

## *Items of Property\**

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A few thousand great apes currently live in the United States. Some 2,000 chimpanzees are in laboratories, 800-900 in zoos, and a few in entertainment. Ten to twenty orang-utans are used for entertainment, fifteen to twenty in laboratories, and several hundred are kept in zoos. Almost 300 gorillas are in zoos, ten to fifteen in laboratories, and currently none are known to be used for entertainment, though one is kept on display in a shopping centre in Tacoma, Washington.

Two main factors have prevented the numbers of great apes in laboratories from increasing significantly in recent years: their low rate of reproduction in captivity and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES, based in Switzerland, oversees a trade treaty signed by 111 nations, including the UK and the USA. It has drastically diminished the export of many species - including great apes - from their native habitats, though illegal shipments still occur. This leaves to experimenters seeking protected animals those smuggled into the country or those born in captivity.

### *Chimpanzees in a Laboratory*

In 1987, a group called True Friends entered SEMA (formerly Meloy), a laboratory in Rockville, Maryland, where chimpanzees and many other primates were known to be kept for experiments under contract with the National Institutes of Health (NIH). True Friends photographed and videotaped the laboratory and removed four chimpanzees, providing concrete evidence of conditions under which animals lived and died at SEMA. People for the Ethical Treatment of Animals (PETA) made the facts public, adding to its report information obtained from government documents and other written sources. Inasmuch as standards of care for animals in laboratories are determined by the same criteria throughout the USA, and government inspections are conducted on the same basis and by the same agencies at all facilities, the story of SEMA can be considered broadly representative of other US research laboratories, but particulars must always be documented to be considered accurate.

At the time of the True Friends' raid on SEMA, the company was infecting many kinds of primates with influenza, hepatitis and other diseases, as well as giving them cancer and infecting them with HIV, the human AIDS virus. Chimpanzees were infected with hepatitis and HIV. Experimenters would record symptoms and the course of the illnesses and test possible treatments.

Nearly 700 primates were living alone in isolettes - steel cages designed for one animal, devoid of anything that could provide stimulation. Cages with front doors of metal mesh or bars had solid sides, preventing animals living side by side from seeing each other. Large rooms were filled with these isolettes, so the animals could hear each other and in some cases could see each other, but could not socialise. Infected with diseases, animals spent their entire lives in this way. A chimpanzee conceivably might live fifty years in an isolette, leaving it only when experimental procedures or cage maintenance required, or after his or her death.

According to the contract, SEMA experimenters were to carry out NIH researchers' protocols and were 'to house and maintain nonhuman primates while conducting directed AIDS studies and studies of various enteric and respiratory diseases'. This same contract, executed on 18 December 1984, stated:

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\* In PAOLA CAVALIERI & PETER SINGER (eds.), *The Great Ape Project* (New York: St. Martin's Griffin, 1993), pp. 280-290.

The Contractor shall provide isolated care and housing for chimpanzees (or other animal models if directed by the Contracting Officer) to be used for the study of Acquired Immunodeficiency Syndrome (AIDS). All animals to be used for this project shall be housed in one room separate and distinct from all other animals.

It further states:

Specifically, the Contractor shall:

(1) Provide an animal holding facility capable of holding approximately nine chimpanzees (5 of which weighing up to 25 kilograms and 4 of which weighing up to 20 kilograms . . .) for AIDS research.

(2) Hold these animals in cages and isolator units which will be provided by the Government.

(3) Treat or infect, at the direction of the Project Officer, the animals with the material supplied and obtain bleedings, biopsies, perform laparotomies, and other specimens which will be analyzed by NIH scientists for existence of infection. (The Government estimates the following on an animal basis: 500 bleedings [plasmaphereses/leukophereses]; 100 biopsies; and 100 laparotomies).<sup>1</sup>

(The contract also described experiments using squirrel monkeys, rhesus monkeys and other primates.)

One experiment contracted by the National Institute of Allergies and Infectious Diseases (NIAID, a branch of NIH) called for SEMA to inoculate up to ten chimpanzees each year, indefinitely, with HTLV-III or other newly recognised human retroviruses and follow them for evidence of infection.<sup>2</sup>

Like any laboratory under contract with NIH, SEMA is required to maintain accreditation with the American Association for Accreditation of Laboratory Animal Care (AAALAC), a non-profit-making organisation, by adhering to US Public Health Service (PHS) guidelines for animal care. PHS guidelines state:

The housing system [for animals used in research] should:

- provide space that is adequate, permits freedom of movement and normal postural adjustments, and has a resting place appropriate to the species;
- provide a comfortable environment;
- provide an escape-proof enclosure that confines animals safely;
- provide easy access to food and water;
- provide adequate ventilation;
- meet the biological needs of the animals, e.g., maintenance of body temperature, urination, defecation, and, if appropriate, reproduction;
- keep the animals dry and clean, consistent with species requirements;
- avoid unnecessary physical restraint; and
- protect the animals from known hazards.<sup>3</sup>

For chimpanzees weighing more than 25 kilograms (55 pounds), the *Guide* recommends a minimum cage size of 2.33 square metres (25.1 square feet) of floor area for each animal and a minimum height of 2.13 metres (84 inches). For chimpanzees of 15-25 kilograms (33-55 pounds), the minimum is 0.74 square metres (8 square feet) per animal, with a height of 91.44

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<sup>1</sup> United States Department of Health and Human Services, Contract No. NO1-AI-52566, 18 December, 1984.

<sup>2</sup> United States Department of Health and Human Services, National Institute of Allergies and Infectious Diseases, Animal Study Form (NIH 79-6), 1 October 1986.

<sup>3</sup> United States Department of Health and Human Services, *Guide for the Care and Use of Laboratory Animals* (Rev. 1985), pp. 11-12.

centimetres (36 inches). Thus, in the contract quoted above, calling for some chimpanzees weighing more than 25 kilograms and some weighing less, a chimpanzee weighing 24 kilograms (53 pounds) could be kept for years in a cage one-third the area of that inhabited by a chimpanzee only slightly larger at 26 kilograms (57 pounds).<sup>4</sup>

Like all US research facilities using animals, SEMA is also governed by the federal Animal Welfare Act, which since 1966 has required the US Department of Agriculture (USDA), through its Animal and Plant Health Inspection Service (APHIS), to ensure that animals used in experiments, in exhibitions or as 'pets' receive humane care and treatment.<sup>5</sup>

In the two years before PETA publicised information about SEMA (1985-6), APHIS inspection reports showed nineteen violations of the Animal Welfare Act in fifteen categories, including space requirements, feeding, watering, cleaning, housekeeping, veterinary care, pest control, employee training, drainage, interior surfaces, lighting and ventilation. All five inspection reports over those two years stated that primates were 'too large for their cages'. With regard to cleanliness, an inspection report stated:

Many primary enclosures had . . . excreta caked onto the bars, accumulation of dust and food particles . . . caked food and debris along rubber gaskets of the chamber doors. All dark corners inspected revealed roaches and mouse feces; evidence of vermin was everywhere.

Feeding receptacles were described as 'grossly contaminated'. One report said, 'Given the . . . deficiencies, it is imperative that both more personnel and better trained personnel be hired to correct them.'<sup>6</sup>

In the same two-year period, sixteen failures to meet PHS guidelines were reported by AAALAC inspectors. As a result, SEMA was placed on probationary status. Between 1981 and 1986, SEMA was on probation almost three times more often than it was accredited. Deficiencies in 1985-6 included confining chimpanzees to cages which did not conform to Animal Welfare Act and AAALAC requirements; some were in cages 40 inches high, 26 inches wide, and 31 inches deep - smaller than the minimum standard for *any* chimpanzee. Faecal material was caked on to bars and sides of cages, and there was excessive urine build-up on suspended waste troughs. Many animals were in need of veterinary care; their symptoms included shivering, skin abrasions, hair loss and vomiting. One monkey was found lying dead on his cage floor.

From 1981 to 1984, SEMA had an extremely high 'accidental' death toll of seventy-eight animals, including five chimpanzees. A chimpanzee known as No. A51 choked on his own vomit; SEMA attributed this to 'a breakdown of normal procedures'. An NIH official said that 'events that led to the death of [chimpanzee] A117', who suffocated in a cage that was too small, 'can and must be prevented'. One chimpanzee died because he was unable to breathe after being anaesthetised with keta-mine. The attending veterinarian said that because of increased workloads and too small a staff, technicians were anaesthetising more than one chimpanzee at a time. Consequently, each animal was not adequately monitored to ensure his or her safety. The chairman of the Council on Accreditation of AAALAC wrote in March 1986, 'Presently, primates that die from unsuspected cause, unrelated to experimental protocol, are necropsied . . . Council is concerned, however, that detailed histopathological or microbiological procedures are not undertaken to establish a definitive diagnosis.'<sup>7</sup>

As clearly shown in the video footage obtained at SEMA by True Friends, many of the animals

<sup>4</sup> Ibid., p. 14.

<sup>5</sup> United States Code of Federal Regulations, Title 9, Subchapter A.

<sup>6</sup> United States Department of Agriculture, Animal and Plant Health Inspection Service, Inspection of Animal Facilities, Sites or Premises, Form 18-8, 9 August 1989. See also People for the Ethical Treatment of Animals (PETA), 'Investigative Report: SEMA Laboratory, Rockville, Maryland' (1986).

<sup>7</sup> PETA, 'Investigative Report'.

living in isolettes there had become psychotic. Some continually spun in circles and did not react to the presence of visitors. An older male chimpanzee, identified as No. 1164, was crouched on his cage floor, rocking back and forth and mumbling incessantly.<sup>8</sup>

In September 1992, the president of SEMA, now called Bioqual, allowed one area of the facility, a kind of 'chimpanzee showcase', to be visited and photographed. This consisted of a continuous series of partitioned kennel-style runs with Plexiglass sides. The chimpanzees in these individual enclosures - there were about twenty of them - could see other chimpanzees in front of, behind and alongside themselves. There was a playroom containing toys and climbing apparatus. In their individual enclosures, the chimpanzees had something to swing on, a few toys and an elevated sleeping platform, and the visitors were told that the chimpanzees received two pieces of fruit each day. The president stated that although hepatitis, influenza and other infectious disease experiments are still carried out at Bioqual, chimpanzees are no longer used in AIDS studies there.<sup>9</sup>

### *The Orang-utan Trade*

Only about 20,000 orang-utans still live freely on the islands of Borneo and Sumatra. Orang-utans are highly prized by zoos, circuses, animal trainers in the entertainment business and wealthy private collectors.

Because of their rarity, orang-utan babies fetch a high price - as high as \$50,000 in the United States.<sup>10</sup> Trappers usually kill the mothers - and sometimes other adults and babies - to obtain one young orang-utan. Taking into account the high mortality rate suffered by captured animals, animal rights advocates estimate that certainly two or three, and perhaps as many as ten, animals die for each one who survives the long journey to a zoo or other destination.<sup>11</sup>

The case of one group of captured orang-utans, known as the 'Bangkok Six', has focused public attention on the international primate trade. The six orang-utans were transported without food or water from Borneo to Singapore to Bangkok, Thailand, stuffed into two wooden crates marked 'birds'. The crates, their lids nailed shut, had only pencil-diameter holes for ventilation. One box, carrying three orang-utans, was shipped upside-down. Had officials at Bangkok airport not become curious enough about the un-bird-like cries coming from the crates to X-ray them, the animals would have gone to Belgrade, Yugoslavia, and from there possibly to a Moscow zoo. The shipment, marked 'personal baggage', also included two sia-mangs, who were presumably to go to Belgrade Zoo as payment for overseeing the orang-utans' passage to Moscow. Although Thailand is a member of CITES, in 1990 it allowed the import and export of non-native species.<sup>12</sup> In fact, officials at Bangkok airport seized the orangutans and siamangs not because of their endangered status, but because they were labelled incorrectly.

Kurt Schafer, a German resident of Thailand to whom the 'personal baggage' belonged, was charged with no offences by Thai officials, but he was charged in Singapore with exporting the orang-utans and siamangs without official documentation. He voluntarily flew to Singapore, where he was fined just \$1,200.<sup>13</sup> The fine in Singapore for failing to flush a public toilet is \$100.<sup>14</sup> (In Germany, Schafer was sentenced to seven weeks in jail,<sup>15</sup> though he could have gone to jail for five years for smuggling orang-utans.<sup>16</sup>) Singapore officials cited three 'mitigating factors' in Schafer's case: he was 'do[ing] a friend a favour,' as he told Singapore

<sup>8</sup> PETA, 'Breaking Barriers' (videotape) (1987).

<sup>9</sup> Ingrid E. Newkirk, letter to Dr Jane Goodall, 29 September 1992.

<sup>10</sup> William Labbee, 'The primate debate', *New Times* (Miami's News and Arts Weekly), 20-6 November 1991, p. 21.

<sup>11</sup> 'Judge refuses plea bargain in Matthew Block case', *AWI Quarterly*, Fall 1992.

<sup>12</sup> 'More about the "Bangkok Six"', *IPPL Newsletter*, August 1990, p. 5.

<sup>13</sup> 'Background on the "Bangkok Six"', *IPPL Newsletter*, August 1990, p. 6.

<sup>14</sup> "'Punishment" - Singapore style', *IPPL Newsletter*, August 1990, p. 6.

<sup>15</sup> 'Background on the "Bangkok Six"', p. 8.

<sup>16</sup> 'More about the "Bangkok Six"', p. 6.

officials, who then failed to ask the name of the 'friend'; he returned to Singapore voluntarily for legal processing; and the orang-utans and siamangs had been confiscated.<sup>17</sup>

Volunteers from the Wildlife Fund of Thailand named the orangutans Bambi, Bimbo, Fossey, Ollie, Tanya and Thomas. All were suffering from pneumonia, dehydration and parasitic infestations.<sup>18</sup> Ollie was not expected to live when the International Primate Protection League (IPPL) and the Orang-utan Foundation sent Diana Taylor-Snow, an experienced orang-utan caregiver, to help tend to the orangutans and prepare them for release into the wild. Ollie improved, but Bimbo, who had liver and spleen damage (possibly caused by having been shipped upside-down from Singapore), was also plagued by frequent sneezes, a runny nose, diarrhoea and ringworm. Despite his physical problems, Bimbo was curious and vivacious. He would make the box he was in move across the floor by leaping around inside it, and, by observing his surroundings, quickly learned how to reach what he wanted.<sup>19</sup>

Taylor-Snow and Wildlife Fund of Thailand volunteers nursed the orang-utans back to the best health possible, given their serious condition, then flew with them back to their home in the forests of Borneo to release them.

In the meantime, the story of the Bangkok Six shifted from the wilds of Borneo to a courtroom in Miami, Florida, where, on 19 February 1992, Matthew Block, head of Worldwide Primates, was indicted by a Miami grand jury for his alleged role in the shipment of the orang-utans, which constituted a violation of CITES laws and the US Endangered Species Act. Block was thought to be the 'friend' for whom Kurt Schafer was doing a 'favour' by accompanying the Bangkok Six shipment in February 1990.

Born in 1961, Matthew Block started trading in exotic birds when he was 13, and, while still young, he became a major figure in the animal import world. By the time he was 21, his exotic bird business was bringing in over \$600,000 a year, but stiffer government regulations and more competition persuaded Block to shift to primates and other animals, including elephants, sought by zoos. By 1989, his \$1.2-million-a-year enterprise was importing 2,000 monkeys a year<sup>20</sup> and, with about a quarter of the US market,<sup>21</sup> was one of the top three suppliers of nonhuman primates for experimentation.<sup>22</sup>

Block, steadfastly maintaining his innocence, was to go on trial for the Bangkok Six case on 24 August 1992, but on 24 August Hurricane Andrew battered southern Florida and the trial was postponed. Delays caused by the hurricane clogged Miami's legal dockets; meanwhile, Block's attorneys worked out a plea bargain: Block would plead guilty to two misdemeanor charges if the two felony charges were dropped. News of the plea bargain initially cheered the world's animal traders, but in December 1992 the presiding judge, James Kehoe, citing several hundred letters from all over the world expressing concern that justice be served, refused to accept the plea bargain, and a trial date was set for March 1993.

On 9 February 1993, almost three years to the day since the fateful shipment of the Bangkok Six, amid allegations by prosecutors that Block had been involved in a conspiracy with the KGB to smuggle the orang-utans into Russia, Matthew Block pleaded guilty. He will be sentenced on 15 April; the maximum punishment is five years in prison and a fine of \$250,000.<sup>23</sup>

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<sup>17</sup> "Punishment" — Singapore style', p. 6.

<sup>18</sup> Shirley McGreal, 'Matthew Block indicted on four counts of the Endangered Species Act', *Animal Welfare Institute Quarterly*, Spring 1992.

<sup>19</sup> Dianne Taylor-Snow, 'Remembering Bimbo', *IPPL Newsletter*, December 1991, pp. 9-10.

<sup>20</sup> Labbee, 'The primate debate', p. 22.

<sup>21</sup> Albert Stern, 'Matthew Block animal importer', *New Miami*, April 1989, pp. 40-43.

<sup>22</sup> Kathy Glasgow, 'Dead on arrival', *New Times*, 14–20 October 1992, p. 6.

<sup>23</sup> Stern, 'Matthew Block', p. 41.

Only two of the baby orang-utans survived.<sup>24</sup> 'Ollie and Bimbo died in my arms,' says Taylor-Snow, explaining that it was hard to believe they were alive when she found them. 'They were grey,' rather than the normal deep red-brown of orang-utans. She later heard that Fossey and Thomas died, succumbing to the permanent damage sustained by any infant deprived of food, water and air as were the Bangkok Six.<sup>25</sup>

As long as the orang-utan trade continues, this can happen to any who are unfortunate enough to be captured and taken from their mothers in the forests of Borneo and Sumatra.

### *Gorillas in Zoos*

Money for research involving gorillas became scarce in the late 1970s, the cost of maintaining them being approximately five times that of using the same number of monkeys. Since chimpanzees were classified as a 'threatened' rather than an 'endangered' species like gorillas and orang-utans, chimpanzees remained in labs, but most gorillas and orang-utans were transferred to zoos. Yerkes, by 1988 the only primate research centre keeping gorillas, planned to place all of its gorillas and orang-utans in zoos by 1990, though a few of each species remain at Yerkes.

Timmy, a silverbacked lowland gorilla, began living at the Cleveland Metroparks Zoo in 1966. Isolated from other gorillas for thirty years, he did not get along well with two females to whom he was introduced, and did not mate with them. In 1990, however, the zoo brought into Timmy's enclosure a female slightly older than Timmy: Katie, a.k.a. Kribe Kate. Timmy and Katie quickly began to display affection for each other, playing together, having sexual relations and sleeping in each other's arms.

The Metroparks Zoo is a member of the Gorilla Species Survival Plan (SSP), initiated by the American Association of Zoological Parks and Aquariums (AAZPA) in 1983 'to optimize captive reproduction in North American zoos'.<sup>26</sup> It was hoped that Timmy and Katie would produce offspring, but it turned out that Katie, who had given birth in the past, now had a blocked Fallopian tube and was unable to conceive. The zoo made plans to move Timmy to the Bronx Zoo in New York. This created a conflict between those who believed Timmy should be treated primarily as part of the SSP - as a representative of his species, whose population in the wild is decreasing because human beings are eating them and destroying their habitat - and those who wished to see him respected as an individual gorilla with a strong attachment to another. Timmy was shown to have a very low sperm count, decreasing his chances of reproducing.

Steve Gove, a keeper in the Metroparks Zoo Cat and Primate Building who had worked with Timmy for eighteen years at the time the controversy arose, opposed moving Timmy to New York:

Timmy is not a very adaptable gorilla, he's proven that. It has taken him years to find a mate he was comfortable with. My biggest fear is that the stress of the move could trigger a heart attack or a stroke. We also worry that the other gorillas might not accept him and [might] hurt him.

The least thing that could happen is that the trauma might send Timmy right back into his shell. He's been very shy since 1966. It was only when Katie got here that he opened up. He could very easily go back to the way he was. None of us want to see that happen.

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<sup>24</sup> 'Miami man admits a plot to ship apes to Eastern Europe', *New York Times*, 10 February 1993.

<sup>25</sup> Dianne Taylor-Snow, conversation with the author, 19 February 1993.

<sup>26</sup> American Association of Zoological Parks and Aquariums (AAZPA), *Annual Report on Conservation and Science* (1990-1).

Zoo director Steve Taylor, who wanted the move to go forward, reportedly said,

It sickens me when people start to put human emotions in animals. And it demeans the animal. We can't think of them as some kind of magnificent human being, they are animals. When people start saying animals have emotions, they cross the bridge of reality.<sup>27</sup>

The general director of the New York Zoological Society, which includes the Bronx Zoo, wrote in a letter to a newspaper that gorillas are not monogamous and that 'Timmy evolved to manage a harem'.<sup>28</sup>

The California-based animal rights organisation In Defense of Animals, the Network for Ohio Animal Action, and the Animal Protection League (Ohio) organised to prevent the move. More than 1,500 people signed petitions in opposition to it. Demonstrations were held. Attorney Gloria Rowland-Homolak filed for a court order to prevent the Metro-parks Zoo shipping Timmy to the Bronx Zoo, and proceedings delayed the move. But in November 1991, Timmy was sedated and put in a crate on a truck bound for New York, as the SSP had intended.

After Timmy was taken away from Metroparks Zoo, a gorilla named Oscar was introduced into Katie's enclosure. The two gorillas fought. Oscar bit Katie's toe, which was then amputated, and Katie was also treated for a bruised back. Eventually, Metroparks Zoo agreed to transfer Katie to another zoo to prevent further attacks by Oscar, who is said to have had a previous history of hostile behaviour in a Kansas zoo. In November 1992, Katie was shipped to Texas in a crate aboard a train. She now lives in the Fort Worth Zoological Park.

Days after the initial brawl between Katie and Oscar, it was reported that Timmy was not mating with the females at the Bronx Zoo, and Tames Doherty, general curator of the New York Zoological Society, was quoted as saying, 'We want the females to be bred. No one wants to see baby gorillas more than we do,' and that if the ape didn't 'work out', 'we won't keep Timmy indefinitely'.<sup>29</sup>

It was seven months, May 1992, before Timmy was seen mating with a female gorilla at the Bronx Zoo. As of November 1992, he was not confirmed to have impregnated any females despite several matings. Usually it takes several oestrus cycles before a female gorilla becomes pregnant, but Timmy's low sperm count may make offspring all the more unlikely. Meanwhile, an animal protectionist who has monitored events in the lives of Timmy and Katie wrote,

I was at the Bronx Zoo in September [1992] and saw Timmy on two occasions. On both occasions, for the better part of eight hours, Timmy sat on a rock. The only time he moved off of it was to sit against a wall for about twenty minutes ... I was in Cleveland prior to going to New York, and while in Cleveland, I spoke to five people who had also been to the Bronx Zoo, and their sightings were the same as mine.<sup>30</sup>

**Acknowledgement** - The author wishes to thank PETA senior writer Christine Jackson for drafting the second section.

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<sup>27</sup> Michael Sangiacomo, 'Zoo to end love affair, hopes gorilla will mate', *Cleveland Plain Dealer*, 3 September 1991.

<sup>28</sup> William G. Conway, 'Bronx gorillas waiting', *Cleveland Plain Dealer*, 2 October 1991.

<sup>29</sup> Roberta White, 'Timpotent! Zoo's big ape is just a shy guy', *New York Post*, 24 February 1992.

<sup>30</sup> Florence Semon, personal communication, 10 November 1992.