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'Concentration Camps for Lost and Stolen Pets': Stan Wayman's LIFE photo essay and the Animal Welfare Act

Bernard Unti¹

In the 1960s, *LIFE* was America's single most important general weekly magazine, its photo-essay formula catering to a middle class constituency of millions. By the halfway point of that tumultuous decade, readers were accustomed to seeing searing and unpleasant images of a changing nation, one racked by civil unrest and entangled in a bloody war in Southeast Asia. But when *LIFE*'s February 4, 1966 issue landed on newsstands and in mailboxes across the United States, with the cover's warning "YOUR DOG IS IN CRUEL DANGER," tens of millions of readers became acquainted for the first time with another kind of searing unpleasantness—the thriving commerce of unregulated dealers who supplied animals to America's laboratories for research, testing, and education.

The eight-page spread featured the work of legendary *LIFE* photographer Stan Wayman, who in late January had accompanied Frank McMahon, chief investigator of The HSUS, and a group of Maryland state troopers and humane officers onto the White Hall property of animal dealer Lester Brown. Wayman's photographs of the forlorn, neglected animals who populated the ramshackle landscape of sheds, boxes, and junked cars on Brown's property sparked a public outrage that had a catalytic effect, breaking through the political impasse that had seen one animal welfare bill after another fail in the U.S. Congress.

The flood of letters to federal officials that followed Wayman's *LIFE* spread put animal dealing, pet theft, and neglect of laboratory animals into the public consciousness and onto the political landscape in an unprecedented way. Opponents of reform, who had successfully scuttled every laboratory animal welfare bill introduced in the U.S. Congress, changed their strategy, seeking broad exemptions for scientific institutions and limiting the number of species covered, rather than a complete scuttling of the legislation. The result: the July 1966 passage of the federal Laboratory Animal Welfare Act.

In its contentiousness, the 1966 battle to pass the Laboratory Animal Welfare Act anticipated the struggles that would occur every time humane advocates attempted to strengthen or extend the act or its administrative regulations. In successive years, animal research facilities, animal dealers, representatives of the pet trade, the airlines, the animal fighting industry, zoos, circuses, and the exhibition industry—all of those whose activities have been brought within the scope of the act—have sought to weaken or eviscerate the law's influence upon them.

This opposition has meant that many good proposals to improve the act have failed to secure congressional approval, and on occasion, opponents have even been the source of serious setbacks, as in 2002 when mice, rats, and birds were definitively excluded from the act's coverage. On the other hand, 40 years after its passage, an act drawn narrowly to address the problems of pet theft and laboratory animal cruelty has steadily expanded to encompass new areas of concern, taking on the shape, if not the full substance, of a national animal protection law. And that's been good news for animals.

A Catalyst, But Not an Accident

The raid on Lester Brown's place was not a spontaneous affair. Representatives of Christine Stevens' Animal Welfare Institute (AWI) had persuaded *LIFE* publisher Henry Luce to look at photographs of the animal trade they had taken. Luce decided to publish a story but wanted his own photographs, which is what led Wayman to get in touch with McMahon.

Of the half dozen or so men on the raid that cold winter morning in January 1966, McMahon was the only return visitor. Four years earlier, he had been instrumental in Brown's arrest on a charge of cruelty to

animals, based on evidence at the southeast Maryland site. Just a few weeks before the raid photographed by Wayman, McMahon and HSUS colleagues had also provided the information necessary for the search warrant used to enter the property that day.

Some of the police officers were shocked at what they saw on Brown's property—a dog frozen to death in a box, others too weak to crawl over to the iced up cattle entrails strewn about the junkyard for them to eat. To McMahon, however, Brown's place was, while not ordinary, not much worse than dozens of facilities in Maryland and other states he had visited since 1961, the year he began working for The HSUS. For five years, McMahon had probed the animal trade, collecting evidence to support prosecutions for illegal acquisition of animals and cruelty, while also building a case for regulatory legislation at the state and federal level.

Such work—part of an ongoing process of investigation, policy debate, and legislative work that reached back to the 1950s when both AWI and The HSUS first formed—provided the broader context for "Concentration Camps for Lost and Stolen Pets." During The HSUS's early years, founder Fred Myers and his staff investigated conditions at a variety of institutions, to document neglect and mistreatment in the care and use of animals. By the end of the 1950s, Myers, Stevens, and others had set their sights on a strategy of securing federal legislation that paralleled Great Britain's 1876 Cruelty to Animals Act, which provided general regulatory oversight of animal use in laboratories.

Unfortunately, American animal protectionists were unable to agree on the particular provisions such legislation should include. AWI backed a 1960 bill introduced by Senator John Sherman Cooper (R-KY) and Representative Martha W. Griffiths (D-MI), while The HSUS put its weight behind a somewhat more restrictive bill proposed in 1961 by Representative Morgan Moulder (D-MO).

Myers and Stevens testified on the pending legislative proposals on April 27 and 28, 1962, and both bills would reappear in subsequent congressional sessions in revised forms. In the 88th Congress (the 1963-1964 session that witnessed the passage of America's epochal civil rights legislation), there were eight competing bills concerning laboratory animal welfare. Two supported by The HSUS required that research projects use the fewest possible animals (and none at all when a substitute method was available), that animals be fully anesthetized (except when it could be fully demonstrated that anesthesia would interfere with the experiment), that animals likely to suffer prolonged pain or distress in experiments be killed painlessly immediately after completion, and that animals be kept in comfortable, clean quarters, and be given postoperative care comparable to that enjoyed by human patients.

These were all good proposals, but none of them were going anywhere.

Setting the Stage

Humane advocates were more unified in their efforts on the investigative front. There, McMahon and other HSUS staff members, like Dale Hylton and Declan Hogan, were doing all they could to expose the system that took animals from "random sources"—dealers, auctions, pounds, and assorted other sites—and delivered them to medical or commercial laboratories. In several high profile cases, The HSUS was instrumental in securing state-level convictions for cruelty to animals. As humane advocates understood, however, the animal trade was an interstate affair, and the absence of federal laws severely limited the effect of enforcement efforts.

McMahon's work with Fay Brisk of the Animal Rescue League of Berks County in Reading, Pennsylvania proved crucial. Their investigations of John Dierolf and other dealers laid bare the state's status as a crossroads of the national traffic in animals for research. Together, McMahon, Brisk, and other investigators frequented the auctions whose cash-and-carry transactions lay at the heart of the trade. At

these events, dogs were sold by the pound, jammed into crates, and transported to institutions around the country.

These investigations led directly to a set of strengthening amendments to the state's anti-cruelty statute, as well as to the passage of the 1965 Pennsylvania dog law, a benchmark achievement in regulating the trade in animals. Among other things, the new Pennsylvania dog law established regulations for the transportation and sale of animals, required the licensure and inspection of kennels and animal dealers, and prohibited the transfer of stray dogs from public pounds to research laboratories.

The other essential link in the chain of events that led to the Animal Welfare Act came courtesy of the media—specifically, the widely circulated 1965 accounts of stolen and lost pets who, through the dishonesty of dealers and the indifference of medical institutions, ended up in laboratories. These cases demonstrated that in the absence of oversight, people's cherished companion animals could end up as experimental subjects in research, testing, and education.

Two cases stood out in particular. The first involved Teenie, a small black and white setter reported stolen in Virginia, who ended up being purchased by the National Institutes of Health (NIH) from a Pennsylvania dealer. Through their relentless efforts, Brisk, McMahon, and Hilton persuaded the NIH to return Teenie to her owner.

Then there was Pepper, a dalmatian who disappeared from her backyard and whose owner happened to see her in a newspaper photograph of animals being unloaded by a Pennsylvania dealer. U.S. Representative Joseph Resnick (D-NY) was outraged to learn that despite his personal efforts to locate the dog at an animal dealer's facility in his district, Pepper had died in an experimental procedure at a New York hospital. Resnick immediately introduced legislation to ensure that such a wrong never happened again.

For a time, Resnick's H.R. 9743 became the principal vehicle for reformers' hopes. It required that dog and cat dealers, and the laboratories that purchased the animals, be licensed and inspected by the U.S. Department of Agriculture (USDA), and that all parties comply with humane standards established by the Secretary of Agriculture. The bill managed to bypass the health subcommittees, where many earlier bills had died, and to gain a hearing on September 30, 1965. Eventually, the bill earned a strong champion in the relevant subcommittee of the House Agriculture Committee, Congressman W.R. Poage (D-TX), who had played a key role in the passage of the Humane Slaughter Act in 1958.

At the same time, legislation sponsored by Senator Warren Magnuson (D-WA) and Senator Joseph Clark (D-PA) was under consideration within the Senate Commerce Committee. At hearings on the bill, Magnuson declared, "The issue before us today is not the merits or demerits of animal research. We are interested in curbing petnapping, catnapping, dognapping, and protecting animals destined for research laboratories, while they are in commerce. We are not considering curbing medical research...yet, we do not think we can allow the needs of research, great as they may be, to promote either the theft of a child's pets or the growth of unscrupulous dealers."

The biomedical research community fought hard to weaken the proposed legislation at every stage. When Poage's bill came out of the U.S. House of Representatives on April 28, 1966, it covered only dogs and cats, did not provide mandatory inspection of dealers, and failed to extend to the laboratory environment itself.

The action then shifted to the Senate Commerce Committee, where a similar adulteration occurred on the Magnuson bill. Proponents of the reform, faced with multiple threats, desperately sought the political support necessary to restore the provisions of the original bill. Notably, Senator Mike Monroney (D-OK)

offered up an amendment to restore coverage to laboratories, which passed, as did the Magnuson bill itself on June 22 by a vote of 85-0.

On July 26, a conference committee reported out a bill containing the strongest provisions of the House and Senate versions. Having run the congressional gauntlet, the legislation gained broad editorial support throughout the country. The House and Senate approved Poage-Magnuson on August 16 and 17, respectively.

A week later, on August 24, President Lyndon Johnson signed the Laboratory Animal Welfare Act, the first federal law governing animal use in research. Frank McMahan was on hand to receive a ceremonial pen and to hear the president state, "Science and research do not compel us to tolerate the kind of inhumanity which has been involved in the business of supplying stolen animals to laboratories or which is sometimes involved in the careless and callous handling of animals in some of our laboratories. This bill will put an end to these abuses."

Johnson was only partly right.

Lester Brown, who pled guilty to cruelty charges in Maryland on May 29, 1967, agreed to leave the animal supply business forever. He was one of the first, but he was not the last dealer to come to public attention for keeping animals in horrendous conditions. Since the passage of the act, other dealers too have come to disgrace, most recently C.C. Baird of Arkansas, usually as the result of good investigative work by animal organizations, followed up belatedly with administrative action by government agencies.

The Legacy of 1966

In its approved version, the Laboratory Animal Welfare Act of 1966 centered on dogs and cats purchased or sold by dealers, with the express intent of regulating the trade to eliminate the possibility that stolen pets might end up in laboratories. All dealers carrying animals across state lines for the purpose of selling them to research, testing, and education institutions had to be licensed, and research facilities receiving federal funds were prohibited from purchasing animals from unlicensed sources. The act also called upon the Secretary of Agriculture to establish appropriate standards for the handling and care of dogs and cats and other animals—non-human primates, guinea pigs, hamster, and rabbits— by dealers and research facilities.

The act was strengthened in 1970 to provide for the use of appropriate pain-relieving drugs when they did not interfere with experimental procedures. With certain exceptions—principally farm animals—the act's scope was expanded to include all warm-blooded animals in research, and research facilities were now required to provide data on their use of animals to the USDA, which in turn was responsible for an annual report to Congress on such use. Importantly, the act was rechristened the Animal Welfare Act, and expanded to cover animals in circuses, zoos, roadside shows, and commercial breeding operations.

In 1976, Congress approved amendments to the act to cover animals in transportation as well as those animals forced to fight. With provisions covering research, exhibition, the pet trade, transportation by common carriers and intermediate handlers, and animal fighting, the AWA now comprised a broad framework for protecting animals.

In 1985, Congress again strengthened the act, this time approving amendments sponsored by Senator Bob Dole (R-KS) and Representative George Brown (D-CA). The amendments required the use of pain killers and presurgical and postsurgical care, animal care training for personnel who work with animals, and euthanasia of an animal upon completion of an experiment. They also required exercise for dogs and a physical environment to promote the psychological well-being of nonhuman primates. The amendments called for the Animal and Plant Health Inspection Service (APHIS) to inspect facilities at least once a

year, and to inspect federal agencies' facilities. Finally, the legislation established a national information service (the Animal Welfare Information Center) to reduce unintended duplication of experiments and to promote alternative research procedures.

In 1990, Congress passed amendments that imposed longer holding period requirements upon animal dealers, and in 2002, U.S. lawmakers passed another amendment, as part of the Farm Bill, that closed loopholes in the federal ban on the interstate shipment and foreign export of fighting animals.

Today, four decades after its passage, the Animal Welfare Act is the nation's primary law regarding animal care, setting standards for the treatment of animals by breeders, exhibitors, and transporters, as well as by facilities using animals in research. Animal protection advocates continue to advance proposals to broaden its scope as well as its coverage of species, specific practices, and arenas of animal use. Because it has evolved as a living document that can accommodate shifts in public opinion about the treatment of animals, it is likely to be the vehicle for continued reform for years to come. In this sense, it has proven more important than any other humanely inspired legislation, because it has, effectively, provided the framework for a national animal protection law.

Notably, virtually every single account of the passage of the Animal Welfare Act includes a mention of the *LIFE* photo essay, because it was, simply put, the tipping point. The year 1966 saw a "perfect storm" of policy debate, investigative work, legislative initiative, and public awareness that combined to create the conditions for a benchmark in animal welfare. The *LIFE* photo essay on its own did not spark passage of the legislation. But it did provide much needed momentum, for nothing that humane workers investigators had accomplished previously was a match for the powerful witness of the photo lens.

An AWA Timeline

1966: Congress passes the Laboratory Animal Welfare Act to regulate the care and handling of dogs, cats, non-human primates, guinea pigs, hamsters, and rabbits at licensed research institutions and animal dealer facilities.

1970: The act was, with certain exceptions, expanded to cover all warm-blooded animals in research as well as to cover animals in circuses, zoos, roadside shows, and commercial breeding operations. It was rechristened the Animal Welfare Act.

1976: Congress approved amendments to the act to cover animals in transportation as well as those forced to fight.

1985: Congress passed amendments requiring the use of pain killers and presurgical and postsurgical care; animal care training for personnel who work with animals; and euthanasia of an animal upon completion of an experiment. The amendments, among other things, also required exercise for dogs and a physical environment to promote the psychological well-being of nonhuman primates.

1990: Congress passed amendments that imposed longer holding period requirements upon animal dealers.

2002: U.S. lawmakers, as part of the Farm Bill, passed an amendment that closed loopholes in the federal ban on the interstate shipment and foreign export of fighting animals. Congress also passed an amendment that codified into law the USDA's long-standing exclusion of birds, mice, and rats from coverage as research animals.

¹Bernard Unti, senior policy adviser and special assistant to the president, received his doctorate in U.S. history in 2002 from American University. His book, *Protecting All Animals: A Fifty-Year History of The Humane Society of the United States*, is available from Humane Society Press.