



AWI

Quarterly

Fall 2003 Volume 52 Number 4



ABOUT THE COVER

Buck is one of more than 100 dogs seized from the premises of random source animal dealer C.C. Baird. Buck, emaciated and suffering from heartworms and ehrlichia, was taken in by the Doberman Rescue Group of Oklahoma. After receiving much-needed medical attention and time to recuperate, Buck and another hound, Max, will be available for adoption. All of the animals seized, who have no doubt been through a nightmarish situation, will eventually be placed in new, loving homes. The case against Baird is ongoing, and indictments have not been issued yet. We hope that 1) USDA will revoke Baird's license to do business as a dealer selling animals for experimentation, 2) the U.S. government will gain custody of the more than 600 dogs that reportedly remain at Baird's Martin Creek Kennel in Williford, Arkansas, and 3) the U.S. Department of Justice will vigorously pursue a case against Baird, prosecuting him for his crimes against the animals to the fullest extent allowed by law (see story pages 10-11).

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Endangered Species for Sale

Your government wants to facilitate trophy hunters importing markhor from Pakistan and wood bison from Canada, leather manufacturers importing crocodiles from Guatemala or Belize, and zoos and circuses importing Asian elephants for display and entertainment.

The Bush Administration has undertaken a new assault on the Endangered Species Act (ESA), one of the world's most important conservation laws. On August 18, 2003, the Department of the Interior published a notice in the *Federal Register* announcing its intent to alter dramatically the conditions under which permits would be granted for the importation of endangered species from other countries.

With some exceptions, the ESA prevents the import of foreign endangered species, over 500 species across the globe. One exception is when such an action would be for scientific purposes or "enhance the propagation or survival of the affected species"; in other words, when the import of some individual animals would have a significant benefit to the wild population as a whole.

The new plan would drastically lower the bar that zoos, circuses, or trophy hunters must meet to qualify for this exemption to the detriment of countless animals. Unabashedly, the notice absurdly refers to highly imperiled Asian elephants as "surplus" animals!

This scheme is based on the unjustified suggestion that there may be some conservation benefit when live animals—or even the parts and products of slaughtered ones—are sold in the U.S. market. The unsubstantiated claim is that when this sort of commerce occurs, money goes back into conservation projects in the country of origin.

In fact, the proposed policy change would contain few restrictions and little public oversight. The policy suggests that permits would be granted in "limited situations" though there is no guidance as to what that means. Furthermore, the program that is being funded should be "designed" to promote conservation in the wild. There is no guarantee that it will promote such conservation at all. And once the endangered animal is on U.S. soil, there is no chance that the individual would be sent back to the wild if the exporting country does not live up to its end of the bargain.

The Bush Administration is putting a price tag on the head of every endangered species on earth—and it would allow these animals to be sold at any price. AWI will submit detailed comments against this change and post them on our website. 🐾



AWI's Ben White, the mastermind of the popular dolphin costumes seen in Cancun during the WTO, Ministerial Meeting (see story pages 6-7).



As long as they are sheltered from cold wind, ducks prefer to be outdoors even in the severest climate (see story page 14).

Animal Welfare Institute

QUARTERLY

Fall 2003 Volume 52 Number 4

WILDLIFE

Endangered Species for Sale...2
When Ethics Fail You, Just Make Threats...4
USDA Ignores Ringling Bros.' Elephant Abuse...5

FREE TRADE

AWI at the WTO
Dolphins Swim Down the Streets of Cancun...6-7

NEWS FROM CAPITOL HILL

Time to Crack Down on Animal Fighting...8
Antifreeze Deaths Leave a Bad Taste in Congressman's Mouth...8

LAB ANIMALS

Proposal for Animal Welfare Enhancement Awards...9
Dog Dealer's Day of Reckoning...10-11

FARM ANIMALS

Improving the Lives of Calves Raised for Veal...12-13
AWI Dairy Husbandry Standards...13
AWI Ruffles Feathers to Help Friends...14

TRAPPING

A Course in Cruelty at Purdue University...15
Duck Hunters Prey on Predators in North Dakota...15

MARINE ANIMALS

United Nations Urged to End Destructive Fishing...16
Japan, Norway, and Now Iceland: The Whaling Axis of Evil...17
The Narwhal—Still Falling Through the Cracks...18
Federal Judge Agrees: LFA May Pose "Irreparable Harm" to Marine Life...20

BOOK REVIEWS

I'm A Manatee, by Adam M. Roberts...19

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Will Travers/Born Free Foundation

The U.S. Fish and Wildlife Service has set a horrible precedent—elephant families can be ripped apart to satisfy the desire of American zoo executives to import live elephants for display.

When Ethics Fail You, Just Make Threats

“... if the permits are not issued by [the middle of this August], these elephants will be culled.”

This ominous statement by Ted Reilly, head of the Swaziland Big Game Parks Department, was turned into a public relations mantra by the San Diego Zoo and the Lowry Park Zoo as they fought to import eleven elephants from Swaziland. To gain public support, San Diego Zoo has referred to the elephant purchase disingenuously as a “rescue” with machinelike regularity. This ploy succeeded, and on August 8, 2003, U.S. District Judge John D. Bates ruled that these wild elephants could be imported into captivity in the United States.

The Herculean battle (or is it Sisyphean struggle?) to save the “Swazi eleven” was a bruising one, in which the Animal Welfare Institute joined other animal protection organizations in suing the U.S. Department of Inte-

rior to keep the elephants in their natural homes (see *AWI Quarterly*, Spring 2003).

The San Diego Zoo’s website claims that “Conservation officials in Swaziland have spent years trying to find a place in Africa where these elephants might be legally moved and where they would be safe from poaching. Unfortunately no such place in Africa was discovered.” Rubbish. In a short time, we managed to secure a commitment from the Chairman of Shamwari Game Reserve in South Africa to take the elephants and allow them to live in a natural but protected condition on the Reserve’s 7,700 acres set aside for elephants. This area is fenced and maintained by anti-poaching patrols. In America, the elephants would share a combined four and a half acres of unnatural living space.

This was but one of many alternative locations that we identified.

The San Diego Zoo further maintains that it needs to snatch the elephants from their natural habitat because “Such a captive population contributes to the hedge against extinction of this species in the wild.” But neither zoo has made any claim whatsoever that these elephants, or any of their offspring (should breeding ever succeed—a risky proposition for elephants, to be sure), would go back into the wild. If nothing else, both sides of this issue agree that elephants do not breed well in zoos.

And while the zoos bought these elephants for a meager \$132,000 contribution to the Swaziland Big Game Parks Department, they have spent many millions of dollars on the small enclosures in which the elephants will have to live. The true wildlife conservation priority rests with significant in situ resource investments—this means millions of dollars to protect the wild population, not increase the number in captivity.

These eleven elephants came from South Africa originally, where their families were killed as part of a cull a decade ago. By Mr. Reilly’s own admission, “They have all grown up together in a herd and are therefore familiar with each other.” Now, eleven have been removed from the wild and then separated even further—four to Florida and seven to California. A simple, sad question comes to mind: What if they miss their friends?

Judge Bates recognized that Mr. Reilly’s statement amounted to a bold threat and noted in his decision that “the Court does not appreciate such brinkmanship.” But in the end, as long as Ted Reilly continued to claim that he would kill the elephants, despite the offer to translocate them humanely within the southern African region, the path was cleared for their arrival in the U.S. This is not an example of wildlife conservation; it’s the height of humane avarice and arrogance. 🐾

USDA Ignores Ringling Bros.’ Elephant Abuse



Ringling Bros.’ elephants are restrained by short chains attached to one or more of their legs when they are not dressed up and forced to perform. Photos courtesy of Elephant Alliance files.

The Animal Welfare Institute (AWI), the Fund for Animals (FFA), and the American Society for the Prevention of Cruelty to Animals (ASPCA) just released an in-depth report revealing that the U.S. Department of Agriculture (USDA)—responsible for enforcement of the federal Animal Welfare Act—routinely looks the other way when Ringling Bros. and Barnum & Bailey beats and otherwise mistreats the elephants in its circus.

The report, which can be viewed in full on AWI’s website (www.awionline.org), was based on hundreds of records obtained through litigation and the Freedom of Information Act. The documents show that USDA ignored crucial evidence, closed investigations prematurely, and overrode its own inspectors’ and investigators’ determinations—allowing Ringling to dupe the public into believing that it doesn’t mistreat its elephants. The 250 page report traces nine different investigations over five years, and includes the following revelations:

- USDA investigators found that a trainer’s use of a bullhook* on a baby elephant named Benjamin “created behavioral stress and trauma which precipitated in the physical harm and ultimate death of the animal,” yet the USDA memorandum closing the case

omitted all references to this finding and instead stated that “suddenly, and without any signs of distress or struggle, Benjamin became unconscious and drowned.” No enforcement action was taken by USDA.

- USDA determined that Ringling’s use of chains and ropes to isolate nursing elephants from their mothers forcibly at Ringling’s “Center for Elephant Conservation” caused the animals “unnecessary trauma, behavioral stress, [and] physical harm,” and “was not in compliance with the Animal Welfare Act,” yet the agency quietly closed the investigation without taking any enforcement action.

- Two former Ringling employees provided detailed accounts of rampant beatings of the elephants. One of the elephants, Nicole, was beaten so badly the bullhook being used on her shattered. Following up on the complaint, USDA found elephants with scar tissue and recent wounds and collected affidavit testimony from current Ringling employees that bullhooks were commonly used and some of the elephants had boils as a result of their use. Again, USDA closed this case without taking action.

- USDA has been extremely cooperative in helping Ringling keep the public from knowing that as many as eight elephants have tested positive

for Tuberculosis, and many more have been exposed to the disease. In one instance, although a USDA investigator originally cited Ringling for failing to provide any medical treatment for an elephant who had tested positive, a high level USDA official later “overrode” that citation when Ringling’s attorneys complained. 🐾

Three years ago AWI, FFA, ASPCA, and Tom Rider, a former Ringling employee, brought a lawsuit against Ringling under the Endangered Species Act for its mistreatment of Asian elephants—an endangered species (see *AWI Quarterly*, Fall 2000). Earlier this year, the U.S. Court of Appeals rejected Ringling’s arguments that the case should be dismissed so it is now finally going forward in the federal district court in Washington, D.C. The plaintiffs are being represented by the public interest law firm, Meyer & Glitzenstein.

*A bullhook, otherwise known as an ankus, is a device with a metal head similar to a fireplace poker (including a sharp point) that sits on a two to three foot handle.

AWI at the WTO

For over a decade AWI has watched global free trade agreements wage war on animal protection laws. This September, we took our fight to the front lines and attended the Ministerial Meeting of the World Trade Organization (WTO), in Cancun, Mexico.

Just minutes before the opening ceremony commenced, AWI's Wendy Swann took advantage of a rare opportunity and approached U.S. Department of Agriculture Secretary Ann Veneman directly to convey our position that legislation designed to protect animals should not be threatened by implementation of the WTO. Secretary Veneman was given a copy of AWI's most recent *Quarterly* and our free trade brochure, both detail the imperative to include animal welfare protection in all trade discussions generally and support humane family farmers around the world specifically.

As the conference began, opening speeches by officials representing the WTO and the United Nations, as well as Mexico's President Vicente Fox, all emphasized the importance of sustainable agriculture and the desperate need to assist least developed countries and fight poverty.

In a particularly eloquent statement, delivered on behalf of Kofi Annan, Secretary General of the United Nations, the Secretary General conveyed the following thoughts: "...we must tackle the broader issue of trade in agricultural



Katey Sean

Ben White, with assistance from Jen Rinick of AWI and other hard-working supporters, created the dolphin costumes used in marches in Cancun to bring attention to the need to include animal welfare in trade discussions.

products—an issue that can be economically decisive for many countries. We must eliminate the subsidies that push prices down and make it impossible for poor farmers in developing countries to compete... There are surely better ways to help those farmers in rich countries who genuinely need help, than by subsidizing big exporters

so that much poorer farmers in poor countries cannot feed their families. It is not hard to imagine a system under which just about everyone would be better off."

Agriculture was clearly the most important and contentious issue at this meeting. When asked, U.S. and WTO representatives thought the issue of animal welfare as it relates to farm animals was significant and felt certain it would be part of the negotiations, but the topic was not discussed in open sessions. To its credit, the European Union advocated that animal welfare play a significant role in the WTO negotiations. Prior to the meetings in Cancun, countries, including the U.S., had not responded to this suggestion. Therefore, it was con-

AWI's Wendy Swann explains to a fellow NGO from Nigeria how animal protection is beneficial to poor communities.



Jen Rinick/AWI

Dolphins Swim Down the Streets of Cancun

In a reprise of our launch of hundreds of sea turtle impersonators during the aborted 1999 Seattle meeting of the WTO, AWI created foam dolphin costumes for the recent WTO meeting in Cancun, Mexico. Like the turtles, the dolphins have become a symbol of the sovereign right of countries to establish laws that protect wildlife. With few exceptions, the WTO has held that member states cannot embargo a product based on how it is obtained or produced, deeming illegal such laws as the International Dolphin Conservation Act, which forbids the importation of tuna caught by setting nets around dolphins.

Working closely with our Mexican colleagues of the Grupo Ecologica del Mayab, AWI dolphins marched several times. The first march was one of the most peculiar demonstrations on behalf of wildlife ever staged, with Mayan priestesses wearing our foam dolphins on their heads while conducting ancient rituals of reverence for the earth and her creatures. The ceremony was translated into Mayan, English, Spanish, and Aztec languages. Then, more than 200 people proceeded to march as dolphins around

downtown Cancun. Speakers addressed WTO delegates, demanding that any international trading system incorporate protections of wildlife and their habitat.

Then, there was the Camposino march with ten thousand poor, rural farmers who had come from all parts of Mexico. WTO policies have been disastrous for farmers worldwide, lifting tariff protections and forcing direct competition with heavily subsidized agri-businesses in the U.S., European Union, and Japan. Many have lost farms that have been in their families for generations. The march was tragically overshadowed by the suicide of a Korean farmer and insistence of a few dozen anarchists in storming police barricades.

Even though local police and security measures deterred dolphin impersonators from gaining constant access to the convention center area, on September 12 we made our way there. Like the turtles in Seattle, the dolphins prompted smiles among dozens of sympathetic delegates and passersby, enabling AWI staff to pass out literature and ask for support in the negotiations. One exception was a British delegate who huffed, "Why don't

you go back to the sea where you came from?"

Whether sea turtles or dolphins, or whatever the future costume may be, the use of props has enabled AWI to connect with local citizens and peacefully educate countless individuals on the need for animal protection and the need to include animal welfare in international trade agreements. 🐾



Jen Rinick/AWI

Just outside the negotiations, WTO delegates approach dolphin demonstrators to learn about their agenda. The sign reads "Protect Life" in English and Spanish.

sidered a victory for animals to hear at the U.S. delegation's non-governmental organizations (NGO) briefing that the U.S. Trade Representative, Robert Zoellick, supported the inclusion of animal welfare in measures exempt from domestic support reduction (see discussion of "greenbox" payments in *AWI Quarterly*, Summer 2003). In the case of farm animals, humane family farmers' production costs are greater than those incurred by vertically integrated agribusinesses that dominate all aspects of production. Allowing governments to support humane family farmers financially enables them to compete against the cheaper production methods of cruel corporations and continue to supply the increasing demand for products from humanely raised animals.

The WTO claims transparency and

a commitment to involving NGOs. As it turned out, however, NGOs were not privy to the actual negotiations nor the press briefings. The only information an NGO could obtain was that which was offered at daily NGO briefings held by WTO staff who reported on the status of the negotiations. NGOs could also attend briefings administered by individual governments at various locations around town.

As the days went on, the meetings continued, but no binding agreements were made. To encourage some sort of progress, the Chairman of the Ministerial Conference drafted a new negotiating text for consideration. AWI was encouraged with the animal welfare provisions included in this draft. But the meeting, as was well reported in the global press, disbanded before any decisions were taken.

For some, the lack of consensus in Cancun suggests that the meeting failed and creates uncertainty as to how the WTO will survive. For others, the outcome signifies success and a positive turning point. Regardless, it is unlikely the WTO will dissolve into oblivion—in fact, specific agriculture negotiations are already scheduled for October and more general negotiations will commence no later than December.

Left unchecked and not forced to include animal protection, liberalized trade will likely continue to have a detrimental effect on sentient beings and the environment. Therefore, as long as these negotiations continue, AWI will advocate the protection of animals. Trade and commerce will not take place in an ethical void. 🐾

Time to Crack Down on Animal Fighting



Humane Society of the United States

All 50 states ban dogfighting; 47 of them consider it a felony. The federal Animal Welfare Act, however, only has a one-year misdemeanor penalty for such offenders.

In an effort to deter barbaric animal battles such as dogfighting and cockfighting, federal legislation has been introduced to establish felony-level jail time for anyone who violates the Animal Welfare Act's provision outlawing animal fighting and prohibit the interstate and foreign commerce in torturous tools such as knives and gaffs used in cockfighting.

The Animal Fighting Prohibition Enforcement Act, introduced in the House of Representatives (H.R. 1532) by Congressman Roscoe Bartlett (R-MD) and in the Senate (S. 736) by Senator John Ensign (R-NV), doubles the current prison time for those who engage in animal fighting from one to two years. The Act further makes it "unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture."

Senator Ensign said on the Senate floor, "This legislation targets the troubling, widespread, and sometimes underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators...." 🐾

Antifreeze Deaths Leave a Bad Taste in Congressman's Mouth

Congressman Gary Ackerman (D-NY), alarmed at the idea that as many as 10,000 animals may die annually after ingesting automobile antifreeze containing ethylene glycol, has introduced H.R. 1563, legislation to "require engine coolant and antifreeze to contain a bittering agent so as to render it unpalatable."

According to the National Safety Council, ethylene glycol is a colorless, sweet-tasting liquid, which was used in World War I as a substitute for glycerol in explosives. Used in antifreeze today, it can have deadly consequences. Congressman Ackerman notes that consumption of spilled antifreeze "poses a danger to our youngsters playing outdoors, dogs being walked by their owners, cats being let out of the

house, and even stray animals such as birds, squirrels, raccoons, etc."

"The Antifreeze Safety Act" calls for all engine coolants or antifreeze that contains ethylene glycol also to "include denatonium benzoate at a minimum of 30 parts per million." Denatonium benzoate is considered by many to be the bitterest substance known to humans. Animals would not ingest a liquid containing this unpalatable substance, which is already used as a bittering agent to repel deer from consuming plants in one's yard.

Antifreeze spills may be inevitable, but animal poisonings as a result can be minimized dramatically with enactment of this modest but vital legislation. 🐾

YOU CAN MAKE A DIFFERENCE

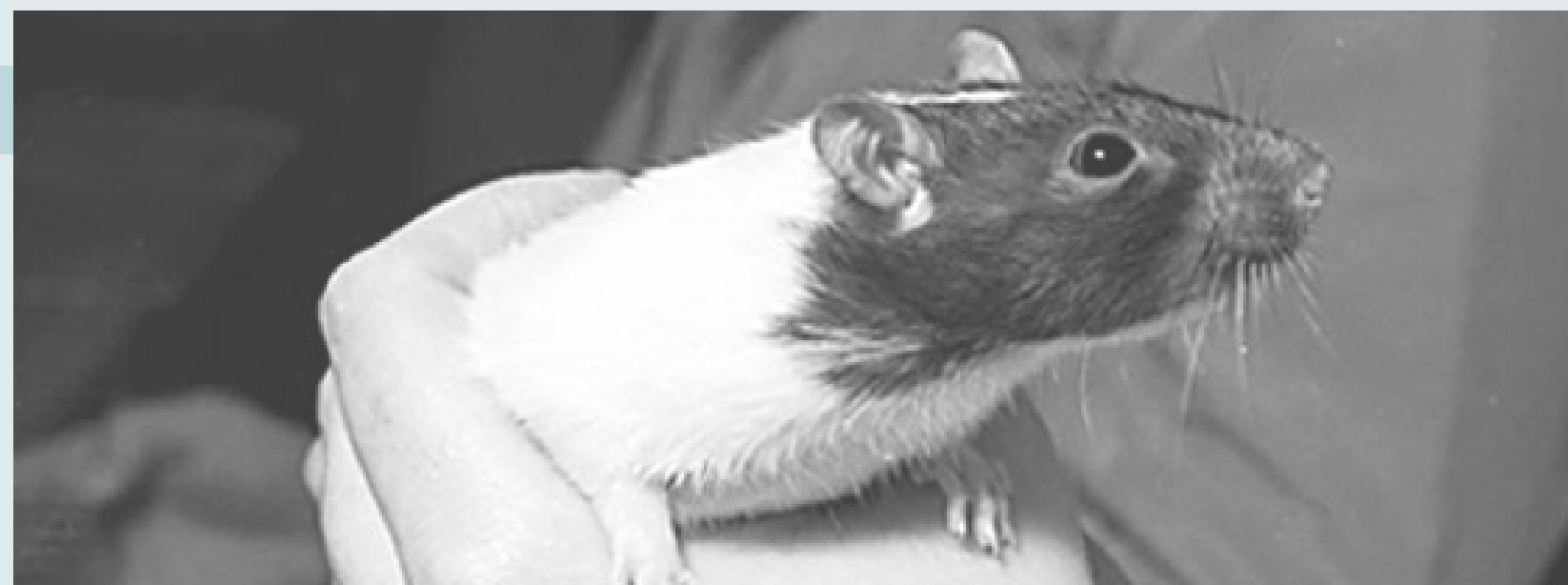
—Urge both of your Senators to cosponsor S. 736, the Animal Fighting Prohibition Enforcement Act.

—Urge your Representative to cosponsor H.R. 1532, the House version of the Animal Fighting bill; and H.R. 1563, the Antifreeze Safety Act.

Address Senators as: The Honorable (full name), United States Senate, Washington, DC 20510.

Address Representatives as: The Honorable (full name), United States House of Representatives, Washington, DC 20515.

Proposal for Animal Welfare Enhancement Awards



The Animal Welfare Institute (AWI) and the Johns Hopkins Center for Alternatives to Animal Testing (CAAT)

An anonymous donor has provided funds to award up to twelve applicants with funds for proposals intended to improve laboratory animal welfare. The focus of these awards is to improve housing, handling, and/or experimental situations for laboratory animals. This program is not species limited. Studies may, for example, examine

- how physiological and behavioral stress responses to common husbandry (e.g., capture) and traditional treatment procedures (e.g., gavage, injection, blood collection) can be reduced or eliminated (e.g., by training the subjects to cooperate rather than resist);
- whether animals caged at different tier levels show different physiological and behavioral stress responses when being approached by personnel, and how these responses can be minimized or avoided;
- whether the presence of a compatible companion buffers physiological and behavioral stress responses to experimental situations (e.g., enforced restraint).

Any studies to be undertaken must be non-invasive, with the possible exception of obtaining blood for biochemical measurements and if possible using animals who have been trained to cooperate during venipuncture. Objective measures might include behavior, coat appearance, body weight, analysis of feces, urine, or blood as described above.

Each award will be for \$6,000. In the case of successful completion of the application, some individuals may be invited to present their papers at a national symposium. Additional funds will be provided for travel for these meetings.

This award is limited to North American applications. The proposal itself should be in the form of a letter clearly stating the objectives of the study and the anticipated outcomes. It should provide sufficient detail so that reviewers can understand what is being proposed, how it will be achieved, and how the data will be evaluated.

Each proposal must be approved by the Animal Care and Use Committee, and the proposal itself must be signed by the Head of Animal Services

at the Institution. Applications should be sent via email to rbrady@jhsph.edu. Any parts of the application that cannot be sent by email must be sent in multiples of 10 copies each to: Alan M. Goldberg, Ph.D., The Johns Hopkins University School of Hygiene and Public Health, 111 Marketplace, Suite 840, Baltimore, MD 21202-6709

Deadlines and Review: The deadline for submission of these applications is December 10, 2003, and they will be reviewed by an international group of reviewers. The AWI and CAAT will make the final decisions on those applications to be funded. Successful applicants will be funded by February 28, 2004.

It is hoped that successful applicants will be able to submit a manuscript of their project and its outcome to an appropriate journal. Final reports provided by the applicant will be posted on websites such as the Animal Welfare Information Center website, the Altweb site, the Animal Welfare Institute website, and other places as appropriate. 🐾

DOG DEALER'S DAY OF RECKONING



Last Chance for Animals

A beagle suffering from untreated bite wounds at Baird's kennel.

Armed with a search warrant, agents from the U.S. Department of Agriculture (USDA), the U.S. Postal Service (USPS), and officers from the Arkansas State Police and the Sharp County Sheriff's Office raided the premises of notorious dog dealer C. C. Baird. According to the U.S. Department of Justice, "The search was in connection with an ongoing investigation of alleged violations of the Animal Welfare Act and other federal criminal statutes." It is believed that the USPS is involved because in addition to selling live animals for experimentation, Baird was selling animal parts and shipping them by U.S. mail.

One hundred twenty-five dogs and one cat were seized during the search, which lasted from August 26 to the 31st. Most of the dogs who were seized in the raid are hounds, walkers, beagles, and some Labrador mixes. According to the *Arkansas Democrat-Gazette*, "many begged to be petted. Some appear thin, their ribs showing through their skin, and others

had obvious eye infections. The lone cat, a gray haired tabby with a bad eye, cowered in a litter box inside a large cat carrier set apart from the dogs."

Apparently, the raid is the culmination of an extensive undercover investigation conducted by Last Chance for Animals (LCA). They turned their documentation over to federal authorities who then conducted their own independent investigation and corroborated sufficient evidence of wrong-doing to obtain a search warrant. The agents investigating Baird have been close-lipped about the situation, but the LCA website contains a portion of the organization's findings including graphic photographs and video footage of animal abuse and neglect amid the squalor. The footage includes scenes of a dog being shot and another being hung by his collar and hit in the head.

Under the Animal Welfare Act, random source dealers, licensed as "Class B" and regulated by the USDA, are able to purchase animals from other dealers, pounds, and individuals who have bred and raised the animals. Then the dogs and cats "acquired" by the dealers are sold for hundreds of dollars to research facilities. Unfortunately, an unscrupulous person can claim he or she owns an animal and make a quick buck selling the poor creature to a random source dealer. The animal could have been stolen, acquired by fraud through a "free to good home" ad, or simply not bred and raised by the individual as mandated by law.

This isn't the first run-in with the law for Baird; in fact, the local sheriff noted, "I remember one occasion several years ago when we recovered one dog [from Baird's premises] that was lost or stolen." USDA inspectors have documented deficiencies in record keeping, sanitation, veterinary care, and housing at Baird's premises. Baird has been cited by USDA for keeping too many animals in small pens, providing no shade or too little shade for animals, and keeping animals that were lame or suffered illnesses that needed veterinary attention. In 1997 Baird was convicted of violating the Animal Welfare Act but was fined a mere \$5,000. In that case the judge ruled that Baird's "failure to verify the information given to him by his suppliers—by looking at the person's driver's license—

amounted to failure to maintain his records fully and correctly." He also found that Baird had purchased random source animals from unauthorized sources.

The Animal Welfare Institute has discouraged laboratories from utilizing Class B, random source dog and cat dealers, because of the myriad problems associated with them. While the number of dealers has plummeted, 18 remain in operation. Baird is believed to have sold at least 3,000 dogs a year for experimentation and was likely making between \$250 and \$800 per animal, easily earning him more than a million dollars a year for the animals he collected from trade days and flea markets among other sources. The box on this page contains a list of research facilities that have supported Baird's business by purchasing animals from him.

Sadly, approximately 600 dogs remain at Baird's facility, Martin Creek Kennel. We have been unable to confirm if he is still in business, but we do know that USDA has not revoked his license to operate as a dealer. We anticipate the issuance of indictments later this month and hope that USDA will invoke at least a temporary revocation of Baird's license while the case is pending.

The animals taken from Baird's premises were temporarily housed at the Arkansas State Fairground but have now been handed over to rescue groups for adoption. The court documents are sealed so we don't know exactly what has happened, but it is a good sign that the government succeeded in gaining custody of these animals who can now be placed in safe, loving homes. If you're interested in an adopting an animal, please let us know, and we will put you in touch with the rescue organizations. 🐾



Four of the 125 dogs taken from Baird's premises during the raid. These photos are from USDA's website, www.aphis.usda.gov/ac/ where you can view images of the animals who were seized. The animals have been placed with rescue groups where they are receiving veterinary care, being spayed or neutered, and will then be available for adoption. The groups include Bluebonnet Beagle Rescue of Texas, Inc., Doberman Rescue Group of Oklahoma, Michigan Hound Rescue, and Northeastern Arkansans for Animals.

YOU CAN MAKE A DIFFERENCE

You can help by sending much-needed letters to USDA thanking them for taking action against Baird and encouraging the prompt revocation of his dealer's license. The contact information for USDA is: Chester Gipson, Deputy Administrator, Animal Care, USDA/APHIS, 4700 River Road, Unit 84, Riverdale, MD 20737; email: ace@aphis.usda.gov.

CUSTOMERS OF C.C. BAIRD

- Allegheny University of the Health Sciences (PA)
- CAVL (TX)
- Church and Dwight (NJ)
- Colorado State University
- East Tennessee State University
- IDEXX Laboratories, Inc. (ME)
- Jefferson College Vet Tech (MO)
- Iowa State University
- KCM (Kids Count in Missouri)
- Loyola University Medical Center (IL)
- Masonic Medical Research (NY)
- Mercy Health Care (AZ)
- Miami University (FL)
- Mississippi State University
- Naval Medical Center (VA)
- Professional Laboratory (NC)
- SA Scientific (TX)
- St. Joseph's Hospital (AZ)
- Still Meadow, Inc. (TX)
- Synbiotics, Inc. (CA)
- Texas Tech Health Center
- Tulane Medical School (LA)
- University of Arkansas for Medical Sciences
- University of California at Irvine
- University of Florida
- University of Nebraska
- University of Pittsburgh (PA)
- University of Illinois
- University of Mississippi
- University of Missouri at Columbia
- University of South Alabama
- University of Tennessee
- University of Texas at San Antonio
- University of Virginia
- Vanderbilt University (TN)
- Virginia Commonwealth University
- West Virginia University
- Young Veterinary Research Services (CA)



Photos: Last Chance for Animals

A number of the victims at Baird's Arkansas facility were in desperate need of veterinary care, including emaciated dogs and dogs suffering from heartworm, ehrlichia, eye infections, and bite wounds. All of the animals were violently dunked in a tank of the insecticide Permethrin to kill fleas and ticks, according to LCA.

IMPROVING THE LIVES OF CALVES RAISED FOR VEAL



In one part of the experiment, calves are raised with their mothers on pasture.

With over nine million dairy cows in the United States, and with an estimated 88 percent of cows giving birth every year, it seems safe to conclude that at least four million male dairy calves are born every year on U.S. dairy farms. Because male dairy calves are not used in milk production and few dairy farmers raise them for beef, most male calves are considered “surplus” and are abruptly separated from their mothers and the farm of their birth. They may be transported and sold directly for slaughter or to feedlots specializing in dairy beef rearing. Others may be sold to formula-fed veal factories where they live for four months, tightly confined in body-sized, individual crates. Alternatively, they may be shipped to auction houses where buyers from the specialized veal factories bid for them. In any case, their welfare is extremely poor.

Young calves are very sensitive to pathogens. Colostrum in the mother’s milk carries the maternal antibodies. At the specialized veal factory, the calves are exposed to calves from other farms. The microorganisms they encounter in their new environments and on route

are different from the ones for which their mothers’ milk carried immunity. Nearly all of the non-therapeutic use of antibiotics in the dairy industry is used to control respiratory and other diseases in veal calves. Routine non-therapeutic use of antibiotics in food animals has been shown to reduce the effectiveness of antibiotics in treating disease.

The farther a calf is taken from the environment of his mother, the less his mother’s colostrum can protect him from disease. The calf raised on the farm of birth is at an advantage over calves that are removed from the farm. Therefore, it is important for calf welfare to create incentives for dairy farmers to raise male calves on the farm.

Last winter, Tera Johnson, CEO of White Clover Dairy, a Wisconsin dairy feeds processor, approached AWI about cooperating on an experimental project to help create economic incentives for certain Wisconsin farmers to raise male dairy calves on their farms under conditions approved by AWI. Wisconsin has approximately 16,000 dairy farmers, around a quarter of which operate grazing systems. Rather than being



Unlike the calves confined to crates on specialized veal farms, the male dairy calves in this part of the experiment have room to frolic and groom themselves.

confined on cement or dirt lots and barns, their cows are permitted to live outside on carefully managed pastures, with access to bedded shelters in winter. Many of these dairy “graziers” have developed welfare-friendly methods of raising dairy heifers. Routinely, however, they still sell the young male calves shortly after birth.

Johnson reasoned that because farmers who graze their cattle do not have the heavy capital investment in buildings and equipment that dairy factory operators have, their production systems are more flexible, and it would be easier to integrate into them a new enterprise of rearing male calves.

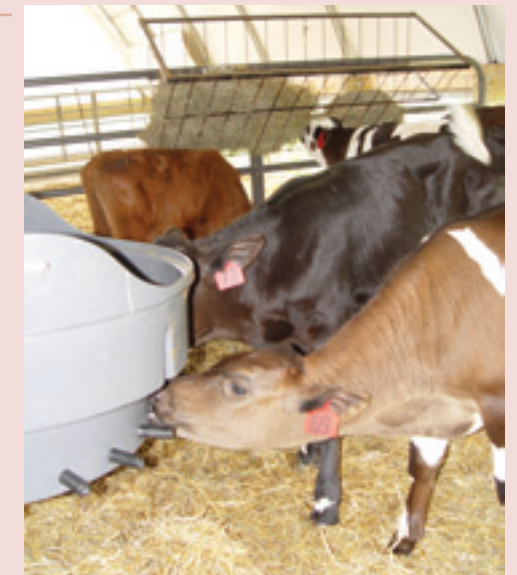
In the White Clover project, calves on several farms are raised under three different experimental protocols: 1) with their mothers on pasture until they are sold, or 2) separated after the colostrum period and raised in social groups with other calves. The separated calves are fed either 3a) milk formula or 3b) fresh milk. Unlike formula-fed calves in veal factories, all calves in the project have space to frolic and access to grass or hay for fiber and to straw-bedded shelters.

Calves have a strong need to suck, and a frequent industry criticism of keeping calves in groups is that they suck on each other. In this project, special buckets attached to the sides of the pens of calves in groups are used to feed the calves. The buckets have specially designed rubber teats that satisfy the calves’ instinct to suck, even when there is no milk in the buckets.

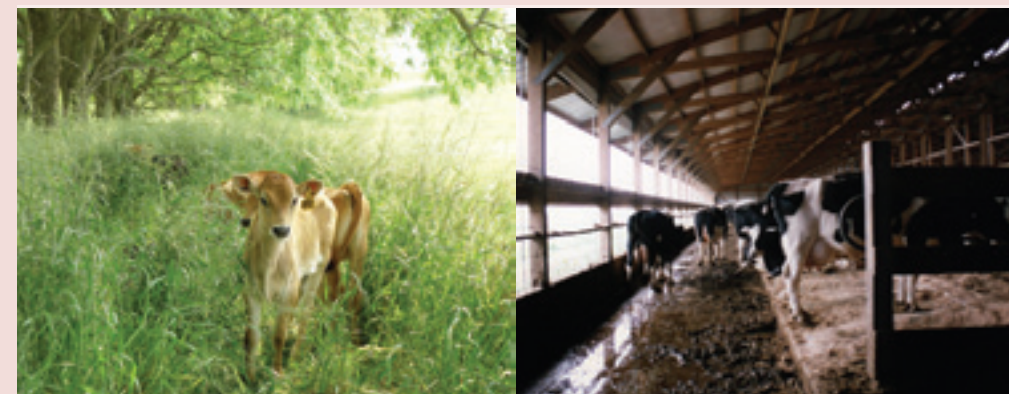
Because most U.S. animal scientists specializing in calf nutrition do so from the formula-fed veal perspective, Johnson and colleagues have been working with scientists in the Netherlands to formulate quality diets for the male calves that are more in keeping with the calves’ natural digestive needs.

The project is in the process of developing a customer base for these young male calves so that more restaurants and chefs will choose to purchase meat from calves raised in high welfare environments. Preliminary market tests at upscale restaurants and with chefs ethically committed to purchasing food that comes from humane, sustainable sources have indicated that the chefs are pleased with the results of their decisions to support the project’s aims, and they welcome the opportunity to choose meat from calves raised with humane husbandry.

AWI is grateful to contribute its expertise and guidance to this project to improve the conditions under which male dairy calves are raised. 🐾



Calves should have a source of fiber and something to suck on between meals.



AWI DAIRY HUSBANDRY STANDARDS

The premise of AWI’s humane farm husbandry program is that animals must enjoy sound physical and psychological health in environments that permit constructive expression of natural behaviors. Housing and management should consider the biological and behavioral characteristics of the animal and include sufficient space and opportunity for performing self-protective (e.g., avoiding pain or injury), self-maintenance (e.g., grooming), and other important behaviors (e.g., care of young and social interaction). Animals should be free from pain, fear, hunger and thirst,

discomfort, disease, and distress.

Small family-owned and operated dairy farms, where cows are traditionally released from straw-bedded barns to graze on green pastures as soon as Spring weather allows, are disappearing from the American landscape. Mega-dairies confine thousands of cows on concrete and dirt lots year-round, using bovine growth hormone and manipulating genetics to force higher milk production, and creating new animal welfare problems in the process.

The Animal Welfare Institute’s forthcoming Humane Dairy Cattle Hus-

bandry Standards require that the animals graze pasture in season, have freedom of movement when sheltered from inclement weather, be provided straw or similar suitable bedding to protect the animal from a hard or abrasive resting surface and to help keep the animals clean. Shipping newborn calves to auctions or other farms, tail-docking, electric cow trainers, tie stalls or stanchions, and administration of bovine growth hormone and non-therapeutic administration of antibiotics are prohibited.

AWI’s protocol addresses the need to preserve family-owned and operated dairies characterized by high welfare standards. This form of agriculture tends to preserve the identity and value of individual members of the herd and avoids the growing dependence of dairy operators on the cheapest unskilled hired labor available. 🐾

Above left to right: AWI dairy husbandry standards require that herds be allowed to graze on healthy, well-maintained pastures in season.

Cattle in this dairy factory spend their days on cement floors standing in their own urine and manure. Lameness is prevalent in dairy factories.

AWI RUFFLES FEATHERS TO HELP FRIENDS

An astonishing 25 million ducks are raised and slaughtered for human consumption each year in the United States. Pekin and Muscovy ducks are the most commonly farmed breeds, and, like other farm animals, they descended from wild ancestors. Left to their own devices, these social and inquisitive animals would spend substantial portions of each day foraging for food, swimming, resting, mating, and caring for their young (see *AWI Quarterly*, Winter 2002).

Ducks raised for meat are subjected to the same atrocities endured by other factory farmed animals such as restriction to inadequate flooring, overcrowding, solitary confinement of breeding animals, and mutilations. In the case of ducks, the most common mutilation is debilling, the removal of part of the top bill with scissors or a hot blade. Scientists acknowledge debilling causes acute and chronic pain. Confined to factories, ducks, who are waterfowl, are prohibited from accessing adequate amounts of water. Furthermore ducks, like all poultry, are exempt from the federal Humane Methods of Slaughter Act, which requires that animals be insensible to pain before they actually are killed. Two of the largest and most notorious duck factories are Maple Leaf Farms, with facilities in Indiana, California,



The Pekin duck, like all waterfowl, evolved to thrive in an aquatic environment. In factories they only have access to dispensed drinking water.

Wisconsin, and Ohio, and Grimaud Farms, located in California.

In direct contrast to the cruel status quo, AWI continues to establish humane husbandry standards and has now developed criteria for ducks. AWI's standards allow ducks the opportunity to express natural behaviors essential to health and well-being such as swimming, bathing, and foraging for food. The water requirement also enables ducks to express natural sieving behavior. A duck has a row of toothlike serrations along the edge of the bill that

are used to strain food out of the water. As for foraging, ducks naturally spend a substantial amount of time searching for food. AWI standards require ducks be fed nutritional feed and require that the food be distributed, or occur in the environment, so that the ducks search for it thereby providing enrichment and exercise. Additional criteria include outdoor access, shelter from extreme elements and predators, and minimal group size. Furthermore, wire and slatted flooring as well as debilling are prohibited.

AWI's guidelines are not only humane but practical, and past experience illustrates that public demand has the power to abolish cruel factory practices. One example is the case in England in which consumers refused to buy ducks that had been debilled. Farmers who had previously espoused that it was impossible to raise ducks without debilling responded to the pressure and stopped the practice of debilling Muscovies.

Contact AWI and visit www.awionline.org for copies of our humane husbandry standards. Pass them along to grocery store and restaurant managers. Do not purchase products from duck factories, and educate others about humane alternatives. 🐾



Muscovy ducks prefer to rest and sleep in trees, but in factories they are overcrowded and confined to sheds with inadequate flooring.

A Course in Cruelty at Purdue University



Steel jaw leghold traps clamp with bone-crushing force on whomever stumbles into them.

You can receive college credit for taking a fur trapping course through Purdue University of West Lafayette, Indiana. But before you sign up for the course, you must become a member of the Fur Takers of America (FTA). As part of your education, you are expected to go in the field, barbaric traps in hand, and attempt to subject hapless victims to the horrors of these devices. The Indiana Department of Natural

there is nothing respectful about these cruel traps.

Apparently Purdue University has partnered with the FTA in conducting this "trapper's college" for more than two decades. The FTA is a big supporter of steel jaw leghold traps, despite the fact that they are condemned as inhumane by the American Veterinary Medical Association, the American Animal Hospital Association, and the National

Resources provides an "educational" special use permit so that raccoon, opossum, skunk, muskrat, otter, and beaver can be trapped as part of the class even though the trapping is done outside of the state mandated season. The course is touted as teaching a "respect for wildlife," yet leghold traps, neck snares, and conibear traps are the instructive tools, and

Animal Damage Control Association. Steel traps and conibear traps adorn the FTA's website. The class runs for six days and will allow students to "experience at least nine hours a day of intensive trap line instruction." The animals caught, be they target or non-target victims, may suffer severed tendons and ligaments, broken bones, amputation of toes, and a long, drawn-out struggle against an excruciatingly painful device prior to death. And the students, who have inflicted such suffering can't keep the animals' fur pelts, but they get several books and other trapping propaganda, free samples of animal lures, a certificate and graduation patch from the FTA, and two continuing education credits from Purdue University. 🐾

YOU CAN MAKE A DIFFERENCE

Register your objection to Purdue University's so-called educational trapping program. Please write to Martin C. Jischke, President, Purdue University, 1031 Hovde Hall, Room #200, West Lafayette, IN 47907 or email him at mcjischke@purdue.edu.

Duck Hunters Prey on Predators in North Dakota

About 200,000 acres of prime wetland in North Dakota have had virtually all of their raccoons, fox, and skunks eliminated by trapping. Steel jaw leghold traps, necksnares, and conibear traps were used. The trapping has been conducted out of season, in the springtime when mothers are rearing their young, by trappers who received a bonus for doing a particularly successful job. The furbearers who had inhabited the land were massacred in a series of pseudo-scientific studies to determine the effects on the breeding success of ducks if an effort was made to eradicate all predators from the ducks' territory. Common sense would tell you that the population of ducks will increase with-

out predators, yet, oddly enough, the researchers "were somewhat surprised about finding dramatically higher nest success on trapped sites."

The project, conducted from 1994 to 2002, has been supported by Delta Waterfowl (DW). The mission of DW is "...to enhance waterfowl populations while securing the future of waterfowling," and a strategic objective is to "preserve and promote hunting as an integral part of waterfowl management." Under the guise of research, DW has extirpated predators over vast tracts of land by securing exceptions to the state trapping laws in order to increase duck numbers for hunting. This "research" must be prohibited. 🐾



Trapping during the spring leaves young animals to die without their mothers.

United Nations Urged To End Destructive Fishing

BY TODD STEINER
DIRECTOR, SEA TURTLE RESTORATION PROJECT

More than 400 leading scientists and 100 organizations from around the globe, including the Animal Welfare Institute, are calling for a United Nations (U.N.) moratorium on pelagic longline and gillnet fishing in the Pacific Ocean to protect endangered sea turtles and other marine species.

Longlining and gillnetting are major factors in the decline of the Pacific leatherback turtle, for instance, which is predicted to go extinct in ten years if immediate action is not taken. It appears that the return of nesting leatherbacks to Pacific beaches this year was the worst on record. Scientists estimate that there are now fewer than 5,000 nesting female leatherbacks left in the Pacific Ocean down from 91,000 in 1980, a decline of 95%.

Commercial longline fishing involves a ship at sea pulling (literally) a long fishing line, sometimes up to 60 miles long with a thousand baited hooks. This fishing technique is indiscriminate and causes high by-catch of unintended marine species, including

birds such as albatrosses who dive for the bait, are hooked, and tragically drown. Longlines are sometimes called the “landmines of the sea” because of their widespread arbitrary slaughter. Similarly, huge “gillnets” draped in the ocean swallow up thousands of unintended victims, including marine mammals who suffocate and die.

In an open letter to U.N. Secretary General Kofi Annan, which appeared recently in *The New York Times*, noted scientists (among them Edward O. Wilson, Dr. Sylvia Earle, and AWI’s good friend in Mexico, Homero Aridjis) alerted governments and fisheries managers across the globe to the worsening crises of our global fisheries’ and the rapid decline of the Pacific leatherback sea turtle. (It can be viewed at <http://www.seaturtles.org/pdf/scientistltrad-final.pdf>.)

“The decline of the leatherback in the last five years is nothing short of catastrophic, and it is imperative that



Commercial fishing has contributed to the crash of the leatherback sea turtle population over the past decade.



Thomas Gorgus

Endangered olive Ridley turtles have been found in Pacific Ocean waters, especially around Hawaii, hooked on longlines.

the global community come together to eliminate the use of the most destructive forms of industrial fishing before it is too late,” said Dr. Sylvia Earle, an Explorer-in-residence at National Geographic and esteemed marine expert. Dr. Larry Crowder, Duke University Marine Laboratory researcher, added, “tragic declines of leatherback and loggerhead sea turtles have been well documented in the Pacific... and the impact of longline fishing on these and other marine species can’t be understated.”

A recent report to the Pew Charitable Trusts estimates that there are almost two billion hooks set per year by the longline fishing fleet. The United Nations and Kofi Annan must recognize that in order to save the endangered leatherbacks, as well as imperiled sharks, seabirds, and dolphins, we must stop these weapons of mass destruction from destroying our oceans. There are just too many hooks adrift in the Pacific to give these threatened and endangered species a fighting chance for survival.

U.S. Courts previously have taken important steps to protect embattled marine species by closing the Hawaiian swordfish longlining fleet altogether and restricting the Hawaiian tuna longlining and California drift gill net fleets to times and areas that reduce turtle catch. Now it’s time for the rest of the world to act.

Get involved in this urgent campaign: www.seaturtles.org/action/alertdetails.cfm?actionAlertID=43. 🐾

Japan, Norway, and Now Iceland The Whaling Axis of Evil

Despite international condemnation, Iceland has become the latest nation to resume hunting whales. Like Japan, it justifies this indefensible action under the guise of “scientific whaling.” On August 18, Icelandic whalers killed a minke whale, the first such slaughter in almost 15 years.

At the most recent meeting of the International Whaling Commission (IWC) in Berlin, the Government of Iceland outlined its scheme to resume whaling, claiming its intention to do so for scientific purposes. One hundred minke, one hundred fin, and fifty sei whales are to be slaughtered during Iceland’s renewed killing spree.

The objective, according to the proposal, “is to increase understanding of the biology and feeding ecology of important cetacean species in Icelandic waters.” In reality, Iceland is merely mimicking Japan’s most recent disingenuous claim that whales eat too much fish and they must be hunted to preserve the long-term viability of its commercial fisheries.

The U.S. Department of State officially has opposed Iceland’s decision, claiming “that lethal research on whales is



Photos: Ole Lindquist

Iceland’s cold harpoons will cause whales a slow, suffering death.

The underlying threat is clear: Iceland is setting the stage for a return to full-scale commercial whaling, which reports claim could begin in three years.

Iceland actually left the IWC in 1992 and rejoined last year with a reservation on the whaling moratorium. Absurdly, Iceland was allowed to vote in favor of its own readmission. According to Dr. Sandra Altherr of the German non-governmental organization Pro Wildlife, Iceland has killed over 35,000 whales since 1883, and its current intention is to open up a commercial international trade in whale meat with Japan.

In a world in which whale-watching is an increasingly lucrative business it is truly amazing that more countries do not summarily reject whaling in any form. Dr. Altherr notes that Iceland is “one of the best areas for whale watching in the world... In 2002, 62,050 people—30% of all visitors to the country—went whale watching ... contributing an estimated U.S. \$14 million in 2002. Whaling, by contrast, yielded a maximum revenue of U.S. \$3.5 million in 1989.” 🐾



Images of flensed minke whale carcasses in Iceland are sure to drive whale-watching tourists away from the country. Whale-watching is much more profitable than whale killing.

YOU CAN MAKE A DIFFERENCE

Write to the Embassy of Iceland urging an immediate end to any whaling whether for commercial or scientific purposes. Remind them that whale-watching is much more lucrative, and that you will not vacation in countries that promote or allow the massacre of majestic sea creatures such as whales. Write to: Ambassador Helgi Ágústsson, Embassy of Iceland, 1156 15th Street N.W., Suite 1200, Washington, DC 20005-1704.



John K.R. Ford/Ursus/Seapics.com

The mysterious narwhal is killed for its protruding tusk in a poorly managed, wasteful, and inhumane hunt. The narwhal must receive international attention and protection.

The Narwhal—Still Falling Through the Cracks

BY SUE FISHER
WHALE AND DOLPHIN CONSERVATION SOCIETY

The narwhal is a medium sized Arctic whale with a unique, spiraled ivory tusk that can measure up to two meters long. It is hunted for its meat and blubber by Inuit hunters in West Greenland and Eastern Canada, but its tusks, which, like elephant ivory, can be intricately carved, are commercially valuable and exported in significant numbers, mainly to Switzerland and Japan.

Neither Canada nor Greenland (an independent territory of Denmark) sets hunting quotas. Catches are under-reported; population estimates are 24 years out of date, and, in some areas, up to 30% of the animals shot are lost before they are killed. Hunting mortality is estimated to exceed 1,000 animals annually and may even reach 1,500.

Hunters have depleted the beluga (white whale) in West Greenland to less than 25% of its population in the 1950s. The only reason that we cannot say with certainty that the narwhal

population has declined similarly is because no comprehensive surveys have been conducted on this species since 1979. In addition to hunting pressures, the narwhal and beluga are threatened by numerous other human activities, including oil and gas development and pollution.

Several management bodies, including the International Whaling Commission (IWC), have expressed concern that narwhal hunting may not be sustainable. Even the North Atlantic Marine Mammal Commission (NAMMCO), a controversial regional management body established by whaling nations in defiance of the IWC, has warned of the risk of over-harvesting narwhals and the need for reliable population estimates.

In 1995, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) undertook a review of the narwhal's status and the impacts of international

trade on them. Not surprisingly, the reviewers concluded that "there are insufficient data to determine whether narwhal populations have declined and to assess reliably whether current exploitation is sustainable." CITES recommended that the Greenland and Canadian authorities undertake surveys. However, eight years later, a comprehensive survey has not been undertaken and both countries continue to rely on 1979 data to defend their hunts and their exports of narwhal tusks.

The Whale and Dolphin Conservation Society (WDCS) has launched a campaign to save this unique species. WDCS presented its concerns to the 19th meeting of the CITES Animals Committee in August 2003 and requested that the species be formally included on the agenda of the next meeting. AWI will work with WDCS to ensure that the narwhal is treated as a species of priority concern and that urgent action is taken to address the threats they face. 🐾

Greenland in Hot Water

Greenland's narwhal hunt is just one aspect of an appalling conservation record. WDCS' new, in-depth examination of Greenland's aboriginal whaling of minke and fin whales under subsistence quotas granted by the IWC revealed a catalogue of problems including: illegal hunting of humpback whales and targeting of killer whales; killing of almost exclusively female whales in East Greenland; use of inadequate weapons and long killing times (one whale took five hours to die in 2002); commercialization of whale meat intended to meet local subsistence needs; plans to commence international trade in whale meat; and smuggling of sperm whale teeth. The IWC must address these issues and press for serious reform of Greenland's aboriginal subsistence whaling at the next IWC meeting in July 2004. 🐾

I'm a Manatee

Includes book and CD by John Lithgow, illustrated by Ard Hoyt
Simon & Schuster; Books For Young Readers, New York 2003; ISBN: 0-689-85427-7; 32 pages, \$17.95

"From time to time I dream that I'm a manatee, undulating underneath the sea."

Actor John Lithgow's latest children's book explores the fantasy world of a young boy who wishes he were a manatee. As he lies in slumber dreaming, the world around him is transformed into a watery paradise.

Lithgow's tale is written in rhymes that will appeal to the youngest readers, with most words altered to end in *-atee*. "I'm a manatee, I'm a manatee, I keep my reputation spick and span-atee." But older readers will also surely appreciate Lithgow's lofty language: "Unshackled by the chains of idle vanity, A modest manatee, That's me."

The full-page color illustrations enhance the book immeasurably, with terrific graphics of the manatees dining with huge red bibs, coral, jelly fish, and other underwater companions, and the lad's room from which his bedtime adventure is launched. Many of the illustrations are brilliant in their subtlety: the boy's pet hamster slowly sprouts fins and eventually, an entire fish body; a grown-up manatee holds a mirror to the boy who sees his reflection as the young manatee he dreams he is; and there are even



images of a child's drawing of a boy and a manatee on the boy's wall.

I'm a Manatee comes with a compact disc on which the story is set to music and sung by Lithgow. It is both fun and funny to listen to and will surely enhance the child's experience with the book. The sheet music and lyrics appear in the back of the book, perhaps for the instrumentally inclined who may wish to perform it themselves.

There is clearly a message about protecting the manatee in the book as well. The boy watches irately as a human discards bottles and cans from his boat into the water. The boy then ties the litter to a fishing line, which

is eventually hauled up by the fisherman. Additionally, the boat's propeller—a huge danger for delicate manatees—frightens all the creatures below.

Lithgow who admits that he's never seen a wild manatee, notes in an interview that action must be taken to save wildlife: "I'm very concerned for the future of the earth and its amazing creatures. We've got to be careful and make sure we don't foul our own nest."

He has created a story that with its rhymes and pictures is quite hysterical and that humor helps reach his adolescent audience. Lithgow adds in the interview that "the manatee is such a wonderful animal, gentle, graceful, a little comical. It's important for everyone to know all about them. The more they know the better chances this great beast has of surviving."

John Lithgow's previous children's books include two releases in 2000: *Micawber*, about a creative Central Park squirrel who recreates the art of some of the masters of painting after seeing their works in a New York art museum; and *Marsupial Sue*, about a young kangaroo who couldn't stand all the bounding around that kangaroos do.

—by Adam M. Roberts

Bequests to AWI

If you would like to help assure the Animal Welfare Institute's future through a provision in your will, this general form of bequest is suggested:

I give, devise and bequeath to the Animal Welfare Institute, located in Washington, D.C., the sum of \$ _____ and/or (specifically described property).

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax deductible. We welcome any inquiries you may have. In cases where you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.

Federal Judge Agrees: LFA May Pose “Irreparable Harm” to Marine Life

On August 26, 2003, United States Magistrate Judge for the Northern District of California, Elizabeth D. Laporte, imposed a “tailored” injunction on the Navy, preventing unfettered deployment of its Low Frequency Active sonar (LFA).

Although the Judge was unwilling to ban the Navy from using LFA under any circumstances, especially in these days of heightened terrorism alert, she does make it quite clear that a drastic curtailment of the Navy’s plans was vital to the protection of all ocean life. She concludes, “It is undisputed that marine mammals, many of whom depend on sensitive hearing for essential activities like finding food and mates and avoiding predators, and some of whom are endangered species, will at a minimum be harassed by the extremely loud and far traveling LFA sonar. . . . Further, endangered species including whales, listed salmon and sea turtles, will be in LFA sonar’s path. There is little margin of error without threatening their survival.”

Her detailed 73-page decision weighs the harms to the marine environment and its inhabitants of full deployment and to the United States Navy of banning deployment, and

concludes that a permanent injunction could be “carefully tailored to reduce the risk to marine mammals and endangered species by restricting the sonar’s use in areas that are particularly rich in marine life, while still allowing the Navy to use this technology for testing and training in a variety of oceanic conditions.” Representatives for

are known to migrate, breed, or feed, during certain times or in certain areas.

The Judge’s decision came after years of rulings by the National Marine Fisheries Service in support of authorizing the Navy’s LFA deployment and subsequent legal challenges by environmental and animal protection organizations.

“The Marine Mammal Protection Act, for example, reflects the public’s profound interest in safeguarding whales, dolphins and other magnificent mammals that still live in the ocean. Unfortunately, the populations of many of these creatures, once abundant, have shrunk and some are on the verge of extinction.”

—U.S. Magistrate Judge Elizabeth D. Laporte

the environmental plaintiffs and Naval defendants have been ordered to meet on October 7 to iron out the details of the injunction.

Judge Laporte’s decision notes that the buffer zones around biologically-rich coastal areas, in which LFA deployment would be prohibited, must be extended beyond the current limit of 12 miles. Additionally, the Navy will be prevented from deploying the sonar when marine mammals and endangered sea creatures such as turtles

The plaintiffs argued that the clear intent of the Marine Mammal Protection Act is to avoid any harm to marine mammals. LFA use could damage a high percentage of certain populations of threatened or endangered species such as the gray whale. Further, LFA use could harm other imperiled sea creatures such as sea turtles, cause anxiety and panic among unaware recreational human divers, and contribute to the further drastic reductions of some fish stocks. 🐾



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