

Policy Advocacy: The Politics of Big Cat Protection in Arkansas

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***Abstract:** This article describes a strategy for policy advocacy at the state level, using a case study of an attempt to ban private ownership of large, carnivorous cats in Arkansas. Such a policy is designed to link animal rights with the larger issue of species conservation. As candidates who favor the environment have had a harder time getting elected to federal office in recent years, and as spending by corporate interests substantially outweighs that of environmental interests, more favorable venues must be found and utilized. Smaller states where campaigns are less expensive and legislators are more accessible lend themselves to lobbying on behalf of conservation. Small, non-profit organizations can successfully match image with venue in these circumstances, providing a way for academics to engage in the policy process without compromising professional ethics.*

Introduction

In recent years, private ownership of big cats and other large carnivores has become chic. However, cute and cuddly lion or tiger cubs quickly outgrow living spaces and become too problematic for people without proper training to manage. They are expensive to care for, and are a public safety hazard. Often they end up in private zoos or game reserves and suffer from neglect and malnutrition.

This study describes how a small 501(c)(3) organization—the Tiger Protection Institute¹—was able to get legislation passed in the Arkansas State House of Representatives banning ownership of large carnivorous animals, and how this can apply to species conservation and environmental policy making in an era of retrenchment. Utilizing the non-profit organization structure can enable academics to engage in the policy process without compromising professional ethics or rules against direct lobbying or campaign activity.

By banning private ownership of large carnivores such as tigers, lions, leopards, jaguars and cougars, Arkansas would join twenty-one other progressive states² that have

already put similar legislation into effect in recent years in order to encourage species conservation (see Paquette 2004; Animal Protection Institute 2005). Arkansas would also have the toughest law of any state in the South. Unregulated private ownership and unrestricted breeding of large carnivores, especially large cats, is becoming a problem nationally, as illustrated by the escape and subsequent killing by police, of a large tiger owned by a celebrity in Florida on July 13, 2004 (AP 2004). The near-fatal attack of Roy Horn on a Las Vegas stage by one of his captive tigers has given the issue greater public exposure as well.

A bill passed by the United States Congress in 2003 sought to bar interstate commerce of carnivorous big cats in an attempt to curb the exploding population of large cats in the United States, but does not have much enforcement power, nor does it really regulate what happens within states. Given the hostility in Congress towards new environmental or preservation policies generally, states would seem to be the more favorable policy venue for this type of legislation. Though there are considerable regional variations which need to be considered.

Though it is a socially conservative state, Arkansas makes an effort to maintain its environment for economic reasons. It is a premier location in the mid-South for hunting, fishing, and other outdoor activities, such hiking and rafting. Because of this, the state government makes more of an effort to maintain the environment than other small, southern states. Public opinion also supports balancing environmental protection with economic concerns (Arkansas Poll 2001).

Its size, and the relative accessibility of elected officials, makes Arkansas a favorable venue for the proposal of environmental legislation. Having charismatic species

such as lions and tigers involved is also a good way to promote habitat protection, as well as public safety and cruelty prevention. This is a classic example of Baumgartner and Jones' (1993) notion of matching image and venue in public policy making. However, special effort must be made to explain the link between animal rights, non-native species conservation, and public safety to legislators and citizens.

Animal Rights and Conservation Policy

In years past, the species conservation movement got a great response from government. During the 1970s, Congress passed several important pieces of legislation, especially the Endangered Species Act, and created new executive agencies, or empowered existing bureaucracies, to carry them out (see Lester 1995). With the advent of the Republican takeover of Congress in the mid-1990s, however, there has been little in the way of new policy creation. In fact, environmentalists and animal rights proponents are barely holding on to the gains made in past decades as the second Bush administration further attempts to erode conservation and preservation policies (Vig and Kraft 2003). Anthony Downs (1972) might have predicted the decline in new environmental policies with his issue attention cycle, but issues concerning climate change, habitat decline, urban sprawl, and species extinction have festered on the policy docket, despite receiving a great deal of regular media coverage.

Robert Duffy (2003) discusses how traditional methods of politics, namely campaign contributions, which worked so well for environmental and species conservation in past decades, are no longer effective because such groups cannot match the amount of campaign dollars contributed by corporate interests hostile to conservation policies. These corporate interests out-contribute environmental and related groups by a

ratio of 100 to 1 (Duffy 2003). Environmental and related concerns have also increasingly become partisan issues. Those Republicans who favor greater environmental regulation are either considered mavericks and ignored, as in the case of Sen. John McCain, or are run out of the Republican caucus altogether, as in the case of Sen. Jim Jeffords. With the more pro-environment Democrats taking heavy losses for three consecutive election cycles, the fate of environmental protection at the hands of elected national officials looks bleak. Hence the need for different, more sympathetic venues than the federal government, and increasing calls for direct action.

Revolutionary environmentalism has picked up steam in recent years because of the accurate perception that government has become unresponsive. So-called “eco-terrorists” believe they must speak out on behalf of Mother Earth, before our gluttonous behavior destroys the planetary eco-system, and eventually, the human race (Rosebraugh 2004). Groups like the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF) ascribe to the ideology of “deep ecology” and believe that direct action in the form of property destruction and resulting higher insurance premiums is the only way to stop environmental degradation (Rosebraugh 2004). While attacks by such groups are often very sensational and do sometimes achieve some of their stated objectives, they have not resulted in substantive public policy change at the national level.

Does this mean that all is lost for the species conservation movement? Certainly not: while conservationism may be in retrenchment, the political tide must turn at some point. Until that happens, there are other venues besides Congress and the White House where change can be effected (Lester 1995; Vig and Kraft 2003). Sensational events not unlike the 1989 *Exxon Valdez* oil spill in Alaska can put habitat and species protection

back on the policy agenda at any time. Though Islamic terrorism and homeland security are currently big issues, this will not always be so. Issues of concern to the environment will continue to demand attention (Hansen 2004).

While Washington, DC, may be unresponsive to macro-issues like climate change, smaller issues that eventually lead to habitat preservation, such as the conservation of charismatic species, may be pursued in more favorable venues. But such incrementalism is slow-going and not sensational enough for the likes of the revolutionary environmentalists (Rosebraugh 2004). The federal government can also use the recovery of charismatic species against them, arguing that they and their habitats no longer require governmental protection. Current efforts to de-list grizzly bears and wolves in Wyoming, Idaho and Montana from endangered status under the ESA are examples (see Skopek and Schuhmann 2005). Activists cannot back down from this challenge.

State Level Policy Making:

Conservationists continue to be active at the state level. Part of this is simply by necessity. The practice of devolution in the early 1990s compelled states to become more active players in environmental regulation (Hedge and Schicchitano 1992; Hedge 1998). Relying on states to protect habitats is often problematic however; they are not consistent, have fewer resources, and can be subject to “agency capture” by corporate interests (Lester 1995). Nevertheless, states can be utilized as “policy laboratories” in the pursuit of new solutions to current problems (Rivlin 1971; Wright 1988). What works on a contingency basis at the state level can then percolate up to the federal government when the time is right (Hansen 2004).

There are a number of factors that enter into whether a particular state is a positive venue for environmental policy experimentation, including political culture, wealth, political will and institutional capacity (Lester 1995; Ringquist 1993). Despite having been stuck with additional tasks that they may not want, Rabe (2003) asserts that many states have gone beyond federal requirements concerning environmental regulation. This is certainly true with regard to big cat conservation, where the federal government has been much less active, while roughly a quarter of the states have taken the initiative to protect both citizens and endangered species.

James Lester (1995, 54-55) lumps the fifty U.S. states into four categories depending on political will and regulatory resources. These are the Progressives, the Strugglers, the Delayers, and the Regressives. The Progressive states are those we would expect, such as those on the West Coast and the Northeast, with strong environmental ethics and regulatory institutions. These are also typically the states that have big cat conservation laws. The Strugglers have the political will, but lack the institutional capacity to engage in sufficient environmental protection, while the Delayers have the opposite problem. The Regressives are usually those states in the South, which tend to have an anti-environmental political culture.

Just being in the South is not automatically a guarantee of a lack of environmental progress. For instance, Florida makes Lester's Progressive list. This is likely because Florida's tourist economy depends a great deal on a clean recreational environment, which necessitates habitat preservation and species conservation.

Another southern state that has recognized the economic benefits of conservation in recent years is Arkansas. Over the past few decades, the South has increasingly come

to be dominated by Republicans, although ticket-splitting still occurs (Fiorina 1996). Both Florida and Arkansas are considered “red states” in presidential elections, but both states still retain relatively strong Democratic Party organizations. This is especially true in Arkansas, where three out of four congressmen and both senators are Democrats, and the Democrats have overwhelming majorities in both houses of the state legislature. This would seem to make Arkansas a favorable venue for the passage of big cat conservation laws. But whether they are sympathetic to the plight of non-native species is subject to debate.

The Natural State:

A few years ago, Arkansas changed its state motto to “The Natural State” to better reflect a new emphasis on the natural environment and related recreational activities, which generate revenue for the state government. Arkansas is often considered to be the most liberal Southern state (Broadway 2002). It is certainly one of the last outposts of the Democratic Party in the South. As such, one might expect less hostility towards environmental regulation. Arkansas maintains primary regulatory responsibility under the Clean Air and Clean Water Acts (Ringquist 1993). It has active environmental protection agencies like the Department of Environmental Quality (DEQ), which is the state’s mini-EPA, and the Department of Game and Fish. While many states’ regulatory agencies fall victim to agency capture by those industries they are trying to regulate, Arkansas’s agencies have been relatively stronger, since the state does not have a large energy industry. However, Tyson Foods Inc. has come under fire in recent years for contaminating the water with chicken waste, while state agencies have maintained a

hands-off policy toward the industry because of their strong lobby, casting some doubt on this assertion (Stephens 2002).

The 2001 Arkansas Poll surveyed state residents on environmental attitudes.³ This study was designed primarily to be descriptive of environmental attitudes and to provide a record of Arkansas' public opinion at the time (see also Hansen and Schreckhise 2004). The main concepts the environmental questions in the survey measured were the respondents' level of trust and efficacy (confidence) in elected officials' and state institutions' ability to balance the state's need for economic development with conservation of natural resources. Overall, residents gave state officials and institutions high marks. Roughly fifty-four percent approved of the way the state balanced economic development with environmental concerns. Sixty-three percent viewed the state's efforts to balance energy needs with environmental protection favorably. Fifty-six percent gave the state's Department of Environmental Quality (DEQ) high marks for enforcing environmental laws and regulations.

A sizable majority of citizens, fifty-eight percent, view state agencies as more effective than the federal government when it comes to environmental regulation. This is not terribly unusual however, as most citizens are likely to trust local and state governments more than the federal government (Somma, Nikolai and Skopek 1999). The news was not totally positive, however. Almost fifty-four percent did not feel that state officials took into account the opinions of individuals when formulating environmental policies, which would indicate a lack of political responsiveness. Our relative ease at getting big cat conservation legislation passed in the Arkansas House in 2003 would

seem to belie the political responsiveness issue. Then again, our failure to get it passed in the Senate may substantiate it.

However, large carnivore conservation in the state was not a high-profile issue at the time of the survey in the fall of 2001, but a discussion of the study serves to indicate that environmental issues are important to citizens and the state government as a whole. Compared to most other southern states, Arkansas would seem to be a favorable venue for the experimentation of environmental policies. For Baumgartner and Jones (1993) finding access to the appropriate venue is crucial to successful policy making. A second crucial variable is image. The use of charismatic species by environmentalists to attract attention to habitat destruction is a tried and true method. Regulation of private ownership of large carnivorous animals, especially big cats, has great potential to match images of endangered species with a favorable regulatory venue in the state of Arkansas.

A Model for Big Cat Protection

The typical paradigm for environmental policy change has been viewed as one where legislators act in response to mass politics and campaign contributions, often following on the heels of some sensational disaster (Downs 1972). But this does not necessarily have to be the case, as we argue in this article. Big cat protection laws in a dozen states were passed prior to sensational events, such as the tiger attack on Roy Horn. Our conservation law also passed the Arkansas House in advance of this occurrence.

Rather than mass mobilization, perhaps smaller organizations with more narrowly focused agendas would be more effective, similar to those discussed by Mancur Olson (1965)⁴. As Baumgartner and Jones argue, spin is also important (1993)⁵. If species

conservation issues are redefined as public safety or economic development issues, they can pass the muster of more conservative legislators reluctant to be labeled as too “green” by their opponents. Conservation organizations set up to act in the public interest are also less likely to be labeled as “special interests” or “influence peddlers” because they do not have the resources to make large campaign contributions.

In fact, these types of organizations are prohibited from doing so by law (Hopkins 2001). This gives them the appearance of neutral objectivity. Rather than trading on contributions, such organizations use information as political currency instead (see Schlozman and Tierney 1986 for a discussion of interest group strategies). As government agencies become increasingly politicized or captured by the interests they are supposed to be regulating, certain not-for-profit organizations may become the last bastion of Progressive reform.

The Non-Profit Organization:

The organizational structure employed to advocate conservation of large carnivores in Arkansas was the 501(c)(3) not-for-profit organization. There are several advantages to using this structure, as described above. However, the main advantage was that it allowed a very small number of concerned academics with few resources to engage in policy advocacy with some measure of success.

By working within the system in this way, we had cover against professional retribution, which would not be the case if for example we had been arrested for burglarizing and releasing captive animals, not unlike tactics utilized by the ALF. We could also not be accused of engaging in partisan or campaign-related activity by working through such a construct. Drucker (1990) maintains that non-profit organizations

of this type should be mission-driven. Given that our Tiger Protection Institute has a single motivation, not unlike that of many other purposive interest groups, it is not terribly difficult for us to maintain our overall focus.

Wolf (1999) argues that in order to qualify as a non-profit organization, a group must legally qualify as a charitable or public interest organization and meet the following five criteria. They must have: 1) a public service mission, 2) an organizational structure consistent with that of other non-profit or charitable corporations, 3) specify a lack of self-interest or desire for private financial gain, 4) federal tax exemptions, and 5) special legal status enabling the write-off of gifts or contributions (Wolf 1999, 20-21). Hopkins (2001) discusses the utilization of 501(c)(3) organizations for the sake of environmental conservation. This purpose is consistent with the missions of other charitable organizations, which can include the advancement of science, lessening the burdens of government [in our case, EMS and law enforcement], as well as public health and welfare (Hopkins 2001, 38-39).

There is a clear distinction to be made between an environmental conservation group and political organizations. While political organizations are typically tax exempt, they are created expressly for the purpose of influencing election outcomes, and take the form of Political Action Committees (PACs). Certain types of income, such as investment income generated by PACs can be taxed, whereas with charitable organizations this is often not the case. They are also each subject to different sets of laws. PACs are subject to the Federal Election Campaign Acts, whereas charitable organizations are more directly governed by the tax codes. But most importantly,

charitable organizations are expressly forbidden from taking part in electoral campaigns (Hopkins 2001; see also Ott 1999).

Case Study Methodology:

The case selected for this study—the state of Arkansas—was of course chosen for convenience, but also for its unique feature of being a relatively pro-environment Southern state.⁶ A previous study indicated that feelings of trust toward the state government on environmental issues “are related to positive attitudes toward the state’s environmental protection agency, assessments of the state leaders’ desire for input, projections of the general direction of the state, personal retrospective economic evaluations, residence in a non-farming region, and a liberal political ideology” (Hansen and Schreckhise 2004, 1). Our study assumes these attitudes continue to be reflective of public opinion, and that being representative of such opinions, legislators will exhibit political behavior in support of these views.

The causal relationship we seek to demonstrate is one where image and venue are matched to achieve policy aims as described by Baumgartner and Jones (1993). Our not-for-profit organization lobbies the legislature to effect a change in the law,⁷ not necessarily in as high a profile as Downs (1972) or Kingdon (1984) would have us believe is required. Instead, our experience is more like what Mayhew (1974) or Fenno (1978) described where information is brought to bear on issues and acted upon. The method used was participant-observation.

Why does this analysis matter? We believe that it contradicts conventional wisdom and contemporary theory, which posits that in order to effect policy change, political actors must generate widespread public opinion or contribute large amounts of

money to candidates for elective office via large organizations. In many places the conventional wisdom is undoubtedly true, such as in Washington, DC, or large states like California and New York. However, other venues can be just as valuable, despite having been overlooked by the literature. This case allows us to get at that notion. We also aim to bring greater attention to the issue among the Green community for informational purposes.

Banning Private Ownership of Big Cats in Arkansas

As stated in the introductory section, twenty-one states have laws restricting or banning the ownership of big cats. Fourteen states also have statutes regulating private possession.⁸ Still, it is relatively easy and inexpensive to obtain lion or tiger cubs (MSNBC 2003). However, in a few short years they become too large, expensive and unmanageable for the average person to maintain. Often the animals are neglected, hungry, abused and suffer from a lack of veterinary care. There are an estimated 15,000 big cats and other large carnivores in captivity in the U.S. Ten thousand of these are tigers, which is estimated to be two to three times their population in the wild (Handwerk 2003; MSNBC 2003).

Clearly the animals belong in their own habitats and not in our backyards, which is also the position of the USDA, the federal agency that regulates private zoos, refuges and policy concerning the ownership of exotic pets (USDA 2000). That being said, how can private ownership of these creatures be discouraged? The problem is more complicated than simply passing laws. Enforcement and effect implementation are crucial. But well-written legislation is a necessary first step (see Mazmanian and Sabatier 1983). The Tiger Protection Institute, our 501(c)(3) organization, has provided such

legislation for passage by the state government in the form of House Bill 2857 (2003) and would attempt to serve as a “watchdog” organization to assist with policy implementation.

Problem Definition:

By “large carnivore,” we mean those species of animals that are inherently dangerous to humans. Large carnivores include, but are not limited to tigers, lions, cougars, leopards, ocelots, servals, all bears, bobcats, lynx, cheetahs, jaguars, and any hybrids thereof⁹. A “possessor” is any person who owns, harbors, or has custody or control of a large carnivore. “Wildlife sanctuary” means a non-profit organization as described by the Internal Revenue Service that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced large carnivores are provided care for the duration of their lifetime. A wildlife sanctuary does not conduct any activity that is not inherent to the animal’s nature, use the animal for any type of entertainment, sell, trade, or barter the animal or the animal’s body parts, or breed the animal for purposes of sale (HB 2857, 2003).

It is not known how many large carnivores are in human possession in the state of Arkansas. There are about twenty-two private zoos, preserves and sanctuaries in the state, but it is not known how many contain big cats. While twenty states have ownership bans of the type we advocate, and fourteen states regulate large carnivore possession (Paquette 2004), policy is inconsistent and the threat to public health and safety, as well as that of the animals themselves, remains a substantial problem. Many who possess predatory animals claim they are doing it for captive breeding and species preservation, but this is a fallacy because they do not re-release animals back into the wild (Paquette 2004).

Some of these animals are used as target practice on simulated “big game” hunts, or killed and served up as exotic meals. For some strange reason, lion steaks are considered a delicacy. Ideally, large carnivores belong in their natural habitat, not as household pets. Efforts at species preservation should focus on habitat preservation, not on captive ownership or possession. Ownership bans are designed with this ultimate goal in mind (Tiger Protection Institute 2003).

Causal Assumptions:

It is the intent of the legislation to compel the state of Arkansas to protect the public against health and safety risks that large carnivores pose to the community, and to protect the welfare of the individual animals held in private possession. By their very nature, these animals are wild and inherently dangerous and, as such; do not adjust well to a captive environment. The law prohibits any person to own, possess, keep, harbor, bring, or have in one’s possession a large carnivore, except in compliance with the law. It is also prohibited for the possessor or any other person in control of a lot, tract, parcel of land, residence or business, to knowingly permit any other person to be in possession of a large carnivore. Additionally, it is prohibited for a person to breed a large carnivore, in order to reduce the overall captive population (HB 2857, 2003).

Exemptions:

There are two clear exemptions to the law. The first involves wildlife sanctuaries that provide succor to the unfortunate animals and act in accordance with government regulation. The second involves *ex post facto*, prohibiting retroactive enforcement of the statute. The provisions of this act will not apply to institutions accredited by the American Zoo Association, registered non-profit humane societies, animal control

officers or law enforcement officers acting under the authority of the law, veterinary hospitals, clinics, or any wildlife sanctuary as defined under this act (HB 2857, 2003).

The statutory grandfather clause stipulates that a person may possess a large carnivore only if the following conditions are met: 1) the person was in possession of the large carnivore prior to the effective date of this act and is the legal possessor of the large carnivore, 2) the person applies for and is granted a personal possession permit for each large carnivore in the person's possession within 90 days after the effective date of this act, 3) the large carnivore must be spayed or neutered before any permit will be issued to the possessor, unless a veterinarian confirms that spaying or neutering would endanger the animal (HB 2857, 2003).

Persons who meet the requirements set forth in the legislation shall annually obtain a personal possession permit, which involves a stringent, detailed process. Subsequent to the effective date of this law, no new large carnivore may be brought into possession under authority of a personal possession permit (HB 2857, 2003). Though the bill permits possession, it discourages the practice by creating a regulatory inconvenience.

Additional Regulations:

The possessor of a large carnivore is required to maintain the cage requirements recommended by the American Zoo Association for each species of large carnivore. Any deviations from the regulations must be approved by the state upon showing of good cause. Failure to provide adequate caging as set forth in this act will result in the cancellation of the possession permit. The possessor of a large carnivore must have posted and displayed at each possible entrance onto the premises where a large carnivore

is kept a sign that is clearly legible and easily readable by the public, warning that there is a large carnivore on the premises (HB 2857, 2003).

If any large carnivore escapes or is released, the possessor of the large carnivore must immediately contact law enforcement officials of the city or county where the possessor resides to report the escape or release. The possessor is liable for all expenses associated with efforts to recapture the animal, which is not inexpensive in many instances. The possessor shall not bring a large carnivore to any commercial or retail establishment unless the possessor is bringing the animal to the veterinarian clinic (HB 2857, 2003).

Enforcement Provisions:

The possessor of an exotic animal, at all reasonable times shall allow an official of the state of Arkansas, animal control, or law enforcement officials, to enter the premises where the animal is kept to ensure compliance with this act. Any large carnivore may be immediately confiscated by the state of Arkansas if: 1) the possessor does not have a personal possession permit, 2) all provisions of this act are not being met, and 3) conditions under which the large carnivore is being kept are directly or indirectly dangerous to human health and safety. Failure to cooperate with law enforcement concerning this policy is a misdemeanor punishable in accordance with the laws of Arkansas (HB 2857, 2003).

If a large carnivore is confiscated, the possessor is liable for the costs of placement and care for the large carnivore from the time of confiscation until the time the animal has been relocated to an alternative facility, such as a sanctuary, humane society, or an institution accredited by the American Zoo Association. A person found acting in

violation of this act is guilty of a misdemeanor punishable in accordance with state law and confiscation of the animal. Both the costs of ownership and of failure to follow the law are intentionally prohibitive for all but zoos. This is designed to reduce the demand for large carnivorous exotic pets. Spaying and neutering are designed to further reduce the supply, and hence to indirectly increase the cost, of owning a predatory cat (HB 2875, 2003).

Framing the Issue:

Besides finding the appropriate venue, Baumgartner and Jones (1993) also maintain that image, or what is commonly called political spin, is important for policy success as well. Simply explaining the need for tiger conservation in their natural habitat is not likely to generate a great deal of support among politicians in a small, southern state with financial crises in health care and education. Arkansas is too far removed from such a problem. However, the issue of big cat conservation can be brought to bear on Arkansas by emphasizing the public health, safety and welfare inherent in the private ownership issue, which was the tack that we took in attempting to persuade legislators to adopt our statute.

A secondary element involved preventing animal cruelty. A somewhat related ballot initiative was passed on Election Day in 2002, making it a felony to harm dogs, cats and other pets. The rationale behind this law was that people who harm animals eventually turn to other human beings as targets for violence. This initiative also indicates a measure of support against cruelty towards animals more generally. The combination of public safety and anti-cruelty images was an important argument for legislators who sponsored and pushed our bills conserving charismatic carnivore species. Extending the

argument further, one can make the case that what is harmful to other species is ultimately also harmful to our own.

The strategy used to make these arguments and to pass the legislation was relatively simple. Over a period of months during the 2003 legislative session, we contacted legislators who were sympathetic to the issue and explained the public safety and cruelty elements in a rather low-key letter writing campaign and via personal visits with the bill's sponsors. Communications from our organization to legislators emphasized the danger to the public, particularly children, from large cats not caged or cared for sufficiently. We also took advantage of key events, however small they might have been when compared to the high-profile incidents with celebrity ownership of big cats by an actor in Florida and the attack on Roy Horn.

An incident where four adult male lions escaped from a "private safari" near Quitman, Arkansas and roamed free for days before being captured was highlighted. Such events are not in the public interest, nor in the interest of the animals. Though the incident was not as sensational as it could have been, it brought the issue closer to home for the legislature.

We also supplied sample legislation to sponsors in the House based on that passed in other states [the content of which is discussed above] to save them time authoring new statute law. Representative Phillip Jackson of Carroll County, Arkansas, was a crucial player in sponsoring the legislation and shepherding it through committee, and the eventual floor vote in the House. Though the measure failed in the state Senate, we will continue to try and are hopeful of its eventual passage. However, that will not be the end of the story.

Policy Implementation:

It remains to be seen how effective the law will be once it has been passed by both houses and signed by the governor. Effective implementation is the key. Just because a practice has been outlawed does not mean it will cease. Often the problem just goes underground, or the new statutes create even worse conditions than existed *status quo ante*. Even in states where ownership is unregulated, breeders tend to maintain a low profile (Animal Protection Institute 2005). Our legislation attempts to reduce both the supply and demand for private ownership of big cats. It also attempts to match an appropriate solution to the stated problem.

Though fourteen states regulate private ownership, and twenty have banned it outright, they still have problems related to effective implementation. A recent example of the difference between intentions and actions in enforcing big cat conservation policy in the U.S. is the state of California. Recently, an escaped tiger was killed in a residential area near the Reagan Presidential Library in Simi Valley. Attempts at baiting and capturing the animal alive by state game wardens and the USDA were unsuccessful. When the tiger was finally located, “old and tired-looking,” according to one witness (Covarrubias 2005a), it was quickly shot to death.

Immediately the question was raised as to why the animal was killed, rather than tranquilized. Despite the protests of animal rights activists, officials maintain that the health and safety of residents and motorists precluded them from tranquilizing the animal. This is a questionable explanation, given that no attempt was made to sedate the animal before it was killed. Also, no one has claimed ownership of the animal. Officials seem to think it was kept illegally until its escape (Covarrubias 2005b).

Despite having had an ownership ban in California since 1992 (Animal Protection Institute 2005), this incident illustrates the difficulty of enforcing the law. Though state Fish and Game wardens and local law enforcement are empowered to kill difficult animals, and have shot cougars that attack humans, this is generally not the intent of legislation regulating big cat ownership or animals in habitats on the periphery of human civilization. Illegal possession clearly remains a big problem in California. Florida is another state that has had similar high-profile implementation problems. Clearly, banning the problem does not solve it outright, but it is a good first step.

The intention of the Tiger Protection Institute is to assist state regulators and law enforcement in the implementation of the new law once it is passed. This could be done by providing information and training for practitioners, by monitoring private zoos, by providing a venue for anonymous tips concerning violations, and eventually providing financial assistance to approved sanctuaries for the care and protection of neglected animals. The institute currently does not have the institutional capacity to engage in these activities. This would require a change in focus, an expansion in the number of volunteers, and a substantial fundraising strategy.

Conclusion

This study serves to illustrate how a small 501(c)(3) not-for-profit organization can influence species conservation policy processes. While our findings are not earth shattering, they demonstrate methods that are often overlooked in the literature because they are not sensational enough. This “shallow ecology” case study lends credence to the view that image and venue continue to be important in achieving public policy goals.

Selecting a small, southern state as a venue for conservation and achieving some measure of success is a counterintuitive finding.

However, our case has shortcomings because we were not totally successful in getting our legislation passed by both houses of the state legislature. We are in all likelihood, too small of an organization to effectively take on such a large endeavor at the present time. We failed to take advantage of the national exposure provided by sensational events in the media concerning the big cat ownership issue, though we were able to utilize similar local occurrences to our benefit. Thus, we were able to match image and venue, but only to a certain extent.

Arkansas does not have a strong energy industry, and its perceptual orbit takes into account the economic benefits of having strong environmental policies. Add to this the relative strength of the Democratic Party and relatively higher propensity towards ideological liberalism compared to other southern states, and Arkansas begins to look more attractive as both an animal rights and species conservation policy venue.

Though its methods are more conventional than the direct action advocated by “deep ecologists” the Tiger Protection Institute ultimately shares similar goals, the survival of species in their natural habitats. This case demonstrates that traditional methods of writing legislation and providing information to decision-makers can still be done without the benefit of large campaign contributions. In fact, the tax law governing the structure of 501(c)(3) organizations expressly prohibits any type of involvement in political campaigns. This maintains an appearance of objectivity, and provides academics with a way to engage in policy advocacy without compromising professional ethics.

As far as its applicability to other types of environmental issues is concerned, the big cat conservation issue brings environmental safety and security home to individuals. In this sense, environmental concerns are personalized for ordinary citizens who may not pay as much attention to these issues as those of us who study and advocate for them. If one is aware of the danger of attack from someone's escaped pet tiger when they are taking a leisurely stroll through their neighborhood, then they might also consider the needs for habitat preservation and species conservation.

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¹ The Tiger Protection Institute supports legislation banning the private ownership of big cats, and strong regulations restricting the manner in which big cats are kept in captive situations. They serve as a watchdog organization for captive big cats and to keep the public informed about any unlawful activity or misconduct regarding captive big cats (Tiger Protection Institute 2003). Though the immediate problem concerns animal rights, the underlying cause of this problem is the failure of governments and the international political economy to protect natural habitats globally so that mega-fauna can exist in their natural state. Attempting to redress the pain and suffering of individual large carnivores, while an important end in itself,

is also crucial for educating the public on the underlying causes of habitat destruction and the need for preservation.

² States that outlaw keeping big cats as pets include; Alaska, California, Connecticut, Florida, Georgia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Utah, Vermont, Virginia, and Wyoming (Animal Protection Institute 2005).

³ The 2001 Arkansas Poll was conducted by the University of Arkansas Center for the Study of Representation, October 17-20, 2001. Using random sampling, 767 residents of the state were surveyed with a +/-3 percent margin of error. Note that the survey sampled all residents, not just registered voters or citizens. Roughly 57 percent of the sample is female, meaning that women were over-sampled. However, this is not an unusual occurrence in survey research. Racial and ethnic minorities were somewhat under-represented in the sample.

⁴ When discussing the efficiency of small groups, Olson maintains, “the larger the group, the farther it will fall short of providing an optimal amount of a collective good” (1965, 35) because it may have a tendency to lose its focus or fall victim to individual competition for control of the group’s agenda. Large groups can also be hampered by other collective action dilemmas such as the “free rider problem.”

⁵ Baumgartner and Jones (1993) posit that effective policy making is a result of sophisticated efforts on the part of organized interests to match politics and policies with the appropriate institutional venues. For example, if they fail to protect their interests in the court system, groups will turn to the Congress. If they fail at the federal level, they will try state legislatures, and so on, until this “venue surfing” behavior results in the desired ends. Changing venues requires tweaking the policy image, commonly known as political spin, to appeal better to the individual motivations (say, of legislators) or to the institutional interests of the venue involved (say, the courts or bureaucratic agencies with rule-making powers).

⁶ See King, Keohane and Verba (1994) for a more in-depth discussion of picking cases based on the independent variable.

⁷ These are our main research propositions. See Yin (1989).

⁸ States with statutes that regulate but do not ban large carnivore possession include; Arizona, Delaware, Indiana, Maine, Mississippi, Missouri, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Texas. States with bans typically have grandfather clauses and regulations in addition to the bans (Animal Protection Institute 2005).

⁹ Strangely enough, federal laws do not really cover sub-species hybrids, which provide private breeders with a loophole in the law. Whereas breeders may not be able to sell Bengal tiger cubs and ship them across state lines, there are no such restrictions on Bengal-Siberian tiger hybrids.