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WHY
THE EXHIBITION ANIMAL PROTECTION LAW
IS NEEDED



Q: WHY IS A FEDERAL LAW NEEDED?

A: NO FEDERAL LAW ADEQUATELY PROTECTS EXHIBITION ANIMALS.

The Animal Welfare Act does not prohibit specific abuses to exhibition animals.

The Animal Welfare Act (AWA) is the only Federal law which protects the majority of animals used in exhibitions, but it provides only partial protection for these animals. Although it establishes the basic humane husbandry standards for transportation, housing, handling, feeding, and general care, the law does not prohibit cruel, abusive, or exploitative uses or dispositions of exhibition animals. It does not give specific, thorough requirements or prohibitions for the handling or training of these animals. Present law does not require that all exhibition animals be treated with the same standard of care; currently the psychological well-being of primates only is to be considered.

State Anti-cruelty statutes are unworkable.

Although state-level anti-cruelty statutes do prohibit specific abusive acts to animals, the state laws are rarely enforced with respect to exhibition animals for a number of reasons: they are too general and lack specificity as to the kinds of abuses germane to exhibition animal use; most local groups are busy with local issues and have neither the resources nor the authority to inspect, track, and prosecute exhibitors; and, state laws do not provide for the revocation of licenses or other appropriate remedies.

Q: WHAT KINDS OF PROBLEMS AND SITUATIONS WOULD A FEDERAL BILL HELP RESOLVE?

A: ANIMALS USED FOR EXHIBITION NEED SEVERAL KINDS OF PROTECTION. FIVE NEEDED CHANGES THAT WOULD RESULT ARE:

Physical abuse would be clearly defined and prohibited.

Because the AWA does not specifically and clearly prohibit abusive acts such as hitting, tripping, or beating while handling exhibition animals, training and performance-preparation conditioning too often is abusive. As one division manager of the National Zoo said in 1988, training techniques are a "dirty, dark secret," which routinely include such brutal methods as beatings, starvation, electric shock, even months of isolation. No federal law specifically protects animals from these abuses. The following situations would be avoided:

* The keepers of an 18-year old African elephant, Dunda, at the San Diego Zoo, considered by many as the most progressive of zoos, chained and beat her for two days. A block and tackle were used to bring her to submission. The elephant was scarred and deeply lacerated. Hearings were held in Los Angeles in July, 1988, but the USDA issued only a warning letter rather than a legal citation on the grounds that the AWA does not specify that elephants cannot be trained by methods such as chained beatings or block and tackle. The San Diego city attorney on the case wrote that the severe beating: "although seeming harsh to the uninitiated, is a technique accepted in the animal training profession." Other elephant abuses include these:

- The elephant Tinkerbelle, in the San Francisco Zoo, received inappropriate and excessive discipline over nine years resulting in head injuries and abscesses caused by beatings with ankus hooks;
- According to Dale Tuttle, the executive director of the Jacksonville, Florida Zoological Park, keepers at other zoos have soaked recalcitrant elephants with water and then applied 110- or 220-volt electric current.
- The Ringling Brothers' Barnum and Bailey Circus and its trainer, on the road 50 weeks a year, have been reported in 1987 and 1988 as hitting elephants with bull hooks and whips across the eyes, trunk and legs. Six of twenty elephants in 1988 had open wounds and fresh sores. Many carried old scars.

* An orangutan, Buddha, was beaten with an axe handle while being trained at the Gentle Jungle movie animal training compound in Burbank, California, and later died from a cerebral hemorrhage. Buddha was co-star with Clint Eastwood in Any Which

Way You Can. The torture device is now sardoncially called the Buddha Club.

* Calf roping at rodeos has resulted in the instant death of calves after their spinal cords are severed when the calves, traveling up to 30 miles an hour fleeing a charging rider, are abruptly stopped at the end of a rope. Roped calves have also been paralyzed and their tracheas totally or partially severed.

Animal population control and disposition programs would help curb overbreeding and prevent the sale and trade of unneeded animals to harmful outlets.

Many zoos breed their animals and sell their surplus to dealers. Although dealers are supposed to do business only with other zoos or qualified breeders, they frequently will sell at auction to anyone who can pay the price.

* In 1990 the prestigious San Diego Zoo and the Oklahoma Zoo are reported by 60 Minutes investigators to have sold most of their surplus animals to such dealers as Earl Tatum and Jim Fouts who allegedly have sold zoo animals to auctions, hunting ranches, and others whose activities result in harm to animals. The USDA certified in 1986 that dealer Fouts sold San Diego Zoo animals at an auction.

* At the San Francisco Zoo nearly 600 of its 1000 animals housed there between 1984-1989 died. A city report charged that animals had been allowed to inbreed to the point of producing deformed offspring.

The physical environment of exhibition animals would have to be adequate to promote the animals' psychological well-being.

The USDA was authorized in 1985 to upgrade its standards for exhibited primates to assure that the habitats promote the animals' psychological well-being. Animals of all species used for exhibition deserve the same consideration. The following abuses would be prohibited:

* The worst zoos and circuses across the country all share some of the following stress inducing deficiencies and problems: animals found chained or tethered and impeded from moving freely; each cage or enclosure without a weatherproof den, rest box, or perch; no environmental enrichment or stimulation provided in primary enclosures; and, animals found in the wild in herds or packs kept in solitary housing with little or no access to their own species or other company.

* The Moscow circus confines its animals for highly stressful

17-day ocean voyages to travel to entertain in the US and Canada. The dancing brown bears, weighing up to 500 pounds, have been reported to spend up to 20 hours a day in cages the size of a tiny closet measuring 3 feet x 5 feet x 4 feet. Standing on all four legs, the bears' noses and tails touch the walls and they cannot raise their heads. Too confined to even pace, their extreme stress is revealed in repetitive, severe head weaving. The range of these animals in the wild is several hundred square miles.

* The Houston Zoo's solitary tiger habitat does not meet the animals' behavioral needs. It consists of an island surrounded by a dry moat with one small drain. The brittle spray-on concrete walls create an echo that is deafening for zoo workers when inside to clean the pit. In another part of the zoo, a bull elephant was chained day and night as many elephants are. The chains caused severe arthritis and the pads of his feet began to rot. When his legs couldn't support him, he collapsed and had to be euthanized.

Vital information necessary for enforcement, such as itinerary and numbers of animals exhibited or trained, would be reported to the USDA.

Roadside menageries and traveling circuses too often escape inspection and prosecution for AWA violations by folding up in the night and moving on. With better information yielding better monitoring, these husbandry violations, as well as the abuses prohibited by this bill, might have been prevented:

* Animals in a traveling road show owned by Richard Garden and Bring Em Back Alive, Inc. were abandoned in Prince George's County, Maryland, in June, 1988. Upon inspection, the animals were found by USDA to be severely abused -- they were not protected from the extreme heat, were seriously malnourished and dehydrated, and lived in their own excrement. Even though this company was charged on five previous occasions with violations such as holding animals in substandard, overcrowded, unsanitary, unventilated housing, without veterinary care, water or food, its future plans were not recorded. No itinerary or information on the numbers of animals starting out with the show was available to allow tracking and enforcement of the Act.

* The Wonder Zoo, a traveling menagerie, visited a Fairfax, Virginia shopping center where 40 animals were found crammed into one rental trailer in 99 degree heat. Suffering from extreme heat, lack of adequate food, water, and space were several species of animals varying from an elephant and eight ponies to goats, llamas and ostriches. All animals were deemed extremely stressed, suffering, and in need of immediate attention. This traveling zoo is free to relocate and travel to

any other state in the country due to lack of federal legislation making inter- and intra-state tracking possible, itineraries known, and numbers and animals reported and accounted for.

* Worlds of Fun Theme Park in Kansas City in 1987 permanently housed two tigers in one traveling cage and three in another, each designed to hold only one animal temporarily. The cages were situated in the direct sunlight with no available shade. The rhinoceros and elephant were observed in the sun all day when not performing. Pain, suffering, and behavioral stress were obvious in all animals to local authorities. The itinerary was not available and before the APHIS inspector arrived, the "circus" moved on to a new jurisdiction.

Movie animals could be tracked more closely and film companies shooting abroad would be bound by U.S. law.

Although it may be difficult to detect on screen whether an animal has been abused in the filming or whether the action has been simulated, Parade Magazine investigated abuses of animals in movie-making and found these instances of abuse: numerous horses being killed or subjected to bone-crunching falls; dogs being strangled, shot or tormented; exotic animals dying through ignorance and poor handling; wild animals being forced to fight; running W's (trip wires attached to horses legs to make them fall at a full gallop); chickens strung on nooses and dangled in front of big cats to excite them into action; rabbits backsides' rubbed raw with emery paper and then splashed with turpentine to make them run straight; dogs staked out as bait in filming sequences of big cats stalking prey; and, wild animals such as bears and wolves beaten to make them show ferocity.

* In preparation for filming Beastmaster, the tiger, Sultan, died from burns and respiratory problems when he was anesthetized and dyed black. The dye burned the animal's skin. A script synopsis calling for a dyed tiger could have alerted enforcement officials.

* Five horses died in the making of Heaven's Gate: one horse died as a result of a dynamite explosion under him; a second threw a shoe, developed an abscess, and was euthanized; a third hit a groundhog hole and snapped its leg; a fourth suffered cut leg tendons during a scene; and, the fifth was shot after it broke a leg while being herded on rough terrain during a scene.

* During the filming in Spain of Warren Beatty's Reds, horses were tripped with wires. Spain does not prohibit this abuse to horses. Under this bill, American film companies could be held liable by American law.

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