

THE ANIMALS' ADVOCATE

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Swim-with-the-dolphin programs under fire

Preliminary research points to hazards for both humans and dolphins



ALDF is supporting the U.S. Government's position that Swim-With-The-Dolphin (SWTD) programs must be carefully evaluated before any further permits are issued. Preliminary reports from several national dolphin experts indicate that the programs may be hazardous to dolphin and human participants. ALDF is concerned that these programs may become yet another avenue for the exploitation of animals.

The National Marine Fisheries Service (NMFS) is conducting a three-phase research study to be completed in June, 1994, scrutinizing SWTD programs. Serious concerns have been raised about the effects on captive dolphins, on wild dolphin populations and human health

and safety. (See Point of Information, page 6).

Recently, NMFS denied an application by the Mirage Hotel for a permit to have a SWTD program at their resort hotel in Las Vegas. Consequently, the Mirage filed a suit in the U.S. District Court, Las Vegas, Nevada, to challenge the decision. The suit alleges, among other things, that the Mirage has been denied due process because NMFS's refusal to grant the SWTD program permit was made in an arbitrary and capricious manner. The hotel also claims that the NMFS has no legal authority to regulate the care and maintenance of captive marine mammals (that is, any marine mammals that are not wild), and consequently, no right to regulate or issue permits for SWTD programs.

Attorney Bruce Wagman has submitted an *amicus curiae* (friend of the

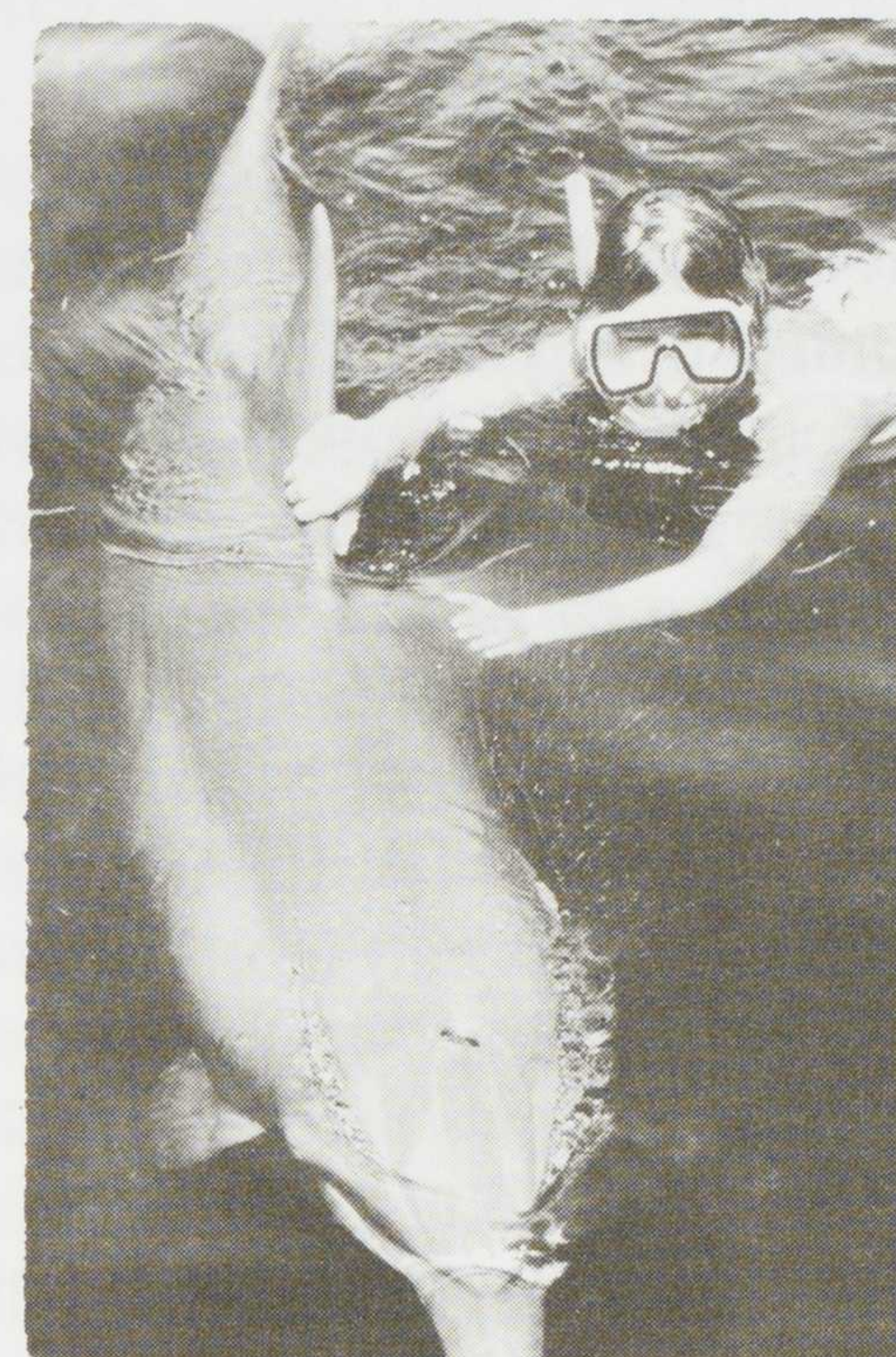
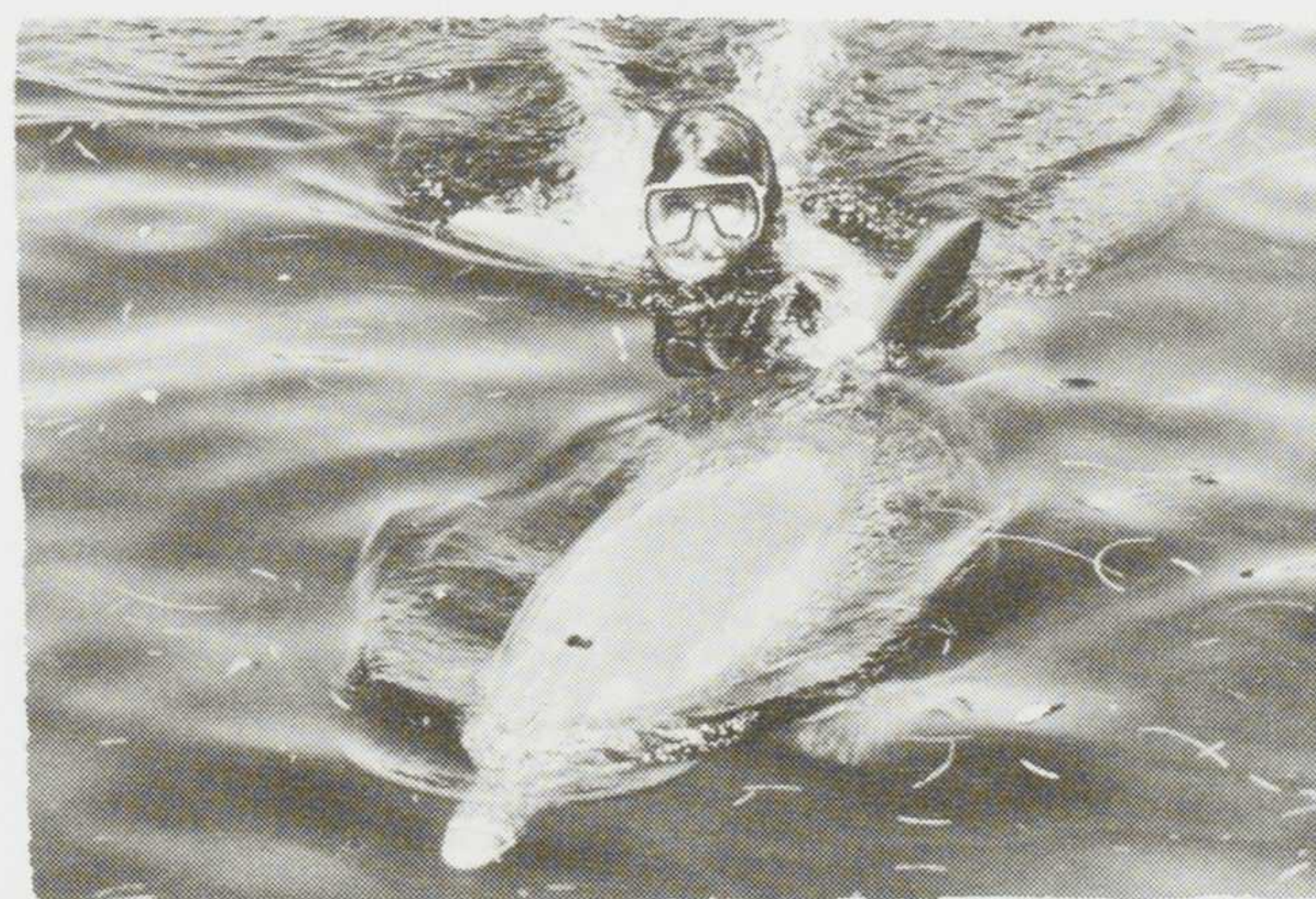


PHOTO: BRIAN PARKER/TOM STACK & ASSOCIATES

court) brief on behalf of ALDF, in support of the NMFS decision to deny additional permits until the concerns have been fully researched and evaluated. The amicus brief focuses on the mandated role of NMFS under the Marine Mammal Protection Act, to regulate both captive and wild marine mammals. This is an important case in addressing the appropriateness of the SWTD programs.

The Animal Legal Defense Fund is opposed to the use of dolphins for commercial/recreational human use that removes the mammals from their natural habitat. We believe it is impossible to provide viable living conditions for them in confinement. 🐬

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