dreamed I would be writing this, but it is time that states stop licensing greyhound racing until the industry cleans up its act."

Five years ago the American Greyhound Track Operators Association (AGTOA) set about hiring a new public-relations firm to clean up the industry's image. Ketchum Public Relations in Washington, D.C., the first choice for the job, declined the invitation. Ronald Mueller, a senior vice-president at Ketchum, told AGTOA, "In order for image-enhancement programs to work, the client must be willing and able to make substantive, important changes in its operations. In our interviews with several of your members, we did not find a consistent and eager willingness to make changes."

The two major obstacles to his firm's participation, said Mueller, were the live-lure issue and the disposition of nonracing greyhounds. "We looked into this [live-lure question] extensively," he said, "and found no measurable difference in the performance of greyhounds trained on live lures and those trained on mechanical devices."

Mueller's assertion contradicted testimony that had been presented the year before by Michael LaBarbera, representing the Greyhound Breeders' Association, in hearings held by the Florida Game and Fresh Water Fish Commission. LaBarbera claimed that greyhounds trained on live lures qualify for racing twice as often as dogs trained on mechanical lures. LaBarbera's testimony also appears to contradict Guccione's contention that greyhounds can be trained just as well on mechanical lures as on live ones.

The greyhound industry imagines itself suffering, in the words of one official, from a "perception problem." As long as the industry confuses perceptions with ethics, reforms benefitting greyhounds and jackrabbits will be limited. "NGA says they're interested in weeding out the bad apples," says Johnson, "but I don't think that's true. They say they can police themselves, but that's hogwash."

Guccione disagrees. "In 1990 we conducted six hearings concerning negligence. Seven of the nine people involved in those hearings were either denied registration privileges or expelled from NGA. And the same thing would happen to anyone caught doing business with those seven people."

In a negligence case in Florida last November, NGA filed the initial complaint with the local sheriff's office after an NGA board member had been told about starving dogs at a nearby farm. "According to humane society people caring for those animals, NGA sent representatives down there and also sent food and money to purchase blankets, water buckets, and so on," says Johnson. "When it comes to abandonment of animals or neglect of dogs on farms, NGA is kind of willing to step in and offer some assistance."

"We've been inspecting farms for years," says Guccione. "The inspection program was expanded in 1987. There are about 65 inspectors around the country. We expect to visit 200 farms this year, and 90 percent of those visits will be unannounced."

One hopes that NGA's inspection program is more successful than Florida's. In May 1990, Florida's division of pari-mutuel wagering enacted a rule requiring state certification of off-track facilities used for boarding, breeding, or training greyhounds. The rule, which applied to all facilities with at least five dogs on the premises, mandated that greyhounds "shall not be tortured, tormented, deprived of necessary sustenance or shelter, unnecessarily [sic] beaten, or otherwise mistreated." It also required greyhound

trainers to provide "food, shelter, medical attention and humane attention" for their dogs.

The regulation met with gruff opposition from greyhound people. Only nine of an estimated 1,150 farms in Florida had bothered to register by September of 1990. And by October 1991 the bill had been repealed because the state did not have the resources to enforce it. Representing the Florida Greyhound Association in discussions with the state was suspended greyhound owner Robert Mendheim.

About ten years ago representatives from HSUS, NGA, and AGTOA held meetings to discuss racing reform. "The humane society refused to work with us," says Guccione. "We were basically told: 'No matter what you do, we're still going to be opposed to you.'"

"HSUS is unalterably opposed to greyhound racing because of the cruelties inherent in the sport, especially live-lure training and overproduction of dogs," says Baker. "But we have told the greyhound industry that if they could rectify these problems, we could work with them on some of our other objections."

Baker insists that NGA should have a rule prohibiting live-lure training. "Why is NGA afraid to assert any penalties against its members for using live lures if this is an obsolete practice? NGA officials told us in a private meeting that they would lose their jobs if they passed a rule like that."

With NGA unwilling to discipline trainers who use live lures, progress in that regard will have to come from the states. Wisconsin, one of the most recent states where greyhound racing was made legal, demands that all dogs racing in its jurisdiction be trained in states that specifically prohibit the use of live lures in training. Though existing anti-cruelty statutes in all states theoretically proscrib this practice, theory is often abrogated by inbred, backwater juries, and explicit legislation is the best antidote for this sickness. Only a few states specifically forbid the use of live lures, and in at least one of those states the offense is scarcely more serious than jaywalking.

The "mass destruction" of greyhounds could be reduced by limiting the number of puppies a breeder is allowed to produce or by increasing adoptions of surplus dogs. NGA does not seem inclined to limit production, but Guccione says that by March of this year NGA will make "a major announcement that will significantly increase the number of greyhounds being adopted." The present number, 6-7,000 according to industry estimates, represents no more than 16 percent of the surplus greyhound population.

Greyhound adoptions

An alphabet soup of acronyms staff the organizations that rehabilitate greyhounds: GPA (Greyhound Pets of America), GAP (Greyhounds As Pets), ReGAP (Recycled Greyhounds As Pets), RR (Racers Recycled), and so on. According to *Dog Fancy*, the industry-funded Greyhound Pets of America, with 30 chapters and sub-chapters in 41 states and British Columbia, claims to have placed 2,500 to 3,000 dogs in 1990. If this figure is accurate, at least half the retired greyhounds are placed by independent rehab groups, and the number of greyhounds adopted more than doubled between 1990 and 1991.

Racing industry critics, while pleased that some greyhounds are being spared premature death, view GPA as more of a public relations than a humanitarian effort. The quality of the programs is spotty, they claim, and retired greyhounds compete for homes with dogs already waiting for adoption in shelters. Moreover, the often well-publicized greyhound adoption programs may have the effect of reassuring the public into believing that all's well with greyhound racing.

Wisconsin's state-mandated adoption programs are often cited as industry models. All adopted dogs are socialized, sterilized, and examined for heartworms and other parasites. The \$75 adoption fee also covers vaccinations, teeth cleaning, grooming, nail clipping, bathing, medical treatment, and corrective surgery, if necessary.

Adopters receive a collar and leash, a twelve-inch chew bone, a toothbrush kit, a GPA pamphlet on greyhound care, and grooming and feeding instructions.

One of the best independent placement groups is the National Greyhound Adoption Program in Philadelphia. With two toll-free 800 lines, two local lines, and a full-time, live-in caretaker, NGAP expects to place about 250 dogs this year, says founder David Wolf.

An industrial real estate developer who determined "to do something to help these dogs" after his first visit to a greyhound track, Wolf estimates that the cost of feeding a retired greyhound is "about \$250 a year, if you're using a high-quality food." A further investment of time and patience needs to be made to socialize retired runners. Though greyhounds are kennelbroken, they must be housebroken by their new owners. Many dogs must also be taught to go up and down stairs and not to fear telephones, televisions, door bells, noisy appliances, and their own reflections in a mirror. Greyhounds are not used to being alone. Until they adjust to nondormitory living, they should be kept in a crate when no one is at home.

Greyhounds are quiet, gentle dogs. They make affectionate and, one might suspect, thoroughly grateful pets. People with cats or rabbits, however, should inquire about a dog's tendencies toward small, fast-moving, furry animals.

"We see different reactions to cats," says Wolf. "I have a dog in my office right now that's the sweetest, gentlest dog; but if he's near a cat, he wants to rip it to shreds." Since racing was their main exercise at the track, greyhounds' exercise needs are not overpowering. A good run every few days in a large, securely fenced yard or long daily walks on lead—or both—are sufficient to keep a greyhound from wearing out the living room carpet.

The greyhound's racing career is brief, and most of the dogs adopted off the track are between two and four years old, says Wolf.

Their life span is 12 to 14 years. Only a small percentage fail to adapt to their new homes.

Like Kansas legislators, the public deserves all the facts before making a decision about greyhound racing. After a recent spate of bad press had hung the industry's dirty laundry on a glossy clothesline, Guccione complained in last November's *Greyhound Review*: "The media's coverage of greyhound racing and the animal welfare issues seems to get worse and worse—almost as if each new feature tries to out-sensationalize the previous one. The natural reaction is to want to demand that the media make a retraction or give us equal time. Never happens. (How many victims of media assassination do you ever see get equal time after the damage is done?)"

One suspects that prevailing customs and in-house assassins do the real damage to greyhound racing and the landfills' worth of animals it chews up each year. One of the sport's proponents even defends the technique of breaking a rabbit's leg before setting the dogs on him.

"Didn't you ever go to the market and get a chicken with a broken leg? The way they handle chickens, putting them on conveyor belts so fast, they break a lot of legs. You gonna stop eating chicken?"

At the risk of being labeled an assassin, one must observe that there is something gross and offensive about such statements: A swaggering, dim-witted arrogance and a ham-fisted, sniggering assumption that human interests are in all ways superior to those of animals. That mere brutes, that all of creation, in fact, from polluted rivers to the ozone layer, exists at humankind's whim and for human disposal. How utterly offensive. How dangerously untrue. ♦

Tampa Tribune
February 17, 1991

DOGS IN DECLINE

Officials haunted by
problem of perceptionDestruction of dogs
puts industry in position
of defending its image.By MIKE O'KEEFE
Tribune Staff Writer

ST. PETERSBURG — How many greyhounds are killed each year because they are not capable of earning their keep at a race track?

The question continues to haunt the dog racing industry.

"The animal rights issue continues to be the biggest problem facing the industry," said Gary Guccione, editor of the Greyhound Review, which is funded by the National Greyhound Association.

"Animal rights is where the energy in this industry needs to be placed and I've been pleased to see more and more people realizing that," Guccione said.

Last summer, an animal rights advocate said on national television that 50,000 greyhounds were destroyed last year.

The NGA refuses to estimate how many greyhounds are put down each year.

"I would say it isn't anywhere close to the total the Humane Society people use," Guccione said.

"The Humane Society people don't bother telling you how many other animals they have to put down," NGA managing editor Tim Horan said. "Everyone in the industry is aware of the problem. Some greyhounds have to be put down, but we know that when it happens it is by actual injection in a most humane way."

Regardless of the number, both sides agree the problem must be resolved.

Ken Johnson, Southeastern regional investigator for the Humane Society, said the only answer is to stop mass production of greyhounds.

"They [the greyhound industry] have to do something along those lines. They will have this problem for a long time unless they do something, but I really don't think they ever will change."

Johnson said the greyhound adoption agencies throughout the country are only solving part of the problem.

"They [adoption agencies] are doing some good, but too many people forget about the greyhounds that never get to the track," Johnson said.

St. Petersburg's Derby Lane has an adoption program on the premises all year — Greyhound Pups of America, which was formed in 1983 and has 33 chapters. The funding for the program comes from the track operators and breed owners.

Local owners contribute \$1 for

GREYHOUND LIFECYCLE

1 After the owner studies bloodlines, two greyhounds are mated. The highest stud fee in the country last year was \$2,000 for Dutch Bahama.

2 Sixty-two days after the breeding, the puppies are born.

3 The first four months are critical. If a greyhound is going to develop a life-threatening illness, it usually occurs during this time. The first year of their life is spent running free. They start in 50-foot runs and move up to 300-foot runs.

4 When they turn 1, it is time to begin training. Chasing a jack-a-lute (an emission racket controlled by a cable) in the field is the first step. During this time, the greyhound also is becoming accustomed to his home in a pen.

5 Learning to take the turns is the next step. At 14 months they begin working on a whirling (a machine that helps the greyhounds learn to turn). The whirling has a mop head and a squeaker attached to give the greyhounds something to follow. They also are placed in a starting box for the first time.

6 At 15 months, most greyhounds have enough training to advance to the training track. The first steps at the training track usually mean running a quarter-mile. The greyhounds usually do this for a month before advancing to the traditional five-eighths-mile race.

7 At 17 months, it is time to put everything together.

After about a month more of training, it is time for the track. It is at this point the owner knows if the greyhound has a racing future.



The racing future of a greyhound usually is determined by the time it is 17 months old.

Tribune photograph by FRED POE

8 The average greyhound races until he is between 3 and 4. A greyhound earns a percentage of the handle for a given week at the track. A

Grade A three-eighths mile race is the highest paying race, with each class dropping a few dollars. Points are awarded for each of the paying positions (one through four) and a dollar

value that is given to the points. Last week at Derby Lane each point was worth \$100, which made a Grade A three-eighths-mile race worth about \$1,200.

each race that is run and the track operators match that.

The track has given adoption counselor Kimberly Wyler one of its new kennels from which to work.

Before each performance, she presents a greyhound through the crowd. After one month of the season, she had a waiting list for those wanting to adopt a greyhound.

"People everywhere seem to be wanting what great pet greyhounds are," Wyler said. "They are calm and very manageable. More than 50 percent of the greyhounds

we have placed have been with senior owners."

For further information on adopting a greyhound, call 813-716-3300.

Kennel vet not running from tracks.

By MICHAEL FAY
Tribune Staff Writer

CAPE CORAL — When Sparty quit running, Ed Richo started complaining.

One night in July 1988, Sparty the rabbit decoy stopped in mid-race at the Naples-Fort Myers Greyhound Track. Several dogs racing at full speed were injured when they ran into the stalled device.

Richo, a kennel owner who used to race dogs at the Naples track, stormed into the office of a state official at the track and complained loudly. A few days later, Richo received notice that his contract at the track was being canceled — he could no longer race there. Richo used to race dogs at a track in Pensacola, but soon that track also canceled his contract.



Track officials contend Richo

that Richo, 68, was difficult to work with and went overboard by taking his complaints to people in the stands. Richo contends he was blackballed and has filed a lawsuit against the tracks.

He also has had a hearing with the Division of Pari-Mutuel Wagering, which oversees greyhound racing in Florida. The Naples track was fined \$10,000, but Richo still does not have a booking at either track.

His kennel, Active-6, still races, but not in Florida.

Unlike most kennel owners, Richo has pockets deep enough to take on legal battles. When the Florida Greyhound Association, which represents kennel owners, was in financial trouble, Richo bailed it out.

Richo says track owners have used their influence to keep kennel owners from getting bigger purses, with the awards given to the kennels that race the winning dogs.

"When you consider the amount of takeout from the greyhounds, you can see that the state and track owners are receiving hundreds of millions in income," he wrote in a study of Florida greyhound racing purses. "The sad part is the greyhound people, without whom there would be no racing, are being forced to live at the poverty level or go out of business."

Richo doesn't live at the poverty level. He made a fortune by manufacturing synthetic lubricants before retiring. Retirement bored him, so he got into dog racing.

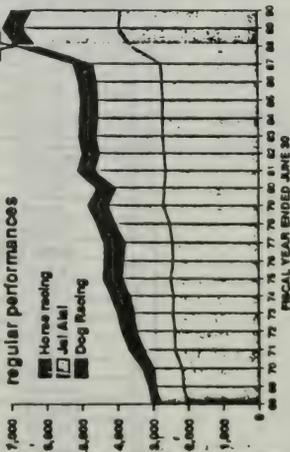
"My horrible experience with the state and the track left a bad taste in my mouth, but I love the greyhounds," Richo said. "I have met some bad people in this business, but for every bad one I have met 10 good ones."

FLORIDA TRACKS

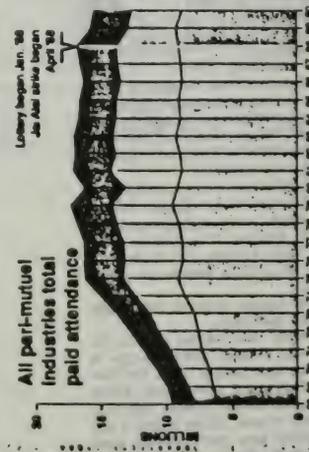
Year	Attendance	Handle
TAMPA GREYHOUND TRACK		
90-91	553,636	\$64,469,222
89-90	605,259	71,682,270
88-89	601,829	73,538,138
87-88	737,056	89,765,054
86-87	782,537	91,521,188
85-86	807,282	90,781,219
84-85	822,011	90,381,855
83-84	785,178	85,736,464
82-83	799,126	83,705,213
81-82	782,127	81,612,561
SARASOTA KENNEL CLUB		
90	340,538	\$40,915,947
89	360,777	43,437,312
88	389,427	47,301,238
87	451,014	52,806,074
86	463,121	52,253,059
85	451,341	51,071,840
84	456,818	49,678,840
83	455,815	47,243,968
82	449,862	45,639,220
81	436,279	45,066,332
DERBY LANE		
90	879,158	\$82,402,201
89	914,212	96,432,991
88	898,574	103,005,985
87	990,963	109,128,429
86	1,009,421	105,177,974
85	1,044,760	106,532,696
84	1,014,536	103,032,752
83	1,045,078	95,013,817
82	1,066,477	96,466,738
81	1,014,477	95,235,886
80	1,021,112	90,968,892

PARI-MUTUEL UPS AND DOWNS

All pari-mutuel industries total regular performances



All pari-mutuel industries total paid attendance



DOGS IN DECLINE

Statute breeds contempt, confusion

the Division of Pari-Mutuel Wagering.

A study by the Florida Greyhound Association, a group that represents kennel owners, questioned whether the law was intended to provide a limit on purses or allow for purses beyond the cap. FGA members Ed Rico and Mike Labun wrote that the law creates a situation so confusing "it would take two 10-story buildings, one filled with Philadelphia lawyers and the other with New York accountants, just to figure out a state official's intent."

Superintendent of the division, Van Jones, director of the Division of Pari-Mutuel Wagering.

Kathy Donald, the division's chief auditor, said, "I've been here two years, and I still can't keep it straight."

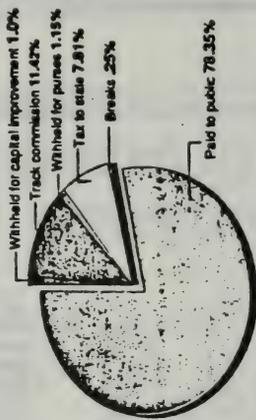
Mike Polak, former FGA lobbyist, said, "We need to rewrite the whole thing."

To get the law changed, State Rep. Anne McKenzie, D-Fort Lauderdale, encourages kennel owners to do what track owners do: lobby. But kennel owners in Florida never have had the chance. Polak lost his position as the FGA's lobbyist in the fall.

And dealing with greyhound racing, track operators and legislators all "got wind of lobbying among ourselves," McKenzie said.

DOLLAR BREAKDOWN BY INDUSTRY

Greyhound Racing



The bottom line for bettors is the amount of money returned to them for winnings. The average for the pari-mutuel industries as of last season is a return of 78 percent.

	Horse Racing	Dog Racing	Jai Alai
Paid to public	78.20	77.21	78.35
Capital improvements	.82	1.21	1.00
Track commission	9.18	10.38	11.42
Owners' awards	.64	—	—
Whitheld for purses	8.49	9.45	1.15
Tax to state	2.14	1.20	7.81
Awards program	.50	.66	—
Breaks	—	—	.25

By MICHAEL FAY
Tribune Staff Writer

LARGO — The law regulating greyhound racing purses is so confusing that an official with the agency that oversees it called it a "disaster as a statute."

The law, Florida Statute 550.162, has been a source of controversy since it went into effect in 1980.

It goes into effect every time someone bets on a trifecc or a bel involving three or more dogs, when those bets pay off, the state keeps 1 cent more than for other bets. That extra money is split evenly between breeders — to help pay for their operations — and track operators. The track operators can use their portion for their capital improvement funds, which they use to fix their tracks.

However, a later portion of the law says that if tracks pay purses up to a set cap of 3.82, they can keep the money that would have gone to the kennel owners.

Eleven years later, there is no breeders program in Florida.

And the part of the law dealing with the cap on purses has been the subject of bureaucratic memo duels between lawyers and directors at

Greyhound Coursing and Racing

The Humane Society of the United States condemns greyhound racing and specifically the training event known as coursing, in which greyhounds are released to chase and kill a hare or other animal, and all practices utilizing live hares or other animals as lures in training greyhounds. It is HSUS policy, therefore, to oppose dog racing because of cruel training methods, the large scale breeding of greyhounds in the hope of producing a winner, the often cruel methods by which non-winners are sometimes killed, and because this so-called sport is an inhumane and unjustified exploitation of animals for profit. In accordance with this policy, the Society works to prevent legalization of dog racing in states where it is not permitted and establishment of racing tracks in communities where none now exists.

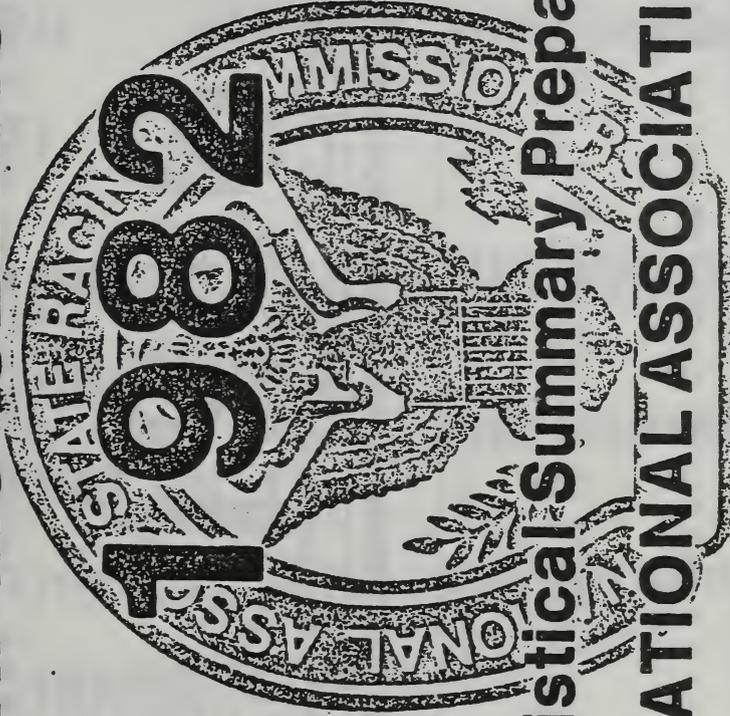
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FIVE-YEAR ECONOMIC TREND IN DOG RACINGStatistics Show Decrease
In Daily Attendance And Wagering

According to the latest available statistics (National Association of State Racing Commissioners) during the five-year period ending in 1986, the daily average attendance at pari-mutuel greyhound tracks has decreased 26% and the daily average amount of money wagered has declined 16%. While proponents will argue that total amount wagered, total government revenue generated, and total attendance figures at dog tracks has increased 34%, 38%, and 21% respectfully; these increases were only attained by increasing racing performances by 64%. Thus, attendance, money wagered, and revenues to government are actually declining per race day at dog tracks throughout the country. The decline in daily average attendance during the past five years was evident in every state conducting dog racing.

Although gross annual handle and attendance figures rise yearly, implying good economic health, daily average in both of these categories continue to shrink. This shrinkage in revenues is even more dramatic if you factor in inflation and the rising consumer price index. The increases achieved by the dog racing industry are achieved only by increasing racing days resulting in diminishing daily average attendance and revenues. If you consider the expense involved in racing extra days without gaining any real increase in revenue, you could not help but be aware of this economic folly.

PARI-MUTUEL RACING



A Statistical Summary Prepared by
**THE NATIONAL ASSOCIATION OF
STATE RACING COMMISSIONERS**

GREYHOUND RACING IN THE U.S. 1982

State	Racing Days	Number of Races	Attendance	Daily Average Attendance	Pari-Mutuel Turnover (\$)	Daily Average Turnover (\$)
Arizona	572	8,504	1,192,528	2,085	121,024,021	211,580
Arkansas	116	1,702	1,119,037	9,647	121,173,887	1,044,602
*Colorado	354	5,672	1,437,014	4,059	165,116,384	466,430
Connecticut	451	5,718	917,977	2,024	109,210,216	242,151
Florida	1,872	26,677	8,667,509	4,737	880,621,829	470,418
Massachusetts	770	9,240	2,376,532	3,086	247,430,127	321,338
New Hampshire	651	11,067	970,197	1,490	82,301,083	126,423
Oregon	95	1,046	611,745	6,439	48,511,002	510,642
Rhode Island	297	5,346	1,190,828	4,010	110,519,418	372,119
South Dakota	290	3,579	411,602	1,419	33,262,119	114,697
Vermont	161	2,034	183,239	1,138	12,500,436	77,642
West Virginia	305	5,431	916,706	3,006	103,578,412	339,601
Green County, Ala.	283	3,962	535,669	1,893	66,992,477	243,790
Mobile County, Ala.	282	4,667	649,055	2,892	74,720,585	264,967
Totals	6,499	70,835	21,374,638	3,289	2,178,961,996	335,277

REVENUE TO GOVERNMENT AND STAKES AND PURSE DISTRIBUTION

State	Total Revenue (\$)	% Increase	% Decrease	Track Licenses	Occupational Licenses (\$)	Pari-Mutuel Taxes (\$)	Breakage (\$)	Admission Taxes (\$)	Misc. (\$)	Total Money Distributed (\$)
Arizona	6,928,433	+25%	-	-	12,399	6,916,034	-	-	-	3,455,546
Arkansas	7,955,079	-37%	-	34,800	10,556	7,270,433	465,722	54,209	119,358	2,621,055
*Colorado	7,922,062	-1%	-	-	11,235	7,995,672	-	-	-	4,946,559
Connecticut	9,334,974	+6%	-	20	13,996	8,980,289	152,594	101,158	186,917	2,627,086
Florida	69,443,423	+3%	-	2,576,720	207,927	61,860,130	2,472,996	1,032,728	1,292,922	24,894,531
Massachusetts	20,952,766	+29%	-	268,921	9,935	19,732,186	448,907	-	492,817	8,660,054
New Hampshire	7,338,720	-12%	-	200,350	22,045	6,763,119	181,303	-	171,903	3,140,791
Oregon	3,773,412	+9%	-	8,550	8,175	3,634,734	-	-	-	128,876
Rhode Island	7,505,383	+2%	-	-	9,011	7,172,165	204,342	-	-	27,260,224
South Dakota	2,564,992	-1%	-	8,092	-	2,476,231	69,738	-	-	1,920
Vermont	856,460	-23%	-	550	5,209	825,173	-	-	-	381,992
West Virginia	6,634,367	+12%	-	45,750	14,048	6,422,157	-	-	152,412	2,930,552
Green County, Ala.	2,930,627	+10%	-	1,000	8,116	2,775,975	-	82,551	62,985	1,864,287
Mobile County, Ala.	6,222,089	+5%	-	100	5,608	5,977,647	138,617	62,626	37,491	2,030,228
Totals	160,362,787	+6%	-	3,144,853	338,260	148,619,945	4,134,220	1,333,272	2,792,237	89,842,052

*Satellite

PARI-MUTUEL RACING



A Statistical Summary Prepared by
THE NATIONAL ASSOCIATION OF
STATE RACING COMMISSIONERS

GREYHOUND RACING IN THE UNITED STATES

State	Total Performances Held	Number of Races	Attendance	Daily Average Attendance	Pari-Mutuel Handle (\$)	Daily Average Handle (\$)
*Arizona	1,010	12,908	1,440,021	1,426	155,501,920	153,962
Arkansas	171	2,148	1,118,378	6,540	136,556,423	812,622
Colorado	575	7,448	1,838,558	3,197	220,348,868	383,215
Connecticut	447	6,394	807,192	1,806	118,811,724	265,798
*Florida	2,703	35,139	8,688,532	3,214	949,972,254	351,451
Iowa	703	8,641	1,890,507	2,689	195,659,595	278,321
Massachusetts	883	10,566	2,630,092	2,979	339,226,818	384,288
New Hampshire	985	12,708	916,261	930	102,556,196	104,524
Oregon	112	1,345	589,539	5,262	51,221,787	457,337
Rhode Island	464	5,573	1,194,609	2,445	139,363,120	330,352
South Dakota	276	3,588	781	2,445	16,889,368	61,193
Vermont	100	1,306	111,814	1,118	8,029,313	80,233
West Virginia	812	10,359	1,574,910	1,940	182,163,049	236,642
Greene County, AL	465	5,580	624,364	1,343	90,619,708	194,881
Macon County, AL	508	6,694	1,340,496	2,639	188,563,800	371,189
Mobile County, AL	440	5,719	838,040	1,905	96,428,668	219,156
Totals	10,654	136,054	25,758,602	2,418	3,004,804,611	282,035

Includes Simulcasting in Arizona and Colorado; Vermont Simulcasting is on Thoroughbred Races from New York. Does not include Connecticut OTB Handle of \$6,545,347.
*Fiscal Year ending June 30.

REVENUE TO GOVERNMENT AND STAKES AND PURSE DISTRIBUTION

State	Total Revenue (\$)	% Increase/Decrease	Track Licenses	Occupational Licenses (\$)	Pari-Mutuel Taxes (\$)	Breakeage (\$)	Admission Taxes (\$)	Misc. (\$)	Total Money Distributed (\$)
Arizona	9,152,579	+4%	40,800	11,920	9,152,579	366,574	64,916	301,425	5,053,813
Arkansas	10,512,725	+3%	—	23,285	9,727,090	—	—	3,670	3,593,219
Colorado	9,496,546	-34%	—	23,980	9,471,591	—	—	—	6,723,728
Connecticut	10,360,096	+1%	—	25,980	9,610,968	137,000	108,833	286,695	3,764,684
Florida	78,861,421	-1%	2,761,670	191,456	70,329,314	2,323,417	1,085,826	2,159,738	5,226,999
Iowa	13,713,782	+345%	77,200	37,695	11,739,231	533,825	945,254	847,709	5,665,910
Massachusetts	29,315,298	+12%	281,606	50,300	27,614,463	187,886	—	180,709	12,296,286
New Hampshire	8,880,262	+12%	231,550	50,300	8,229,617	—	—	102,643	4,388,820
Oregon	3,249,485	+8%	7,410	17,050	3,122,362	—	—	99,419	1,991,625
Rhode Island	8,764,259	+7%	—	8,154	8,361,787	188,240	106,651	2,880	4,398,446
South Dakota	1,039,370	-47%	7,324	12,051	1,006,883	8,978	1,254	34,989	558,402
Vermont	288,616	-60%	20,580	11,551	202,386	—	—	3,350	249,577
West Virginia	12,087,461	+28%	284,103	17,841	11,782,167	—	—	—	5,764,591
Greene County, AL	3,729,952	+9%	1,000	8,033	3,624,788	—	96,131	525	2,165,688
Macon County, AL	7,620,258	+13%	1,000	16,766	7,511,145	—	90,822	—	5,091,222
Mobile County, AL	7,978,759	+9%	100	6,348	7,714,293	118,689	70,899	68,431	2,619,894
Totals	215,032,859	-7%	3,714,343	461,801	199,391,884	3,864,617	2,580,585	5,019,629	69,847,044

Killing dogs common practice in racing business

By Kelly McBride
Staff writer

ATHOL, Idaho — Amid rotting mattresses, spoiled meat and other household garbage, the bodies of 16 greyhounds lay clustered Thursday at a small landfill, waiting for a bulldozer and a ton of topsoil to bury evidence of their undignified deaths.

Killing dogs that do not turn a profit for their owners is common practice in the greyhound-racing business, authorities said.

And even though the public has not been aware of it, the practice has been a part of the Coeur d'Alene Greyhound Park's operation since the track opened in August 1988.

"It's a truth of the business," said Bob Lee, the track's general manager. Athol resident Shane Baldwin and his son discovered the greyhounds Wednesday night at the Granite Landfill near Athol. Debbie Baldwin, Shane's wife, notified Kootenai County animal control officers.

Kootenai County Humane Society director Pete Nikiforuk went to the dump Wednesday night to investigate. He said the dead dogs did not surprise him.

"It's the same thing I do," he said. "But I let them (dog-track officials) know from the start that I would not be involved with any of their dogs."

"It bothers me that an industry would do that," Nikiforuk said. "But it's the same way that the general public raises their animals. When they no longer serve a purpose, even if the animal is healthy, it is put down. I probably do it much more than the greyhound folks do."

Lee said he did not know how many dogs are retired or destroyed every year. He estimated that only 50 percent of the dogs eligible for adoption are placed in homes.

Since the track opened, 70 racing dogs have been successfully adopted, said John Hern of Coeur d'Alene, who runs a branch of Greyhound Pets of America.

"It just breaks my heart that some of the dogs must die," Hern said. "I take it personally that I can't find enough good homes for all of the dogs."

According to figures from the Humane Society of the United States, the 50-50 ratio of deaths to adoptions in Coeur d'Alene is good compared to the rest of the industry.

U.S. Humane Society investigator Robert Baker estimated that 30,000 greyhounds are destroyed every year. Only about 2,500 are adopted.

The Coeur d'Alene Greyhound Park near State Line, owned by partners Paul Bryant Jr., United Tote Co. and Hagadone Hospitality Co., has been operating successfully — but below projections — since it opened. Sixteen kennel operators breed, train and race dogs year-round.

Four months before the track opened, representatives from the Bryant's firm assured animal activists that no dogs would be killed unless it was medically necessary.

In an interview published April 4, 1988, by The Spokesman-Review, then-track manager Delbert Reed said, "It's silly to assume we are going to put these dogs to sleep wholesale because they're valuable for just one thing."

"I'll tell you one thing, if I find a guy killing greyhounds, he's out. I can guarantee that," Reed said in a 1988 interview.

Lee said Thursday that park officials never planned to run a track that would not have to kill dogs. "I don't think the policy has ever changed," Lee said.

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BILL ACTION REPORT

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ALL BILLS IN MESSAGES FROM SENATE

S 0012 GC Affordable Housing
 S 0018 JC Judges/Selection
 S 0048 GB Maintaining Houses of Prostitution
 S 0050 GB Trafficking in Controlled Substances
 S 0064 GB Endangered Plant Council/Sundown
 S 0066 GC Criminal Proceedings/Witnesses
 S 0084 GC Fla. Drug & Cosmetic Act/Sunset
 S 0094 GB Waste Management Division/D.E.R.
 S 0100 GB Executive Agencies/Officials
 S 0152 JR Ad Valorem Tax Exemptions
 S 0222 GB Water Mgmt. Districts/Damages
 S 0256 GB Purchase of Real Property/Disclosure
 S 0268 GC State Budget Process
 S 0286 RC North American Free Trade Agreement
 S 0310 GB Operating Vessel While Intoxicated
 S 0336 GC Office of Chief Inspector General
 S 0344 GB Controlled Substance Violations
 S 0348 GB Veterans
 S 0372 GB Construction Contracting/Awnings
 S 0434 GC Volunteer Firefighters' Benefits
 S 0494 GC Public Records/Confidentiality
 S 0516 GB Worthless Checks/Driver's License
 S 0548 GB Unemployment Compensation/Lockouts
 S 0582 GC Civil Liability
 S 0586 GC Rail System Plan
 S 0590 GB Transportation Disadvantaged Comm.
 S 0602 GC Motor Veh./Titles & Sales Warranties
 S 0608 GC Solar Energy
 S 0642 GC Secondary Metals Recycler
 S 0684 GC Educational Facilities/Leasing
 S 0700 GB Criminal Offender/Education
 S 0706 GB Vending Machines/Sales Taxes
 S 0716 GC Education/Revisions
 S 0724 GB Judges Election/County or Circuit
 S 0750 GB Schools/Educational Support Employee
 S 0756 GC Adoption
 S 0776 GC Ad Val Tax/Historic Properties
 S 0814 GB Environmental Resources/Mining
 S 0826 GB Government Purchasing/Small Business
 S 0896 GB Public School Personnel
 S 0922 JR Homestead/Devising
 S 0938 GB Saltwater Fishing Licenses
 S 0940 GC Regulatory or Decisionmaking Boards
 S 0968 GC Transportation
 S 0972 GB Construction/Prompt Payment Law
 S 1000 GC H.S.M.V. Dept. Records
 S 1008 GB Center Urban Transportation Research
 S 1014 GC Motor Vehicle Inspection
 S 1018 GC Civil Actions/Abuse or Incest
 S 1040 GC Agencies/Proposed Rules/Small County
 S 1068 GC Sexual Harassment

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BILL ACTION REPORT

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ALL BILLS IN MESSAGES FROM SENATE

S 1078 GC Fla. Retirement System
 S 1094 GB Orlando-Orange Co. Expressway Auth.
 S 1130 GB Tanning Facilities/License Fee
 S 1252 GC Dissolution-of-Marriage
 S 1354 GC Administrative Procedures
 S 1370 GB H.M.O.'s & Prepaid Health Clinics
 S 1374 GB Learning Disabilities
 S 1392 GC Pretrial Intervention Program
 S 1432 GB Cross Florida Barge Canal Lands
 S 1458 GB Sales Tax/Coast Guard Auxiliaries
 S 1476 GC Poisonous or Venomous Reptiles
 S 1490 GC Cruelty to Animals/Euthanasia
 S 1506 GC Agricultural Commodities/Marketing
 S 1524 GC Correctional Education
 S 1544 GB Speed Measuring Devices
 S 1582 GB Employment/Parent/School Visitation
 S 1586 GB Gamble Rogers State Recreation Area
 S 1598 GC Legal Services/Dependent Children
 S 1600 GB Medicaid Patients/Transportation
 S 1612 GB Capital Collateral Representative
 S 1644 GB Public Utility Records
 S 1646 GB Hazardous Waste
 S 1670 GC Prisoners/Executioner Identity
 S 1674 GB Admin. Procedures/Final Orders
 S 1724 GB Weapons & Firearms
 S 1736 GC Local Option Tourist Development Tax
 S 1766 GC Alcoholic Beverages Licenses
 S 1770 GB H. Lee Moffitt Cancer Center
 S 1774 GC Fee Time-Share Real Property
 S 1778 GB Surplus Property
 S 1788 GC Private Activity Bonds
 S 1790 GB Breast Cancer Task Force
 S 1806 GB State-Owned Parking Facilities
 S 1826 CR Charles Lester/Auditor General
 S 1896 GB Correctional System/Inmate Release
 S 1920 GB Florida Statutes/Reviser's Bill
 S 1922 GB Florida Statutes/Reviser's Bill
 S 1976 GC Sales Tax/Cruises to Nowhere
 S 2042 GB Aging & Adult Services
 S 2056 GC Educational Facilities
 S 2096 GB Perinatal & Neonatal Care Services
 S 2114 GC Drug Treatment Facility/Corrections
 S 2142 GC Consumer Protection
 S 2164 GB Health Care Services
 S 2178 GB Local Option Tourist Development Tax
 S 2262 GC Maurice Rosen Boulevard
 S 2400 GB Appropriations
 S 2402 GB Appropriations Implementing Bill
 S 2464 M Information on Missing Servicemen
 S 2514 LB Lake County Hospitals
 S 2520 LB Tri-County Hospital Authority

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BILL ACTION REPORT

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ALL BILLS IN MESSAGES FROM SENATE

S 2528 M Lynn C. Higby/Courtroom/Bay Co.
H 0167 GC Education/Lighthouse Schools
H 0237 GC Support/Children & Families
H 0417 GC Weapon/Dragon's Breath Shotgun Shell
H 0709 GC County Officers Salaries
H 0833 GC Motor Fuel Taxation
H 1505 GB Birth-Related Neurological Injury
H 1901 GB Trust Administrators
H 2439 GC Transportation Planning
H 2491 JR Apportionment

Total Senate Bill(s) - 0103

Total House Bill(s) - 0009

Total Bill(s) Listed - 0112

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BILL ACTION REPORT

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ALL BILLS IN MESSAGES FROM HOUSE

S 0316	GC Theft/Intent to Defraud
S 0658	GB Child Placement
S 0868	GC State Government/Paperwork Reduction
S 1118	GC Jurors/Grand Jurors/Hearing Impaired
S 1496	GC Mosquito Control
S 1580	GC Medicinal Drugs/Labeling
S 1594	GB H.R.S. Dept./Legal Services/Minors
S 1648	GC Energy Efficiency Contracts
S 1720	GC Corrections Dept./Reorganization
S 1730	GC Health Care Practitioners/HIV Tests
S 1828	GC Farmworker Housing
S 2314	GB Alcoholic Beverages/Sidewalk Cafes
S 2334	GC Community Associations
S 2390	GC Employee Health Care Access Act
S 2452	GB Sexual Battery
H 0855	GC Americans with Disabilities Act
H 0935	GB Law Enforcement Officers/Bailiffs
H 1851	GB Health Care Advance Directives
H 1951	LB Charter of City of Jacksonville
H 2179	GC Mobile Homes/Mobile Home Parks
H 2217	GB Congressional Dist./Establishment
H 2341	GB Pest Control/Sunset

Total Senate Bill(s) 0015

Total House Bill(s) 0007

Total Bills Listed 0022

Racing Greyhounds

*The industry says it is cleaning up its act,
but the Humane Society would like to shut it down.*

By Marcia King

LAST MONTH, DOG FANCY tracked Greyhound training practices from breeding farm to track readiness. This month, we continue our examination of the industry at the track—and beyond.

Life at the track for Greyhounds, according to the Greyhound industry, consists of languid, almost luxurious, days of pleasant relaxation punctuated by the excitement and exhilaration of the race. Young adult Greyhounds arrive at the track after completing training, usually at 17 or 18 months of age. Leased by kennel operators for their entire racing careers, the dogs live in a kennel compound at or near the track until they're moved to another track to be rehomed.

"They love the kennel life," says Gary Guccione, secretary/treasurer of the National Greyhound Association. "The Greyhounds are kept in immaculate condition. They are racing athletes and need to be given the best of care: the best of food, the best comfort in order for them to perform at maximum ability. Their kennel conditions are immaculate and their bedding is fresh clean paper or carpet."

Marcia King is an Ohio-based freelance writer. She shares her home with two Shetland Sheepdogs.

Adds George Johnson, executive director/secretary of the American Greyhound Track Operators Association, "The Greyhounds at the racetrack are pampered. The building [kennel compound] is normally air conditioned or heated. The dogs have long runs for exercise. They are turned out three or four times a day in the run to relieve themselves and for exercise."

Racing Schedule

Generally, a Greyhound races about twice a week. Eight to 12 dogs compete per heat, with 13 heats a day being the norm, over distances ranging from $\frac{1}{4}$ to $\frac{1}{2}$ of a mile. An individual race lasts about 30 seconds.

"On the day of the race," says Guccione, "all the Greyhounds get very excited. They're very eager and want to go to the track to compete. At race time, they're weighed in and checked by a vet who makes sure they are in good health. The Greyhounds are then blanketed and the racing muzzles put on them; then they're taken onto the track for the pre-race parade. When it's time for the race, the lead-

outs put the Greyhounds in the starting box, all wagering ceases, the artificial fire comes around on the track and the box pops open. After the race, the dogs are tested for drugs.

In earlier times, Greyhounds moved from track to track, following the racing season. With the advent of year-round racing, today's dogs tend to stay in one geographical area. A dog that runs consistently may spend its entire career at only one or two tracks, but dogs that grade up or down as their performance improves or declines will accordingly move to other grade tracks.

Although year-round racing may be popular with race-goers and dog owners, it concerns animal welfare officials. Even at the best tracks, traditional policies are detrimental to a dog's well-being, they say. The standard practice of racing a dog twice weekly, all year long, for example, doesn't allow a dog time to recover from the stresses of racing. Says Robert Baker, chief investigator, Humane Society of



PETS BY FAULETTE

the United States. "There's a high incidence of injuries. These dogs have massive muscular structures, so they're supporting all this weight on very thin legs. A lot of them have bad hock joints from pushing off on the first turn. They get bumped a lot in the races, they take spills and [the industry] loses a lot of dogs that way."

Many dogs coming off the tracks suffer from broken or missing toes, strained or separated muscles, shattered hocks and broken ankles.

Temperature extremes are another problem associated with year-round racing. "Some veterinarians did a study in Arizona and found, in a three-week period, five dogs that died of heat-stroke," says Baker. "It was 106 degrees [Fahrenheit] when these dogs were racing. When the race is in winter, the dogs have a lot of problems because, to keep the tracks from freez-

ing, some tracks pour chemicals on the tracks, which irritates the dogs' paws. These Greyhound owners don't care. They send them out no matter how hot or cold it is."

Quality of Care

Major tracks where dogs earn handsome purses tend to offer quality care. Unfortunately, not all tracks are of equal quality. Lesser grade tracks where Greyhounds barely earn their keep often care little about the animals' welfare. At the worst tracks, authorities have found dogs turned out in glass- and rock-strewn areas—or not turned out at all—housed in soiled and infested crates, given improper food and medical care, and denied sufficient bedding. In some cases, dogs were

abandoned and slowly died of starvation, lying in their own waste, their bodies riddled with parasites, because they ceased to earn adequate revenues.

Baker says, "Greyhounds are housed in cages their entire existence, and the cages are not all that large. If you look at the hind legs of a Greyhound, you'll see a high percentage where their hair is totally worn off and their thighs are bare. That's from lying in these cages constantly."

The anti-racing groups also question the medical attention the dogs receive. Many Greyhound adoption groups complain that Greyhounds are not given heartworm preventives and that

Racing Greyhounds

CONTINUED

many suffer from a variety of parasites, including hookworm, webworm, tapeworm and roundworm.

Racing Greyhound owners, however, say they give their dogs the best of care. According to the article "Greyhounds are a gift of love" (Winifred Leiser, *Sarasota Times*, June 19, 1991), owner Patrick Marriott says that "The majority of racetrack people devote their lives to their dogs" and that caring for the dogs is a seven-day-a-week job. He says the dogs are groomed every day and checked for injuries before and after each race.

This Greyhound is being cooled off after a race.



PETS BY PAULETTE

Sport or Big Business?

GREYHOUND RACING is big business—and getting bigger. According to the National Greyhound Association, Greyhound racing is the sixth largest spectator sport in the United States. In 1990, 29.4 million people attended races with a pari-mutuel handle of 3.4 billion dollars. Currently, Greyhounds race in 18 states (19 states have legalized racing) on about 60 tracks. Those figures are sure to increase as the Greyhound industry continues to press for legalization in additional states.

As the Greyhound industry attempts to expand, the battle between pro- and anti-racing factions grows more heated. Many states, looking for quick-fix answers to budgetary woes, are eager to bring Greyhound racing and its revenues within their boundaries. And to appease their new profit-making partners, many states do not properly prosecute track and kennel violators.

During his two-year tenure as an Iowa track veterinarian, Arthur Strohbehn, a member of the Iowa Veterinary Public Health Commission, reported numerous state and federal law violations: lack of health certificates for interstate dogs, no quarantine pens, abuses of quarantine procedures, open and daily use of anabolic steroids, questionable drug testing, lack of fire extinguishers and sprinkling systems in track kennels, and harmful dog food.

Appeals to the racing commission, the governor, the state attorney general, the USDA, the state veterinarian, two senators and the Department of Criminal Investigations yielded nothing. "When the Iowa Pari-Mutuel Wagering Act was passed," Dr. Strohbehn says, "it was set up to be self-regulated." Adds Baker, "Iowa was not inspecting Greyhound racing kennels because it was too political. They didn't want to expose any cruelty at the

racetrack because it would hurt the betting, and the state shares in the money that's bet at the racetrack."

At one point, the Iowa racing commission convinced state legislators to attach an amendment to a bill exempting the Greyhound industry from state kennel laws. The bill passed unanimously in one house but was defeated in the other house after an outcry of negative publicity.

Kennel operators in other states also tried to exempt themselves from state kennel laws, but where Oklahoma failed, Kansas succeeded. "Greyhound kennels in Kansas—at the breeding farms, training farms, and racetracks—are all exempt from their state kennel law. Why do they try to amend themselves out of regulations that other commercial kennels have to abide by?" asks Baker. Guccione says it's not necessarily so.

"They're regulated already by the Kansas Racing Commission and are inspected by the Kansas Greyhound Registry and they're under NGA requirements as well. They're already triple overseen, so that's why they were excluded. The Kansas Racing Commission is not self-regulation. That's a separate, independent government agency.

Animal welfarists also protest what they perceive as widespread animal neglect and cruelty.

"The cruelty is so inherent, there is no way you could clean it up and regulate it effectively," Baker says. "I admit that the National Greyhound Association and the American Greyhound Track Operators Association will not take a position in support of the use of live lures, but their members work behind the scenes and publicly oppose legislation [prohibiting live lure training]. If the NGA really believes this is an

archaic practice, why won't they come forward and support these bills? I find it unbelievably ironic that Gary Guccione can fly from Abilene, Kansas, to Maryland to tell [legislators] that this practice doesn't go on, but he cannot drive from Abilene to Topeka to tell their legislators the practice doesn't go on anymore, so go ahead and prohibit it. The hypocrisy really incenses me about them."

In response, Gary Guccione says: "We haven't gone out and supported it, nor have we opposed it. There are many elements in Greyhound racing that the NGA doesn't involve itself with."

"Our sport isn't perfect," Guccione concedes, "and there's much that needs to be done and improved, including the animal welfare issue. But the Humane Society won't work with us. It's amazing: We were the ones who went to the Humane Society. We had a number of discussions with the Humane Society to see if we could work together to solve the problems. The story we were told: 'No matter what you do, we're still going to be opposed to you.'

"I think it goes back to a statement made seven or eight years ago by John Hoyt, president of the Humane Society. He basically said even if we got to the point that every Greyhound that came off the track was given away as a pet and not one live lure was used in training, that the Humane Society would still be opposed to Greyhound racing on the basis that it still exploited animals.

"Would they discontinue horse racing, sled-dog racing, zoos? Discontinue the eating of meat? I'm curious as to what else would be on their wish list. I really think their thoughts and ideas are far outside the ideas of the vast majority of the American public."

Racing Greyhounds

CONTINUED

He admits, however, that the dogs are a money-making proposition. "If you don't get into the first four winning spots, you don't get any money. It costs five dollars a day to maintain a racing dog. That's why most owners can't afford to keep dogs that race and don't win. If the dogs can't be used for racing or as blood donors or for breeding, they have to be gotten rid of." He added, "We try to find good homes for our dogs. They make wonderful, gentle pets. If we can't find homes for dogs that can't race, we have them put down decently by a veterinarian. We don't race them and butcher them."

Physical care isn't the only concern of the anti-racing activists. Some of them claim that Greyhounds are denied the socialization opportunities enjoyed by most dogs. Donaldson says: "They don't want these dogs to develop keen attachments to each other, and certainly not to humans. They're muzzled constantly. The muzzle is taken off twice a day when they're fed."

But Wendy Marriott, a racing Greyhound owner, disagrees. In a June 19 article in the *Sarasota Times*, she said that Greyhounds make excellent pets "because they are accustomed to people and they're accustomed to being handled."

Jeff Levkoff, whose dogs race at the Sarasota track, says the dogs wear the muzzles to help determine the winner in a photo finish. "The Humane Society people say the dogs wear muzzles so they won't eat each other, but that's just not the case," he said.

Food for Thought

The racing Greyhound diet is also questionable, depending, of course, on the quality of care each kennel gives. According to "Run or Die," an article by Jack McClintock that appeared in the June 1991 issue of *Life* magazine, the dogs at the Naples-Fort Meyers dog track eat horsemeat, vegetables, brown sugar and vitamins. Patrick Marriott, whose 42 dogs are kenneled at the Sarasota Kennel Club, says the dogs eat "two to three pounds of food a day—usually high-protein meal with ground beef and vegetables added."

The meat often given to Greyhounds is of such suspect quality, however, that both the NGA and AGTOA are examining side-effects more closely. Says Guccione: "We are funding, through the American



GERGE MARTEL/BRUNSON LIBRARY

Most retired track Greyhounds make gentle, loving companions that get along well with both people and other animals. Racing dogs usually weigh 50 to 70 pounds, but despite their size they don't take up much room in a home, being content to curl up in a corner on a soft bed.

Greyhound Council, a study on the meat to see just what or if there are any risks or problems with it. We are also working with racing commissions to encourage a higher quality of meat."

The meat in question is 4-D meat. Baker says: "4-D meat comes from animals that were slaughtered when they were either dead, dying, diseased or disabled. The cows, horses or whatever are sick and are being treated:

then they die and are slaughtered. They carry those drugs in their system. The problem with this meat is that the meat can be contaminated and can make the dogs ill. They buy 4-D meat because they can get it cheap." The meat can carry anthrax, botulism, lockjaw, tuberculosis and other diseases.

Arthur Strohhenn, D.V.M., a member of the Iowa Public Health Commission and a former track veterinarian, says: "The meat is not sterilized or treated. It's cut up and fed to the dogs raw. Quite frequently we'd see animals that had severe vomiting and diarrhea: the industry calls them 'blow-outs.' A lot of that was due to food poisoning. One summer, there were 16 kennels on the track and three of them were low on 4-D meat. They ordered a new batch of 4-D meat, and two days

later, they had nothing but sickness in those three kennels."

Although Guccione says that "occasionally there are traces of foreign substances" in 4-D meat, an analysis by Cornell University of 4-D meat from five different tracks revealed that procaine (an anesthetic) was found in all five samples, sulfa drugs showed up in three samples, and one sample carried salmonella.

Additionally, many of the drugs in 4-D meat show up in the dogs' drug tests. Says Baker, "Procaine and sulfa drugs are so common [in urine tests] that states will not call a positive on the drugs because they assume they got the drugs from eating contaminated meat, even though procaine administered directly into the dog will act as a stimulant."

Retirement

After injuries or age end a Greyhound's career, usually by age 3 or 4, its post-racing options are limited. Some dogs are bred, some go into pet homes, some are sold for research, but the majority, it is believed, are killed.

No statistics exist for the disposition of retired Greyhounds, but the HSUS contends that 40,000 to 50,000 Greyhounds are either killed, sold to labs or abandoned every year. The industry disagrees. Patrick Marriott says, "If we put down 50,000 dogs a year, we wouldn't have any dogs left to race."

Levkoff says, "The Humane Society says we kill more dogs than are actually alive." In nine years of racing Greyhounds, he says, none of his

dogs have been euthanized. All—3,000 by his estimate—have been placed in pet homes or used for breeding.

NGA records show, however, that 38,000 newly registered Greyhounds arrive at the track each year, presumably displacing a like number of veteran dogs or being culled themselves, with, according to NGA estimates, only 6,000 to 7,000 going into adoptive placements. In his article "Run or Die" McClintock writes that few people in the Greyhound industry are comfortable with these facts, but almost everyone seems to accept them. He quotes trainer Gary Sommers as saying "It's been the nature of the business."

Research Sales

One means of "retiring" a Greyhound

Adopting a Greyhound

THE QUIET, gentle nature of an ex-racing Greyhound and its strong, almost anxious, need to be loved can make it an excellent pet. But like all breeds of dogs, a racing Greyhound is not the ideal pet for everyone.

Most track Greyhounds are kennel broken but need to be housebroken. Because they've never been in the confines of a house, Greyhounds must be introduced with care and understanding to things they've never seen or heard before: the ringing telephone, the loud television, even the sound of aluminum foil whipping off the roll. Greyhounds are not used to being alone, so until they adjust to more solitary quarters, they need to be crated when the family is absent.

Although Greyhounds are hardy, they do have special needs. They are sensitive—sometimes fatally—to flea-control products and insecticides. They have no undercoat, so stays outside should be brief during extremes of hot and cold weather. Because they are sighthounds, they should be muzzled when first introduced to small pets.

The best adoptive placements occur with groups that attempt to determine a Greyhound's personality before placement, particularly if an animal is extremely shy or aggressive. Most conscientious groups also try to educate potential adoptees on Greyhound behavior before approving placements.

Policies, requirements and fees vary among the placement groups, and even among chapters within national groups. Most have strict adoption policies and contracts.

There are many placement groups throughout the United States; many can make referrals to local placement organizations. Local humane societies and racetracks—and the HSUS (202) 452-1100—may also be able to refer interested parties to area placement groups.

The following groups are active in rescuing and placing ex-racing Greyhounds:

Indiana Retired Greyhounds As Pets, c/o Sally Allen, P.O. Box 111, Camby, IN 46113; (317) 996-2154. REGAP chapters throughout the United States operate autonomously. Incorporated in 1989, Indiana REGAP is a vocal anti-racing group that has placed 250 dogs throughout the United States and Canada but works primarily in the Midwest. Refers callers to local groups. Receives dogs from people who have relationships with tracks and trainers (they have no direct contact with either) and from pounds. Before placement, all dogs are checked by a vet for heartworm and parasites, have their teeth cleaned, and have been spayed or neutered. The service is funded by adoption fees and by member contributions.

Michigan Greyhound Connection (formerly Michigan chapter of the Greyhound Connection), P.O. Box 46633, Mt. Clemons, MI 48046-6633. Active since February 1989. Has placed about 190 dogs in the Midwest. Receives dogs from Iowa tracks via contacts there. All dogs are examined for suitable pet temperament, are spayed or neutered, are examined for heartworm and other problems, have received health certificates, and are sent to new homes with a muzzle. Funding comes from adoptions fees and member donations.

National Greyhound Adoption Program (formerly Delaware Valley Retired Racing Greyhound Association), 8301 Torresdale Ave., Philadelphia, PA 19136; (800) 348-2517. National placement service that ships dogs to homes throughout the country. Has placed about 100 dogs since its founding in late 1989. Adoptive Greyhounds primarily from south Florida. Each dog has a profile filled out by either a Florida staff member or kennel operator containing information on

personality traits, physical condition and habits. Dogs are vet-checked for heartworm and parasites. Spaying or neutering by the organization is optional (at an extra charge); otherwise, the new owner is responsible for sterilization. A spay/neuter deposit is collected. Adoption fees and the founder's contributions cover the costs, and USAir provides a reduced airline transportation rate.

Dairyland Greyhound Park Adoption Center, 5522 104th Ave., Kenosha, WI 53144; (414) 657-8200. Has placed 40 dogs within its first 10 months of service. Primarily serves the Wisconsin-Illinois area. Places dogs from Wisconsin tracks only. Maintains personality profiles on dogs. All adoptive dogs are socialized and introduced to cats and small animals, sterilized, checked for heartworm and parasites, given all vaccinations and booster shots, given corrective surgeries and medical treatment, have their teeth cleaned, and are groomed and bathed. Clients are provided with a collar and leash, 12-inch chew bone, toothbrush kit. GPA pamphlet on Greyhound care, and grooming and feeding instructions.

Greyhound Pets of America, 10219 Leesburg Pike, Vienna, VA 22180; (800) 366-1472. Thirty GPA chapters and subchapters in 41 states and British Columbia. Founded in 1987. Policies, fees and procedures vary from chapter to chapter. Will refer callers to area chapters. Total GPA dog placement in 1990 was about 2,500 to 3,000 dogs. Some chapters work directly with racetracks. Requires new owners to sterilize their dogs; spay/neuter deposit required. Support includes \$10,000 allocation from National Greyhound Association for toll-free number, \$1,000 for each applicable chapter from the National Greyhound Association, adoption fees and member donations.

Racing Greyhounds

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has been to sell it for research. "Selling dogs to research labs was the ultimate," says Baker. "They got every dime out of them they could."

Adds Donaldson, "They sell them for 40 cents a pound to lab bunchers that hang around the tracks to buy dogs. They bunch up on dogs and when they get 75 or 80 dogs, they contact the universities, the vivisection laboratories and the chemical research labs. [Researchers] love Greyhounds because they're calm, they're tractable, they don't bark and they have a high level of pain tolerance. They have no hair, no fat. They have a universal blood type, a large heart and a magnificent skeletal system."

Some of the dogs purchased by labs end up being blood donors—dogs from which blood is drawn for transfusions to other dogs hurt in accidents and so forth. "The labs will keep blood donors for nine months," explains Donaldson. "If they can find homes for them, they're placed. If not, they're euthanized. The best they can do is not have them live that life too long."

Many states allow research sales. "In Arizona," says Baker, "it's prevalent for tracks to sell dogs for research." But recent publicity over research sales caused some tracks to prohibit kennel operators from delivering dogs to research labs. However, kennel operators can—and do—return the dogs to the owners, who then sell the dogs to the labs themselves.

Adoption

Although most retired Greyhounds are euthanized, more and more are finding post-career happiness with families, thanks to the aid of both pro- and anti-racing groups. The NGA, for example, allocated \$10,000 to Greyhound Pets of America for a toll-free phone number, and it gives \$1,000 each to GPA chapters and other rescue groups affiliated with racetracks. In Wisconsin, state laws require tracks to provide and fund on-site adoption centers.

At Wisconsin's Dairyland Greyhound Park, for example, Greyhounds accepted into the adoption program are examined by a veterinarian, given shots and heartworm preventive, receive any necessary surgeries or medical treatment, are spayed or neutered, and are groomed and socialized. On the

average, a dog is at the center one or two months before placement.

But while other rescue groups struggle to find both monies and adoptive families yet average placements of 100 dogs or more a year, the well-heeled Dairyland adoption center placed only 40 dogs in its first 10 months and actually has a waiting list of families for adoptive Greyhounds.

Holly Trello, director of the Dairyland adoption program, explains: "Dairyland [track] has the very best competition. The Greyhounds that grade off our track go on to smaller tracks, so we don't have the numbers [of retired Greyhounds] that other tracks have. We get quite a few injured dogs that can't run but, if properly healed, will be pet-sound. We also get dogs too old to race and the Greyhounds that interfere out on the track."

Many adoptive owners find that Greyhounds fit in well with their new families. "Greyhounds make wonderful pets," says Joan Headland, GPA member and owner of 17 racing Greyhounds. "They're fantastic. Their temperament is wonderful, and they get along well with children and with older people. They're quiet, loving and sweet. When they're inside, they're couch potatoes. Outside, if they see something move, they chase it."

Adds Sally Allen, president of Indiana Retired Greyhounds as Pets, "Greyhounds do better than other breeds that are dropped as adults into a family setting." Because Greyhounds have been raised in kennels, a careful introduction into a suitable home environment is essential for successful placements.

Unfortunately, not all Greyhounds make suitable pets. "Many of them were taken away from their mothers when they were very young and were kept isolated from people and other dogs," Allen says. Known as "spooks," these dogs are deeply fearful and are terrified when out of their crates. "The spooks very seldom work [in placement]," says Allen, "but they are a tiny minority."

Rescue Group Dilemma

Although Greyhound placement groups have saved thousands of dogs from certain death, some groups, animal welfarists claim, actually contribute to the problem. Says Baker, "With few exceptions, they've become pawns of the industry. The Greyhound industry loves these rescue groups

because it's the greatest PR that has ever been done for them. The industry gives them some funding, and even though it's minuscule, because they're getting funding from the Greyhound industry, the rescue groups will not speak out. In states where there are attempts to make Greyhound racing legal, these rescue operations will not come and testify to the seriousness of the surplus dogs, to stop racing.

"For example," Baker continues, "in Texas, Greyhound Pets of America would not oppose legalizing dog racing even though they knew this was going to create thousands more dogs that have to be destroyed, many more dogs than they could ever save. But they wouldn't oppose it because they'd lose their funding. In an effort to save a few dogs, they allow thousands to be disposed of. I have to question their motives."

In addition, placement groups only rescue dogs off the track. "They do nothing for the 70 percent of the dogs that don't even see a racetrack," says Baker.

No Solutions?

Baker and other animal welfarists believe the only way to end the slaughter of countless Greyhounds is to abolish Greyhound racing. Considering the unlikelihood of that happening, the HSUS and others continue the battle to halt the spread of Greyhound racing into other states. "We've had some success and have kept it out of California, New York and Illinois, three of the most populous states," Baker says.

"Why do you think Greyhound racing is legal in only 19 states?" asks Donaldson. "The answer is because the rest of the states are, so far, too moral to allow it. It isn't that we have Greyhound racing in 19 states: It's that we don't have it in the rest."

Certainly, the future success of Greyhound racing rests with the industry's ability to persuade welfarists and a wary public that they are willing and able to bring reforms and humane measures to Greyhound practices.

But no answers are pending from industry experts as to how they can remove from the sport the culling process that uses up and throws away tens of thousands of Greyhounds each year. As long as vast numbers of dogs—be it 1,000 or 10,000 or 50,000—are killed because they are too old or too slow to catch the almighty dollar, the blood of the unwanted still stains this industry. ☐

Racing Greyhounds

Are they bred to run or born to die?

By Marcia King

THE GREYHOUND racing industry reports that the days of torturous and abusive animal practices are over, that a new era of humanity has dawned. But animal welfareists claim that Greyhound racing proponents are only mouthing platitudes to appease an increasingly outraged public.

In a two-part series, *DOG FANCY* examines the issues of Greyhound racing. Part one focuses on the breeding and training of Greyhounds, including the live lure controversy. Next month, part two looks at life on the track—and beyond.

A bloody image haunts the Greyhound racing industry: the image that helpless rabbits and other small animals are tortured and torn apart by Greyhounds in standard training practices known as live lure training; that Greyhounds languish in long kennel confinements and are denied socialization with humans or their own kind; that after Greyhounds are raced until they're too injured or slow to finish in the money, they're abandoned on city streets or country roads, their tattooed ears cut off to foil identification, or sold to research labs, or left to starve in their kennels, or condemned to die from a bullet in the brain—or worse.

That image, says the Greyhound industry, is completely false.

"Sensationalism," says Joan Headland, Greyhound Pets of America representative and racing Greyhound owner. "They'll take a story about something that happened 15 years ago and tell it over and over again."

"They use isolated incidents as being the norm in the industry," says Gary Guccione, secretary/treasurer of the National Greyhound Association,

the official registry for racing Greyhounds.

Isolated, perhaps. Ancient history, no. In February 1991, a Key West track, an end-of-the-line facility for last-chance Greyhounds, closed mid-season because of numerous and repeated state violations. Abandonment of poorly performing dogs was one ongoing problem. Explains Van Jones, director, Division of Pari-Mutuel Wagering, "If the dogs aren't doing well, [some] trainers give up and leave."

During the 1989-90 racing season when dogs were abandoned in their kennels, trainers in neighboring kennels neglected to notify officials, allowing the dogs to starve. According to court documents provided by the Division of Pari-Mutuel Wagering, 141 dogs were also left behind three separate times this year when trainers disappeared. Many of the dogs were undernourished, grossly underweight and dehydrated. "But none of the dogs, this year, were abandoned," says Jones. "This year, the other trainers told the state, so we got in there fast enough to make sure the dogs were well taken care of."

Additional violations included accumulation of dog waste, lack of fire detection and fire notification devices, dog meat left out in the open, crates infested with fleas and ticks, cool-down areas littered with glass, stones, and other debris, inadequate water supplies in the cool-down area, poorly maintained turn-out pens with coral rocks protruding through the sand surfaces, and so on. (Ironically, the offense that caused the closing of the track was not animal neglect but a

series of waste disposal problems that culminated in liquefied dog waste bubbling up onto the patrons' parking lot.)

Only six months earlier, a similar abandonment occurred at yet another Florida track. According to *Tropic Magazine*, Sunday magazine of the *Miami Herald* ("You Can Bet Their Life On It," Gary Karasik, October 21, 1990), 102 starving Greyhounds were found lying in their own filth.

"Some had open wounds; all were covered with ticks," the article states. "Three were in such bad straits that they had to be killed immediately. Within the week, 73 more dogs were judged too far gone to survive."

Reforms

Certainly, abusive incidents in animal sports are not limited to the Greyhound industry. And the Greyhound industry is reforming: either because of new enlightened attitudes of its members (says the industry) or because of external pressure tied to the industry's expansion plans into new states (charge critics). At any rate, "The sport has made the animal welfare issue the priority issue that needs to be most effectively addressed," Guccione says.

For example, to reduce the numbers of dogs destined for euthanasia after their careers are finished, the American Greyhound Council, co-sponsored by the NGA and the American Greyhound Track Operators Association, funds a toll-free number for Greyhound Pets of America, a placement service for retired Greyhounds.

The industry is also promoting studies and methods to reduce stress injuries at the track. As a result, says George

Johnson, AGTOA executive director/secretary. "Injuries have come way down. One of the trends over the last decade," Johnson says, "has been an increase in banking, especially along the first curve. Years ago, all the tracks were flat and the Greyhounds would charge down the first turn and have all this bumping and banging and knocking down. Now they go around this first turn like clockwork." Johnson points out, too, that new sophisticated tracks in the northern states are warmed by underground heating coils, keeping winter tracks warm and comfortable.

Dog owners began betting on whose dog could catch a rabbit first, and Greyhound racing was born.

In addition, the NGA and other racing organizations officially and publicly condemn live lure training. "The majority of [NGA] membership is in favor of strictly artificial lure training," Guccione says.

To publicize changes in the industry's attitudes and to bolster its image, the AGTOA hired a public relations firm. But according to *Tropic Magazine*, one of the initial public relations agency firms under consideration declined the contract after examining the industry, citing problems with the destroying of Greyhound has-beens and the live lure issue.

Changing Philosophies

The Greyhound industry is partially a victim of changing philosophies and of its own past. Greyhounds have a long history of serving their owners by running down small animals, primarily hares. Says Guccione, "It's important to know that Greyhounds were first brought to this country back in the

1800s to help farmers with their problem with the wild jackrabbits, which were destroying crops." Dog owners soon began betting on whose dog could catch a rabbit first, and Greyhound racing was born.

It was a natural step, then, to use jackrabbits for training racing Greyhounds. And for decades, no one seemed to really mind. In fact, one Greyhound owner recently wrote to *DOG FANCY*, describing jackrabbits as disease-spreading rodents, "really nasty critters, full of ticks and grub-type worms."

But in an era when animal lovers condemn the wearing of fur coats, when dam and hydroelectric projects are delayed or canceled because of an endangered fish, when views of man's role in nature are shifting from that of conqueror to caretaker, Greyhound trainers were slow to follow. They continued to employ the same traditional—that is, live lure—training techniques of yesteryear, then were puzzled and angered to suddenly find themselves vilified for the practice and, indeed, to find the practice itself outlawed in many areas.

The culling of slower Greyhounds is another controversy that, according to animal welfarists, claims the lives of tens of thousands of dogs a year, beginning right from puppyhood. Again, industry representatives dispute those charges.

Greyhound Farms

Most Greyhounds, says GPA's Joan Headland, owner of 17 racing Greyhounds, are not bred, born or raised in private homes but at professional breeding/training farms. Good farms, she says, "have a sprint field, long chained runs, and indoor kennels. They are clean, with runs picked up frequently to prevent infestations from flies. I look for farms where the dogs are happy—dogs that have been handled a lot and want to be around people and other dogs."

"I look for appropriate care—the brood matrons and puppies are getting supplements, their shots are kept up, their teeth are cleaned—and that the farm has a training program instead of haphazardly getting dogs ready for the track."

"A typical Greyhound farm and kennel," says Guccione, "not the model ones but the typical ones, just see the care, the attention that is given to them, the way people love the animals and provide for them.

"Growing up, these dogs are given as much opportunity as possible to learn to run," Guccione continues. "They get much exercise. They're turned out in big pens so they can learn to open up and gallop. Then, around 10 to 12 months of age, they can be trained with the drag lure. Basically, it's a device that drags the artificial lure along the ground so the puppy will see it and pursue it. Usually they're equipped with a noise maker inside that further compounds the attention to the lure."

The use of live lures—rabbits either whisked around on a whirligig or chased down in an enclosed field by dogs in training—is "practically done away with," says Guccione. In addition, Headland points out that since dogs at the track chase artificial lures, "trying to train by using means that are not the means they're going to race under is silly."

Once the dogs are trained, usually by age 17 or 18 months, they are sent to the track. "The trainers at the race tracks work for kennels, so the dogs go to the racetrack probably for their racing life," Headland says. "Kennels at the track lease the dogs from the owners." The best runners go to top tracks, while slower dogs go to cheaper, less competitive tracks.

Born to Die?

Obviously, not every young Greyhound makes it to the track. Says Guccione: "This year, there will be about 48,000 pups whelped or born and practically all of these will be litter

The best runners go to top tracks, while slower dogs go to cheaper, less competitive tracks.

registered. In about a year and a half, about 38,000 will end up getting indi-

vidually registered and named before they go to the track."

As for the 10,000 culled pups, Guccione says that "some of the pups may be used for breeding, some will be given away as pets. And some will, unfortunately, be euthanized."

While NGA figures indicate that each year 20 percent of litter registered pups face a dubious future, Robert Baker, chief investigator for the Humane Society of the United States, says the actual number of culled puppies is much higher. "A few years ago," Baker reports, "the Florida Greyhound Breeders Association—and Florida is one of the biggest racing states in the country—stated that at best only 30 percent of the dogs bred ever become qualified to race. From the time these dogs are born and don't have the right conformation to the time they go the whirligig training to the time they go to the training track and then to the regular track trying to become qualified, they're being culled constantly."

Judith Donaldson, a breeder of AKC show Greyhounds and national director of Run Or Die, an anti-Greyhound-racing organization, says, "Only one puppy out of every 10 born ever races one race. At age 11 months, if they can't time at a minimum speed at a training track, they're dead meat."

Donaldson, whose information on racing Greyhound practices comes from former members of the Greyhound industry ("people with consciences"), says culled puppies are not adopted or given away. "Absolutely not. They don't want their stock to go out to other people. It's like Saks not selling a dress; will you give it to me? No! These dogs are dead. Zip. They're gone. If you take them down in the basement and club them to death, who's going to know?"

"These people aren't animal lovers," she adds. "These people didn't get into Greyhound racing because they love the bow-wows. They love the money, the buck."

Live Lures

Donaldson, Baker and others also dispute industry claims that live lure training is practically obsolete. "I've seen them training these dogs firsthand," says Baker, who conducted undercover investigations at farms and tracks. "Ninety percent of them use

live lures. They believe the dogs will

In states where live lure training is illegal, glaring infractions continue.

race faster when they're trained on a live animal rather than an artificial lure."

Estimates that 100,000 animals are torn apart each year in live lure training are "conservative," says Baker. "Jackrabbits, domestic rabbits, guinea pigs and chickens are used. Most commonly, jackrabbits are used in coursing, domestic rabbits on the whirligig, because the animals are tied so they don't have to be fast. For a while, the industry was promoting guinea pigs because they squealed so loud and the dogs like a loud squeal. That's why [trainers] break the jackrabbits' legs.

"The animals are used over and over again, and this is the height of inhumanity. They pull the dogs off it and turn another set of dogs on it. The animal dies a very slow and painful death. The reason is economics. Rabbits are expensive. If they can use the same rabbit on 20 dogs, then it's economical. At one place, we went to a trash barrel where they were throwing the discarded rabbits and one was still alive. They didn't even have the decency to put the rabbit out of its misery when they were done using it."

Guccione vehemently contests the statistics and statements by anti-racing groups. "Where do they come up with those figures?" he asks. "The perception they're giving to the public is an effort to discredit the sport because of their strong opposition to it. Their willingness to say anything, including false statements, false statistics, activities that were relevant to the past but may not be relevant today. Times have changed, attitudes have changed and laws have changed. There are people

now who, 10 or 15 years ago, I never would have dreamed would have even given any consideration in changing their [live lure] techniques. Now they are totally artificial lure training. It's amazing. It's very low and gets closer to zero all the time.

"In the last two or three years, in new [racing] states, strict laws have been passed. Many states specifically address the fact of not allowing live lures, but I'm not so sure that all states—if their general animal welfare laws are interpreted that way—I'm not sure that all states don't make it illegal. Florida has a specific law. Kansas has a specific law. Texas has a specific law. Oklahoma has a specific law."

But live lure training is legal in some states, says Baker, and, consequently, those are the states where owners send their dogs to be trained. "Texas, Missouri, Arkansas, Oklahoma: These are where dogs are being trained and that's the key point," says Baker. "The only states where we got laws passed [prohibiting live lures] where it meant anything significant were in Florida and Kansas, and in Florida and Kansas nobody's enforcing it. They'll claim there is a law in Texas, but it's not true. The law in Texas says it's illegal to train on live animals at a racetrack. But it's meaningless: Nobody ever alleged they used live rabbits on the racetracks. They use them on the training tracks."

When asked about the Texas law, Guccione says, "I'm not familiar with

The industry is promoting studies and methods to reduce stress injuries at the track.

the language of the law, but I have never heard that interpretation. My understanding was it was illegal to use a live lure at any stage."

Guccione's assertion, however, that he, as a 20-year employee of the NGA and a highly placed officer there, believes that all states prohibit, by one means or another, live lure training, directly conflicts with what other industry representatives state. The March/April 1991 issue of *Greyhound USA*, a racing newspaper, notes, "As of January 1, 1992, Greyhounds may only race in Wisconsin if they were trained in a state which specifically prohibits the use of live lures during the training process. As of this writing, only a handful of states satisfy this requirement, and kennel owners and tracks may be scrambling to find Greyhounds eligible to compete in Wisconsin unless a number of states revise their laws."

Furthermore, industry representatives cannot agree on the number of trainers still using live lure methods. While Guccione declares that live lure training is "practically done away with" and "getting closer to zero,"

AGTOA's George Johnson says the number of trainers using live lures is "about a third," adding, "There is no way to really know."

In states where live lure training is illegal, glaring infractions continue. In 1988, Robert Mendheim, one of the country's largest and most successful Greyhound breeders and kennel operators, was arrested in Florida for using live rabbits in Greyhound training. "We had videotapes of him doing it," says Baker. "We had several law enforcement agents witness it. Mendheim wanted a jury, and he never denied he did it. But he came from Lee County, and Lee County probably has more breeding farms and training tracks than any other county in the state."

Consequently, a local jury acquitted Mendheim on all counts of animal cruelty although, according to *Tropic Magazine*, the Division of Pan-Mutuel Wagering did suspend Mendheim's

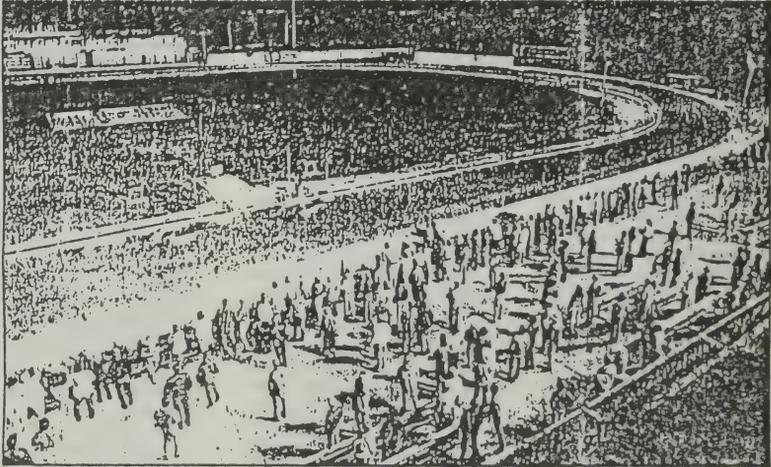
license for five years. Afterward, Mendheim transferred the operation to his son.

In Kansas, a case is now pending concerning the arrest of another prominent breeder for live lure training. Says Baker, "It's alleged that the owner was breaking the legs of the animals prior to releasing the rabbits so the rabbits would squeal a lot and incite the dogs to chase them so they'd run faster. The industry is so hypocritical: [The owner] was one of the biggest promoters of artificial lures. He was taking out ads in newspapers for artificial lures and was selling them and promoting them."

While the culling of young Greyhounds and the live lure controversy continues to plague the Greyhound industry, the battle between racing proponents and critics continues on other fronts, including the treatment of dogs at the track and the bleak outlook for former racers. Next month, we'll look at life at the track—and beyond. 🐾

A special report by CARLA McCLAIN/Tucson Citizen

WHAT PRICE RACING?



AT THE PARK: Race enthusiasts watch greyhounds bolt by at Tucson Greyhound Park.

XAVIER GALLEGOS/Tucson Citizen

Industry fraught with animal abuse

They are bred to run.

And they are born to die.

The next time you cheer a sleek, fleet greyhound on to win for your \$2, remember that it is running for its life. Literally.

The hard truth behind greyhound racing is that the majority of these animals die young because they cannot win enough to pay their own food bills.

Many — tens of thousands every year — go with a painless needle to the leg. Others with a heavy blow to the head, or a bullet to the brain. Some in research labs after medical experiments. The unluckiest die slow and painful deaths of starvation, thirst and neglect.

Arizona has gotten a gruesome glimpse of these problems in recent years, as case after case of starving "buckets of bones" have been found in abandoned Tucson greyhound racing kennels.

GREYHOUND, continued/4A



BRED TO RUN



BORN TO DIE

■ **TODAY:** The majority of racing greyhounds die young because the dogs cannot win, or win enough to cover their food bills.

◀ **TOMORROW:** A thousand greyhounds are euthanized every year in Pima County.

■ **FRIDAY:** How and why most greyhounds are neglected and abused. Other animals are used as live lures to train the dogs.

■ **SATURDAY:** What can be done about the carnage.

Continued from 1A

Just recently, more than a hundred decaying greyhound carcasses were dumped in a vacant lot near Phoenix.

That was after 37 racers were found dead of thirst in a Yuma kennel in the dead of summer.

That followed a case of bludgeoned, bleeding but still whimpering greyhounds unearthed in a city Dumpster. To mention a few.

The people who make their living off greyhound racing protest that these are isolated incidents marring a basically decent industry. They say the people who do these "unspeakable" things are the "few bad apples" in an otherwise pretty good barrel. They swear they will run them out of racing forever, and sometimes they do.

But those who have investigated greyhound racing, including the Tucson Citizen, have found that the dismay over discarded greyhounds is not that they were killed, but that they were dumped to rot and the scene was shown to the public.

Even the most humane of greyhound trainers (and they are out there) admit that the deaths, in one way or another, of greyhounds that don't cut it remain common in this sport. And greyhounds that don't win form the majority of those that are bred.

Arizona is a racing state where three of the four greyhound tracks — Tucson, Yuma and Apache Junction — are considered low-level, "end-of-the-line" tracks. Only Phoenix achieves a mid-level class of purses and dogs. That unfortunate fact dooms Arizona to playing unhappy host to too many sickening scenes of starving greyhounds.

That is because, racing people say, the purses at low tracks are too small to sustain a kennel of large, hungry dogs in the care of people trying to make it work on a shoestring budget, as increasing numbers do.

When they go broke, they ditch the business and too often the dogs as well. A low-grade track, such as Tucson's, is where that is most likely to happen, say those in the racing business here.

And cruelty is not limited to the racing dogs themselves. Unknown to most racing fans is the fact that most greyhounds still are trained on live animals, usually rabbits, that are torn apart by the dogs in order to stimulate the lust to race.

The practice is illegal in Arizona and is roundly and publicly condemned by racing people. But in private, they admit, it remains rampant.

Of the 19 states that allow greyhound racing, Arizona and Florida are singled out — by racing officials themselves — as the two worst states in the country when it comes to horror stories about greyhound dogs.

"I think it is because of the large concentration of greyhounds in those two states," said Gary Guccione, head of the National Greyhound Association, the official registry of racing greyhounds.

"There are a whole lot of greyhounds being bred out there in Arizona, and that leads to more incidents. The

economics of all this is a problem. We need to concentrate on more policing and inspections in states like Arizona."

Yet Arizona also is among the most unregulated of all greyhound racing states, its own regulators concede. "Our authority is basically limited to the grounds of the racetrack (where no greyhounds are housed)," said Ralph Robinson, an investigator for the Arizona Department of Racing.

"Beyond that, if there are trainers neglecting and abusing and starving their dogs in their kennels, we have no authority to go and inspect. Breeding and raising greyhounds is a wide-open market in Arizona. There are no rules at all about who can do it and how they do it."

"If someone wants to breed and raise a batch of greyhounds in an abandoned car — and believe me, it's been done — they can."

Dog racing is, after all, the sixth largest spectator sport in the country. It pumps no less than \$30 million a year into the Arizona economy, more than any other racing sport. The state has been reluctant to mess with that windfall.

"We have major shortcomings in our laws," said Robinson, who called what has happened to greyhounds in Arizona recently "a terrible black eye."

That is an understatement, say Tucson racetrack officials, who link significant drops in fan attendance directly to each greyhound horror story that has hit the media.

"Part of my job is to convince people to come to the track, but these days they won't because of what they have seen in the news. They won't even talk to me," said William L. Drozd, longtime director of racing at Tucson Greyhound Park.

"Track attendance here fell 10 percent right after the Shorty McClellan incident (when some 100 greyhounds were found starving to death in a Tucson kennel a year and a half ago). We were just recovering from that when the Chaudier story hit (124 shot and bludgeoned greyhounds dumped in a lemon orchard) and now we're feeling that. It has really hurt."

No one, in racing or out, disputes the fact that the dynamic that fuels this sport, and its tragedies, is money.

The fans may love the lights, the excitement and the gambling when these beautiful dogs are running, but the bottom line of it all is not love for the canine athlete, but for the money.

And when there isn't enough, the dogs die. "Greyhound racing is a form of excitement, recreation and gambling," said Drozd. "The dog is the slot machine."

"Any time you have people trying to make money with animals, you are going to have some problems."

Robinson, of the state racing department, put it this way: "It's purely economics. . . . These are racing dogs and if they aren't winning or cutting it as a racer, they are just so much excess baggage."

But with the storm over greyhound abuse in Arizona has come the first winds of change for the better, say those close to this business.

Because the problems are hardly unique to Arizona, the effort to promote more pet adoption of failed racers as an alternative to killing them is now a national priority of such groups as the National Greyhound Association.

Greyhound rescue and adoption programs have sprung up in all racing states and are promoted at most tracks, including Tucson's.

But in an industry rife with so much overbreeding, there will never be enough homes for these excess dogs — not in a society that already discards more than 20 million unwanted pets every year, according to shelter estimates.

More effective will be stronger laws to regulate the owners, breeders and trainers who really control the fate of greyhounds.

"Greyhound racing in Arizona is a truly corrupt and inhumane and problem-plagued industry — it really is," said Stephanie Nichols-Young, a Phoenix lawyer who recently handled a case involving greyhounds fraudulently sold for medical research.

"But I think we are going to see a change. I think there is finally some real support for that at the state level, in the (racing) department itself."

State Rep. Dave Carson, R-Prescott, citing the "gross brutality" of recent greyhound dumpings, has introduced a bill banning such practices, and also calling for the inspection of racing kennels and breeding operations and for stiff penalties for cruelty.

"The humane issue is the most important issue for us," said Guccione of the Greyhound Association. "It is a priority."

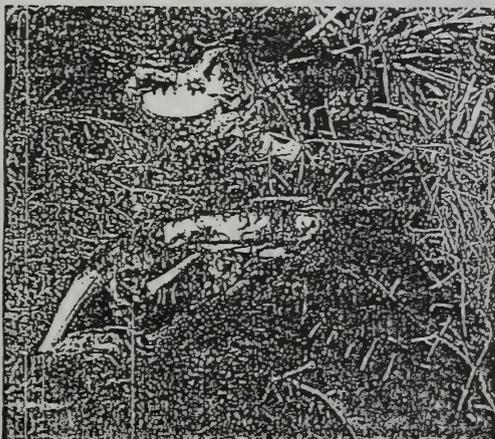


Photo: Williams photo by TOMI SARANAKI

The remains of 124 shot and bludgeoned greyhounds were found on a Chandler orchard.

4A

Tucson Citizen

Wednesday, February 26, 1992



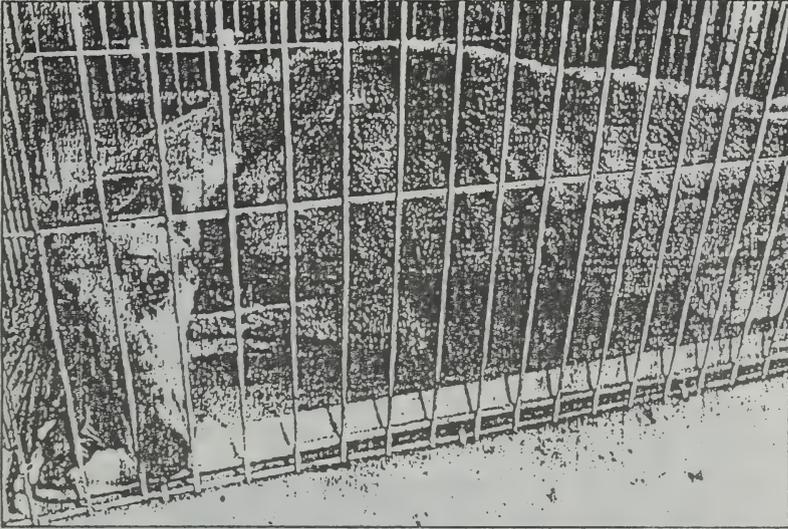
XAVIER GALLEGOS/Tucson Citizen

Greyhounds run six days a week in nine sessions at Tucson Greyhound Park, in a business known to include abuse, suffering and death.

Greyhound industry marred by abuses

We always get more (greyhounds to euthanize) on Mondays . . . the ones that messed up at the track over the weekend.'

— A handler at Pima Animal Control



RICK WILEY/Tucson Citizen

LAST MINUTES: This greyhound is one of many that has been euthanized in Pima County.

A RACE FOR THEIR LIVES

Thousands put to death every year

Every working day of the year, year after year, greyhounds are brought to the back door of the Pima Animal Control Center.

They are taken inside and gently muzzled. A needle is slipped into a vein of their front legs. Within seconds, the eyes flutter, the body crumples and the tongue lolls out of the mouth. Sometimes, but not usually, there is a soft moan.

Another short life is ended. The race is over.

The dogs are carted out of the back room in a wheelbarrow and taken for unceremonious burial in the landfill.

These greyhounds are usually 2 or 3 years old, almost never older than 4 or 5.

BRED TO RUN



BORN TO DIE

■ **TODAY:** A thousand greyhounds are euthanized every year in Pima County.

■ **TOMORROW:** How and why most greyhounds are mistreated. Other animals are used as live lures to train the dogs.

■ **SATURDAY:** What can be done about the carnage.

MORE COVERAGE, 6A

- Stages of euthanasia
- Adoption efforts lackluster
- Racers used in medical research

Their capital crime: failure to run fast enough.

It is a scene repeated relentlessly in every city in every state where greyhounds race in America, including Tucson. Some 15 to 20 greyhounds are euthanized every week at the Pima Animal Control Center.

As one handler at the center put it, "We always get more in on Mondays . . . the ones that messed up at the track over the weekend."

Despite efforts by the racing industry to downplay this fact of greyhound life, and to publicly promote greyhound adoption, the overwhelming fate of racing dogs that don't win is early death.

And vastly more of them don't win than do.

Here is how it usually goes for a litter of racing greyhounds, according to Victor Dad, just-retired president

DYING, continued/6A

A special report by CARLA McCLAIN/Tucson Citizen

Continued From 1A

of the Arizona Greyhound Breeders Association, a man who has been on the racing scene in Arizona for many years:

"Let's say you get a litter of (greyhound) pups, an average litter of seven or eight. The runt, and there may be one or two, go immediately. They're gone. The rest, you start to school 'em out. One of the pups won't take the lure, he's gone. I take them to the pound. Some shoot them.

"The rest — we're down to maybe four or five now — I try to qualify them in Phoenix (Arizona's top track). Maybe one or two will qualify there out of the whole litter. The rest, whatever's left, start moving down to lower-class tracks, to see if they can win there, to Tucson, Apache Junction or to Mexico. That's the end. If they don't make it there, they have to dispose of them one way or the other.

"I've had litters where most of them made it (to the track). I've had litters where none made it, litters that bad. We do have to get rid of them. Some are just not trainable.

"We have had the problem of disposing of greyhounds for many years now. We try more and more to adopt them out. . . . But it's such a huge problem, and it doesn't seem to change," Dad concluded.

Citing figures similar to Dad's, several Tucson-area greyhound trainers said that only one-third to one-half of a litter of greyhounds typically makes it to the track. The rest are euthanized at the county shelter, or killed and buried, most before they are even a year old.

But even as greyhound trainers list their own grim statistics, the National Greyhound Association, where all racing greyhounds are registered, insists that 80 percent of those bred survive to race.

As the years go by in a greyhound's life, this number war — their race for life — gets nastier.

Anti-racing groups such as the Humane Society of the United States, whose investigators have probed the sport's abuses for years, say that only one of every eight greyhounds lives to age 4.

After that, only one in 50 makes it to 5. By that age, the dogs have worked their way down the tracks, have failed to win enough money and have been disposed of — most killed.

"Not many of them race to 5 (years). After 4, they go downhill real fast," said William L. Drozd, director of racing at Tucson Greyhound Park.

It is only the elite — the most fleet of greyhounds — that live on to be bred, and only a very lucky few, perhaps 5 percent, that find homes as pets.

"The greyhound is bred for mass destruction," said Robert Baker, Humane Society greyhound racing investigator. "Despite what the industry tells you about all their adoptions, I have seen no improvement in the killing numbers in recent years. Only in their P.R. (public relations) effort."

Humane Society figures say that 50,000 greyhounds are killed every year in this country. The National Greyhound Association insists that is absurd.

"If we killed that many greyhounds every year, we wouldn't have any greyhounds left to race," said Gary Guccione, head of the NGA, whose paycheck is at least partly earned by doing damage control on greyhound racing horror stories. "There's just no way."

However, after estimating the annual greyhound death toll "conservatively" at 30,000 a few years ago, the Humane Society got so many complaints from veterinarians and animal shelters that euthanize the dogs, it was forced to revise the figure to 50,000.

"When we did that, the NGA came out, on the record and said, 'No way, it's no more than 35,000.' And that was more than we had originally thought," Baker said. "As far as we're concerned, 30,000 is abominable. It is ludicrous when they defend themselves with numbers like that."

Guccione said he did not know how many failed racers are put down.

"We don't know how many, but I do know it is still too many," he said. "If it's even 50, it's too many. We want to find homes for these animals, and I think now the majority of them are not being killed."

But such a trend has yet to filter down to Arizona. "The people are in this for the business," said Ralph Robinson, investigator for the Arizona Department of Racing. "It costs so much to feed and house a dog, and if the dog isn't making money, it's a liability, and they're going to get rid of it one way or the other."

"Some are adopted, some are sold or donated for research, some are sold out to the Midwest, where they are used to hunt coyotes.

"The others, and it is probably the majority, are killed — most at the pound, some in less humane ways. The whole thing is economics. People can't afford to hold onto a dog for months, trying to find a home for it. Most of them don't."

One Tucson greyhound trainer who insists he does try to find homes for his dogs when their racing days are over is Blaine Myers. A kindly man who obviously loves his greyhounds, he is often cited for the high quality of

his kennel.

But even Myers admitted, "There are dogs you have to put to sleep. In my first years in racing, I didn't euthanize as many as I should have. I tried to keep them for months. That costs money."

Now that he has found a supplier of higher quality dogs, Myers says he has to euthanize only about 10 percent of his greyhounds, mostly because of injuries. "We try to place our dogs in homes whenever we can. And we send others who are not racing well to Mexico to give them a chance."

"After that? Well, I don't know. It's up to the owner what happens to them after that."

In Arizona, an estimated 4,000 greyhounds are killed every year, while adoption programs say they place perhaps 300.

And Tucson winds up the dead end for many racing greyhounds because of the low grade of Tucson Greyhound Park, where purses are small and the quality of dogs is low. If a dog doesn't make it here, he won't make it anywhere, say trainers.

"As you move down the tracks, there's an increasing problem of disposing of dogs," said Drozd, the park's director of racing. "Out of 50 tracks in the country, Tucson ranks about 42. That's the bottom, so we're fighting that problem here."

Driving the whole deadly dynamic is overbreeding, most involved in greyhound racing say.

"Breeders breed umpteen litters of dogs to get one good racer," said Treva Slote, member of the Maricopa County Animal Control advisory board. "Anyone can breed and race greyhounds in Arizona with no qualifications, and they do. It's really a problem."

Tucson-based greyhound breeder Joe Parsella agrees.

"They breed so many litters just to try to get that one great dog, the dog they think is going to win the really big money for them," said Parsella, who bred and raced greyhounds in Tucson for 25 years, but has since moved his kennel to Mexico.

"You try to get that superstar and it almost never happens. It's the indiscriminate breeding that is causing this problem. There are too many people in this business trying to make a fast buck and they don't know what they're doing. They take a dog that can't run, because it's cheap, and breed it with an unproven dog and they get junk. That's how you get too many dogs, and there are too many."

This ugly side of greyhound racing — the callous overbreeding, the mass dying — usually occurs out of public sight. But last month, that changed dramatically when 124 dead, rotting greyhounds turned up in an orchard near Chandler outside of Phoenix, the site of many large greyhound breeding and training operations.

The dogs, believed dumped there over a period of a year or two, apparently were shot in the head or bludgeoned to death. The mess has triggered public outrage at the sport and has led to a drop in fan attendance at both Tucson and Phoenix tracks.

The racing people are outraged, too, they say.

"The whole (racing) industry looked at Chandler as a deplorable thing," said Guccione of the NGA. "I can imagine what the people in Arizona think of all this, but it is not the general case. For every one person who does something like this, there are a hundred more doing a superb job of caring for their greyhounds."

"Out of five or six thousand people in the business, you're going to have at least a few bad apples."

Phoey, says Humane Society investigator Baker.

"You go to any major greyhound breeding operation in the country, and you dig on the property, you'll find dead dogs all over the place," he said.

Dumping dead greyhounds out in the Arizona desert is "not uncommon," said Robinson at the state Racing Department. "Getting caught."

Victor Dad said he was aware the practice still goes on, but thought most breeders and trainers had stopped doing it, opting for the needle at the pound.

"I can't imagine anyone doing it," he said, "but some people don't want to go to the trouble of doing the paperwork (to have them euthanized)."

By Arizona law, whoever dumped the dogs is guilty only of littering, not of cruelty to animals. Lashing or shooting a dog in the head still is considered a "humane" and legal form of killing an animal.

But the American Veterinary Medical Association has long since declared bludgeoning an unacceptable form of euthanasia, and shooting is allowed only in the most acute, traumatic emergencies.

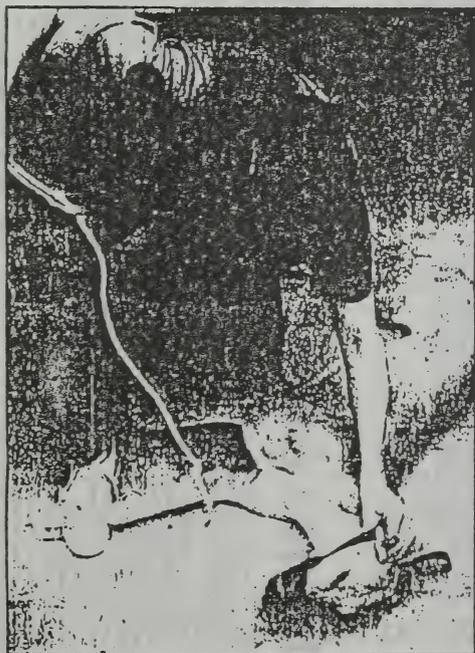
"Look," said Drozd, "if this guy had taken his 124 dogs to the shelter to be euthanized properly, he'd be in no real trouble. Or if he had done this (shot and bludgeoned them) on his own property and buried them, he wouldn't be in trouble.

"It's within the law."

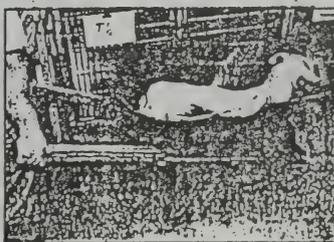
Photos by
GARY GAYNOR/
Tucson Citizen



DEATH FROM A NEEDLE



Muzzled, an abandoned and unwanted greyhound (above left) waits to be silenced forever at the Pima County Animal Control Center. There, a lethal injection (above right) is administered to the animal. Within moments, the poison takes effect and the dog lies down to die (left). The dead dog (below) is then carted out of the back room in a wheelbarrow and buried in a landfill. The process is repeated about 15 to 20 times every week, as more losing and aging greyhounds are abandoned.



LEAD TO RUN



BORN TO DIE

Dying young

Stories by CARLA McCLAIN/Citizen Staff Writer

Itacers used in medical research

Greyhounds are a favorite target of medical researchers, who put them easy to handle, quiet under stress, with large bones and easy to obtain. No one knows how many discarded racing dogs are sold or donated to labs in Arizona. They trace in Arizona as said Stephanie Nicholas-Young, a Phoenix lawyer who has handled cases involving fraudulently donated greyhounds. "There is such a huge glut of greyhounds in Arizona, they're overbred, and everyone is trying to dump them," she said. "The (lab animal) dealers know that, so they really work the state. A lab will pay \$200 to \$400 for a greyhound."

In recent years, at least two greyhounds based in Arizona have been uncovered in which the dogs were sold in research without the knowledge of their owners, who thought they had bred them into loving homes. Involved in one of these cases was longtime Tucson greyhound kennelmen Chris McClellan, who most recently gained notoriety when more than 100 greyhounds under his care were found starving to death. In Arizona, greyhounds are routinely used in experiments at the University of Arizona, the Tucson Veterans Administration Medical Center, Arizona State University, Humana Research Center in Phoenix, and the W.L. Gore Co. in Flagstaff.

Last year used 102 greyhounds, mostly in cardiovascular teaching procedures involving acute, invasive surgery. The dogs are anesthetized during the sessions, then euthanized afterward. All greyhounds used at UA are donated by a select few Tucson-based breeders or trainers, son-based breeder or trainer, and Susan Wilson-3-Benders, associate director of UA animal care. "We only accept dogs from a few limited people we have known for years because we have found that other kennels do not give good care to their dogs. They are in ill health or they are injured," she said. "We look for kennels that are really caring for their animals."

"They donate their greyhounds to us because, in some cases, the person directly benefited from animal research. For others, they would rather see their animals do something worthwhile than just be put down." The Tucson VA used 10 greyhounds last year, also donated from selected kennels here. They were used in respiratory and cardiovascular experiments. Three survived the experiments and were placed in adoptive homes, said VA spokesman Dan Johnson.

As horror stories and public outrage mount across the country over dead and dumped greyhound racing dogs, so have adoption efforts to save the animals.

Critics call it an ineffective smokescreen to mask the truth about racing's killing fields. The National Animal Welfare Association recently issued a report that says the adoption program, Greyhound Pets of America, with chapters at many tracks around the country, including Tucson.

They claim to have found homes for some 7,000 racing dogs in the past year, an impressive number until it is compared to the estimated 35,000 to 50,000 greyhounds killed nationwide each year. A Tucson greyhound adoption program, run by

Adoption efforts slow in stemming problem

kenel owner Lauris Tracy and promoted by Tucson's Greyhound Park, placed some 100 dogs last year, compared to the 400 to 1,000 that were euthanized at Pima County Animal Control.

Responding to a spate of recent greyhound track, anti-racing animal welfare groups have organized their own "greyhound rescue efforts" to save these animals from the needle or gunshot. They strongly criticize the fact that racetracks like Tucson's, by doing nothing to help pay the costs of holding and caring for these animals, found. This is the case at the Tucson racetrack.

Perhaps the best known rescue program is in San Francisco, run by animal welfare activist Susan Netboy, who found homes for many of the starving and diseased Tucson greyhounds found in

Where to call

Anyone who is interested in adopting a greyhound can contact any of the following groups: Greyhound Pets of America, now operating a toll-free adoption number, 1-800-368-1472. It is sponsored by the National Greyhound Association and the American Greyhound Council, with funding just donated by the American Society for the Prevention of Cruelty to Animals. Greyhound Protection League, run by Susan Netboy in San Francisco, 1-415-851-7812. Greyhound Adoption in Tucson, Laurie Tracy, 576-2792.

Greyhound puppies do not usually make it to adoption programs, those wishing to adopt puppies should specifically request them of these groups.

A LOSING GAME

Poor handling of dogs puts racing industry in serious jeopardy

The mass killing of many thousands of unwanted greyhounds, quickly and out of sight, has been a fact of dog racing life for decades, accepted as sound business practice by those who do it.

But letting the dogs die slow, miserable deaths of starvation, thirst and neglect — as so many have in recent years in Arizona — embarrasses the entire industry and may finally prove its undoing.

It is this kind of abuse that triggers perhaps the deepest anger among people who want this sport shut down forever.

Few failed to react to the heartbreaking pictures of the miserable, emaciated dogs brought out of a Tucson greyhound kennel two summers ago. . . 101 of them, half too sick to even try to save.

Fury rained down on the old guy who ran his place into a living canine hell.

"When we find people doing unspeakable things like this, we run them out of racing for good, and we did that to (Otis) McClellan," said Gary Guccione, head of the National Greyhound



■ **TODAY:** How and why most greyhounds are mistreated. Other animals are used as live lures to train the dogs.

■ **TOMORROW:** What can be done about the carnage.

MORE STORIES

- Top breeder pleads no contest to charges of criminal littering of 124 greyhounds. 2A
- Live animals are sacrificed in the training of some greyhounds. 12A
- A chronology of tragedies. 12A

Association, the national registry of all racing dogs.

"The vast majority of people racing greyhounds are conscientious about what they're doing. They have to be, or their dogs can't compete. Even mediocre will not do.

"Those who are not willing to run a good operation will not last long in racing."

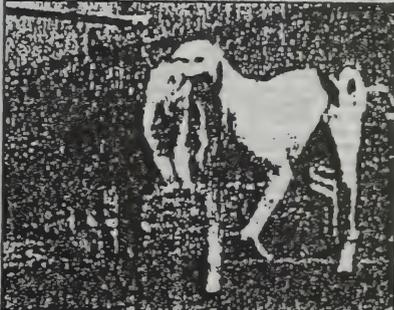
That is the oft-repeated party line from

A LOSING, continued/12A



Mesa Tribune photo by TORU KAHANA

REMAINS FOUND: A woman carries a dead greyhound that was killed and dumped with 123 others in a Chandler fruit orchard.



Humane Society of the U.S. photo by GAIL EISNITZ

LIVE LURES: A greyhound in Florida carries a dead rabbit that was used as a live lure for training.

Continued from 1A

inside racing. It says that the starving greyhounds in the now-notorious kennel of trainer Oils "Shorty" McClellan were the sensational exception — the "isolated incident" — that is dirtying an otherwise decent sport.

It was, after all, the industry itself, through the NGA, that caught McClellan and banned him from racing. Guccione points out. McClellan is facing 144 counts of criminal neglect of animals, but the case has endured numerous delays and has yet to go to trial.

"The whole industry has been given a terrible black eye by cases like this," said Ralph Robinson, investigator for the state Department of Racing.

"But I think it's unfair overall. For every 20 people in it who are honest and give their dogs good care, you get one idiot who does something terrible."

From the public point of view, however, Arizona has been forced to witness 400 many of these "isolated" incidents of severe cruelty to greyhounds.

No less than nine of these cases, involving hundreds of abandoned greyhounds left to starve, die of thirst, in agony from disease, sores and injuries, have made recent Arizona headlines (see related story).

Hammered repeatedly with this grisly stuff, the public has begun to wonder how "isolated" the cruelty really is.

"Starvation is surely not common, but it does happen in almost every racing state, several times a year," said Robert Baker, greyhound racing investigator for the Humane Society of the United States.

"The problem is that a lot of people don't make it in racing. And when they don't, they just walk away from the dogs. They don't love the greyhound as a sentient creature who feels pain, they love it as a moneymaker."

Even those who love this sport admit Tucson sees too much greyhound abuse. They blame the low grade of the track and the dogs that race here. The animals are caught in a deadly economic cycle.

At Tucson Greyhound Park, the purses are low, dependent entirely on the number of fans who bet on the races. Track attendance has declined in recent years, partly due to the economic recession, partly due to the competition of Papago Bingo.

As the purses have shrunk — down now to about \$100 a win, compared with \$1,000 to \$2,000 at a top track — feeding and vet costs have gone up and more racing kennels have gone broke.

Unable to afford to feed the dogs, who are not winning enough money, some have simply left them to starve.

By the time a dog ends up racing in Tucson, it already has worked his unsuccessful way down from the better tracks and there is no place left to go.

"Tucson is the low end of the totem pole," said Tucson trainer Blaine Myers, often heralded as one of the best in the business in this area. "This is the end of line for a lot of dogs."

The situation is similar at Arizona's other low-level tracks, Yuma and Apache Junction, but somewhat better at the Phoenix track, where purses are bigger and the dogs are better.

Unfortunately, the neglect problem is getting worse, not better, because "more and more people are getting involved in racing who are not qualified to be in it," said William L. Droz, director of racing at Tucson Greyhound Park.

He outlines the scenario for disaster.

"Some guy bets at the track and makes a big win. He gets excited and he wants to get into the business. He gets two lousy dogs, he breeds them and now he has 13 dogs with no ability in his back yard. He's making minimum wage, he's got a family to feed, and he thinks he can bring in a few extra bucks racing his dogs.

"But he's got to feed these dogs for a year and a half before he ever races them, then he's got to feed them after they don't win anything for him.

"He can't do it, so he dumps the whole thing. People think there's a lot more money in this sport than there is."

Racing people describe these owners as the "fly-by-nighters" — the fast-buck types who get into the business without financial backing or understanding of the dogs they plan to exploit.

The wide-open, unregulated nature of greyhound racing in Arizona — no required kennel inspections, for example — has even lured con artists to the state to entice ignorant people into racing. The con men sell lousy dogs touted as winners, say state authorities.

"Dog racing is often floated as a 'get-rich-quick' scheme, and it doesn't happen. The money's not there," said Robinson.

However, the "fly-by-nighter" explanation of cruelty got thrashed by the

A chronology of tragedies

The problem of cruelty to racing greyhounds will not go away in Arizona — a state considered one of the worst in the country when it comes to the treatment and death of the dogs.

Consider what has happened here in just the past few years:

- Last month, seven starving greyhounds, some injured and covered with sores, were seized from a Southwest Side Tucson kennel. They were in the care of a man who had supposedly been expelled from racing for life by the National Greyhound Association for past offenses, but who had re-registered the dogs in another name and kept on racing.

- Earlier in January, 124 greyhounds were found shot or bludgeoned and rotting in a Chandler orchard.

- October 1990, 70 diseased and starving greyhounds were found dying, some with broken legs, in a South Side kennel in Phoenix.

- October 1990, two greyhounds were found starved, beaten and bleeding but still alive in a Phoenix trash container; 60 more dogs from same kennel were found emaciated and neglected.

- July 1990, 101 starving and sick greyhounds were taken from Oils McClellan's Tucson kennel; only 62 could be salvaged.

- June 1990, 35 greyhounds were found dead of thirst and starvation in a Yuma kennel.

- 1989, 32 greyhounds were found starved to death or near death at a Tucson kennel, the property littered with shallow mass graves of dead greyhounds.

- 1989, a full kennel of starving and dehydrated greyhounds was found on the grounds of Yuma Greyhound Park.

- August 1988, 141 greyhounds were poisoned in Chandler.

McClellan disaster here in Tucson.

The man who starved 101 dogs was a longtime fixture on the greyhound racing scene, a man everyone described as "a good dog man" until that incident.

The same is true of Glen McGaughey, the man who pleaded no contest yesterday in the Chandler killing fields case — a trainer with decades of racing experience who runs a major Arizona kennel. He pleaded no contest yesterday in Phoenix to criminal littering charges. Although insiders try to blame McClellan's bizarre behavior as the result of a gambling addiction and emotional problems, the fact is McClellan starved only his non-racing greyhounds.

Right next to their miserable kennel was a group of well-fed greyhounds that were apparently still bringing in money for him, according to several sources.

"Greyhound operations range from

the sublime, where the dogs are treated like royalty, to the tragic," said Treva Siole, a Maricopa County Animal Control advisory board member who has investigated several cruelty cases.

But again, it's money, not love, that determines who is royalty and who isn't, say anti-racing activists. That is what separates the quick from the dead.

"Proper care is an issue that comes up repeatedly in greyhound racing — it is not the isolated thing they would have you believe," said Susan Netbey, an animal welfare advocate who runs a greyhound rescue program in San Francisco. (It was Netbey who found homes for many of the surviving McClellan dogs.)

"Face it, the dogs are an economic commodity, and they are totally expendable when they're not producing."

The extreme difficulty of making money racing greyhounds, especially in a place such as Tucson, is strongly stressed by those who are praised for doing the job right.

"For the first five years I was in this, I only made enough to pay expenses," said Myers, who was a fan until he broke into the training end of it eight years ago.

"We could not have lived on it. The only way I was able to stay in it was with my retirement money backing me. Without that, we'd have gone broke."

"I'm in it, as this is most are, because I love the dogs. You have to. The dogs have to come first. It takes every waking hour you have to do it properly. You dedicate your life to it.

"It makes sense. If I treat my dogs right and you don't, I'm going to win."

Myers' kennel, located about six miles south of town, houses several dozen greyhounds, some racing, some for breeding, some out of action. The place is not plush, but it is clean.

The dogs live in typical greyhound style — in crates, not too much larger than they are, stacked on top of each other, inside the kennel.

But he says he takes them outside four or five times a day to exercise together in a fenced yard. And there is no question they are fed and cared for.

Myers insists most of his Tucson area's 30 or so greyhound kennels are well-run operations — only a "few bad apples" have earned the bad publicity.

"But things are worse now," warned longtime Tucson greyhound owner Joe Parisella. "The reason why is money — it's hard times. There are cheaper dogs here, there are more people breeding bad dogs, overbreeding these dogs.

"If someone is trying to make a living on greyhound racing, they better think twice."

Greyhounds fare worse in Arizona overall than in almost any other racing state, says Gregory Klein, a former Arizona-based greyhound owner whose dogs were abused during one of the Yuma incidents. He finally rescued most of them, in emaciated condition, and has since moved his operation to Nevada.

"I saw things out there that I was really upset about," he said. "Some of those tracks — Yuma, Apache Junction, even Tucson nowadays — are just too small to support the dog people, and they're the kind of people who can't do anything else. Those tracks should not be operating if the lowest kennel cannot even break even to feed their dogs. They should shut them down."

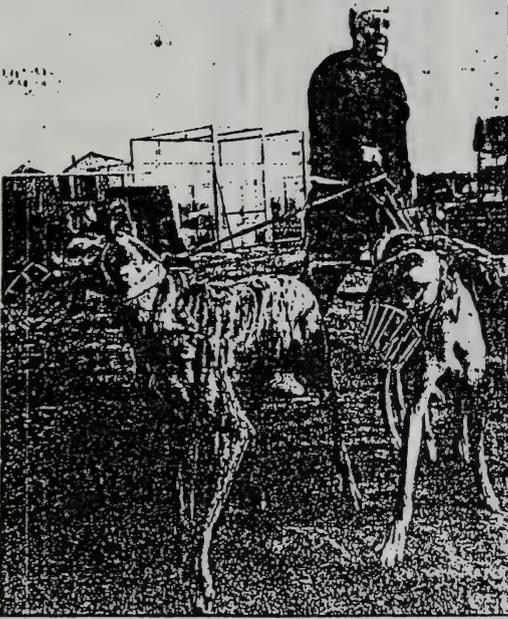
Klein also said many dogs raced in Arizona are not adapted to the summer heat, and he has seen several die on the track of heatstroke.

"They are not in good enough shape to stand 120-degree heat, but they race them anyway," he said.

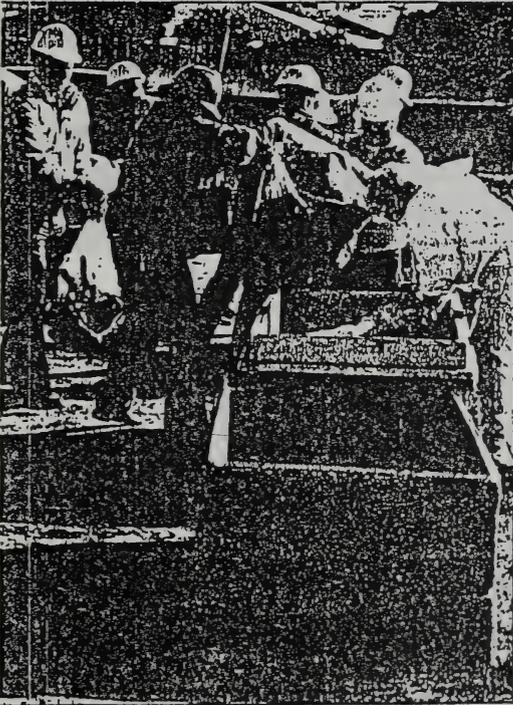
Baker, at HSUS, cites a recent study conducted by Arizona veterinarians that found five dogs died of heatstroke while being raced during a three-week stretch of 105-degree weather.

"Even the ones who are doing it right can't really provide a humane environment for these animals," he said.

"The bettor at the track doesn't see what is going on behind the scenes."



BLAINE MYERS. A respected Tucson trainer exercises his dogs. RICK WILEY/Tucson Citizen



'How 'ISOLATED?' Carcasses dumped in Chandler last month are buried in a pet cemetery. Associated Press

**BREED TO RUN
BORN TO DIE**

A losing game

Stories by CARLA McCLAIN/Citizen Staff Writer

12A

Tucson Citizen

Friday, February 28, 1992

Live animals sacrificed in training of some greyhounds

Practice allowed in four states, illegal in Arizona

One of the most controversial cruelty issues now raging in greyhound racing centers in a practice called "live lures."
It begins when young greyhounds are first sent into training, before they have ever been on a racetrack.
Here is how it works, according to those who have seen it:

A live, caged rabbit is set in a fenced field with one or two loose greyhounds. The rabbit is released from the cage, the dogs chase it down and kill it.
If a young dog does not appear sufficiently interested in the rabbit, some trainers have been known to break the rabbit's legs to make it squeal, hence the name, the greyhounds and hunting the chase.

To begin actual track training, a live rabbit — or sometimes a chicken or guinea pig — is tied to the end of a mechanical arm and whirled around the track ahead of the dogs, stimulating the mechanical rabbit in the racetracks of their future.

But this whirling rabbit, some-

times caged on the pole, but usually un-protected and mauled by the dogs, is used over and over until it dies.

Live lure training is now illegal in Arizona, and in many, but not all of the 19 states that allow greyhound racing.
Some states forbid any dog trained anywhere with a live lure to race.

So, is live lure training truly a thing of greyhound racing's seamy past?

"It still occurs, but on a much, much smaller scale than before," said Gary Gurcione, head of the National Greyhound Association, the registry of all racing greyhounds, headquartered in Kansas.

"It used to be very widespread — every greyhound trainer did it, for decades. But it is quickly being eliminated. There's been a great shift in attitude in the last 10 to 15 years. People realize it is no longer acceptable. Most trainers have gone to artificial lure methods."

"Sometimes it takes a greater amount of work to train a dog with an artificial lure, but it can be done, and we know that now..."

Tucson greyhound trainer Blaine

Myers said he knows of no one in Arizona who uses live lures to train greyhounds.

"I train my dogs using a mophead and a squawker," Myers said. "They kill it for all practical purposes, it's a kill for them."
"I can't use a live lure. I'd lose my license."

However, interviews with several greyhound trainers and owners, operating both in Arizona and out-of-state, revealed a far different picture of live lure training — off the record.
Unwilling to be quoted on the issue by name, here is what they said when asked if greyhounds are still trained with live rabbits:

Laughing at what he obviously considered a silly question, one trainer said, "Now what do you think? Why sure they are."
"Trainers do use artificial lures more than they used to, but only in the later stages of training. To get the dogs started, a lot believe you gotta use a jack (rabbit) to get them into it. After that they run a lot better."

Said another:

"Live lures? Yes, it's true, they still

use them. A dog needs a kill to race, and when he gets one he never forgets it."

Said another:

"You talk about the dogs who don't make it as racers? The ones we have to put down? Nine out of 10 times it's because they were trained on artificial lures. They pretty much have to start on a (live) jack."

Said an Arizona greyhound owner: "I send my pups out (of Arizona) to be trained, to Oklahoma and Texas, to get them track ready," the owner said.

"So I don't know what they do there. Well, yeah, they probably do it. If they use a live animal, a dog has a better killing instinct. The dog is a better dog, a better racer."

"Yeah, that's how it's done. They do it way out in the backwoods, where no one sees it."

Arizona racing authorities say they continually hear rumors that live lure training is going on, illegally, in this state.

They have gotten tips on the large-

scale trapping and sale of live, wild rabbits to Arizona greyhound kennels.

"We've tried to check it out, but again, the problem is how limited we are," said Ralph Robinson, investigator for the state racing department. "We are not permitted to force a kennel or training inspection."

"But we have put some of these places under discreet surveillance and tried to observe this. If we could catch them that way, then we could prosecute."

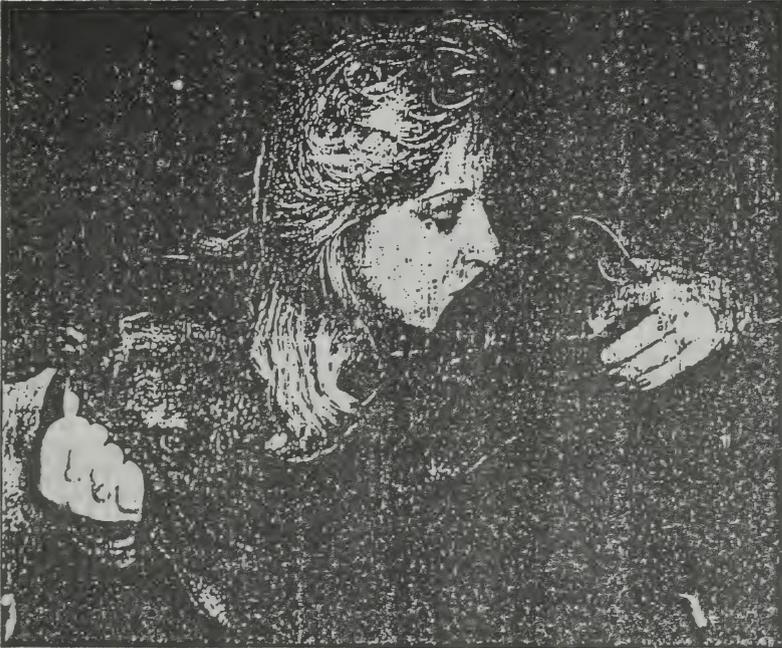
"But this sort of thing is done way out in the countryside... There, places are well-fenced and it is very difficult to observe what is going on from the outside."

"But if we ever caught anyone doing it here, it would definitely put their racing operation in jeopardy."

Robinson said it appears to be a common Arizona practice to ship greyhounds out to be trained in states where live lures can be used legally.

"What we hear, what trainers will tell you, is that you can't make a greyhound race until it's chased a live animal," he said.

MONEYMAKING 'BLOOD SPORT'



RICK WILEY/Tucson Citizen

PERFECT PETS — Tucson kennel owner Laurie Tracy, with Huggy (left) and Mindy (right), runs a greyhound adoption program that placed some 100 dis-

carded racing dogs last year. For a list of phone numbers for greyhound adoption, legislation and reporting abuse, see page 3A.

Dog racing ripe for regulation

Overbreeding, inhumane killing, dumping carcasses, sales to research, live lure training, neglect and abuse — these are the issues plaguing the sport of greyhound racing in Arizona, and in all 19 states that allow it.

In recent years, Arizona has earned unwanted notoriety as one of the two worst racing states when it comes to the severity and



■ **TODAY:** Last in a four-part series. What can be done about the damage.

frequency of these problems.

Only Florida, with more greyhound tracks than any other state, can match Arizona when it comes to the cruelty and killing of racing dogs, agree both critics and supporters of this sport.

Nevertheless, Arizona is also a state that has long catered to the popularity and the money generated by its four dog tracks. The state takes 6 percent off the top of all track revenues, and the business pumps some \$30 million into the state economy every year.

ARIZONA, continued/3A

A special report by CARLA McCLAIN/Tucson Citizen

Arizona overdue for regulation of greyhound racing

Continued from 1A

From Tucson's standpoint, the track here "needs a lot of people," employing more than 200, said Bill Drosz, director of racing at Tucson Greyhound Park. "The livelihoods of more than 800 people are related in some way to greyhound racing here. This is a good industry."

But the state has rich greyhound racing opportunities. It regulated, it licensed, it inspected only racetrack conditions and visiting kennels only to verify the birth of Arizona-bred dogs.

There are no standards for breeding, training or housing greyhounds, and no inspections of breeding and training kennels — where the abuses occur.

"Even if we hear of people neglecting and starving and abusing their dogs, we have no authority to do anything," said Ralph Robinson, investigator with the state racing department.

"We have to turn the case over to (county) animal control, and they go in," he said.

The National Greyhound Association also has a team of inspectors that can be dispatched to the scene of a complaint in any racing state.

"But complaints usually come in after the damage has been done," admitted Gary Guccione of the NGA. "Sometimes we are able to find out what's wrong before it gets real bad, but not often."

Training with live lures is outlawed, but there is virtually no means to enforce the law because inspections of training operations are not allowed.

So, given the "terrible black eye" Arizona has suffered as a result of repeated negative publicity, what can be done?

After years of investigating grey-

hound racing nationwide, the Humane Society of the United States believes nothing can be done to clean it up, here or anywhere else.

The HSUS argues that laws mandating humane euthanasia for racing greyhounds do not affect the fate of young dogs that never make it to the track, and do nothing to control rampant overbreeding. Live lure bans here are essentially useless because dogs are sent to training in states where live lures are allowed, the society says.

"We've never seen a bill dog racing should not be condoned. Dog racing as it exists today is nothing other than a 'blood sport' since greyhounds in training are allowed to attack and viciously kill other animals. For these reasons, dog racing should not be tolerated in a civilized society," states the formal HSUS position on this issue.

However, the society has no illusions that such a popular and profitable sport ever will be eliminated. "We're not going to stop dog racing. It will be stopped in any state that legalizes it means more greyhounds will be bred for mass destruction, and more will be trained on live lures."

"Once racing moves in, you're never going to be able to do anything to control it. Wisconsin, one of the new racing states, for example, has good regulations and is now in the process of undoing them all, because of industry pressure. It's a big money-maker, so the states let this happen."

Less discouraged about trying to improve the sport, the San Francisco-based animal welfare group,

If you suspect greyhound neglect or abuse

To report any suspected incident of greyhound neglect or abuse, call the following:

- **Pima Animal Control Center, 742-7350, Animal Control.** "While we do not endorse greyhound racing, we do support the industry's efforts in the area of greyhound adoption."

- **The National Greyhound Association, Abilene, Kansas, 913-283-4660.** The NGA has 635 greyhound racing inspectors, investigates complaints and about the mistreatment of racing dogs.

- **On comment on HB 2425, Carson, R. Prescott, to more dogs in Arizona greyhound racing.** "I placed in homes each mandated kennel inspections and identity convictions for greyhound abuse — call 1-800-352-8404. That contacts the state legislative committee scheduled to hear this bill on Monday."

- **To adopt a greyhound,** greyhounds as household pets, describing them as "so sweet and gentle and trusting and low-maintenance."

- **Greyhound Adoption in America, now operating at 800-368-1472.** The adoption effort

- **Set standards for humane treatment of greyhounds on and off the track, and authorize a system to enforce such standards.**

- **Set limits on the breeding of racing greyhounds.**
- **Establish greyhound adoption agencies at each of Arizona's four dog racing tracks, funded by the racing industry itself.**

Require records not only of all greyhounds bred in Arizona, but also the final disposition of them.

In Defense of Animals concluded: "The time has come to re-examine the racing industry all those who are unwilling or unable to provide humane care for racing greyhounds. The atmosphere of secrecy and the intimidation of those concerned about the welfare of these animals must come to an end. Now is the time to shine the light of day on the dark and sinister and tragic situation in Arizona."

Even those involved in greyhound racing are beginning to agree changes must be made in the way the sport is run in this state.

"There have got to be major changes," said former Arizona greyhound trainer Gregory Klein. "Tracks should not be allowed to operate if the kennels who race there can't make it. If there is not enough money, to be won to even feed the dogs, to survive, Klein said.

That is often the case at Arizona's three low-grade tracks — Yuma, Apache Junction and Tucson, Klein said. Even Phoenix, where race purses are higher and profits more lucrative, regularly suffers incidents of greyhound killings and abuse.

"I had the second-highest money-winning kennel at Apache Junction, and I still could not make enough to feed my dogs, to survive, Klein said. "Arizona is just like this."

Drosz at Tucson Greyhound Park said it is time to bring back periodic greyhound kennel inspections, something track officials did back in the 1960s, until complaints from kennel owners put a stop to it.

"I think we should have that authority returned to us," he said. Robinson at the state racing de-

partment agrees.

"If someone wants to breed and train and race greyhounds, they should meet certain standards, for such things as space and accommodation and care of the dogs," he said. "We've got to eliminate people raising litters in the backyard, and to spay and fix like they do now."

The recent unsavory incidents of greyhound killings and neglect have finally prompted the first bill to be introduced in the Arizona legislature that would strengthen the regulation of greyhound racing.

Reacting to what he called the "gross brutality" of the recent Chandler dumping of 124 shot and bludgeoned greyhounds, state Rep. Dave Carson, R-Prescott, wants to authorize the Arizona Racing Commission to:

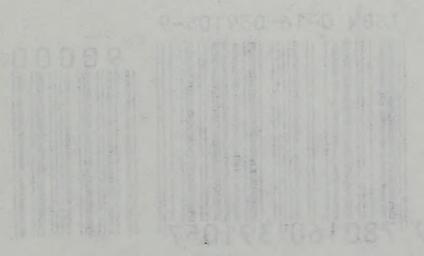
- Mandate the humane disposal of unwanted racing greyhounds.
- License trainers and breeders.
- Inspect kennels and breeding operations.
- Set fines up to \$2,500 for each violation.
- Suspend violators' licenses for up to three years.
- Levy similar penalties on anyone that knowingly subjects a greyhound to inhumane conditions or severe mistreatment.

Officials said the bill passed there "is finally a climate for change here," said Robinson. "We would definitely be in favor of this."

However, officials acknowledged that funding to beef up racing regulations will be hard to come by in the financially strapped state.

"I commend the people of Arizona for trying to regulate their industry," said Baker at the Humane Society. "If they can do it, it will help, somewhat."

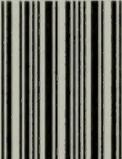




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