WILDLIFE

Montana vs. Bison—Again
State controls fate of park wanderers

Almost every winter for more than fifteen years, bison from Yellowstone National Park’s northern herd have crossed the invisible line that separates the park from the state of Montana. Perhaps the bison are searching for food and water; perhaps they’re traveling from force of habit. In stepping beyond Yellowstone’s protective boundaries, however, they unknowingly walk toward a senseless and brutal death. Between November 1991 and January 1992, 200 of the northern herd’s 500-600 bison were shot.

Promoted by Montana and tolerated by the National Park Service, the annual slaughter of Yellowstone’s bison has long caused deep distress to The HSUS. HSUS Chief Executive, John A. Hoyt, has called on our members to protest against the public hunting of bison in Montana (see the Winter 1991 HSUS News). HSUS members have risen to the challenge with an avalanche of calls and letters. Thanks in part to your outrage, the Montana legislature last spring outlawed public hunting of bison in the state.

For the bison, however, nothing has improved. Following the legislative ban on hunting, the Montana Board of Livestock declared a quarantine on the Yellowstone bison and issued new rules requiring the killing of all bison outside the park, including bulls.

In January The HSUS learned of a particularly ghastly and telling aspect of the Yellowstone bison controversy. Rather than requiring the safe disposal of entrails from killed and butchered bison, Montana authorities permitted the entrails to accumulate on the grounds of a local ranch until they covered an area thirty-five feet long and six feet wide. The organism that causes brucellosis (the bacterium Brucella abortus) lives only in internal organs, especially the reproductive organs, and is usually transmitted when aborted fetuses or other birthing material is released from an infected cow (a very unusual event for Yellowstone bison). In failing to ensure the safe disposal of potentially infected organs, the state’s policy of killing bison almost surely increased the risk of brucellosis transmission to domestic cattle, as well as to coyotes, grizzly bears, and other scavengers that might consume the infected tissues.

Recent events, however, have confirmed The HSUS’s repeated assertion that brucellosis risk is remote and only a rationalization for killing:
• Both sides of the controversy acknowledge that bison bulls cannot transmit brucellosis to domestic cattle. Montana’s previous policies recognized this fact in allowing flexibility regarding the treatment of bison bulls leaving Yellowstone. However, new livestock-board rules require the killing of all bison outside the park, including bulls.
• In January The HSUS learned of a particularly ghastly and telling aspect of the Yellowstone bison controversy. Rather than requiring the safe disposal of entrails from killed and butchered bison, Montana authorities permitted the entrails to accumulate on the grounds of a local ranch until they covered an area thirty-five feet long and six feet wide. The organism that causes brucellosis (the bacterium Brucella abortus) lives only in internal organs, especially the reproductive organs, and is usually transmitted when aborted fetuses or other birthing material is released from an infected cow (a very unusual event for Yellowstone bison). In failing to ensure the safe disposal of potentially infected organs, the state’s policy of killing bison almost surely increased the risk of brucellosis transmission to domestic cattle, as well as to coyotes, grizzly bears, and other scavengers that might consume the infected tissues.

Between 15,000 and 20,000 wild elk inhabit northern Yellowstone. Unlike bison, the elk are permitted to cross freely in and out of the park; yet, the evidence indicates that bison are no more likely than elk to transmit brucellosis to cattle. Why do those who are calling for the killing of bison raise no objections to the free-ranging elk? David Wilts, HSUS vice president, investigations, has suggested that the answer lies in the fact that lucrative elk hunting thrives just outside Yellowstone Park (see the Spring 1991 HSUS News).

• The U.S. Department of Interior (DOI) has been sued for allegedly permitting infected bison or elk grazing on federal lands to transmit brucellosis to cattle owned by the Wyoming-based Parker Land & Cattle Company. Ironically, the DOI is defending itself in part by asserting that brucellosis has never been transmitted to domestic cattle by free-ranging elk or bison.

As claims of brucellosis risk have weakened, Montana’s campaign against the bison has become only more unyielding and irrational. Sadly, the National Park Service’s little legal remnant over the fate of Yellowstone’s bison once they leave the park. For now, responsibility for the lives of Yellowstone’s bison rests with the state of Montana.

Although legal efforts to stop the killing have thus far failed, The HSUS is continuing to explore all possible channels. We are working with the National Park Service and the state of Montana in the preparation of a long-term bison-management plan for Yellowstone. Such a plan could include “bison-safe” buffer zones around the park or a humaneely administered transfer program. The HSUS remains committed to allowing Yellowstone’s bison to live in peace—Allen Rathberg, senior scientist, wildlife and habitat protection.

BAD NEWS FOR BEARS
Spring hunting seasons orphan cubs

If traditional wildlife management has one unshakable tenet, it is that wildlife must not be hunted during the season in which young depend on adults for food and protection. Flouting this principle, several states hold spring hunting seasons on black bear. These seasons undoubtedly leave very young bear cubs orphaned and certain either to die a prolonged and painful death or face life in captivity.

Each fall, in preparation for sleeping through the winter in a snug den, black bears gorge on nuts, berries, grasses, tubers, rodents, carrion, and other foods. Once the bear is in its den, its body temperature drops and its respiratory and metabolic rates decrease by about one half. While hibernating, female bears (sows) three and a half years or older may give birth—usually to twins, but sometimes to as many as five cubs. Each is blind and dependent on the sow. For two or three months, the cubs eat, sleep, and grow in their den site and avoid predators. The process takes up to a year and a half. In some states, however, bears risk losing their mothers to human hunters long before there is any chance of their surviving on their own.

Eight states—Alaska, Arizona, Colorado, Idaho, Montana, Oregon, Utah, and Wyoming—currently allow hunters to kill black bears during spring seasons ranging in length from a few weeks to several months. Although these states prohibit the taking of sows with cubs, a bear biologist in one of the states confirmed that The HSUS’s Spring 1992

HSUS NEWS • Spring 1992

HSUS NEWS • Spring 1992
Concern that even experienced biologists have difficulty determining if a bear has predation, or accident. The fate of cubs found after the sow is killed is not much better—a life in captivity in a roadside zoo, circuses, game farm, or other cruel and unnatural environment.

The season is no more fair to adult bears—male or female—than to cubs, since the methods used to hunt the bears have nothing to do with sport or “fair chase.” Bears emerging from hibernation are tired and disoriented and move slowly. Their first priority is to find food and some states have found pastries, and fruit. Bears drawn to the smelly buffet are pathetically easy targets. In recent years spring bear season has been most controversial in Colorado. Despite public-opinion polls showing overwhelming opposition to spring bear seasons, the testimony of groups, including The HSUS, and the recommendations of its own wildlife biologists, the Colorado Wildlife Commission recently voted to continue the spring season and lengthen it by two weeks. Although a three-year plan calls for a gradual reduction in the number of bears killed during the spring season, there is no guarantee that the commission will not return to business as usual at the end of the period. Meanwhile, bear cubs will continue to be orphaned. The two-week extension of the season is expected to more than triple the number of lactating females killed in the spring 1992 season. The commission refused to discuss restrictions on the use of bait and dogs.

In voting to continue and extend spring bear hunting, the strongly pro-hunting majority of the Colorado Wildlife Commission listened only to outfitters and hunters (although not all bear hunters support the season), the commission’s decision wounds the outlook for all U.S. bear populations, already threatened by poachers anxious to profit from the lucrative black market in bear gall bladders and paws, used in traditional medicines and foods in the Far East.

Whenever state wildlife commissions, such as those of Colorado and most other states, decide to see activities against the gentle black bear. The HSUS is confident that, in this instance, the black bears of Colorado will gain from citizens the protection denied them by the wildlife commission. For more information on how you can help the Colorado black bears, contact David Wills, HSUS vice president, investigations, or Sue Rodriguez-Pastor of CUB at (303) 494-3780.

CUB COALITION IN COLORADO

T aken as a whole, Colorado’s bear-hunting policies, now among the nation’s most abusive and obscene. Although twenty-eight states allow bear hunting, few others (including Colorado) permit the hunting of black bears in the spring and the use of dogs and bait. Public comment to the Colorado Department of Wildlife (DOW) before last November’s commission vote ran 16 to 1 in favor of eliminating the spring season and 122 to 1 in favor of halting the use of bait and dogs. Two DOW-initiated public-opinion surveys revealed that the majority of Coloradans oppose both spring bear season and the use of bait and hounds. The DOW itself recommended a complete termination of spring hunting; state wildlife manager Len Carpenter called spring bear hunting “morally indefensible,” according to the February/March 1992 issue of Peak & Prairie, published by the Rocky Mountain chapter of the Sierra Club.

Convinced of the cruelty of both spring bear hunting and the use of hounds and bait and determined to support the views of a majority of the state’s populace. The HSUS, together with the Fund for Animals, vigorously supports Coloradans United For Bears (CUB), a coalition formed to place an initiative on the November 1992 ballot. This initiative would ban black bear hunting but would outlaw spring, bait, and hound hunting.

The birth of CUB has proven the widespread sentiment for such an initiative. Members of the coalition include such diverse groups as the Boulder Audubon Society, Urban Wildlife Rescue, the Rocky Mountain Sierra Club, the Coalition for Responsible Hunters, the Colorado Environmental Coalition (an organization with forty state environmental groups as members), the Sheep Mountain Alliance, and the American Humane Association, with headquarters in Denver. An office for CUB has been established and regional coordinators are in place in preparation for the campaign to obtain the 49,500 registered-voter signatures necessary to get the initiative on the ballot. Ultimately the people of Colorado must decide whether they wish to continue activities against the gentle black bear. The HSUS is confident that, in this instance, the black bears of Colorado will gain from citizens the protection denied them by the wildlife commission.

Laboratory Animals
No Exclusions

A fter two decades of being unfairly denied the safeguards afforded by the federal Animal Welfare Act (AWA), laboratory mice, rats, and birds finally had their day in court—and emerged victorious (see page 36). In 1970 the AWA’s provisions were broadened to apply to all warm-blooded laboratory animals, that is, all mammals and birds. Unfortunately, the U.S. Department of Agriculture (USDA), the agency responsible for enforcing the AWA, never expanded its regulations to include mice, rats, and birds. In fact, the USDA explicitly excluded these warm-blooded animals from coverage, thereby denying protection to eight of every ten animals used in research, testing, and education. On January 8, however, the U.S. District Court in Washington, D.C., ruled that the USDA has been violating the AWA by excluding the estimated 15 million mice, rats, and birds annually sold by the USDA.

In its ruling, the court rebuked the USDA for its inaction, stating that its “inertia allows the mistreatment of these animals to continue unchecked by the agency charged with the protection of laboratory animals. The court cannot believe that this is what Congress had in mind.” The court continued:

The inclusion of rats, mice and birds under the act would send an important message.
to those responsible for their care—that the care of these animals is something for which they are legally accountable and is an important societal obligation. This message is much more consistent with the exclusion of these animals from coverage; that the researchers may subject the birds, rats, and mice to cruel and inhuman conditions, that such conduct is sanctioned by the government and has no legal consequences.

The HSUS and co-plaintiffs filed the lawsuit in 1990 after they had exhausted other options. (In the late 1980s, The HSUS and other organizations independently corresponded and met with USDA officials on this issue, to no avail. In 1989, The HSUS and ALDF filed an administrative petition with the agency, seeking an end to the arbitrary exclusion of mice, rats, and birds. The petition was denied—hence the need for the lawsuit.)

While the court’s ruling stops short of explicitly ordering the USDA to begin regulating the care and treatment of mice, rats, and birds, it should have the same effect. The court ordered The USDA to reconsider the agency’s denial of the HSUS/ALDF petition “in light of the interpretation of the law set forth by [this] court.”

Dr. Martin L. Stephens, HSUS vice president, laboratory animals, called the court’s decision “a milestone in the protection of laboratory animals. It’s particularly heartening that mice and rats are getting a break. These unpopular animals are all but overlooked in animal-welfare debates.”

AWA regulations specify minimum standards for the housing and care of animals, as well as administrative procedures that research institutions must follow, such as establishing training programs for laboratory workers. When mice, rats, and birds are covered by the regulations, they will benefit from these standards and procedures. This coverage will have a host of ramifications, including:

• Any laboratories, schools, or dealers that use or sell only mice, rats, or birds will be subject to AWA regulations for the first time.

• Animal care-and-use committees, which review research proposals, will have to begin scrutinizing all proposals involving mice, rats, or birds.

• Arrogant conditions or treatment of mice, rats, or birds in the laboratory could result in criminal prosecution under the AWA.

• The USDA will begin compiling and publishing year-end statistics on the use and treatment of mice, rats, and birds, yielding a much more comprehensive picture of animal research.

The USDA has sixty days in which to appeal the court’s ruling. The HSUS hopes that the USDA will accept the ruling and begin protecting the animals the agency has disenfranchised for two decades.

Clockwise from above: (From left to right) K. William Wiseman, chairman of the HSUS board of directors, Patricia Forhan, executive vice president, Phyllis Wright, senior consultant, and Paul G. Irwin, president, enjoy Animal Care Expo ‘92.

Paul G. Irwin welcomes Expo ’92 exhibitors and attendees to Bally’s Casino Resort in Las Vegas.

Trina Romeo of Taco-a-Pet explains her company’s services to an attendant in the exhibit hall.

HSUS Mid-Atlantic Regional Director Nina Astenberg (left) admires the Expo ’92 tote bag held by Joe and Maria Kowalski, who came to Las Vegas from New Jersey.

On February 2, 1992, the doors opened on one of the largest animal-care gatherings ever. Instead of five hundred attendees, the HSUS staff had hoped for, well over one thousand people participated in the first annual HSUS Animal Care Expo. Animal-care workers, administrators, and exhibitors convened at Bally’s Resort in Las Vegas, Nevada. Expo ’92, the vision of HSUS President Paul G. Irwin, proved to be an exciting, educational venture. “The animal-care community needed a clearinghouse for ideas, resources, and materials,” said Mr. Irwin. “The HSUS had the wherewithal to bring all that together under one roof.”

At the welcoming remarks, HSUS Chief Executive John A. Hoyt officially announced that Mr. Irwin would succeed him as president of The HSUS. Mr. Hoyt also announced that he would step into the role of president of The HSUS’s Humane Society International (see the President’s Perspective).

Mr. Irwin recounted how he had asked Phyllis Wright to be the Animal Care Expo ‘92 keynote speaker. Recently retired from the position of HSUS vice president, companion animals, she had responded, “No way. Let Marc Paulhus loose on them!” Ms. Wright has been a primary advocate of the animal-care and animal-welfare communities for nearly three decades. It was fitting that so many of her proffes were present when she passed the

**Organizations Receiving Aid from Alice Morgan Wright-Edith Goode Fund Testamentary Trust**

**December 31, 1990**

**Statement of Assets and Liabilities**

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<th>Assets</th>
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<td>Trust Corpus 12/31/89</td>
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<td>Loss on Sale of Securities</td>
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<td>1990 Income from Investments—Net</td>
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<td>Less: Distribution of 1989 Income</td>
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<tr>
<td>Balance 12/31/90</td>
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**Represented by**

- Cash                                      | $448,436  
- Accrued Interest Receivable              | 6,793     
- Investments—Securities at Book Value     | 6,793     
- Balance 12/31/90                        | $1,324,115|

**Statement of Receipts and Disbursements**

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<th>Receipts</th>
<th>Value</th>
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<td>1990 Income from Investments—Net</td>
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<tr>
<td>Disbursements</td>
<td>$72,417</td>
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**Organizations Receiving Aid from Alice Morgan Wright-Edith Goode Fund 1990 Trust Income**

- Advocates for Animals, Edinburgh, Scotland
- American Friends, Boston, Massachusetts
- Animal Protection League Minnesota, Minnesota
- Asociacion Uruguayo de Proteccion a Los Animales, Montevideo, Uruguay
- Assistance aux Animaux, France, Paris
- Association for the Prevention of Cruelty in Public Spectacles, Barcelona, Spain
- Blue Cross of India, Madras, India
- British Hospital for Animals, London, England
- Cape of Good Hope S.P.C.A., Bismarck, South Africa
- Committee to Abolish Sport Hunting, White Plains, New York
- Deutsche Tierschutzverein P.V., Munich, Germany
- Environmental Defense for the Prevention of Cruelty to Animals, Innsbruck, Austria
- Friends of Dogs, Calcutta, India
- Fruit Bats Trust, Logan, England
- Galo Fisiculturadores de los Rio de L’Animal, Paris, France
- German Association Deutsche Tierschutzverein, Berlin, Germany
- Great Lakes Environmental Law Center, Chicago, Illinois
- Greenpeace, London, England
- Haleakala Wildlife Society, Maui, Hawaii
- Himalayan Animal Welfare Society, Nepal, Nepal
- Insitute for Animal Rights, Houston, Texas
- Justicia per los derechos de los Animales, Caracas, Venezuela
- Keep the Bees, London, England
- Kitahara, Los Angeles, California
- Korea Animal Welfare Society, Seoul, South Korea
- Kunming Wildlife & Environmental Protection Association, Kunming, China
- Lincoln Park Zoological Society, Chicago, Illinois
- Long Island Wildlife Refuge, Merrick, New York
- Livingston County Humane Society, Howell, Michigan
- Magee Marine Laboratory, Oxford, Mississippi
- Marine Mammal Center, San Francisco, California
- Massachusetts Audubon Society, Wellesley Farms, Massachusetts
- Massachusetts Wild Animal Rescue, Waltham, Massachusetts
- Monmouth Wildlife Refuge, New Jersey
- Montreal SPCA, Montreal, Quebec
- North Dakota Humane Society, Bismarck, North Dakota
- Open Air Gardening Association, Chicago, Illinois
- Oregon Humane Society, Portland, Oregon
- Palmerston North, New Zealand
- Penang Wildlife Society, Malaysia
- Phoenix Society for the Protection of Animals, Cambridge, United Kingdom
- Pittsburgh Zoo Society, Pittsburgh, Pennsylvania
- Puerto Rico Society, San Juan, Puerto Rico
- Project Noah, Chicago, Illinois
- Queensland SPCA, Brisbane, Queensland, Australia
- Queens Wildlife Society, New York, New York
- South African Federation of SPCA’s and Affiliated Societies, Johannesburg, South Africa
- South Africa Wildlife Conservation Society, Pretoria, South Africa
- Southern African Federation of SPCA’s and Affiliate Societies, Johannesburg, South Africa
- Spanish Society for the Protection of Animals, Madrid, Spain
- St. Hubert Horse and Dog Rescue, Las Vegas, Nevada
- St. Paul’s Refuge and Wildlife Hospital, London, England
- Society for Prevention of Cruelty in Public Spectacles, New York, New York
- South African Society for the Protection of Animals, Cape Town, South Africa
- Springbock, Pretoria, South Africa
- Tierschutzverein fur Berlin und Umgebung Corp., Berlin, Germany
- The International Society for Animal Rights, Inc., Clark Summit, Pennsylvania
- The International Society for Animal Rights, Inc., Barcelona, Spain
- The National Animal Welfare League, Edinburgh, England
- The Wildlife Society, Smithsonian Institution, Washington, D.C.
- Tierschutzverein fur Berlin und Umgebung Corp., Berlin, Germany

**Receipts**

- 1990 Income from Investments—Net $72,417

**Disbursements**

- Grants of 1990 Income to Organizations $72,417