

## GOVERNOR LAMM URGES COLORADOANS NOT TO BUY GOODS FROM JAPAN OR RUSSIA TILL THEY STOP WHALING

### Colorado Save the Whales Symposium Precedes Whale Week

In an Executive Order issued March 1, 1976, Hon. Richard D. Lamm of Colorado proclaimed Save the Whale Week March 7-13. The Proclamation reads as follows:

"Whereas, the complexity and variety of life forms that inhabit this planet with us add to the beauty and quality of our lives; and

"Whereas, whales are just now being recognized as gentle, social and perhaps next to the human race, the most intelligent animal on earth; and

"Whereas, modern expensive whaling fleets have systematically driven the larger species of whales to near extinction and are turning to smaller species as well as smaller and younger members within each species; and

"Whereas, Japan and Russia account for over 85% of the 30,000 whales killed each year; and

"Whereas, the only justification for continuation of this practice is short term economic profit since virtually all products which are derived from whales have substitutes which don't require the extermination of a species; and

"Whereas, Colorado, being at such altitudes where oxygen is in much more limited supply than along the coasts, is tied very closely to the delicate balance of the ocean where 70% of our oxygen is photosynthetically produced; and

"Whereas, it is felt that as the whales go so go the oceans, and as the oceans go so goes the environment, causing the whale to become the symbol of the international environmental movement;

"Now, therefore, I, Richard D. Lamm, Governor of the State of Colorado, do hereby proclaim the week of March 7-13, 1976, as Save the Whale Week in the State of Colorado, and urge all citizens of Colorado to join with the five million Americans who have pledged to refrain from purchasing Japanese and Russian goods and services until these countries agree to stop whaling."

## FAY BRISK HONORED FOR ANIMALPORT BATTLE

Senator Lowell Weicker (R-Conn.) presented the Albert Schweitzer Medal of the Animal Welfare Institute to Fay Brisk on January 10, 1976, the 101st anniversary of Dr. Schweitzer's birth.

In presenting the medal, Senator Weicker referred to "very personal experiences in matters of concern to all of you in this room. It is true that we passed through the Senate at the tail end of last session a bill for humane treatment of small animals being transported by air and rail. That legislation came into being because of the efforts of Fay Brisk. Nothing has a greater impact on an individual or Congress as a whole than being confronted with a situation deserving of legislation. Nobody could spend the evening I spent with Fay and those dogs at the Washington National Airport, seeing the cruelty that was visited on those animals, without trying to do something about it. Don't be too concerned over the fact that it took almost five years to get action." He told of other long-delayed legislation.

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### "Whales in the Rockies"

A Colorado Save the Whales Symposium was held at the University of Colorado at Fort Collins, March 5, 6, and 7, 1976. Coordinated by Steve Smith and Bruce Imfeld of the Colorado Student Coalition, the symposium featured a talk entitled "The Bloody Whaling Business" by Rex Weyler of the Greenpeace Foundation following a film of last summer's confrontation with the Russians 150 miles off the California coast where sperm whales were being harpooned. After a send-off by some 25,000 well-wishers in Vancouver, British Columbia, the Phyllis Cormack, manned by a Greenpeace crew, went to sea to find whales and whalers and to attempt to put a human shield between the two by lowering two Zodiacs at the site of the harpooning.

The photograph shows one of the two zodiacs with the Russian factory ship and two catcher boats. Weyler described how the harpoon gun shot just over the zodiac killing a female sperm whale. A male sperm whale attacked the Russian catcher boat, but his brave attempt

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Senator Weicker then referred to "endeavors of the Animal Welfare Institute for whales and dolphins....All of you should know that my state of Connecticut just adopted the whale as our state animal. It was done to focus the drive for conservation and assist in the fight to preserve this great animal."

He then told of his encounter with a wild dolphin. "About four years ago when visiting the island of St. Marks in the Caribbean with my wife and children, we heard the natives talk of a dolphin that had come into a little cove and was swimming around there. From this experience alone, you understand what the dolphin's all about outside marine museums, marinelands, or all those other places where people train them. We went down to that cove, Scot and Gray my two oldest sons and myself. We spent three hours in that cove with no one else around. The dolphin bumped the boys and rolled over, and we scratched him on his stomach. For three hours we played with the animal, not in a museum setting or a domesticated setting, but rather in a wild setting. They are magnificent. Certainly every effort should be made to save them. They are truly intelligent--a lovely and beautiful animal that deserves our compassion and our care."

Senator Weicker spoke of Dr. Schweitzer as "a total man involved with animals and their humane treatment." Speaking of his devotion to healing the sick, of his achievement as one of the great interpreters of Johann Sebastian Bach, he reiterated that Schweitzer was a total man and said, "That is what is called for in this day and age."

Presenting the medal, he spoke of the lifetime of service of Fay Brisk for "those who can't applaud, can't vote, can't pay one penny. It's really the greatest service, the efforts that she has expended on that dumb but loving constituency. So, Fay Brisk, the Albert Schweitzer Medal of the Animal Welfare Institute. The words on the medal are: 'We need a boundless ethics which will include the animals also.'

Fay Brisk's remarks in accepting the Schweitzer Award appear in full below:

I can think of no better way to say thank you than to simply repeat what Dr. Schweitzer said to the City of Frankfurt when he received an award there nearly fifty years ago:

"Your choice has greatly surprised me and has brought me great happiness. I am so deeply moved that I do not know how to thank you. Nor can I express to you how your words spoken on this occasion have stirred me to the innermost depths of my being. You may be sure that you have given me...great encouragement for all the work that I may be able to accomplish in the years to come..."

I also want to convey my very special thanks to the "First Lady" of the humane movement, Mrs. Roger Stevens, and to her mother, Mrs. Cora Gesell, who did so much to "rekindle the flame" during those times when it did not burn quite so bright.

There are so many people who have made this night possible for me, the only way I can thank all of them is to tell you what they did from the very beginning. That was ten years ago, in a town in Pennsylvania...

At the time, the Animal Rescue League of Berks County, near Reading, exposed the brutal conditions under which a laboratory animal dealer kept his animals. I took part in that raid. I saw the starving dogs. The dead cats. But more shocking to me was the heap of dog collars with their rusty dog tags still dangling from them. This raid triggered legislation that passed the State Legislature to license and regulate laboratory dog dealers in Pennsylvania.

It was while this legislation was still being debated that a humane agent in Easton stopped a dealer's truck and had him arrested for overloading. The truck contained 18 dogs--among them, two female Dalmatians. The dealer said he was delivering the dogs to a farm in upstate New York. He paid his fine, got another truck and left.

Meanwhile, in a hospital miles away, a man who was recuperating from a heart attack heard a description of the dogs over the radio. He was almost certain that one of them was "Pepper," his Dalmatian that had disappeared from his back porch a week before. He telephoned his

wife. She felt so strongly that it really might be "Pepper," that she took her three children and drove to New York. But when they got to the farm, the owner refused to let them see his dogs.

At this point, I telephoned Mrs. Stevens, and she immediately called Senator Joseph Clark of Pennsylvania. Senator Clark had been a long time champion for animal protection, and we were sure he would help. He was out of town, but his assistant, Sara Ehrmann, telephoned the office of Congressman Joseph Resnick, in whose district the farm was located. But even Congressional intervention failed to move the New York dealer. It was a sad and exhausted family that returned home that night.

By this time, I was convinced that the Pennsylvania dealer had not taken the dogs to upstate New York, but had taken them to a research laboratory instead. But which one? I telephoned the Pennsylvania State Police and urged them to find out from the dealer where he had actually taken the dogs. Before long, they called back and said the dealer admitted taking the dogs to Montefiore Hospital in New York City.

I quickly telephoned Montefiore Hospital, but the switchboard operator wasn't helpful. It was Saturday night, and she said there was never anyone in the animal quarters at night. She told me to call back the next morning. When I did, I got the man in charge of the animal quarters. I could hear the rattling of dog tags at the other end of the line, even as he was telling me that the Dalmatian in question had been used in heart surgery and was dead. I pleaded with him to save the carcass, but he said it was too late. The "evidence" had been incinerated. He then volunteered the information that he had ordered six male Dalmatians, but got only four males, and the dealer had "wrung in" two females.

Through it all, Congressman Resnick was so angered that he introduced a bill that would guard against petnapping in interstate commerce, and regulate laboratory animal dealers. We all know what happened after that. Further investigations led to convicted dog thieves who admitted stealing for laboratories. Witness after witness told Congressional committees of the abuse of animals by laboratory animal dealers, and a number of pets were found in the laboratories and returned to their owners. One was a setter I traced to the National Institutes of Health.

In August, 1966, we got the Laboratory Animal Welfare Act.

Just recently, I asked a laboratory animal dealer what he thought this legislation had accomplished. Here is what he told me:

"It's done some good. It's cleaned up the marginal dealers, and some of the bad ones went out of business. The animal quarters in research laboratories look better. But there is still plenty of thievery going on. If there's such a thing as a 'dog mafia', we've got one!" There we have an animal dealer admitting what we all have had reason to suspect right along: that although there's been progress in some areas, *petnapping is not one of them.*

We are grateful to the U.S. Department of Agriculture for even a little progress. But perhaps this year--the year of the Golden Retriever and all the little retrievers--Congress will give it more money to do a better job.

The Department will need it. Because, thanks to Senator Weicker and Senator Magnuson, and Representatives Foley and Poage and Hicks and so many others, we hope to have legislation that will provide humane transport for animals.

Sharing in this hope, and certainly, in this award, are all the volunteers who worked so hard caring for the animals at Washington National Airport. Let me tell you about these volunteers. They included registered nurses, retired Navy Captains, businessmen, members of the American Dog Owners Association, a Canadian veterinarian, an airline pilot and employees of the Defense Department, Federal Aviation Administration, The CIA and other government agencies, as well as members of the Washington Humane Society and the Alexandria Animal Shelter.

I like to think that Dr. Schweitzer, who had to "make do" with so little in his jungle hospital, and who had to build so many things out of packing crates, would have felt at home in our animalport. At least, the packing crates were there and we, too, found them useful. We only had, as one writer put it, "a table and some cages in a warehouse corner." But the truth is, our animalport

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wasn't really a place. *It was a purpose.*

It existed because a group of dedicated people went to the airport night after night, week after week, to do a job that no one else would do. And they often worked until long after midnight, feeding and watering all the animals, walking the big dogs, changing the bedding in the crates, administering first aid and seeing to it that sick animals were taken to a veterinarian.

What's more, in all that time--in more than three years--they never got a dog bite and never lost a dog--or a monkey, or a wolf or any other animal. But I do recall a few white laboratory mice that found good homes, and two beautiful, lively pheasants that flew out of a lettuce crate and got away. I believe it was Mrs. Brademan, our new airport activities director, who opened the lid of the crate. (And maybe someday I'll ask her.)

Now that REA Air Express is out of business, we no longer have our animalport in their warehouse. We have agents that check the individual airline freight terminals. But checking the terminals is not enough. We must make sure that never again will a magnificent cougar be shipped in an airless, coffin-like crate, to tear at the inside wiring until her paws bled, to find only a trickle of water in a narrow, rusty pipe, and finally, to lie exhausted all afternoon in an airline freight hangar on one of the hottest days of the year.

That cougar's name was "Ginger." We saw her at Washington National Airport. She died of bronchial pneumonia a week later.

From "Pepper" to "Ginger"...Has anything really changed?

#### FUJITA HEADS NEW CONSOLIDATED COMMERCIAL WHALING COMPANY

The Japanese whaling industry has undergone a major reduction in vessels and personnel. A new company, the Japan Joint Whaling Company, was formed February 16th. According to *The Japan Times* of that date, it "will begin operation in northern Pacific waters in May." The three big fishing companies, Taiyo, Nippon Suisan and Kyokuyo, each put up 32% of the capital and three small ones added one or one and a half per cent. Whaling department personnel will be reduced from about 3000 to 1500. Head of the new Japan Joint Whaling Company is Iwao Fujita, former director of the government fisheries agency, Japanese Commissioner last year to the International Whaling Commission, and head of the Japan Whaling Association.

According to the *Tokyo Shimbun* (February 15, 1976) Japan has 34 whaling vessels, but the new joint whaling company is buying only three factory ships and 20 catcher boats. That leaves 11 vessels unaccounted for. A short term regulation has prevented sale of these vessels outside the country but such temporary measures cannot be relied upon in the future especially since the Japanese press uniformly reports that the new Japan Joint Whaling Company faces serious financial problems. As *The Japan Times* (March 3, 1976) stated, "...Japan, the largest whaling nation in the world, found itself increasingly isolated at International Whaling Commission meetings and other related international conferences despite its vigorous campaign to defend its position. The country came under pressure particularly from animal protection and environmentalist groups in the U.S. and other advanced Western nations which claimed that Japan was hunting the whales to extinction."

*The Japan Times* explains that Mr. Fujita is "less than confident, however, when it comes to the immediate business prospects of his fledgling company. He expects that operations will remain in the red or stay barely at break-even point 'for the time being' partly because the market is limited and partly because production costs, particularly payrolls, have risen. Demand is a critical factor in the continued operation of the whaling industry. Some people raise the possibility that demand for the whale meat may diminish as the Japanese dietary standard improves. As an official of the Fisheries Agency points out, whale meat does not taste particularly good, and housewives buy it because it is cheap.

"Japan consumes about 100,000 tons of whale meat a year (in 1973, according to the Japanese Whaling

Association, one fourth of it was imported from the Soviet Union). That represents one per cent of the nation's total annual fish catch."

Conservationists have expressed concern lest the excess whaling equipment be merely shifted to nations such as Peru or Chile which are not even subject to International Whaling Commission restrictions. Kinkai, the whaling company in Peru, is owned by major Japanese business concerns and ships whale products to Japan.

The *Far Eastern Economic Review* (March 26, 1976) states, "The Japanese are also reported to have been negotiating the sale of these additional boats to Third World Countries which are interested in whaling but are not members of the AWI and so not bound by quota restrictions."

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#### ANIMAL WELFARE ACT AMENDMENTS PROGRESS

On March 18th a Senate-House Conference Committee approved a new version of S. 1941 combining features of the Senate-passed bill and of H.R. 5808 which passed the House on February ninth after a five-hour debate and a series of roll-call votes on amendments offered prior to passage. The content of the bill was well described by Chairman of the House Agriculture Committee Thomas Foley, who managed the bill on the House floor. "Briefly, here is what this bill would do. First, it would bring carriers and intermediate handlers within the class of persons regulated under the Animal Welfare Act and require them to adhere to humane standards promulgated by the Secretary with respect to the transportation affecting commerce of all animals protected by the act.

"Second, the bill would amend the definition of the terms 'animal' and 'dealer' under the act to clarify that animal brokers are required to observe humane standards and also that all dogs, including dogs for hunting, security, or breeding purposes, fall within the protection of the act.

"Third, c.o.d. transportation of animals would be prohibited unless the shipper guaranteed payment of round-trip fare and any out-of-pocket expenses of the carrier or intermediate handler for care of animals not claimed at destination. Also, dogs, cats, and other animals could not be transported at less than 8 weeks of age, or other age as the Secretary permits; and dealers, exhibitors, auction sale operators, and Federal, State, and local agencies would be required to obtain a veterinarian's certificate before delivering any dog, cat, or other animal designated by the Secretary for transportation affecting commerce.

"Fourth, this bill would extend the Secretary's investigative authority to intermediate handlers and carriers and authorize the Secretary to impose upon such handlers and carriers a civil penalty of up to \$1,000 for each violation of the standards of humane care.

"Fifth, this bill would revise the present penalty provisions of the act to impose a uniform civil penalty of up to \$1,000 on all persons regulated under the statute and eliminate the requirement applicable to persons currently covered by the act that the Secretary issue a cease and desist order before seeking imposition of a civil penalty.

"Finally, the bill would add to the statute an entirely new section which would make it a crime punishable by fine and imprisonment knowingly to sponsor, participate in, transport in interstate commerce, or use the mails to promote fights between live birds, live dogs, or other mammals, except man.

"The bill, H.R. 5808, comes to grips for the first time with the vexing problem of animal fighting ventures, particularly dogfighting. The record developed during the hearings revealed that organized dogfighting has spread throughout the United States. A dogfight is a grisly, dehumanizing spectacle in which dogs, trained for the purpose or maddened by drugs and abuse, are set upon each other to fight, usually to the death of at least one dog and sometimes to the death of both. Large sums of money are frequently bet on the outcome of these ventures and the dogs often are horribly mutilated if not killed in the process."

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Representative Margaret Heckler (R-Mass.) offered an amendment to require government agencies using laboratory animals to prove that they are in compliance with the law. In introducing her amendment she said, "My amendment would require these agencies to submit proof that they are complying with the humane standards required of all research facilities registered under the Animal Welfare Act of 1970. This is a simple amendment, but it could mean a world of difference for the animals used by the Army, the Air Force, the National Institutes of Health, and other agencies of the Government.

"Recently, when humanitarians complained about the way beagles and other animals at the Army's Edgewood Arsenal were treated, the Army asked for an official inspection by the Animal Care Staff of the U.S. Department of Agriculture. The veterinary inspectors found multiple violations of the Animal Welfare Act. Some of these beagles had to stand on wide-spaced, sharp-cornered grids which were not satisfactory to prevent injury to the dogs' feet. Violations of standards on sanitation, ventilation and control of extremes of temperature were also found by the USDA inspectors. There is no excuse for the Army or any other Government agency to fail to meet the minimum humane standards required of private laboratories or other research institutions, zoos and animal dealers under the Act.

"Section 14 of the Animal Welfare Act requires Federal agencies with laboratory facilities to comply with the Secretary of Agriculture's research facility standards, but they are not required to prove to the Secretary that they are complying. My amendment would rectify this by requiring that such Federal agencies prove that they are in compliance just as any other research facility must." The Heckler amendment passed by voice vote.

An opponent of the bill as a whole, Congressman Steve Symms (R-Idaho), said, "If the people who ship the dogs, cats and other animals take care of them, then the Federal Government would not have to worry about it." Congressman William Whitehurst (R-Va.), a long-time supporter of the legislation, described some of the reasons why the Federal Government's intervention is urgently needed. He said, "My concern over the treatment of animals in transit, particularly by the airlines, was prompted by scores of letters from my constituents, and other citizens throughout the country, who have written to me describing the abuse which their pets have suffered at the hands of the airlines and other common carriers, both in transit and in terminals.

"Many of these animals were seriously injured, and even death has resulted in a number of instances. I know that many of my colleagues in the House and Senate have been equally moved by similar circumstances described in correspondence from their own constituents.

"Underlying the entire problem of animal mistreatment in air transportation is the fact that animals are considered cargo. The airlines process animals as general freight, and this has caused animals to suffer as a result of being shipped in flimsy containers, left to endure long waits in drafty terminals which contain no specific facilities for animals, and improperly stowed in airplane cargo compartments. Studies have indicated that animals must contend with great fluctuations in temperature during long flights. Stowed in airplane cargo compartments, animals can be subjected to temperatures ranging from nearly freezing to 90° Fahrenheit or more. In addition, these cargo compartments do not permit an adequate air flow, and consequently the animals suffer from the limited air circulation."

Congressman Symms, who voted against the bill in subcommittee, full committee, and on the House floor, nevertheless ardently supported the inclusion of the section on cockfighting, even bringing proxy votes into the Agriculture Committee markup, in the hope that this addition would prevent enactment of the bill as whole or, at the very least, result in the loss of the prohibition against interstate promotion of dogfights.

Congressman W. R. Poage (D-Tex.) recalled the events stating, "...just at the end of the markup, there was an effort to delay the bill and there was the suggestion that

we amend it to include fowls. That amendment was adopted 20 to 16 including 6 proxy votes on the yea side. There were 3 proxy votes on the negative side. Three of the favorable proxies were all voted by the same person, and he is not in favor of the bill. That to my mind, reads that he is smart, and wants to kill the bill, and he knows how to kill it..."

Congressman Thomas R. Harkin (D-Iowa) responded saying, "...I cannot understand how regulating the transportation of gamecocks around this country to try to prohibit and stop this cockfighting is going to kill this bill. I would think that most members of this body would be opposed to something like cockfighting."

Congressman Symms said he opposed proxy votes but since they were part of the House Rules he used them, and under questioning by Congressman Harkin, who asked, "Did the gentleman in the well support the amendment in the full committee, the amendment to include birds?" Congressman Symms replied, "I am the one that they were talking about, yes."

Mr. Harkin: The one with all the proxies?

Mr. Symms: Yes.

Congressman Symms then explained that he wanted to "clarify the whole fighting issue of animal fighting in one fell swoop."

Congressman Foley asked, "What the gentleman is saying is that he is asking us on the committee here to include the fighting of birds as well as other animals, and then he wants to support an amendment later on to take out all restrictions on animal fighting in the bill, is that correct?"

Mr. Symms: That is correct.

Congressman Symms also was armed with a letter from the Department of Agriculture concerning which Chairman Foley was moved to make the following remarks: "Now we may hear that the cost of new section 26 of the act, which deals with animal fighting, has been estimated by the Department of Agriculture to be \$25 million a year. I am sad to say it is true that they have estimated it to be \$25 million a year. In one of the most cynical and, in my judgement, questionable reports in my experience to the committee on which I serve, the Department of Agriculture estimated the cost to be \$25 million, while the Congressional Budget Office estimate was \$400,000. We could not get an estimate from the Department of Agriculture until 4 days before this bill reached the floor. And then we got it through the back door in the form of a personal communication between a Deputy Assistant Secretary of Agriculture, Mr. Damgard, and a committee member who opposes this section of the bill.

"Now, of course, if they were to hire 1,200 new inspectors, as they suggest will be required in their cost estimate, it would cost something like what the Department estimates; but there are not 1,200 investigators in the whole Office of Investigations of the Department of Agriculture, and that office investigates all violations of criminal statutes within the purview of USDA. The total employment of that office, clerical staff and all, was only 328 last year, and even if we add to that the total employment of the Office of Audit of the Department, which was 486 last year, you still have only 814 total employees charged with the full range of the Department's investigative and audit responsibilities. The Animal and Plant Health Inspection Service employs only 58 people to administer all Federal animal care statutes including the Animal Welfare Act and Horse Protection Act."

Two amendments against the fighting provisions were offered with roll call votes. Congressman Charles E. Wiggins' (R-Calif.) amendment would have eliminated all sections, both those relating to dogs and other mammals and those relating to birds. The amendment failed by a vote of 56 to 312.

Congressman Gillespie V. Montgomery's (D-Miss.) amendment would have retained the dogfight prohibitions but dropped those on cockfighting. His amendment gained 76 votes, but 289 members voted against it.

The vote on final passage of the bill including transportation, mammal and bird fighting provision, was carried by a resounding 335 to 34.

This was bad news to cockfighters, and they immediately mobilized for action. Some even registered

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under the Federal Lobbying Act despite the fact that 45 of the 50 states prohibit cockfighting. As one seasoned observer remarked, "It's as if gangsters came in and registered to lobby for gangsterism."

A lengthy hand-out on a Baltimore funeral home's letterhead was distributed to Congressional offices, and cockfight enthusiasts began a phone campaign to Senators and Representatives. Members of Congress and staff were exhorted by the mortician leading the cockfight lobby who informed them cockfighting could be traced back to 1000 B.C. and that "Christian, King of Denmark, said, 'were I to lead an army against the great infidel of Constantinople, I would choose none but cockers for my commanders and none but lovers of the sport for soldiers.' More recently, my observations indicate that none of the communist countries have cockfighting as a sport, and where communism comes in, cockfighting is outlawed. Cuba, for example. Could this mean that those devoted in the sport are instilled with strength, bravery and individuality by the witnessing of the cockfight, as the poet puts it:

'And some more martial are,

'But cocking fits a man for peace or war.

'It makes men bold and foreward for the field

'And learns them rather die than yield.'"

The conferees, however, found a way for both Senate and House to yield sufficiently to adopt a reasonable compromise whereby states' rights in the matter of cockfighting were fully recognized. The provision agreed to prohibits shipment of gamecocks for fighting to states which prohibit such fights, but permits shipments to states where it is legal. The House provisions against interstate dogfighting were accepted by the Senate Conferees.

Lost in Conference was the House prohibition against shipping pups and kittens less than eight weeks of age and the Senate requirement for licensing and inspection of pet shops.

The bill in its final form passed the House 332-31 and the Senate 91-0. It must now be approved by the President.

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was ended when he was blasted by another explosive harpoon. The Russian vessel then left the area, and eight whales escaped, at least from that attack.

Tom Garrett, Conservation Director of Friends of the Earth and a U.S. delegate to the IWC spoke on "The International Whaling Commission - Past, Present and Future" describing his experiences in trying to get the Commission to adopt a ten-year moratorium on commercial whale killing.

Tamar Griggs' show of childrens paintings, poems and stories of whales (now being handled by the Smithsonian Institution) formed the pictorial framework in which whale films, speeches and discussions took place. Paintings by local children were also included.

"Boycott" was the title of the speech by Christine Stevens, President of the Animal Welfare Institute.

It was the organizers of the symposium who approached Governor Lamm with the idea of the proclamation. They found the Governor, a well known environmentalist, very receptive. He had read *A Whale for the Killing* by Farley Mowat and had been deeply moved by the book. Great appreciation of the Governor's action was expressed at the conclusion of the program.

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### SEA WORLD RELINQUISHES FIVE KILLER WHALES

*Orcinus orca*, the killer whale, is now worth \$100,000 to \$125,000 each. Sea World, Inc., possessor of a permit issued by the National Marine Fisheries Service (U.S. Department of Commerce), authorizing it to capture four of these small, toothed whales before the end of the year, pursued a pod with a fast boat and aircraft for some 25 miles down Puget Sound before capturing five. Several hundred people saw the maneuvers and their reaction was one of widespread anger.

Senator Warren Magnuson, who has been pressing for a killer whale sanctuary in Puget Sound, had just reiterated his request to Governor Dan Evans when the Sea World capture crew made headlines on their whale round-up.

The Attorney General instituted legal proceedings on behalf of the Governor for release of the whales and revocation of Sea World's permit on the grounds of extreme harassment and inhumane treatment of the whales which had not been revealed in the application for the permit. While Sea World was appealing the injunction issued by Judge Sharp which would have required release of the whales, two of them escaped from the net which imprisoned them. A third was released because it was larger than the size designated in the permit. But two of the whales were removed to Sea World's tank on the Seattle waterfront where the whales were measured and remeasured. One was determined to be 17' 11 $\frac{3}{4}$ " long - just one quarter inch short of being oversize for the permit limitation.

A further two days in court, March 22 and 23, brought about a settlement in which the whales were released to Dr. Albert W. Erickson of the University of Washington for a period not to exceed 60 days. Erickson holds a permit for attaching radio transmitters to whales in order to trace their movements. Sea World agreed never to attempt another capture of killer whales in State of Washington waters. (British Columbia has taken separate action to prohibit taking in its waters). However, Sea World still holds a valid permit to catch four whales elsewhere.

Although the world population of this remarkable species has never been accurately determined, scientific data recently developed suggests that such estimates as have been made are overestimates. Work by Dr. Michael Bigg, using new photographic methods, indicates a population of resident and transient orcas in the Puget Sound area of about 65 to 70 in four pods. Previously it had been thought that there were as many as 300. Even the highest estimate of the world population is only 10,000 animals.\* Great whales whose estimated populations are at this level are on the Endangered Species List. While evidence has not yet been put forward to require listing of killer whales, this may soon become necessary, especially since the species' habits cause those outside the antarctic to spend much time in waters not far removed from shore. It is thus subject to danger from pollution to a greater extent than species spending more time in the open ocean.

Estimates of the world wide population vary widely with estimates at 2,500, 3,000, 4,000 and 10,000 with the assumption that most of them live in the antarctic.

When killer whales are captured it is not at all unusual for one or more to die.

Senator Magnuson introduced a bill, S.3130, to amend the Marine Mammal Protection Act to establish a permanent moratorium on the capture of killer whales. The bill has passed the U.S. Senate.

An identical bill was introduced in the House by Congressman Don Bonker.

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### LAWSUITS AND BOYCOTTS TO SAVE THE DOLPHINS

On March fifth, Judge Charles R. Richey heard oral arguments in the suits brought by twelve environmental and humane groups, including the Animal Welfare Institute, against the Secretary of Commerce for failure to enforce the Marine Mammal Protection Act with respect to dolphins killed or injured by tuna purse seiners.

Representatives of the tuna industry intervened on behalf of the Commerce Department and were present in court in force.

William Butler, counsel for the Environmental Defense Fund, put the matter plainly in his 47-page brief: "The Marine Mammal Protection Act does not contemplate the increasing annual slaughter of dolphins and porpoises, with the federal defendants standing by as census takers. The federal defendants are empowered and obligated to end this carnage. The Act provides: 'it shall be the *immediate goal* that the incidental kill or incidental serious injury of marine mammals be *reduced* to insignificant levels approaching a zero mortality' (16 U.S.C. 1371 (a) (2)). These words were added by amendment shortly before the statute was enacted in

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\*cited in "Puget Sound Already is a Killer Whale Sanctuary (Sea World Replies)" by Lanny H. Cornell, D.V.M., *Pacific Search* October, 1974 (in response to July issue calling for killer whale sanctuary).



### A WHALE MAKES FRIENDS

According to George Bryant, Associate Travel Editor for the *Toronto Star*, who took the photograph of the playful young gray whale, "The first friendly encounter between whale and human ever recorded took place this week. A young 30-foot seven-ton gray whale dubbed Nacho made history by seeking out the company of man, using a rubber dingy as a plaything and allowing himself to be petted and scratched..."

"Estimated to be 2 years old and to weigh nearly as much as two full-grown elephants, he played like a boisterous youngster, rolling and splashing and diving, nudging and butting the raft and obviously enjoying the human attention.

"At frequent intervals he would suspend himself in a vertical position and slide his giant head from the water to see what his audience was doing and to be scratched and petted.

"At no time did he make an aggressive move. In fact, his every action was surprisingly gentle, moving his gigantic body only inches at a time when being handled by humans.

"He appeared beside the ship in the afternoon while the three dinghies were away from the ship and played about the hull for an hour, once seizing the anchor rope in his mouth and starting to tow it away.

"Then the dinghies returned and he went off to meet them.

"He followed the rubber craft back to the ship and then, apparently enchanted by the texture of the rafts, began nuzzling and playing around one that had been trailed from the stern.

"He pushed it and rubbed it, bounced it on his nose, lifted it on his back, dove beneath it and generally acted like a mammoth pup with a new toy.

"Periodically he would slide his great head from the sea to allow a jet of water from the stern of the *Salado* to play on his face or let the ship's 33 passengers stroke his nose and scratch his cheeks."

The young whale left at nine p.m. but was back before six the next morning and played through the day. "At one point the skipper of the *Salado*, John Koehler, went into the raft to repair a line broken by the playful toss of the whale and Nacho (the Spanish diminutive for the name of the lagoon) slid the forward part of his head into the air beside the craft - towering above both it and John - in an obvious attempt to see what had changed the weight of his plaything.

"This projection of the head vertically above the water by whales is known as spy hopping and there has been argument about its purpose.

"Some cetologists (whale experts) maintain it is done to assist digestion while others say that it is done to bring the eyes, which are well back on the head, above the water.

"Well, there was no doubt about what Nacho was doing. He was taking a look into the dinghy. And having satisfied his curiosity, he began to play again with the craft and John, lifting both in the air and obviously enjoying the whole thing.

"But with all his weight and power he never once turned the raft over."

(Readers who wish a complete reprint of the article may write to AWI to request a free copy.)

### NEW ZEALAND BANS COMMERCE IN WHALES

The government of New Zealand has banned importation of whale products. The action was prompted by the government's concern about the depletion of world whale stocks, and the fact that some species are faced with extinction.

The import prohibition covers whales, live or dead, meat and edible meat offals of whales, whalebone, ambergris, whale oil, whale fat, sperm oil and train oil, and spermaceti.

The Minister of Overseas Trade stated that in introducing this restriction, New Zealand was following the lead of the United States which operates a total ban and other nations such as Australia and the United Kingdom which have partial bans on the importation of whale products. Recent evidence suggested that this type

of action has been successful in bringing moral pressure to bear on those nations still involved in large scale whaling to review their operations. It was hoped that New Zealand's action would add to this pressure.

#### Lawsuits [continued from page 5]

1972. The response of the federal defendants has been and still is to ignore this mandate." (emphasis supplied)

He further stated, "...it is particularly disconcerting that defendants do not even include in their own definition of porpoises killed those which have been injured or harassed in other ways and which subsequently will die."

Judge Richey stated that it is necessary to enforce the Congressional intent of the Act. No final decision on the case has yet been reached by the judge.

The AWI recommends a boycott of tuna fish by all good citizens until the industry obeys the law.

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Lee R. Dice, Ph.D.

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## JUDGE DECREES END TO DOLPHIN KILLING But Tuna Industry and Commerce Department Win Stay

In a landmark decision, U.S. District Court Judge Charles R. Richey ruled that the tuna industry must stop rounding up dolphins and setting purse seine nets around them until the requirements of the Marine Mammal Protection Act are met. The ruling issued May 11, 1976 was due to go into effect May 31st; however the industry and the Commerce Department which is supposed to enforce the Act appealed and although they lost the appeal, they won a stay till January, 1977. Therefore, the same old bad ways are continuing in the yellowfin tuna fishery in the South Pacific.

As a result of the Judge's order, the National Marine Fisheries Service published a decision in the June 11th *Federal Register* to set a quota for 1976 of 78,000 dolphins which the Service will permit the industry to kill without, in its industry-oriented view, violating the Marine Mammal Protection Act. NMFS had never before even been willing to set a quota, however large, preferring to allow the industry a free hand. However, since only about 10% of the tuna fleet has government observers aboard and since the tuna boat captains were informed they could return these observers to port after the judge's order was issued, the question as to whether or not the quota is honored will be largely up to the captains themselves.

Meantime, a second front in the industry's battle to retain the status quo was opened in Congress. An editorial in *The Sacramento Bee* May 31, 1976 stated the case succinctly:

"A Fight For Survival"

"Rep. Robert Leggett of California has undertaken a self-appointed role as a leading champion of tuna interests and foe of environmentalists' efforts to halt the wholesale killing of porpoises, or dolphins.

"The Vallejo congressman, chairman of a House subcommittee on fisheries, has introduced a bill seeking to overturn a court ruling ordering the government to do no more than enforce the Marine Mammal Protection Act of 1972 and prohibit the incidental slaughter of porpoises in the course of tuna fishing.

"The ruling, effective next Monday, outlaws use of the huge purse-seine nets which kill at least 100,000 of the playful mammals each year. The porpoises, used as guides to tuna schools swimming below, get caught in the nets and often die, torn apart or suffocated before they can be released.

[continued on page 2]

## ACTION 81 - CITIZENS VS. DOGNAPPING By Mary Warner, Chairman and Organizer

"Where is Copper? He was just here ....now he's GONE"

Berryville, Va., August 8, 1974. "Copper" was on his way to an unknown fate. A handsome, highly responsive German Shepherd, raised from puppyhood with loving care. Obedience trained, "Copper" could clear a six foot fence with ease.

The sudden disappearance of "Copper" triggered a renewed and intense effort to solve the missing dog problem in northern Virginia. This effort has been extended to include the entire state of Virginia. Signs of concern are evident in the neighboring states of West Virginia, Maryland, North Carolina, Tennessee, and as far away as Cass Lake, Minnesota.

In September, 1975, I testified before the House Agriculture Subcommittee considering amendments to the Animal Welfare Act. Lists of several hundred dogs reported missing in the Clarke and Frederick county area in Virginia from January 1, 1974 to September 1975 were included in my testimony.

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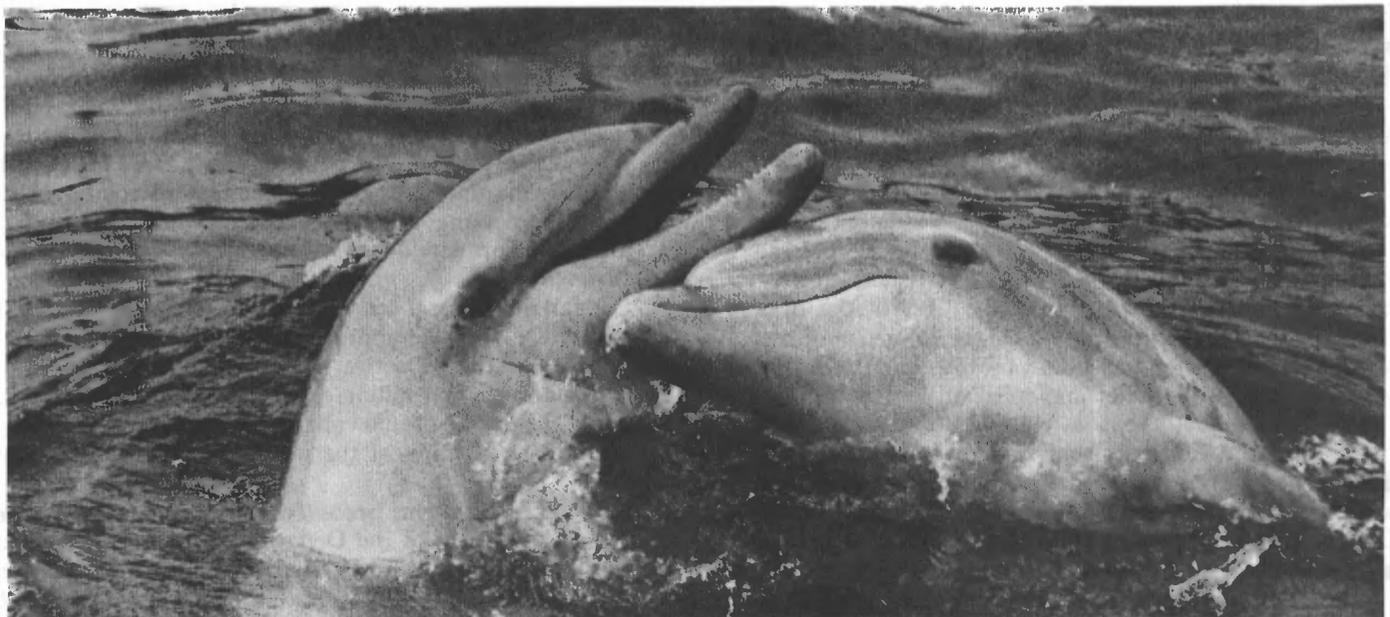
## DOLPHIN CATCHERS SENTENCED

The first criminal penalties under the Marine Mammal Protection Act were handed down by Federal Judge Mehrtens, June 17 and July 7, 1976. Jerry D. Mitchell was found guilty in Federal Court, May 4 of twenty-four counts in an indictment charging him with the capture, possession and sale of twenty-one Atlantic Bottlenose Dolphins in the vicinity of the Bahama Islands in 1974, and conspiracy to violate the federal law. He was sentenced to 90 days in jail and given one year probation.

Herbert Hope, a co-defendant who failed to appear for trial and was later arrested in Miami was sentenced to serve 30 days in jail and given one year probation.

According to a news release issued by William H. Stevenson, Regional Director of the National Marine Fisheries Service in St. Petersburg, Florida, the defendants could have received a maximum penalty of one year imprisonment and/or a \$20,000 fine for each count of the indictment.

No person may take or harass a marine mammal in waters controlled by the United States, and no U.S. citizen may take or harass a marine mammal on the high seas or in the waters of a foreign country during the moratorium without a permit.



"Judge Charles R. Richey of the U.S. District Court in Washington, D.C., said in his opinion he realizes the per-ton cost of catching tuna may rise if purse seiners are prevented from using the present technique. But, he added:

"Steps which ensure the protection and conservation of our natural environment must, almost inevitably, impose temporary hardships on those commercial interests which have long benefited by exploiting the environment. The people of this country, speaking through their Congress, declared that porpoises and other marine mammals must be protected from the harmful and possibly irreversible effects of man's activities. It is the obligation and intention of this court to honor that declaration."

"The tuna fleets perform a useful task in harvesting a popular food resource from the sea. However, the industry and its defenders should devote more of their attention to developing new techniques that would allow them to continue to fetch up the tuna without entrapping so many porpoises. That is the direction the Leggett subcommittee should take instead of trying to restore the destructive old ways."

This advice went unheeded, and only nine days after its introduction, the Subcommittee reported the Leggett bill to the full Committee on Merchant Marine and Fisheries with an amendment proposed by Congressman Paul McCloskey (R., Calif.) to require an observer on every boat over 400 tons, to be paid for by industry. While a mandatory observer program is one of the obviously necessary requirements for enforcement, the undermining of the Marine Mammal Protection Act contained in the bill makes it anathema to all conservation and humane groups.

Editorial comment throughout the country is strong in support of the judge's decision. For example, *The New York Times*, May 18th, concluded, "only 10 percent of the tuna fish consumed in the United States are taken in seines along with dolphins. The industry will not disintegrate, and a beautiful animal species will not be ruthlessly sacrificed to a mindless technology. In addition, the Department of Commerce may be reminded that it, too, has the obligation to obey the law - if Congress does not bow to Mr. Leggett's outrageous effort to sweep away in an instant the carefully considered legislation now on the books."

*The Miami Herald*, May 21st, ended its editorial with the following words "...The best recourse clearly is to see that present law is enforced rather than changed. With all the money and technology available, the industry will find the means for assuring the survival of the porpoises if Congress can find the courage to rise to the public interest and force it to act."

*The Milwaukee Journal*, May 25th, said, "The Marine Mammal Protection Act of 1972 required a reduction of the commercial fishing kill of porpoises to 'insignificant levels approaching a zero mortality rate and serious injury rate.' But the National Marine Fisheries Service failed to implement an adequate program to comply with the law. So now a coalition of environmental groups has won a court ruling to do it."

"That isn't enough, apparently. Rep. Robert Leggett (D., Calif.), chairman of a fisheries subcommittee, has begun immediate hearings on legislation to circumvent the court ruling by letting tuna fishermen keep using the purse seine nets that entangle and drown thousands and thousands of dolphins annually."

"Congress' intent in 1972 seemed clear enough. It would be shocking if it backed down and approved Leggett's porpoise slaughter bill."

*The Washington Post*, May 28th, pointed out: "The Marine Mammal Protection Act of 1972 was supposed to put an end to this senseless killing of porpoises; enforcement was duly turned over to a fishery agency within the Department of Commerce. But in the best tradition of regulators falling under the influence of the regulated, the agency was found by the court to be 'in violation of both the letter and spirit of the law'"

The tuna industry has attempted to persuade the public and the Congress that foreign tuna fleets will move in and kill even more dolphins than they do if they are required to stop the slaughter. William Butler, of the Environmental Defense Fund representing fourteen environmental and humane groups, including the

Animal Welfare Institute, made clear the fallacy of this claim in his statement to the Court opposing a stay. "The U.S. has the largest seine net fleet and takes approximately 80% of the porpoise killed incidental to tuna fishing. Why should foreign tuna fishermen feel obliged to reduce incidental kill of porpoises if U.S. fishermen are not so required? Better to apply the Act's standard to the U.S. fleet, then enforce the import restrictions against foreign importers to impress upon them the need to comply."

The battle for the dolphins continues in the courts and the Congress. Meantime, private citizens can do their part by boycotting tuna and telling the managers of food stores why they are doing so.

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## LAWSUIT TO SAVE WOLVES IN ALASKA

A series of legal actions has been undertaken by a group of environmental and humane organizations, including the Animal Welfare Institute, to enjoin the State of Alaska and the U.S. Department of the Interior (DOI) from killing wolves in Alaska in a so-called "experiment" of killing all the wolves in an area more than two million acres in size - about the size of Rhode Island and Delaware combined!

To quote from the plaintiffs' brief on appeal from the U.S. District Court for the District of Alaska: "This action was brought on January 23, 1976 to enjoin further work on the project of experimentally killing wolves pending the preparation and circulation of an Environmental Impact Statement (EIS) on the grounds that this project is a 'major federal action significantly affecting the quality of human environment' within the meaning of the National Environmental Policy Act (NEPA)."

Reviewing the proceedings in the lower court, the brief states, "In April, 1975, the Alaska Department of Fish and Game (ADFG) using federal money funded for a survey and inventory job in FY1975, placed radio transmitting collars on five wolves in each area... In June, 1975, the Project Agreement containing *inter alia* this experimental wolf killing project was signed by the U.S. Fish and Wildlife Service (USFWS) on behalf of the Department of the Interior without the preparation of an Environmental Impact Statement. On January 19, 1976, without notice that had been promised to the plaintiffs, the state defendants began to kill the wolves in the experimental area, and by January 20, had killed more than 50% of the estimated 36 wolves resident in the experimental area. On January 20, the USFWS sent a telegram to the ADFG stating that there was a question of compliance with the NEPA and that accordingly they were suspending the USFWS's participation in the killing phase of the project . . ."

The brief states: "The un rebutted affidavit of Dr. Robert Linn, an ecologist and wolf biologist of national stature, established that the sudden removal of a major predator like the wolf from an ecosystem will have lasting and detrimental effects on that ecosystem."

It continues: "On January 28, 1976 the lower court issued a temporary restraining order banning the killing of the wolves...." However "The lower court on March 8, 1976 dissolved the temporary restraining order and dismissed Count I of the plaintiffs' complaint. This appeal followed."

The brief then cites numerous precedents to prove that the matter is indeed "a major federal action" and points to the startling fact that "this threshold decision that this project did not require an EIS appears to have been made by the state defendants when they placed an 'X' in a box indicating that the entire project of almost 3 million dollars would not 'have an impact or effect on the environment.'"

Analyzing federal action, the brief declares, "In fiscal year (FY) 1976, the approval included some \$33,780 in three jobs. The collective goal of these three jobs is to effectuate the wolf killing experiment in unit 13.... It is also clear that the radio collars were used to assist in the location and killing of the wolves in the experimental area."

Citing an analogous precedent, the brief states: "Here too the Secretary of the Department of the Interior, at the State's request, authorized federal participation in

[continued on page 3]

[continued from page 2]

the experimental wolf killing project. That authorization triggered the commencement of the experiment that has produced the baseline data and the killing of more than 50% of the wolves in the experimental area. Here too the State, by entering into this venture, voluntarily submitted itself to federal law. Here too it entered with its eyes open, having more than adequate warning of the controversial nature of the project and of the applicable law. Here too the state secured federal approval of its funding request which, under the regulations governing the disbursement of these funds, amounted to a contractual obligation. Accordingly, the state should not be allowed to circumvent this Act and the will of the Congress of the United States by a mere shift in bookkeeping and should be enjoined from further actions on the experiment until such time as the federal defendants have complied with NEPA."

Summing up, the brief concludes: "The DOI failed to prepare an environmental impact statement or a reviewable agency record prior to approval of federal participation in an experiment involving the killing of all wolves in an area more than 2 million acres in size. The vast majority of the land on which the experience is taking place is federal land and 75% of the costs of the experiment are paid out of federal funds. The undisputed evidence is that the killing of these wolves will result in severe disruption of the ecosystem from which they are being taken. Accordingly, this action is a major federal action significantly affecting the quality of the human environment requiring an EIS before it can proceed. Since an EIS has not been prepared the defendants should be enjoined from all acts taken in furtherance of the experimental wolf killing project in Alaska Game Management Unit 13 until an EIS meeting the requirements of 42 U.S.C. 4332(2)(c) has been prepared and circulated."

## Book Review

"Living Trophies, a Shocking Look at the Conditions in America's Zoos," by Peter Batten (Thomas Y. Crowell Co., New York, 1976) \$9.95.

If there is any doubt remaining about the need for zoo reform, this book, based on personal inspection of zoos throughout the country by an experienced zoo director, will dispell it.

Peter Batten initiated and ran the San Jose Zoo from 1967-73 when it was closed for lack of funds. The preface describes the fate of 24 of the animals moved to the Gladys Porter Zoo in Brownsville, Texas. Six weeks after their transfer, the author, having been assured the animals were doing well in a "splendid home" nevertheless decided to pay them a visit. "We found that in their 'splendid home,' five out of the original twenty-four were dead, six injured or mutilated by poor husbandry, and two traded to other zoos for species considered by Thomas [the director] to be of more use to his zoo.

"This unpleasant discovery involved six days of evasive action and prevarication by the director, and prompted a personal investigation of other American zoos with subsequent decision to produce this book. The title was chosen as appropriate to the attitude many zoo directors show toward their animals.

"From January through May 1974 every day was spent in driving to zoos all over the U.S. to compile firsthand information. Four months of depressing zoo viewing and photography confirmed that the majority of American zoos are badly run, their direction incompetent, and animal husbandry inept and in some cases nonexistent."

The book is illustrated with 68 of the 3,000 photographs taken on the four-month steady series of inspections.

Batten's sharp eye in observing animal mistreatment is matched by his sharp tongue in commenting on it. Quoting a brochure from Marine World-Africa USA: "Wild animals aren't wild. Ralph Helfer made it happen by loving animals. Instead of chairs and whips and guns, Ralph Helfer used affection. With affection-training he took the fear out of rhinos and the venom out of snakes. With patient, loving care he turned wild

cougars into kittens and taught hyenas how to laugh. But really how to laugh.'... We noted that all the felines' claws had been removed, presumably by Helfer's 'patient, loving care.'"

The accounts of "petting zoos" include similar mutilation in Oakland, California's privately owned baby zoo: "Porpoises leased from a Miami dealer, were short-lived in their small pool, built to promote public feeding of the animals without consideration of bacterial transfer from grubby hands, until the owner decided to use hardier animals. A disturbing exploitation of California sea lions instead, became part of the show. Feeding and petting these feisty little marine mammals is encouraged. A simple solution against potential lawsuits over bites has been incorporated into the exhibit: all the animals' teeth have been removed!" Describing "petting" or "contact" zoos as "modern torture chambers" where children cannot learn the difference between playmate and plaything, the author notes, "Charles Chase, a Miami animal dealer, imports tiny elephants which are often sold to 'petting zoos.' One of these little animals (thirty-six inches high) was 'on inventory' March 1974. The infant creature was in a wooden box where it showed its need for companionship by frantic greeting with a diminutive trunk. The stench of urine and manure in the holding warehouse forced us back to the office, where we learned that another, even smaller, was due in a few days and would be available for sale to the first comer. Baby elephants need care only a mother can give, and importation of such lone infants should not be permitted."

The chapter on animal husbandry contains a series of damning photographs a sampling of whose titles will give a quick glimpse of the content: "Binturong (a jungle tree dweller) sleeps on floor in a steel drum at freezing temperature (Abilene, Texas)"; "Jaguar displays stereotyped movement, involving pacing, throwing head back, and touching wall of cage with nose. This is repeated throughout the daylight hours. (New Orleans, Louisiana)"; "Coatimundi shows identical pattern in Tropic Gardens Zoo (Phoenix, Arizona)"; "Fungus on sea lions in underground storage quarters. Salt water successfully clears up similar infections in this species. (St. Paul, Minnesota)"; "Sea lion with chronic photophobia from dirty, unsalted water (San Francisco, California)".

Commenting on exotic vs. native animals, the author compliments Boise, Idaho which he dubs "unique for its well-kept directorless zoo. Exhibiting mainly indigenous animals, their grottos for beaver, porcupine, and badgers supply everything the active little beasts could desire. The badgers, especially, are most intriguing as they burrow and reappear from the shambles on the display's earth floor." At the National Zoo, in Washington, D.C. however, he points to the comforts for the pandas, while nearby for native hawks and eagles "the twentieth-century ghetto dominated cage designs."

Agencies in charge of enforcing the Marine Mammal Protection Act should note the statement, "Sea lions have succumbed by dozens for years in zoos, but this was not common knowledge until visitors noticed an increasing number of empty pools." Or later, "Eye problems are routine. Many sea lions are blind or will be if they survive long enough. There are more zoos with poor seal facilities than otherwise, and some new ones built at considerable expense are no better biologically than the oldest algae-covered, spiked-fence exhibits." Here is a description of the "supervisor of mammals" at the San Antonio, Texas zoo putting an "emaciated California sea lion through an excruciatingly sad series of 'tricks' which incorporated a walk, sideways, across a metal rod supported by two trestles. The animal was thin, one eye was closed and the other reduced to a slit by photophobia, and its vertebrae and ribs showed prominently through its half dried fur. As a reward for its performance the animal was thrown, from time to time, a piece of synthetic food from a filthy tin can tied to the supervisor's belt. The animal was in need of therapy, a diet of suitable fish to restore its weight, and salt water in its pool. Possibly the few lay persons who watched the 'show' noticed nothing amiss. For us it was unforgettable - and totally unnecessary.

"The moratorium on collecting marine mammals has deprived zoos of new animals, and half of their seal pools are empty. At last count (1974) more than 600 marine mammals were on order from dealers to replace losses

over the previous eighteen months."

In the chapter, "The Future of the Zoo" the author notes, "A handful of zoos have filtration systems, but most sea lion pools, including San Diego's, are simply large holes covered by concrete with provision for drainage .... A system properly engineered for a given number of animals will provide crystal clear salt water assured of minimal loss of salt or water. In this medium marine mammals of all species may live long, active lives."

The chapter on vandalism probes the need for the author's recommendations for round-the-clock security with guards during the night, closed circuit television and barbed wire-topped electronically charged fences.

Particularly valuable to local humane organizations is an appendix of notes on 103 zoos visited by the author in 1974, and chapter 12 entitled "Evaluating Your Local Zoo" in which an excellent series of questions is given. "On your next visit to a zoo," writes Batten, "look beyond the public relations brochures and 'endangered species' signs, and check the following: Are pens and cages of adequate size; can the animals walk at least four times their own length?" At the end of the list of questions, the reader is advised, "The first part of each question should be answered YES. If this is not so, ask to see the zoo director or his assistant - not the public relations person or 'educational curator' - and ask WHY; then brace yourself for evasive answers or rhetoric."

Understandably, "Living Trophies" is going to be unpopular in the zoo world - especially the world of animal dealers, for Batten states flatly, "First, importation of wild animals must stop." In its place, he recommends, "Selective breeding to replace senile animals, and birth control programs to prevent overpopulation, must be part of the future zoo's program. Zoo animals must not be indiscriminately bred for sale to game ranches, researchers, and charlatans." (A firsthand account of "guaranteed hunts" in which a promoter flies cheap surplus zoo animals to South America is given on pages 29 and 30 - dwelling on an instance in which the U.S. sportsman and his quarry came down on the same plane together unbeknownst to each other).

The unfortunate relationship between zoo and dealer is summed up by Batten thus: "High mortality of captive animals calls for frequent replacement and brings steady income to the dealer. Good husbandry in zoos would mean bad business for him."

Batten calls for stiffer regulation. "We tend to forget," he writes, "that most zoos, their animals, and personnel are public property or employees. The public must demand that accreditation of zoos or personnel be issued by persons other than members of the zoos' official organization the American Association of Zoological Parks and Aquariums. It is naive nowadays to expect unbiased judgment of an individual's competence from a panel of his or her peers. There may be people in the AAZPA qualified to pass judgment, but the condition of our zoos casts doubt on their presence."

Apart from a few odd typographical errors, the only inaccuracy observed relates to predator poisoning by the federal government. The author, apparently relying on an out dated pamphlet, assumed that the poison programs banned by Executive Order are continuing.

"Living Trophies" is a book that should be read by everyone interested in wild animals. For responsible personnel in the government agencies involved, U.S. Departments of Agriculture, Commerce and Interior, it should be mandatory.

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## 1976 MEETING OF THE INTERNATIONAL WHALING COMMISSION

The two major whaling nations, Russia and Japan, again demonstrated in unmistakable terms at the 1976 meeting of the International Whaling Commission their unwillingness to accept scientific assessment of the populations of whales in setting limits to the killing.

The Scientific Committee of the International Whaling Commission recommended major reductions in the harpooning of sperm whales. In one area, for

example, Japan proposed that 3188 should be killed, while the IWC Committee said the number should be reduced to 826. Although Japan, in the person of Mr. Yonezawa, a fisheries scientist who has long advocated maximum whale killing, led the fight, it is the Soviet Union that is most interested in sperm whales. Sperm oil is used in Russian missiles and submarines.

Six separate votes were recorded as the hard-core whaling countries confronted the whale conservation countries on the sperm whale question. Dr. Robert White, U.S. Commissioner, stated flatly: "The United States made its compromise with the whaling nations last year. We won't compromise on the compromise. The U.S. intends to stick with the recommendations of the Scientific Committee even if we leave without a quota." Dr. Andreas Rozental, Mexican Commissioner, said that if one more whale than the Scientific Committee allowed were placed on the quota it would show that the New Management Procedure had failed, and if the whaling nations were going back to the whole system of political bartering, Mexico would demand the total moratorium which, he predicted, could pass in 1977. The Commissioner for New Zealand which has just rejoined the Commission, pronounced himself stunned by the whaling nations' effort to double the sperm whale quota. He said the whale has become a symbol for environmental pressure the world over, and that there were very real political pressures in his country for its protection.

Despite all pleas, however, Japan, Russia, South Africa, Norway and Denmark formed a block against conservationist votes till the very end of the meeting when, after a long filibuster by Mr. Yonezawa who made lengthy appeals to what he characterized as an "unwritten law" of the IWC against a second vote on the same numbers, the fifteen commissioners voted 10 to 3 with 2 abstentions to accept the Scientific Committee recommendations on sperm whales in the Southern Hemisphere. South Africa and Norway abstained, while the Danish Commissioner followed the lead of Japan and Russia to the very end.

If either or both of these countries decide to take an objection to the decisions reached by the 3/4 majority of the International Whaling Commission they can do so up to September 25, and in that case they will not be bound by the terms of the treaty. If they adhere, it is expected that a further reduction in whaling equipment and personnel will be made this year. Japan reduced industry employees from 3000 to 1500 last year, and Russia dropped one of its three antarctic fleets.

The reduction of Japanese and Russian fleets will not prevent extinction of the whales, however, if excess whaling vessels and equipment are transferred to other nations for more whale killing. The United States was defeated in its attempt to amend the Schedule of the IWC so that member nations would be bound by treaty obligations not to transfer whaling vessels. Japan led the fight against it and even opposed a nonbinding resolution on the same subject. This resolution passed but its ineffectiveness was made clear by the Chairman of the Technical Committee who sought to win the Japanese vote by pointing out, "A resolution is not binding on anyone."

A second resolution against purchase of whale products from countries that do not adhere to IWC quotas was also opposed by the whaling nations. Only Argentina, France, Mexico and New Zealand supported this U.S. proposal. Meantime, the pirate whaler *MV Sierra* plies its trade, killing hundreds of endangered sei and Bryde's whales and throwing most of their bodies back into the sea, keeping only the choicer cuts for sale in the Japanese whale meat market. Registered in Lichtenstein with a South African captain, flying the Angolan flag, and labelling the meat "Product of Spain" it pays no attention to the IWC quotas or regulations - and the IWC refuses to adopt so much as a resolution to discourage purchase of its products.

Although both Russia and Japan must take a part of the responsibility, it has recently been charged that South Korea is guilty of driving the gray whales on the Asian side of the Pacific to extinction, yet Japan buys whale meat from South Korea and insists that the whales killed by that country not be included in the IWC quota. Mr. Uchimura, the Japanese Commissioner, said South Korea would demand compensation if Japan ceased buying whale meat from her.

[continued on page 5]

Repeated efforts have been made by the United States to persuade South Korea to join the IWC, but these efforts have failed, and South Korea is free to kill as many whales as she can of any species, age or condition without so much as accounting for them.

It may seem contradictory to readers of this report that efforts are made to bring nations into the IWC when it is so weak an organization, so weighted in favor of commercial whalers. If there were another forum, the IWC should be disbanded. But so long as even small reforms can be made through its quotas and regulations it is better that all whaling fall within its regulations, however feeble. But the big whaling nations want to keep the IWC weak. For example, Japan threatened to "take a reservation" (that is, refuse to adhere to the decision) if it had to increase its contribution to the IWC in a substantial manner.

The Soviet Union reacted violently to a proposal that the quotas be based on weight rather than on numbers of whales. (The weight per whale of sperm whales has been going down steadily under the fierce hunting pressure). Mr. Nikoronov, the Soviet Commissioner, called the weight criteria "worse than the global moratorium." He said that "actual operations will become impossible under such drastic measures." Again the conflict between whaling and scientific analysis came to the surface.

Sometimes the scientific analysis is stymied within the Scientific Committee itself. Dr. Sidney Holt was called upon in the meeting of the Commissioner to tell of a miscalculation on sei whales in the antarctic, two stocks of which he characterized as "extremely depleted." In Area II they are down to 30% or less of their original population because they were left open to exploitation. The Chairman of the Scientific Committee spoke of a lack of data at the beginning of the meeting - yet no corrective action was taken by the Commissioners. The whales are far from safe under the jurisdiction of the IWC.

Quotas set for 1976 total 27,939 whales, and, of course, this does not take into account the whales killed by countries that don't belong to the IWC. Last year whalers were unable to meet all the quotas allowed them even though these were reduced by about 8,500. The results of the further quota reduction of about 5,000 this year remain to be seen but they are not likely to make much difference to the whales since the bulk of the reduction comes in quotas for sperm whales in the Southern Hemisphere where whalers missed reaching last year's quota by about 4,000 whales.

In short, reductions in quotas sound like much more substantial progress than they really are, for where they merely reflect the whalers' inability to find the whales to kill such progress is illusory. What is needed is the ten year moratorium on commercial whaling unanimously adopted at the Stockholm Conference on the Human Environment and called for by conservation and humane groups world-wide. Dr. Kai Curry-Lindahl, spokesman for the United Nations Environment Programme, emphasized that UNEP is committed to the ten year moratorium. The United States and France restated their desire for the moratorium. Mexico cited Mexican law as "totally prohibiting exploitation of all marine mammals, especially whales." New Zealand and France referred to legislation in preparation in their countries for further protection of marine mammals. New Zealand recently prohibited imports of whale products and France expects to do so soon. But these are only a few countries.

Australia still kills sperm whales and her nationals chair both the IWC itself and its Scientific Committee. Conservation moves were more than once ruled out of order from the chair.

Next year's IWC meeting will be held in Canberra, Australia June 20-25.

#### Action 81 [continued from page 1]

These lists represented only a fraction of the total number of missing dogs. They had been compiled from lost ads in the Winchester Star, calls and letters to the Winchester S.P.C.A., and records from local radio stations. Many missing dogs are never reported or advertised.

Volunteers checked the lists for a sample of dogs which had later been found. The number found was about 10%.

Large rewards had been offered for some of these dogs. \$1,000 failed to bring back a trained Doberman, taken from his owners' truck while parked.

There were many signs of theft rather than just "disappearance". More than one distraught owner found his dog's collar cut in half. In the case of one dog chained to his dog house, both dog and house were taken. An elderly lady witnessed a black car with two men in it driving up her driveway and speeding out. Her lovely Shepherd had been stolen. Several trucks were seen in remote, wooded areas near Winchester, loaded with dogs, their license tags covered with mud.

A "false" U.S. Customs truck, hauling dogs at high speed just east of Winchester, was stopped on complaint of several citizens, and then allowed to proceed by the local dog warden. The U.S. Customs in Front Royal denied having a truck of this description.

There were several instances of dogs being recovered many miles from home in a drugged condition.

In January, 1976, seventeen purebred dogs "vanished" from their homes in an area of about five square miles in Clarke county.

One month later the turning point came. A West Virginia trooper making a routine check of a pickup truck on Interstate 81 uncovered a load of 83 dogs packed in "like sardines." The truck belonged to Sam Esposito, a Quakertown, Pennsylvania dog dealer whose trucks are often seen in Virginia.

A call to Steve Lewis, head of the Pennsylvania Bureau of Dog Law Enforcement, gave me information as to what counties the dogs had come from. For the next three days I called communities up and down Interstate 81 telling them about the overcrowded truck. Humane Societies and local Boards of Supervisors were shocked and disgusted. A wave of "Let's stop selling to out-of-state dealers and research places" hit the Virginia counties with dogs on that truck. There was extensive publicity about the truck.

On the last day of March, 1976, concerned citizens, humane workers, and owners of lost dogs from the communities near Interstate 81 met in Berryville, Virginia. This was the beginning of Action 81. Everyone had one thing in common. Either they or their friends had missing dogs, beloved family pets which had "disappeared." They had heard about or seen the trucks loaded with dogs, rolling up the highway late at night, on their way to dealers, laboratories, or dog auctions. They felt that many of these dogs had been stolen.

Action 81's efforts are channelled in two directions: To alert the public and to obtain and exchange information. The Virginia Federation of Humane Societies has given strong backing to Action 81.

Over 5,000 informative Action 81 postcards have been distributed throughout Virginia and neighboring states. Each card urges people to watch for vehicles hauling dogs, to report license numbers, description of vehicle and driver, time, date, and area where seen. It urges people to watch for places where dogs are collected and instances of persons picking up dogs. It lists Action 81 telephone numbers where collect calls are accepted day or night in an emergency.

Recently a postcard-carrying member of Action 81 observed a person picking up two dogs, reported it to a law enforcement officer, and the dogs were returned to their owner.

Several thousand Action 81 "Missing Dog or Cat" postcards are ready for circulation. These will be mailed by local Action 81 units to laboratories, dealers, pet shops, dog training places and large kennels in an effort to trace missing dogs. Cat Clubs and Humane Societies will receive and use these cards also. Each card will carry information as to the breed, sex, full description, date and area of disappearance of the animal.

Action 81 is all volunteers. Eyes, ears, and a willingness to help are the only requirements for membership. School children, retired persons, mail carriers, truck drivers, truck stop and gas station attendants, all who travel the country roads and highways are the heart of Action 81.

Action 81 is grass roots. It is communication and cooperation between Humane groups, concerned

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citizens, Federal and State law enforcement officials, dog wardens, dog and cat clubs, and owners of missing pets.

It is our hope that we can soon add concerned animal laboratory officials, concerned dog dealers and pet shop operators to this list and put an end to the stealing of family pets like "Copper."

### OFFICIAL REPORT ON WORK ACCOMPLISHED UNDER ANIMAL WELFARE ACT

The recently distributed "Animal Welfare Enforcement, 1975, Report of the Secretary of Agriculture to the President of the Senate and the Speaker of the House of Representatives," gives the following figures on animals used for research or exhibition by persons licensed or registered by the Secretary.

985 research facilities at 1,932 research sites used 1,378,000 dogs, cats, primates, rabbits, hamsters, guinea pigs, and wild mammals other than primates. (The Secretary of Agriculture has not yet exercised his prerogative to list all warm blooded animals to benefit from the humane standards under the Animal Welfare Act. Marine mammals, birds, rats and mice are therefore still excluded.)

5,680 licensed animal dealers

535 licensed exhibitors (commercial enterprises are licensed, those supported by local government are registered)

657 registered exhibitors

19,830 inspections were made during the year, of which 729 responded to citizen complaints, 1,912 were precicensing inspections, 3,459 were searches to find dealers and others who should be licensed, and 13,730 were recurring compliance inspections. The report states: "Because of an increased inspection load, the average dropped to four calls per year in 1972, three in 1973, and two since then." (Appropriations have not kept pace with the increasing workload assigned to the Animal and Plant Health Inspection Service.)

From the time licenses were issued to animal dealers in 1967 through 1975, 2,340 dealer licenses were cancelled. The report states: "In most cases, the former licensees and registrants would not maintain Federal standards of animal care and treatment. If they had not stopped regulated activities voluntarily, APHIS would have instituted court action or administrative proceedings."

Precicensing inspections of exhibitors 1972-75 showed, according to the report "about 160 instances in which roadside zoos had to improve care and comfort of exhibit animals to comply with USDA standards. Another estimated 100 roadside exhibits ceased operating because they would not meet these standards. In addition, about 650 pet stores stopped handling wild animals, thereby avoiding the need to be licensed."

The report emphasizes: "Inspections are unannounced and thorough."

Under the heading "Humane Care in Laboratories" the report states: "An institution's attending veterinarian, who is a member of its animal care committee, must review the protocol for every experiment and certify that no unnecessary pain or distress is involved, that pain or distress can be relieved by the use of drugs, or that the use of pain-relieving drugs will interfere with the objectives of the experiment."

"The institution must submit to USDA an annual report, summarizing the use of animals in biomedical research, tests, or experimentation. The report must identify all animal experiments involving pain and justify all instances in which pain or distress could not be relieved. An administrative official legally responsible for the entire research institution must sign and attest to the accuracy of the report. Each statement in the report to justify unrelieved pain or distress is reviewed by the Animal Care Staff."

However, in a further paragraph the report appears to hedge: "Research facilities reported no instances of unrelieved pain without a documented reason. However, APHIS officials believe that attending veterinarians at some research institutions do not have sufficient resources or authority to adequately monitor all of the research all of the time. Nor does the Department have sufficient money or personnel to monitor all use of pain-relieving drugs by research facilities. Still, APHIS believes that the number of undocumented cases where animals experience pain during research, testing, or experimentation is small."

This is a statement which can only be described as extremely optimistic in view of the fact that the appendix where figures are given show no less than 23 of the 50 states claiming no pain or distress went unrelieved by drugs in any laboratory in the state during the entire year! The consistency of the reporting must be seriously questioned. This is an area in which more thorough enforcement is clearly called for. Otherwise, the information conveyed to the Congress from the Secretary of Agriculture as required by the Act cannot be considered to be in compliance with the provisions of law.

This criticism, in a particularly sensitive area, does not reflect on the body of the work of the APHIS inspectors. It is indeed a remarkable achievement to have eliminated 2,340 animal dealers who could not or would not meet the minimum standards required by the Animal Welfare Act regulations. The great value of the Act has been well demonstrated. It should now be fully enforced.

### ROGER PAYNE JOINS AWI SCIENTIFIC ADVISORY COMMITTEE

Foremost observer of whales, known to the world for his recording of the "Songs of the Humpback Whale" and his television documentary "Monsters of the Deep", Dr. Roger Payne has made major contributions to understanding of whales and scientific documentation of their biological status. The Animal Welfare Institute is proud to announce that he has joined the AWI Scientific advisory Committee.

Dr. Payne spent two years in the study of the Southern Right Whales off the coast of Argentina, living in close proximity with them and learning to identify each individual whale by its markings, scars and other particular features. He is the originator of population studies of this species by aerial photography followed by identification of individuals, a painstaking effort which makes counts possible without harm to the whales, in contrast to the conventional system used by the International Whaling Commission which requires shooting a rifle-barrel-sized "Discovery Marker" into the whale. This marker lodges in the animal until its death, being recovered on a whaling vessel when the whale is dismembered.

Dr. Payne's scientific work is conducted under the auspices of the New York Zoological Society and the Rockefeller University.

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# INFORMATION REPORT

## ANIMAL WELFARE INSTITUTE

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### A PROPOSAL FOR REDUCING NUMBERS OF ANIMALS USED WORLDWIDE IN TOXICITY TESTING

At the request of the AWI, Dr. Andrew Rowan, Scientific Administrator of the Fund for Replacement of Animals in Medical Experiments (FRAME), has written the following article. Readers of the Information Report, especially those with experience in the fields discussed, are invited to express views and make suggestions either to AWI or directly to Dr. Rowan at FRAME, 312a Worples Road, Wimbledon, London SW20BQU, England.

FRAME is best known for its publication, *ATLA Abstracts*, which provides an international search of the literature on research using alternatives to laboratory animals. Subscribers in this country include: Bowman Gray School of Medicine, National Library of Medicine, State University of N.Y. at Buffalo, University of Arizona, University of Florida, University of Washington and the Upjohn Company.

### SAFETY TESTING OF PHARMACEUTICALS AND OTHER ENVIRONMENTAL CHEMICALS By Andrew Rowan

Before a new drug (or potentially toxic chemical) is licensed for manufacture it will have undergone extensive preclinical tests in animals followed by clinical trials in human patients. The preclinical stages involve acute (single dose) and chronic toxicity tests, the establishment of the compounds absorption, metabolism and excretion in the body, carcinogenicity trials and any other tests which may be considered necessary. For example, it would be necessary to establish the fetal toxicity of a drug which is to be given to pregnant women. There are no precise figures of the number of laboratory animals required in these testing programs, but it is commonly assumed that they account for a considerable proportion of the overall demand.

Animal use could be reduced by developing the increased scope for *in vitro* systems in toxicity tests (as for example the bacterial screens for potential carcinogens) and also by stopping tests which have little real purpose (e.g. obtaining a statistically accurate figure for the LD50). In addition toxicity tests are being repeated (duplicated) in different laboratories across the world. For instance, a large multinational company may produce and test a drug in one country, only to find that it has to repeat the same tests for the regulatory authorities in another country. This too results in a needless waste of animals (and scarce human and financial resources).

According to persons involved in the field, there is a variety of reasons for this duplication. Firstly, a nation may wish to provide employment for its skilled personnel and therefore demands that every compound registered should have first been tested in laboratories within its own borders. Secondly, a regulatory authority may not trust the technical expertise and competence of laboratory personnel in other nations. This is not necessarily a problem relating to the less developed countries since even the USA has had its problems. The Food and Drug Administration being forced to take one firm to task earlier this year. Thirdly, a regulatory authority may demand tests which are only marginally different from those performed in another country.

Considering the scarcity of trained personnel to conduct toxicity tests it is surprising that the first reason was ever mentioned and as for the next two, it should be possible to overcome the difficulties of achieving a) international trust and b) standardisation of testing procedure.

The obvious answer to the duplication of tests lies in greater international co-operation leading to the eventual establishment of international registers. Such a register would ideally be responsible for:

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### PHYSICIANS, VETERINARIANS, ASKED TO PROVIDE DATA ON TRAPPING INJURIES

At the recent conference on trapping sponsored by the Canadian Association for Humane Trapping in Toronto, September 24-26, the AWI was represented by John Beary, M.D. who delivered a paper documenting trap injuries to children, pets, and non-target species. One of his patients, a four-year-old girl, had a crush injury to her right hand disrupting tendons and requiring surgical repair. Dr. Beary is soliciting information from other physicians on trap-induced injuries to human beings and from veterinarians on injuries to domestic animals and non-target species. He particularly seeks photographs documenting mutilation of any animal (whether target or non-target) in a leghold trap. Letters and photographs may be sent to Dr. Beary in care of the AWI.

Reporting on the conference, Dr. Beary writes: "Results of trap research were presented by F. Gilbert, Ph.D. of the University of Guelph who provided data on the energy required of traps for a quick kill. He pointed out that most traps do not have this much power.

"David Jones, Ph.D. of the University of British Columbia presented his work on stress in animals trapped underwater. His conclusion was that the animals so trapped and who subsequently drowned did not exhibit evidence of stress."

Dr. Beary speaking from the floor, pointed out that 1) Dr. Jones' sample size of three animals did not permit valid statistical observations to be made, and 2) he was using the electroencephalogram improperly.

Robert M. Sanders, M.D., of the Clark Institute of Psychiatry, Toronto, also speaking from the floor, remarked that Dr. Jones' work has an even more fundamental problem, i.e. human studies clearly show that subjective experience of stress does not correlate consistently with any one known experimental measurement.

In his report to AWI, Dr. Beary stated, "The Federal Provincial Committee for Humane Trapping presented a report on its activities. This Committee was formed in response to public outrage over the cruelty of the leghold trap. It appears that the committee has accomplished little and serves mainly as a device to diffuse criticism. The government can point to it and say that it is addressing the problem. In turn, the Committee can say that it is studying and researching the problem of trap-inflicted cruelty for years to come. Although the 'referring the problem for committee study' approach speaks for itself, the committee is further weakened by its representation. It is composed only of bureaucrats and game management people. Representatives of the public and the humane movement are excluded."

His report also notes: "A trapping legislation workshop emphasized voluntary restraints by the trapping profession. However, the problems of any profession policing itself were presented, and this approach was discredited."

Emphasis at the conference was placed on the use of drowning sets and killer sets. Concluding, Dr. Beary wrote, "Although changes in trapping techniques can eliminate some suffering, our ultimate goal has to be a change in attitude, i.e. the only trapping of animals that should be done is that which is truly in the interest of the animals themselves and is accomplished by a painless method. In 1976, fur coats are only desired by the vain and insensitive."

### WHALING FLEETS ON THE DECLINE

The public outcry against commercial whaling is taking a steady toll of the Japanese and Soviet whaling fleets. These marauding factories for whale butchery may soon disappear from the high seas if the present trend continues.

Japan has just announced a 50% reduction in its pelagic

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## WHALING FLEETS ON THE DECLINE

[continued from page 1]

whaling operations for the upcoming whaling season. Just two fleets will sail to the Antarctic. Last year there were three, the year before there were four Japanese fleets. Only one Japanese fleet will work the North Pacific next summer.

The Japan Joint Whaling Company, formed last spring when the six Japanese whaling companies consolidated their operations, now has just three factory ships and 20 catcher boats. Only two years ago, there were at least six factory ships and more than 80 catcher boats sailing under the Japanese flag. The new company is poorly capitalized and is reportedly suffering huge losses in its attempt to keep the whaling industry alive. Before the consolidation, one of the major whaling companies, Nippon Suisan, reported a \$5 million loss on its Antarctic fleet.

The total Japanese Antarctic whale catch this year was just 5% of the Japanese catch in 1964. The declining catches and international pressure forced a 50% reduction in the whaling workforce last year, from 3000 to 1500. The recent announcement means a further reduction to 750 workers.

Bowing to intense pressure, the Soviets announced September 30 that they would not file an objection to the new sperm whale quotas set in June by the International Whaling Commission. The Soviets had bitterly fought the 55% reduction in Southern Ocean sperm whales, their principal quarry. Last season the two Soviet fleets killed more than 6400 sperm whales in the Antarctic. This winter it looks as if they will be allowed only 4500. It is questionable whether the Soviets can afford to send two fleets again for such a reduced quota.

The Soviets apparently divulged their long-range whaling plans when a Russian diplomat inadvertently stated that they would end whaling within two years. The incident occurred in Vancouver on August 25 when a press conference was held aboard a visiting Russian warship.

Nikolai Makarov, chargé d'affaires at the Soviet embassy in Ottawa, was asked to comment on the activities of the Greenpeace anti-whaling expedition. Makarov replied that the whaling controversy had become "a political matter" to the Soviet Union and that they would end commercial whaling "in a year or two."

The Soviet diplomat wasn't supposed to disclose his country's whaling plans, because the Ministry of Fisheries in Moscow promptly denied Makarov's statement. The fisheries ministry spokesman did say, however, that the Soviets will not be doing "much" whaling by 1980 because of the dwindling whale population.

If in fact the Soviets do go out of whaling soon, the pressure will intensify enormously on the Japanese to do the same. Both countries have acted in concert in whaling strategy for many years.

Japan is already deeply concerned about the international outcry against her whaling operations. The Japanese business community has begun to speak out against whaling in the corporate boardrooms of Tokyo. The boycott has done considerable damage to Japanese sales in the U.S. and to the image of Japanese business overseas. The government of Prime Minister Miki is also moving to put an end to the dying whaling industry. Only labor union opposition to job cuts is keeping the whaling ships on the ocean.

On July 28 the *New York Times* editorialized: "The boycott of Japanese products by private American groups—and the threat of its spread—persuaded the Tokyo Government that a sentiment it may have thought was quixotic was nonetheless real and deeply felt. The Soviet Union perhaps can be persuaded as the Japanese have been, that survival of the fabulous whale is not a passing flight of fancy but a matter of continuing deep and serious world concern."

Now is the time to redouble our pressure on Japan and the Soviet Union to finally convince them to put a quick end to their dying whaling industries. Write to the leaders of these countries and demand that they heed the outcry of the international community. Their addresses are:

Prime Minister Takeo Miki, Embassy of Japan,  
2520 Massachusetts Ave. NW, Washington, D.C. 20008

General Secretary Leonid Brezhnev, Embassy of U.S.S.R.,  
1125 16th St NW, Washington, D.C. 20036

Continue writing to Japanese and Soviet companies, telling them why you are boycotting their products. In particular, write to the distributors of Soviet products. The Soviet Union is launching a major drive to expand exports of vodka, cars and tractors to the United States.

*Distributors of Russian products. Urge them to bring an end to whaling in the Soviet Union. Some names and addresses are:*

STOLICHNAYA VODKA and NAZDOROVYA CHAMPAGNE Pepsi-Cola Anderson Hill Rd. Purchase, NY 10577	BELORUSSE TRACTORS 7075 West Parkland Ct. Milwaukee, Wisconsin 53223
LADA AUTOMOBILES Satra Motors 475 Park Ave. New York, NY 10016	AEROFLOT AIRLINE 545 Fifth Ave. New York, NY 10017
	BAIKAL and MZ SHOTGUNS Universal Sporting Goods 7920 NW 76th Ave. Miami, Florida

Please write to the presidents of big Japanese companies telling them why you are boycotting their goods. Urge them to use their influence on their country's whaling industry to stop whale killing. Following are some names and addresses:

*Automobiles*  
TOYOTA  
2055 W. 190th St.  
Torrance, Cal. 90504

DATSUN  
18501 S. Figueroa St.  
Carson, Cal. 90744

MAZDA MOTORS  
60 New England Ave.  
Piscataway, N.J. 08854

SUBARU  
7040 Central Highway  
Industrial Park  
Airport Circle  
Pennsauken, N.J. 08110

*Tires*  
BRIDGESTONE  
2160 W. 190th St.  
Torrance, Cal. 90504

*Cameras*  
CANON  
10 Nevada Drive  
Lake Success, N.Y. 10040

NIKON  
Nippon Kogaku  
623 Stewart Ave.  
Garden City, N.Y. 11530

MINOLTA  
101 Williams Drive  
Ramsey, N.J. 07446

PENTAX  
Honeywell, Inc.  
5501 S. Broadway  
Littleton, Colo. 80120

*Cosmetics*  
SHISEIDO  
540 Madison Ave.  
New York, N.Y. 10022

*Travel*  
JAPAN AIRLINES  
655 Fifth Ave.  
New York, N.Y. 10022  
JAPAN TOURIST OFFICE  
45 Rockefeller Plaza  
New York, N.Y. 10020

*Liquor*  
SUNTORY INT'L.  
551 Fifth Ave.  
New York, N.Y. 10017

*Food*  
S&W FINE FOODS  
(Distributor)  
333 Schwerin Street  
San Francisco, Cal. 94134

GEISHA BRAND  
Nozaki Associates, Inc.  
(Distributor)  
1 World Trade Center  
New York, N.Y. 10048

*Motorcycles & Bicycles*  
HONDA  
100 W. Alondra Blvd.  
Gardena, Cal. 90247  
YAMAHA  
6600 Orangethorpe  
Buena Park, Cal. 90602

KAWASAKI  
1062 McGaw Ave.  
Irvine, Cal. 92705

SUZUKI  
13767 Freeway Dr.  
Sante Fe Springs, Cal. 90670

FUJI BICYCLES  
Toshoku America, Inc.  
551 Fifth Ave.  
New York, N.Y. 10017

SCHWINN BICYCLES  
(Distributor)  
1856 N. Kostner Ave.  
Chicago, Ill 60639

*TV & Stereos*  
SONY  
9 West 57th St.  
New York, N.Y. 10019

HITACHI  
437 Madison Ave.  
New York, N.Y. 10022

SANYO  
1200 W. Artesia Blvd.  
Compton, Cal. 90220

PIONEER  
75 Oxford Drive  
Moonachie, N.J. 07074

*Watches*  
SEIKO  
640 Fifth Ave.  
New York, N.Y. 10019

## POLAR BEAR, SEAL TREATIES RATIFIED, TULE ELK BILL ENACTED

At the end of the 94th Congress some long-pending matters affecting wildlife were completed. A bill to provide some protection for the rare Tule Elk, still existing in greatly reduced numbers in California, was enacted after many years of effort led by Beula Edmiston of the Committee for the Preservation of the Tule Elk.

Three treaties affecting marine mammals, were ratified by the Senate, September tenth: the Convention for the Conservation of Antarctic Seals; the 1976 Protocol Amending the Interim Convention on Conservation of the North Pacific Fur Seals; and the Agreement on the Conservation of Polar Bears. None of these treaties has the wholehearted support of conservationists and humanitarians; however, there are some needed protective provisions in each.

Senator Mike Mansfield, quoting from the reports on the treaties on the Senate floor brought out important points including the following:

The stated purpose of the antarctic seal convention is to protect the antarctic seal population. "The antarctic continent is in an area in which temperatures can drop to 127° below zero and where the deepest ice has remained frozen for over 2,000 centuries. Along its 18,500 miles of coastline and drifting icebergs live uncounted numbers of seals." The treaty prohibits the killing or capturing of seals in the water except for scientific research. Since pelagic sealing is the most cruel and wasteful method, this is a valuable prohibition. Also prohibited is the killing or capturing of the Ross.

Southern Elephant, and fur seals of the genus *Arctocephalus*. However, it allows sealing operations to take place between September first and the last day of February the pupping season, which means baby seals are not protected.

Further, as stated in the Report: "Norway has already conducted an exploratory expedition. If such operations become widespread, the success of this Convention will depend solely on the goodwill of each of the contracting parties. There is absolutely no enforcement system for this Convention. The U.S. delegation to the London Conference attempted to include a provision which would have set up a control authority, utilizing international observers. This proposal was, however, defeated."

The 1976 Protocol on North Pacific fur seals reconfirms an existing treaty adhered to by the U.S., Canada, Japan and the Soviet Union which prevents pelagic sealing in the area. It had been hoped that the requirements of the Marine Mammal Protection Act of 1972 could be included in the renegotiated convention; however, this effort failed. The Report states: "The critical section of the Marine Mammal Protection act (Sec. 2) states that marine mammals must be managed so as to achieve the 'optimum sustainable population' keeping in mind the optimum carrying capacity of the habitat. On the other hand, the Convention calls for management to produce the maximum sustainable commercial productivity.

"Consequently, the U.S. delegation during the negotiations of this Protocol proposed a new convention which would have essentially continued the present management arrangements and amended the management objectives, as stated in the Convention, to provide for the maintenance of the health and stability of the marine ecosystem and in other ways bring the Convention into conformity with the purpose and policies of the Marine Mammal Protection Act of 1972.

"Objections to rewriting the Convention to conform to U.S. law came principally from the Japanese, who since the 1930's have advocated an even larger seal harvest and are now pressing for the return of pelagic sealing. The Japanese are not concerned with getting more sealskins. What they want is more fish. The North Pacific fur seal herd consumes approximately 445,000 metric tons of fish in the Bering Sea each year. The Japanese commercial fishing interests believe that the seals are eating fish that would otherwise end up in their trawlers' nets.

"Therefore, this Protocol while incorporating a few changes in the Interim Convention does not contain the U.S. proposals for a new management regime based upon an 'optimum sustainable population' concept."

The polar bear treaty went into force May 26, 1976 after being ratified by Norway, Denmark and the U.S.S.R. Canada has not yet ratified. The Report states that polar bears "once roamed the shores of Manchuria, Japan and Iceland, but intensive hunting has eliminated it from all but the most inaccessible regions of the north.

"The polar bear has no natural enemies and is clearly the dominant species of the Arctic. The estimates of the world wide population of those animals range between 5,000 and 20,000. Despite these low population estimates, the annual polar bear kill is about 1,300. By 1970, the situation had become desperate enough for the world's leading polar bear experts to meet in Morges, Switzerland, to issue an appeal to the five polar bear nations to 'drastically curtail harvests' of these animals.

"Until 1973, approximately 300 polar bears were being shot legally off Alaska each year (about 25 percent of which were females). However, there is a large illegal market for polar bear hides, and it is estimated that the illegal catch almost equals that of the legal take."

"Although the convention is not a strong one, it does prohibit use of aircraft and large motorized vessels for the purpose of taking polar bears "except where the application of such prohibition would be inconsistent with domestic laws."

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## SAFETY TESTING OF PHARMACEUTICALS AND OTHER ENVIRONMENTAL CHEMICALS

[continued from page 1]

- a) licensing new compounds for manufacture, distribution and sale.
- b) standardising registration and testing procedures in a manner acceptable to all the states who are party to the agreement and keeping developments in the fields of toxicology and pharmacology under constant review (ideally such a country would also encourage the development and adoption of *in vitro* systems).
- c) carrying out quality control checks on the relevant laboratories.
- d) collating and disseminating information on registered products throughout the world.
- e) recommending codes of practice for the production, use and marketing of the relevant substances.

The United Nations Environment Programme has already established the International Register for Potentially Toxic

Compounds (IRPTC) to supply relevant information to those with responsibility for environmental protection and to provide base data for evaluating (and eventually predicting) the hazards associated with particular chemicals. It is evident that the IRPTC is only fulfilling condition (d) of those mentioned in the ideal. However, information on the toxicity of chemicals is essential and it could possibly lead to a reduction in animal use (by minimizing repetitive experimentation and providing a data base for in depth literature research). It is therefore encouraging to learn that the USA is supporting the concept and has made available to the IRPTC a data bank containing information on approximately 20,000 chemicals.

The World Health Organisation would like to establish an international register of pharmaceuticals with responsibilities similar to those detailed above. However, there are obviously many problems to be solved and no concrete proposals have been drafted at the present time. For example, a British pharmacologist has expressed the fear that such a register would have licensing standards based on the lowest common denominator (of testing requirements)

The World Health Organisation needs to maintain international co-operation at or above present levels and therefore considers that it cannot apply pressure in this matter of an International Register of Pharmaceuticals. It is therefore left up to interested individuals, companies and organisations including groups interested in matters regarding experimental animals to press for the establishment of such a register (and to push for increased responsibility for the IRPTC) We would be most grateful for any information (and of course funds) which could help our own efforts in this regard.

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## HORSE PROTECTION ACT STRENGTHENED BY CONGRESS

### FBI Investigation of Alleged Bribery of Horse Show Judges Studied by Justice Department

The federal law against soring of Tennessee Walking Horses enacted in 1970 was substantially strengthened by Congress when it learned that despite numerous heavy fines levied under the first statute, the cruel practice was continuing on a wide scale and that individuals have been charged with as many as six offenses involving soring. The 1976 Act, in addition to increasing responsibilities by the horse shows themselves to end the deliberate torture of horses, increased civil fines from \$1,000 to \$2,000 for each offense, and raised criminal penalties for first offenders from \$2,000 and/or six months in jail to \$3,000 and/or a year in jail. Repeating a criminal violation can bring a penalty of \$5,000 and/or two years imprisonment. The revised law further provides authority for the U.S. Department of Agriculture (USDA) to seize illegal equipment as evidence, to detain a horse for 24 hours for further examination, and gives USDA subpoena power. Penalties are laid down for assaulting, intimidating, or interfering with federal agents, for knowingly making false reports, or entering a horse in a show under a false name. The authorization ceiling for funding was raised from \$100,000 to \$500,000 a year. The revised law was enacted in July.

### Bribery Probe

According to an article by Jimmy Carnahan in *The Nashville Tennessean* (September 5, 1976) "The Justice Department confirmed this weekend it has under study a 'prosecutive opinion' from U.S. Attorney John Bowers of Knoxville related to an FBI investigation of alleged bribery to fix Tennessee Walking Horse Shows." The article indicates that the Department would not discuss details of the case "which grew out of an investigation conducted last year by a special committee of the now defunct Tennessee Walking Horse Commission. Dr. Otto F. Apel a Portsmouth, Ohio, surgeon, and the former chairman of the commission and chairman of the investigative committee said yesterday he was convinced 'we are certainly closer to justice in this matter.'"

The FBI report was sent to the Justice Department's organized crime and racketeering section of the criminal division. According to Mr. Carnahan, "Apel said he and other members of the committee agreed with Justice Department officials not to divulge details of the committee's investigation for fear such disclosures would be harmful in any prosecution...."

"Apel said he understands bribes have allegedly taken place not only for horses just to win blue ribbons, but also to misrepresent the value and quality of horses offered for sale. 'I'm talking about the sale of horses that have been fixed to look like they are expensive horses and sold as expensive horses when in fact they were average run of the mill type horses....Fraud and show fixing go hand in hand with soring horses. This is where the money lies,' Apel said."

## NEW DEVELOPMENT IN STUDY OF CHIMPANZEE MENTALITY

The London *Sunday Times* of July 25, 1976 carried a news story by Peter Watson entitled, "I've drawn a bird, says Moja the chimp - Why this drawing makes history." It states:

'A chimpanzee's drawing of a bird excited psychologists at an international conference in Paris last week. The few lines scrawled on paper may not seem, at first glance, significant or beautiful, but they are the first recorded example of an attempt at representational art by an animal other than a human being.

'Moja, the artist chimp, is three and a half years old and one of several apes in an elaborate research project run by Allen and Beatrice Gardner at the University of Nevada, in the United States. Each ape has lived since birth with a human family and, more important, has been trained to "talk" by using a sign language similar to that used by deaf people.

'Moja, Swahili for "One," has a vocabulary of 117 words and a conversation in this silent language between her and her painting teacher revealed the fact that she had chosen to draw a bird.

'Usually, chimpanzee paintings are a series of haphazard squiggles and streaks. In April, however, Moja suddenly made a quite different drawing. She was asked to paint some more but replied—in sign—that she was "finished." She was then given another piece of paper and carried on with her squiggles and streaks. It seemed, then, that she wasn't tired but meant that she had finished a particular effort. The teacher therefore asked her by signs what it was. Without any apparent bother or surprise, Moja signalled the answer, "Bird."

'The Gardners admit that the drawing is not the best likeness of a bird—that indeed it is somewhat more likely to be taken for a fish. "But, after all, she's only three and a half," says Beatrice Gardner. "You wouldn't expect much better from a child of that age."

What matters is that Moja meant to draw a bird and did so. Since April, in fact, she has drawn a bird several times and a cat and, just three weeks ago, a strawberry.

'The drawings raise the controversial issue as to whether the chimps' new language actually helps them to think better, to be, in effect, more intelligent. The possibility has been intriguing scientists since the first attempts were made to teach languages to chimps, whether by signs or by pieces of coloured plastic which other zoologists and psychologists have used.

'The Gardners are extremely cautious on this. Moja, they emphasise, is not even into her adolescence yet and not until she is physically and mentally mature will anyone really be able to tell what difference language makes.

'It is perhaps unlikely that the use of sign language, which has provided Moja with a word for bird, has in fact provided her with an idea she didn't already have. But what is interesting scientists is whether the signs have made her realise that the concept of a bird—or a cat or a strawberry—can exist outside these objects themselves and thus create in her the idea that representative art is possible.

'The Gardners had still more discoveries to report last week. They have trained several chimps in sign language and have observed what the apes, when left to themselves, "say" to each other. In effect, they can "eavesdrop" on the private, animal world of the chimp.

'Two other chimps have featured in these exchanges. They were Pili (Swahili for "Second"), aged two, and Tatus ("third"), who is six months. They have smaller vocabularies than Moja but many phrases and sentences have now been recorded by the Gardners.

'The words the animals know are used in surprisingly sophisticated ways. A bandana, for example, may be referred to as a handkerchief or as a "peekaboo" depending on context. Moja can use "drink" for milk, water, broth, coffee, orange juice and even the rain on the window pane.

'New creations are possible. Thus, without any prompting a duck was suddenly labelled a "water bird." Mustard became "hurt food." The sign for "dirty" was used at first only for soiled objects and faeces but in time one of the chimps started applying it even to the experimenters when they refused any of the animal's wishes.

'To each other, the chimps have so far "spoken" mainly childish things, reflecting their young age. They will ask the other chimp to come and tickle them, which all chimps love, or to chase them, which many seem to prefer even to tickling.

'Now that Moja seems able to isolate concepts like a bird on paper, one of the Gardners' next steps is to teach the chimps to read.'

## ENCIRCLING DOLPHINS IN TUNA PURSE SEINES BANNED

A new Department of Commerce ruling under the Marine Mammal Protection Act prohibits setting on dolphins with the gigantic tuna purse seines, effective October 22nd. The prohibition was announced when the National Marine Fisheries Service found that the quota it had established to limit dolphin deaths to 78,000 had been exceeded. That segment of the industry which capitalizes on the unexplained dolphin-yellow fin tuna relationship to capture this kind of tuna, is responsible for the maiming and killing of dolphins whose bodies are thrown back into the sea. The industry fought the ruling in court and obtained a stay till November 1.

## BOOK REVIEW

*All Heaven in a Rage, A Study into the Importation of Birds into the United Kingdom*, by T.P. Inskipp (41 pp, illustrated, published by the Royal Society for the Protection of Birds, The Lodge, Sandy Bedfordshire SG19 2DL England, price 85p or \$2.00)

This painstaking report, including thirty tables giving statistics on the appalling destruction and suffering inflicted by animal dealers on millions of birds every year, is a classic, a report of the kind which is needed in many other areas of animal welfare work. The Royal Society for the Protection of Birds (RSPB) deserves acclaim for its efforts and every organization and individual interested in protection of endangered species and prevention of cruelty to birds should order a copy.

To quote from the forward by the Director RSPB, he writes that ...'every year 600,000 wild birds are probably imported into Britain; that every year another half million pass through this country in transit to other countries; that every year India alone exports several million birds to other countries; and that every year the world trade is at least five million birds (and probably several times that figure) moved from one country to another.

'Over 1,000 species of birds have been advertised for sale by at least 300 dealers in Britain since 1970 (and the total of species imported in that time is over 1,500); furthermore, no less than 98 of those known to have been imported recently are classified as rare or endangered in the countries from which they come. The grand total of species known to have been brought into Britain, including those before 1970, is over 2,000—and there are only some 8,500 species in the world.

'The retail value of the birds brought into the country is estimated to be worth over £1½ million each year, so the trade is big business. The exporting countries are mainly in southern Asia (especially India), Africa and South America; the major importing countries are Belgium, Britain, France, Italy, Japan, the Netherlands, USA and West Germany.

'The scale of the trade as seen at the points of entry in this country represents only the tip of the iceberg. Many birds were found to be dead on arrival at Heathrow or died soon afterwards. Over 64,000 perished in this way among those brought to the RSPCA at Heathrow during 4½ years. This is no less than 2.8% of all the birds handled, but some species travel much better than others and in certain groups the percentage death rates were as high as between 40% and 70%; sometimes whole consignments of several hundred birds were all or nearly all found to be dead. Moreover, these mortality figures apply only to a day or two out of the birds' captive lives. How many more die during their first few weeks in this country? How many suffer as a result of inadequate feeding or accommodation in the sometimes inexperienced hands into which they pass? We just do not know.

'It is even more sobering to ask oneself how many birds are originally caught to provide the 600,000 imported into Britain every year. Many are trapped by the local people with the aid of liming and other barbarous techniques, and kept in atrocious crowded conditions. How many of these die before they reach the exporter? Perhaps 50%, or 75%, or even more? Many of the catchers and exporters regard the colourful birds as the most valuable; indeed, we know that they do not always bother to send off the dull-coloured females and immatures, which are therefore torn from the lime-sticks and left to die. To what figure does this bring the percentage mortality? A conservative estimate of the world trade is five million birds per year, but this figure may well be 10 million or 25 million and how many birds are caught to produce this? 100 million? Or more?'

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# INFORMATION REPORT

## ANIMAL WELFARE INSTITUTE

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### GOVERNOR BROWN FOCUSES ON WHALES

"California Celebrates The Whale" was the title of Governor Jerry Brown's homage to the largest animals ever to live on earth. Speeches, films, music, and exhibits, featuring Roger Payne's narration of his observations of the lives of the Southern Right whales, drew huge crowds to Sacramento, November 20th. Many organizations, including the AWI, had booths for the public. Volunteers Nancy Motz, George and Harriet Powell, and others distributed AWI fliers and bumper stickers urging the boycott of Japanese and Russian goods. AWI helped make possible the appearance of the celebration's most knowledgeable historian of the destruction of the great whales, Tom Garrett, Conservation Director of Friends of the Earth, whose comprehensive analysis of the plight of the whales brought home the extreme urgency of action to his listeners. His address appears in full below:

### A TIME OF MAXIMUM PERIL by Tom Garrett

Ladies and Gentlemen, for 50 million years since early in the Eocene epoch the lines of mammals leading to modern whales evolved and flourished in the oceans, entirely free of direct influence of terrestrial animals.

In the past 1000 years, hardly an evolutionary flick of an eyelash, an entire suborder of unique and magnificent mammals, the whalebone whales, and several species of toothed whales as well, have been pushed within sight of the awful vertex of biological extinction by human whalers. Most of this has occurred within the past 300 years, much of it within our lifetimes.

There have been many thousands of humans over the years; investors, inventors and engineers; sailors down on their luck, or too drunk to know better, who signed aboard a yankee whaler; laborers toiling in the stench and steam of a modern factory ship, who have worked—knowingly or haplessly—toward the destruction of the great whales.

Compensation has ranged from the merest pittance to an average 50% return on investment during the humpback phase of modern whaling from 1908 to 1914. But whaling has, by and large, been unusually profitable, reflecting the vulnerability of its victims. The city of Sandefjord, seat of Vestfold county Norway, which served for 70 years as the human womb for the growth of modern whaling, enjoyed during much of that period the highest per capita income of any city in the world.

The employment peak for modern whaling occurred in 1960-61, when 19,641 men (9748 Japanese) worked aboard the expeditions engaged in antarctic whaling. This occurred 30 years after the peak kill in antarctic whaling, when 10,691 men, virtually all Norwegian took 2 1/2 times the biomass of whales taken in 1961, with a fleet of catcher boats having less than 1/3 the total horsepower. It occurred when the antarctic Humpback stocks were gone, the Blue whales virtually gone, the collapse of the fin whale stocks imminent and in clear view. It occurred 32 years after Lars Christensen, President of A/S Thor Dahl, Norway's largest whaling company began reinvesting profits from whaling into shipping on the theory that the destruction of the whales had become inevitable. The great surprise to the Norwegian and British investors and to most scientists was not that the stocks collapsed, but that they lasted as long as they did.

No whaling ship has left Sandefjord in nine years. This coming antarctic season with an expected Japanese workforce at under 1500, and a slightly larger Soviet contingent, the pelagic workforce will total between 3000 and 3500.

It is only now, with the ability of whales to sustain the death technology unleashed against them nearing its end, that the effort being expended to save whales has risen toward parity with the

### JAPANESE WHALERS HAULING IN \$3,600,000 ON A "SCIENTIFIC PERMIT"

Bryde's whales are worth about \$15,000 each according to industry representatives at the last meeting of the International Whaling Commission. At that price, the 240 Bryde's whales that Japan has just assigned itself under a "Scientific Permit" are worth \$3,600,000.

The International Whaling Commission allows for the issuance of such permits by contracting governments without any consultation with other IWC members, although there was once a desultory discussion in the IWC's Scientific Committee about the desirability of consultation. Had Japanese scientists at the last meeting proposed to take 240 Bryde's whales there would certainly have been opposition.

The sudden announcement in the wake of major IWC quota reductions in 1975 and 1976 suggests a desperate move by the Japanese whaling industry to revivify itself by opening up new whaling areas. There is a zero quota on Bryde's whales in those parts of the Southern ocean where Japanese catcher boats will now pursue and harpoon these endangered whales. The permit issued by the Government of Japan to Yoshio Fukuda, Director of Japan's Far Seas Fisheries Research Laboratory, states the purpose to be to estimate "the population size and structure of this stock for rational exploitation."

Previous to this venture the only recently permitted killing of Bryde's whales in the Southern hemisphere were nine in 1974 taken by South Africa. A pirate whaler, the Sierra, has been taking over four hundred whales a year in the area, however. It is uncertain whether they were sei or Bryde's whales. The two species are sufficiently difficult to distinguish one from the other that they used to be counted together under the designation sei/Bryde's. Baleen whales, both enter the Japanese whale meat market, whether taken under the new scientific permit or by the outlaw Sierra which is registered in Lichtenstein but sells her produce to Japan.

Until 1970 when Secretary of the Interior, Walter Hickel, placed the great whales on the U.S. Endangered Species List, the last U.S. whaling company killed and processed 60 gray whales each year under a "scientific permit." The U.S. Government put a stop to this commercial operation. The Government of Japan should do the same.

Please write to Prime Minister Miki urging an end to commercial whaling and an immediate cancellation of the permit his Government has issued to kill 240 endangered Bryde's whales in excess of the quotas established this June by the International Whaling Commission. Let the Prime Minister know you are boycotting Japanese and Russian goods till these nations end their massive pelagic whaling and that you are gravely disappointed in the new move to increase the kill by unilateral action. He may be addressed as follows:

Prime Minister Takeo Miki  
Embassy of Japan  
2520 Massachusetts Avenue, NW  
Washington, D.C. 20008

During the past two years, the IWC has adopted quotas under a scheme called the "New Management Procedure" which have led to complete protection for Fin whales in all oceans except the North Atlantic, for Sei whales in one area of the antarctic and in the Pacific. The baleen whale biomass available to the whaling industry under IWC quotas has been halved in this period. Sperm whale quotas were this year reduced, and assigned on an area by area basis, in a manner which imposes severe operating restraints. Under these strictures, pelagic whaling has changed from a highly profitable activity to an activity which is in the classic economic

## A TIME OF PERIL

[continued from page 1]

time of maximum peril. If the major whaling nations are permitted to sell equipment to entrepreneurs operating under flags of nations not subject to IWC regulations, and if nationals from whaling nations who possess the necessary expertise to operate this equipment are permitted to do so, the recent modest "victory" within the IWC will prove to have been Pyrrhic indeed.

Certain stocks of baleen whales are, indeed, "commercially extinct". The Right whales which wintered along the European coast, and which supplied victims for the first open boat commercial whaling, begun by the Basques before the year 1000, are gone. The Humpbacks which migrated south along the European coast are gone also, as are the blue whales. The Atlantic Bowhead, or Greenland whale, which sustained 200 years of Dutch and British whaling, hangs to existence by an eyelash west of the Davis Strait, at the mercy of marauding natives, but of no commercial interest. The right whales which once migrated along the North American coast, and sustained the first American whaling industry exist as a tiny and unrecovering remnant. The Humpback stocks which wintered along our Pacific coast were destroyed in their summering grounds off Alaska by the Soviet fleet in the late 1950's and early 1960's, and progressively exterminated in their wintering grounds by two US shore stations while the Bureau of Commercial Fisheries watched benignly. They are gone.

The Korean stock of Grey whales is gone. The north Pacific Right whales may be gone.

Other relict populations, now under IWC protection, remain of potential commercial value. These whales, despite their small numbers, are critically vulnerable because of the regular migratory pathways they follow, and because of their wintering concentration in discrete breeding and calving grounds. Examples are the southern Right whale stock which Dr. Roger Payne has studied off Patagonia, and the Humpbacks which Dr. Winn has found wintering in three concentrations in the Caribbean. Surplus whaling equipment in the hands of criminals such as the owners and operators of the ship "Sierra" could readily be amortized in a single season by raids on these evidently recovering remnants.

Moreover, there are enough Sperm whales in the wintering areas of IWC protected stocks, such as the few southern Humpbacks which return to ancestral wintering grounds off Angola and Zaire, off Madagascar, off Tonga and off the west coast of South America; or northern Humpbacks who winter off China, to subsidize their total destruction. This is, in fact, doubtless happening off Peru where a Japanese owned company whales without restriction, off Africa where the "Sierra" is operating, and off Korea.

The subsidization of the complete, or nearly complete destruction of one stock of whales by simultaneous exploitation of another, more numerous stock has been a consistent motif in the death symphony of whaling, and there is every reason to expect that it will operate to destroy the last Right and Humpback, and in good time Fin and Sei stocks, if we permit it to do so.

The International Whaling commission this June in London passed a comparatively weak recommendation, requesting that member governments "to the best of their ability" act to prevent the transfer of whaling equipment supplies or expertise to nations not members of the IWC.

A second resolution, sponsored by the US, providing that no member nation of the IWC should import whale products from nations which are not IWC members was beaten when Canada and several European members sided with Japan, which provides the major market, and much of the capital, for unregulated enterprises. The text of the defeated resolution was taken, incidentally, from a resolution passed in 1938 by a meeting of the International Agreement for the Regulation of Whaling.

Until the whaling commission adopts provisions for economic sanctions against non complying members, and non members, its function will be largely dependent on the willingness of member nations to act unilaterally.

There have, in fact, been only two successful international conventions for the protection of Marine Resources: The Fur Seal Convention signed in 1911, and the North Pacific Halibut Convention concluded with Great Britain in 1923. Both conventions were established to deal with stocks decimated below the point of major commercial significance. The Halibut stocks were painfully rebuilt, only to be scooped up as incidental catch to Japanese ground fishing. The restored fur seal herds are also declining, with the disappearance of food fish in the Bering Sea. Beyond these two isolated, and rather anomalous instances, the only actions which have significantly altered the fate of whales or other marine creatures, either within or outside an international regulatory framework, have been unilateral.

In the case of the whales, Norway possessed the power to halt expansion of whaling until the late 1930's. This was because the specialized expertise which made whaling operations succeed was Norwegian. Until Japan entered the antarctic in 1936, Norwegian manned each and every ship, regardless of flag, involved in pelagic

was developed and partially financed through the complicity of both the Norwegian and British industries. Two U.S. flag factory ships which engaged in the infamous massacre of humpbacks in their calving grounds at Shark Bay off the west coast of Australia in the late 1930's, were Norwegian flag of convenience operations mounted to get behind the U.S. tariff wall.

The Norwegian government, through its whaling Act of 1939, finally cracked down on its industry by assuming control over the transfer of any Norwegian flag ships for the purposes of whaling, and by restricting its citizens from working aboard vessels of nations with whaling regulations less strict than those of Norway. In 1946, the Crown decreed that Norwegian citizens could not serve aboard expeditions which were not operating before World War II, except by special dispensation. Such dispensation was, unhappily, granted the ship "Slava", ex German "Wickenger" given the Soviet Union by the war reparations commission, manned and operated by Norwegians during the first seasons. Norway's action to protect its industry was too little and too late to stop the larva from devouring the parent, along with their mutual prey. But it did prevent Australia, Italy and Argentina from entering pelagic whaling, and made ventures by the Dutch and Onassis operated by rouge Norwegians and by Germans trained prior to World War II, markedly unprofitable.

Unilateral action, in the form of a citizens' economic boycott, taken by the U.S. conservation community, and the threat of economic action posed by the U.S. Congress, and by the administration through the Pelly amendment to the Fishermen's Protective Act which permits the embargo of fish products from nations "acting to diminish the effectiveness of an international agreement for the conservation of marine resources," have been largely responsible for the gains which have been made within the IWC.

Having said that, I am bound to note that the U.S., contrary to conventional wisdom, does not have hands clean of responsibility. If it had not been for U.S. State Department, the whaling convention of 1946 would have been a good deal stronger than it was, and there is an outside chance that it might have worked to halt the precipitous destruction of the whales. The fact is the 1946 Convention represented a considerable recidivism from the 1945 protocol to the 1937 International agreement for the Regulation of Whaling, and a truncation of favorable trends running within that agreement toward establishment of economic sanctions against non-complying nations.

The extent to which the effort of the late Dr. Remington Kellogg to achieve these goals was undercut by State Department bureaucrats, may be appreciated by the following exchange, taken from the Transcript of the 1946 Convention.

Mr. Dobson, for the United Kingdom: "We are not interested in the 1945 U.S. proposal restricting sale, loan or delivery of vessels, equipment or supplies designed especially to whaling operations to countries who are not parties to the Agreement". Mr. Flory for the United States: "We now, with somewhat more mature consideration, believe that in preparation for this document, economic sanctions of this nature might be quite inappropriate in a longer range agreement. It might very well be appropriate to eliminate the quest of economic sanctions at this point and resort to the usual procedure of using persuasion and such diplomatic representation as may be necessary in order to get any refractory governments to concede the principles set forth in this agreement".

Mr. Flory later characterized "this sort of thing" as "contrary to the spirit of free enterprise". It will come as no great surprise for you to learn that certain American investors were at that time negotiating with Aristotle Onassis for a revival of U.S. flag whaling.

A second egregious action of U.S., vigorously but unavailingly opposed by other allied nations was taken by Supreme Command Allied Powers (SCAP) in Tokyo, also in 1946, also with the concurrence of the State Department. This was to deliberately sponsor renewed Japanese involvement in pelagic whaling. It is most ironic that the commercial and operational modes which provided Japanese post war whaling with its celebrated "meat margin", and made Japanese operations far more profitable than whaling for oil conducted by European nations, were imposed by SCAP.

Indeed, since SCAP took the whale oil in return for helping finance the expeditions, the Japanese companies had no choice but to concentrate on efficiently producing and marketing whale meat.

The campaign to save the great whales, begun modestly by a few persons a few years ago, has swept this nation and the world. It has achieved important success. But it can still fail.

If we falter now, if we fail to pass necessary legislation which is still pending in the U.S. Congress, if we fail to leave behind us the cynicism and timidity, the genuflection to transient pressures and bureaucratic penates, which has often characterized U.S. policy toward whales in the past both in government and among conservationists, we may still be remembered, as the generation which

## U.S. ANIMAL HEALTH ASSOCIATION MAKES ANIMAL WELFARE RECOMMENDATION TO U.S. DEPARTMENT OF AGRICULTURE

Acting on the recommendations of its Animal Welfare Committee, the U.S. Animal Health Association passed a series of resolutions relating to implementation of the Federal Animal Welfare Act by the Secretary of Agriculture. The first resolution states:

WHEREAS, recent national publicity involving exposure of puppy farms also classified as "puppy mills" with stress of inadequate care and disease conditions; and

WHEREAS, this national publicity involved the United States Department of Agriculture as a partner in the episode of shocking puppy farms by exhibiting a lack of funding and sufficient personnel

THEREFORE, we strongly recommend that immediate consideration be given to INCREASE FUNDING and PERSONNEL for Veterinary Services, APHIS, to an extent great enough to overcome the current problems existing throughout the country and to achieve compliance with the act in a prompt and orderly fashion.

We also recommend that a copy of this resolution be submitted to the United States Secretary of Agriculture for action.

USAHA further asked the Secretary to:

1) Require photographic identification of each dog and cat sold to random source dealers for resale and of the license plate of the car of persons offering the animals for sale. The purpose of the documentation is to discourage theft of animals and facilitate successful prosecution.

2) Publish final regulations on exercise for laboratory dogs.

3) Incorporate in regulations and/or standards under the Animal Welfare Act the provisions relating to multiple surgical operations on a single dog published by the Institute of Laboratory Animal Resources in "The Guide for the Care and Use of Laboratory Animals." (This would prevent a series of painful operations on the same dog simply to save money.)

4) Revise Veterinary Services Forms 18-23, Annual Report of Registered Research Facility, to clarify and more accurately reflect the actual use of anesthetics, analgesics, and tranquilizers on animals involved in research, testing, or experimentation.

## SOUTH AFRICA GOES OUT OF THE WHALING BUSINESS

The Union Whaling Company of South Africa announced in October that it "has ceased operations and is disposing of its whalers, machinery and other equipment." (*Mainichi*, Tokyo, Japan, October 21, 1976).

According to the report, L.C. Surmon, Managing Director of the company, which is the largest landbased whaling operation in the world, said it had become uneconomic "as a result of a drastic reduction in whaling quotas worldwide."

Surmon is quoted as saying, "A quota of 500 whales is simply not enough to allow for a profit."

The Union Whaling Company killed mainly sperm whales, quotas for which were reduced this year by some 4,000. In 1967 the kill from the Durban Shore Station was 2,847 sperm whales and 236 baleen whales.

## "THE 'BAD BOATS' HAVE GOT TO GO"

Reporting on Marine Mammal Protection Act hearings held before an Administrative Law Judge in San Diego, on killing dolphins in tuna purse seines, the Los Angeles Times, in an article by Larry Pryor, November 29, 1976, states in part, "Information about how the fleet operates at sea, the tonnage of tuna caught, the number of porpoise killed, and the cost of operations has been scanty and unreliable.

"The problem won't be solved until people talk honestly about what's going on," one government source said. . .

"Observations by the Fisheries Service personnel aboard seiners and results of various experiments this year show that the skill and motivation of the captain and crew may be the most important factor in saving porpoise.

"ONLY THREE BOATS ACCOUNTED FOR 35% TO 40% OF TOTAL PORPOISE MORTALITY THIS YEAR [emphasis supplied], according to reports from the fleet.

"Reports from observers on boats this year showed that some skillful captains and crews killed virtually no porpoise and a majority of the boats were below the average of one kill per ton of fish.

"But six boats in the sample had an inordinately high kill rate, ranging up to four kills per ton. If a boat fished at that rate for three trips, it could kill 12,000 porpoises in one season alone.

## BOOK REVIEW

*Painful Experiments on Animals*, by Dallas Pratt, M.D., (Argus Archives, New York, N.Y. 1976) Paperbound \$2.95.

This comprehensive review of the current status and available statistics on experiments and routine tests which cause suffering to the animal subjects gathers together in orderly fashion a great deal of material from different sources to provide the best existing composite picture of the situation in the United States. It should be read by everyone interested in these animals whether scientist or layman and whether the reader's primary interest is concern for the animals themselves or the advancement of science.

As a Doctor of Medicine and a man of letters, Dr. Pratt views the current scene compassionately and analytically. His terse summaries admirably focus on a whole series of platitudes relating to use and procurement of laboratory animals. For example, quoting a New York Assemblyman's appeal to "the large savings to tax-payers" under the State's Metcalf-Hatch dog and cat procurement law, Dr. Pratt writes (pp. 99-100) "It is true that dogs from New York pounds currently cost an average \$7 and cats \$5.50, prices which reflect the fees set by the Department of Health to reimburse pounds for the maintenance of the animals during the statutory three-day holding period after requisitioning. Bristol-Meyers, a proprietary drug company with annual sales of \$1¼ billion acquired 14,000 dogs and cats under Metcalf-Hatch in 1966-74 from the Syracuse SPCA, of all places; in 1974 paying \$5.60 per dog and \$6.00 per cat. It is hard to see how the benefit this concern reaped from cheap, second-hand pets represented 'large savings to the taxpayer.'"

In a section called "Pain as a Cause of Aggression The Ulrich Experiments," Dr. Pratt's sardonic ending, "Are there any volunteers?" caps the following description of experimental procedure: "The metal floor of the cage was heated, causing the rats to jump about, licking their feet as it grew hotter. Then the floor was cooled with dry ice - this was not effective in producing fighting: the rats lay on their backs to escape the cold. Bursts of intense noise (135 db., sustained for more than 1 minute) were introduced. The effects of castration were tried; the animals were shocked wearing hoods, and, finally, one pair had their whiskers cut off and were blinded by removal of their eyes.

"Ulrich looks forward to studies on humans. 'Naturally the moral and practical difficulties are tremendous. Yet, as our knowledge of aggression in lower animals progresses and as more and more feasible methods of studying aggression in humans are developed, a clear picture...should emerge.' (Ulrich, R., 1966)."

Dr. Pratt's query about volunteers concludes the chapter.

Going to the original sources, the most horrifying illustration in the book is a chart showing the reaction of rabbits' eyes traumatized by test solutions (U.S. Food and Drug Administration). Following the twelve photographs of eyes in varying stages of disintegration are quotations from reports submitted under the requirements of the Animal Welfare Act by such companies as A.&P., Norwich Pharmacal, Revlon, USV Pharmaceutical Corp., Westwood Pharmaceuticals, Avon and Lederle, Pratt writes, "When animals are forced to undergo such suffering, the very least one expects is that the tests will be reliable and the results meaningful. A comprehensive study of these eye and skin irritation tests, conducted in 25 cooperating laboratories (including Avon, Revlon and American Cyanamid-Lederle) by Weil and Scala of Mellon Institute, Pittsburgh, and the Medical Research Division of Esso, revealed 'extreme variation' in the way the laboratories evaluated the rabbits' reactions to standard irritants. The investigators concluded that 'the rabbit eye and skin procedure currently recommended by the Federal agencies...should not be recommended as standard procedure in any new regulations. Without careful reeducation these tests result in unreliable results.' (Weil and Scala, 1971)."

Another old saw examined with some care by the author is the generalization that whole animal tests are superior to substitutes in protection of the public. Pratt cites the case of thalidomide which produced deformed infants. He writes "Although tests of thalidomide in many species of pregnant animals failed to produce deformities in the offspring, Lash and Saxen have now described tests on cultured human embryonic tissue which clearly indicate the danger of the drug. In the presence of thalidomide (especially during the second month of pregnancy), there is a significant decrease in cartilage development, predicting the limb deformities which actually occurred in the children of women in Europe who had received the drug in the early 1960's (Lash, J., 1971). If similar tests on human embryonic tissue had been performed at the time the drug was first developed, instead of misleading animal experiments, the tragedies which resulted from its use might have been avoided."

The author states the objective of his book clearly at the outset: "...to evaluate animal suffering and to consider each and every case as a serious ethical and humane problem, not to be dismissed on grounds of economics, scientific freedom, statutory requirements, health benefits, or alleged divine sanction." If "Painful Experiments on Animals" is widely read in the scientific community the objective should receive practical application.

## NATIONS CONFER ON ENDANGERED SPECIES TREATY

Bern, Switzerland was the site of the first meeting of the contracting governments since the Convention on Trade in Threatened and Endangered Species of Fauna and Flora was signed in 1973. Thirty-three nations have ratified the treaty and the representatives present from twenty-four of these countries worked with praiseworthy efficiency November 2-6, 1976 towards its implementation and the necessary additions to the lists.

The United States successfully proposed that the meetings of the plenary and the Committees be open to the public throughout (a contrast to the International Whaling Commission which excludes the press except for opening and closing statements) Hon. Curtis Bohlen, head of the U.S. delegation said "It is the position of the United States that public awareness is crucial to the success of the convention."

The representative of Friends of the Earth, Ltd., Joanna Gordon-Clark, urged that all cetaceans be included on either Appendix I (endangered) or Appendix II (threatened species) of the Convention. The observer from the Netherlands, Dr. Van Bree, pointed out that this was of such importance that it should be discussed here as well as at the IWC. Dr. Kai Curry-Lindahl of the United Nations Environmental Programme said that the small cetaceans are not regulated by the IWC at all. Towards the end of the conference the U.S. proposal to put fin whales on Appendix I and Sei on Appendix II, with certain qualifications consonant with the IWC schedule, was all that was approved, however.

The Conference decided that all primates not listed in Appendix I should now be listed on Appendix II, thus regulating the trade and enabling statistics to be reliably compiled.

A resolution was passed urging a phase-out of the trade in wild animals and birds for the pet industry. It was the consensus of the participating countries that pets ought to be bred rather than captured in the wild, caged and transported to the consuming countries. Countries where creatures are currently exploited for the pet trade were urged to reduce and finally eliminate such activity. The difficulties are exemplified by the fact that although Madagascar has prohibited all export of wildlife, all the Madagascar hedgehogs can be bought in Europe.

An organization called Conseil International de la Chasse (CIC) (literal translation: International Council on Hunting; official translation: International Council on Game Management) was represented by a very active, multilingual individual concentrating on establishing trophy hunting for leopards. He began, however, by advocating importing trophy heads of rhinos already listed on Appendix I (endangered list) from places where these rare animals are somewhat less likely to become extinct in the near future. Seeking to threaten the nations who have ratified the treaty to protect endangered species, he stated that Mexico does not support the Conference because it suggests that they "are not capable of managing their own game." The representative of Ghana strongly opposed trophy hunting of rhino. He supported the move by Canada to place all elephants on Appendix I, and in a rare expression by applause, supported the United Kingdom's statement that it has denied the entry of trophies of endangered animals. A number of African countries were conspicuous by their absence from the Bern Conference - for example Kenya, whose representative Perez Olindo had played a leading role in obtaining a strong treaty in 1973. The representative of Ghana emphasized more than once that reference to the problems of countries that had not yet ratified the convention should wait for such countries to appear and speak for themselves. In the end the United States, Switzerland and Zaire having opposed endangered listing for African elephants, Canada withdrew its proposal. The Asian elephant is on Appendix I, the African on Appendix II.

Professor Wynne-Edwards of the United Kingdom, Chairman of the Scientific Committee, spoke feelingly for the large birds of prey such as the Lammergeier, slow to reproduce and in great demand in safari parks which are proliferating. He urged Appendix I listing for all big birds of prey. But the representative of Iran said the family was "fairly common" in Iran, and the representative of the International Council For Bird Protection, strongly anti-protective

in his numerous interventions, insisted that the entire species was not threatened with extinction. The Swiss delegate asked whether "the experts" could distinguish between the subspecies of *falco peregrinus*. "No" said the young ICBP representative. He was "just going by the list," he said. The wise, old Wynne-Edwards again urged backing of the Swiss proposal because of the "enormous increase in trade." He was defeated, however, and the species went on Appendix II rather than Appendix I.

A total of 44 animals were added to Appendix I, 64 to Appendix II. After considerable debate, the sea turtles, including the loggerhead, Pacific ridley, hawksbill, leatherback and green turtle were added to Appendix I. All rhinos were added to Appendix I. Among furbearing animals, the Asian lion and European otter were added to Appendix I; the grey wolf, all other otters, fur seals, bobcat, lynx and all other cats not already on Appendix I were added to Appendix II.

A steering committee composed of the United States, Switzerland, Canada, Ecuador and Ghana was established to organize a special meeting within 6-12 months to develop identification aids, to prepare guidelines on care and shipment of living animals, to develop a simplified marking method for shipment of preserved specimens between museums, to consider problems of control of parts and products of listed species, and to analyze the listings for scientific validity.

The next Conference of the parties is scheduled for the first quarter of 1978 in Accra, Ghana.

## FOURTH INTERNATIONAL CONGRESS OF THE WORLD WILDLIFE FUND

Meeting in San Francisco, November 29 through December 1, about 800 people from all parts of the world including the King of Sweden, the Crown Prince of Norway, the Prince of Nepal and high officials of the Governments of Costa Rica, India, Peru and Venezuela, and representatives from 28 other nations took part in a series of seminars relating to the theme of the World Wildlife Fund Congress, "The Fragile Earth."

The major program launched at the Congress is the International Marine Campaign for 1977-78 for which ten million dollars is sought to finance projects on critical marine habitats, Law of the Sea legislation, marine pollution, and endangered marine species.

Resolutions adopted by the Congress include important recommendations on conservation of whales and dolphins.

The resolution entitled "Conservation of Whales" calls for an immediate moratorium on commercial whaling, for particular attention to studies of live whales and notes that "loopholes in the International Whaling Commission convention have been repeatedly used to prolong the existence of an industry which is dying as a result of its own excesses."

The resolution entitled "Depletion of Porpoise Stocks in the Eastern Tropical Pacific by the International Purse Seine Fleet" concludes: "The Fourth International Congress of the World Wildlife Fund, meeting in San Francisco, U.S.A., from 29 November to 1 December 1976: Commends the member Governments of the Inter-American Tropical Tuna Commission for their action and urges them to press forward vigorously through the IATTC to achieve new techniques and fishing gear that will immediately reduce the tragic kill of porpoise and ultimately permit tuna to be caught without placing the nets around porpoise, and that all nations that use purse seines should enact legislation equivalent to the United States Marine Mammal Protection Act which sets a goal approaching zero mortality and serious injury rate for porpoise; Further encourages the United States Government fully to enforce the Marine Mammal Protection Act and urges The Congress of the United States to maintain the integrity of the Act and resist all attempts to weaken it."

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