

the Animals' ADVOCATE

Fall 2001
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THE QUARTERLY NEWSLETTER OF THE ANIMAL LEGAL DEFENSE FUND

INSIDE:
Animals
Seize
U.S. Senate
Floor!

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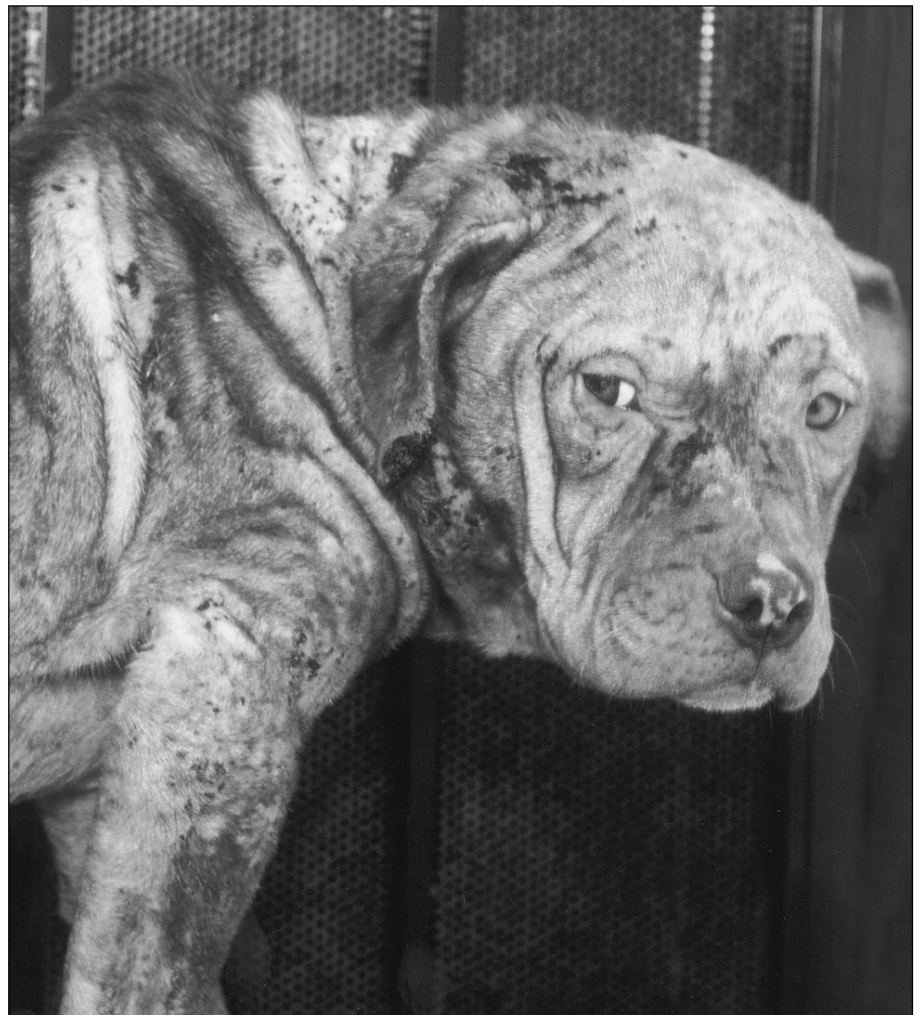
Taking a Bite Out Of Cruelty

One by one, states put teeth in laws to combat animal abuse

When he returned home to Idaho in July from a stint in the Army, Parrish Lynn Hetzler was accompanied by a boisterous chocolate Lab puppy. But when his father ordered him to take the dog to the pound, authorities say, the 21-year-old brought his furry friend instead to a public park — and then brought an ax down on the terrified animal's neck.

Unlike so many accused of brutalizing animals, Hetzler has been formally charged in the killing. But because Idaho treats animal abuse as only a misdemeanor — even when, as the prosecutor in this case alleges, the attack is carried out “in public, in a city park, with a hatchet” — the stiffest penalty he could receive if convicted is a \$300 fine and six months in jail.

Animal lovers are justifiably outraged when such heinous acts of violence are all but shrugged off by the criminal justice system. But now for the good news: That outrage has propelled a decade-long, nationwide shift to tougher laws, more vigorous prosecutions and sterner sentences for those found guilty of abuse. Growing recognition of the correlation between animal cruelty and violence toward humans, including



domestic abuse, has given the trend added momentum.

“People are more aware of the link,” says Stephan Otto, an attorney with ALDF’s Anti-Cruelty Division in Portland, Ore. “So whether they care about animals or not, they’re worried about their own safety.”

And lawmakers are listening. As recently as 1993, only seven states treated violence against
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This severely neglected puppy, discovered tied up in a backyard, was rescued just before the above photo was taken. Today she’s healthy and well cared for.

For the **RECORD**

“It is not pro-life to rely on an industry of death, even if the intention is to find cures for diseases. We can find cures with life-affirming, not life-destroying, methods that are becoming more promising with each passing day.”

Republican leaders **Dick Armey, Tom DeLay and J.C. Watts** explaining why they oppose embryonic stem cell research — and (unwittingly) stating the case for alternatives to animal testing

“Despite any of these accusations, we’ve never been convicted of any single violations (*sic*).”

Less-than-rousing defense from a spokesman for New Mexico’s **Coulston Foundation**, a notorious primate lab the USDA has repeatedly found to have violated the Animal Welfare Act

Letter from the **EDITOR**

A.R. for Beginners

A five-day conference featuring a galaxy of animal rights stars — not to mention a few of the Hollywood variety — is bound to yield moments of illumination. But the most trenchant observation made at Animal Rights 2001 may have come from an unsung activist at a workshop with just a handful of listeners.

Looking back at her life, she confessed it had been easier to tell her parents she was a lesbian than to “come out” as a vegan. The remark drew a knowing laugh from her sympathetic audience, but it says something profound about the state of the animal rights movement in America. Think about it: We’re a nation obsessed with sex, more interested in where our public officials sleep than where they stand. Homosexuality is regularly condemned on our airwaves; violence toward gays and lesbians is commonplace in U.S. cities and towns. And yet many can scarcely imagine a more threatening lifestyle choice than the refusal to consume animal products.

If you care about animals — whether you’re sold on soybeans, or simply count four-leggeds as members of the family — that’s called a reality check.

And so it was apt that the AR 2001 conference, staged by the Farm Animal Reform Movement (FARM), should be held a stone’s throw from the nation’s capital during the week of the Fourth of July. While the rest of America scarfed down barbecued burgers and baby back ribs, a thousand or so activists mustered in McLean, Va., taking in workshops, cheering speeches, listening, learning, networking. For some it’s a yearly pilgrimage, a chance to take the movement’s temperature and, as the late animal rights pioneer Henry Spira put it, “move the peanut forward.”

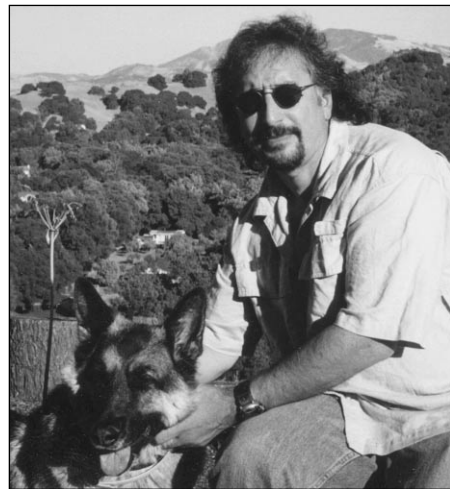
There’s no doubt that the peanut — that is, the cause of animal rights — has come a long way in a short time. But it’s also hard to deny that it’s not where it should be, given the country’s fondness for companion animals and wildlife we deem cute or “charismatic.” Moreover, to judge by Robert Byrd’s recent remarks on the floor of the U.S. Senate (see page 6), the notion that we bear a responsibility for *all* animals’ welfare may be gaining a toehold in mainstream America.

Still, despite growing support for animal *welfare*, neither Sen. Byrd nor John Q. Public has leapt to embrace the cause of animal *rights*. For anyone wondering why, the AR 2001 conference may hold a clue.

At one workshop, participants were asked to share what they meant by “animal rights.” But the discussion never got traction, spinning its wheels in a muddle of philosophy, theology, biology, sociology, political theory and other, slipperier disciplines. In a way, the workshop seemed a microcosm of the movement. It’s not that the speakers weren’t cogent. Many were brilliant. But if activists can’t agree what they mean by animal rights, how is the general public to decide whether to support our cause?

Navigating through constellations of animal groups for days on end, you realize what makes ALDF unique: We know just what we mean by animal rights. A legal right, that is, to their day in court. Considered not as property, or because their mistreatment affects a human owner or observer, but for themselves — as sentient, feeling beings. Animals need legal rights because they have lives and interests of their own. And because without them, they will never be safe from abuse, exploitation and misery.

That’s a brand of animal rights even scandalized parents of vegans should be able to embrace. It might not satisfy everyone at AR 2001. But for the rest of America — for the millions who care about animals, at least — it’s a start.



Barry Bergman
Barry Bergman, Editor

The Animals' Army

Lawyers Enlist in New ALDF Campaign

As longtime members know, ALDF created the Attorney Referral Network in 1981 to respond to calls from individuals seeking legal assistance with animal-related issues. But many may not be aware that the network recently metamorphosed into the Law Professional Volunteer Program. We asked Stephen Wells, the new program's director, to explain.

Why has ALDF phased out its referral network?

Stephen Wells: We've made significant progress in putting the field of animal law on the map, but the system remains heavily tilted against animals. It's crucial that we balance the scales of justice. Under the circumstances, it makes far more sense to have lawyers working in concert to change the system than filing cases independently.

ALDF hears from thousands of people each year who want legal assistance, and we've been able to help many of them get advice and representation over the past two decades. But in order to fulfill our mission — "to protect the lives and advance the interests of animals through the legal system" — we need to focus on the root of the problem.

Which is what?

SW: The main obstacle to successfully resolving most complaints is simply a lack of adequate laws. That's why we're redirecting the energies of our member attorneys toward fundamentally changing how the law views and treats animals. It's the best way to improve the legal remedies available to those who need assistance.

What will member attorneys be working on?

SW: Among other things, they'll be assisting ALDF and local prosecutors with animal cruelty cases as part of our Zero Tolerance for Cruelty program, providing research assistance for ALDF-initiated projects and litigation, and networking with other volunteer attorneys to improve local or state laws. And because education

is key to transforming the legal system, many will be teaching animal law courses, forming animal law sections of their bar associations, mentoring law students, and so forth.

What do I do now if I need legal help?

SW: We're still there for those who contact us. We've developed new and comprehensive legal information packets that deal with the most common problems. They provide general information, guidance for filing a small claims action, tips on finding an attorney, and a lot more. We'll send them free to anyone who calls, or you can find them yourself on our Web site.

Okay. But suppose I've read all the packets, and I still want a referral. Then what?

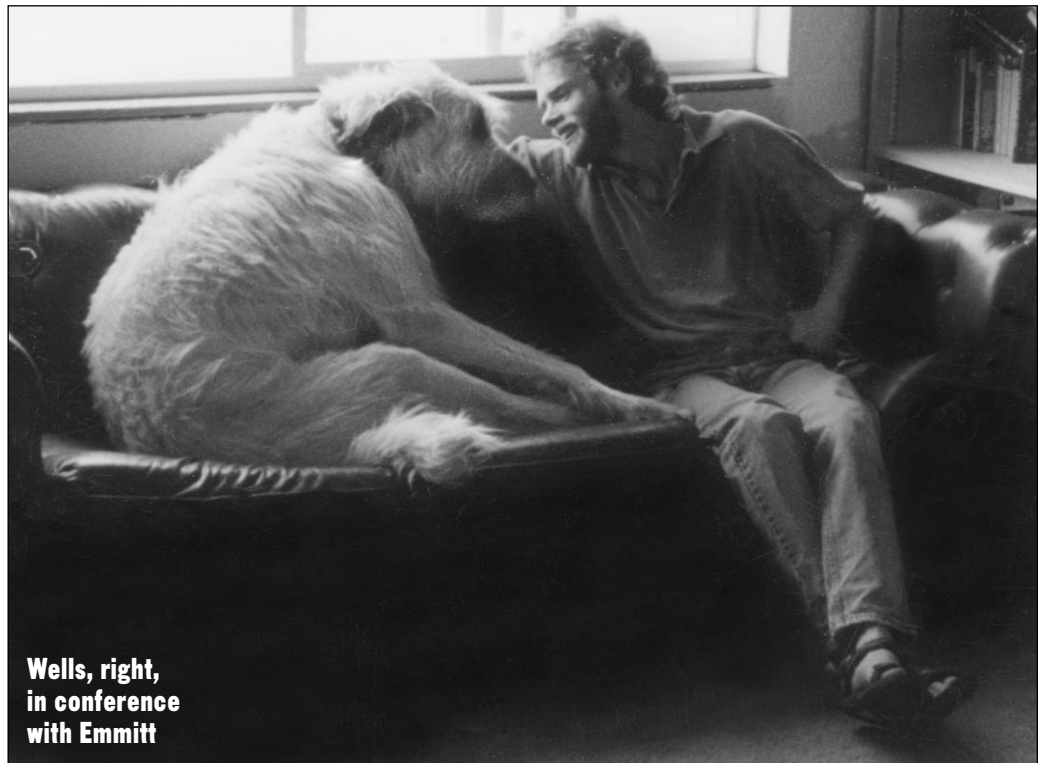
SW: The Animal Rights Legal Foundation is compiling a national list of referral attorneys for animal law cases. Call (703) 234-3953, ext. 9475, or e-mail them at info@animalrightslaw.org.

And if I'm a lawyer myself?

SW: Become a volunteer! Contact me at (707) 769-7771, extension 14, or via e-mail at swells@aldf.org. The Law Professional Volunteer Program needs you. And so do the animals. 🐾

"The main obstacle to successfully resolving most complaints is simply a lack of adequate laws."

Stephen Wells,
Law Professional
Volunteer Program
director



**Wells, right,
in conference
with Emmitt**

Laws With Teeth

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animals as a felony. Today, 34 states (plus the District of Columbia) have enacted felony statutes. Moreover, states with such laws already on the books are making them tougher still, adding provisions that trigger felony prosecution automatically upon a first offense, for example, instead of the second or third, as is often the case now.

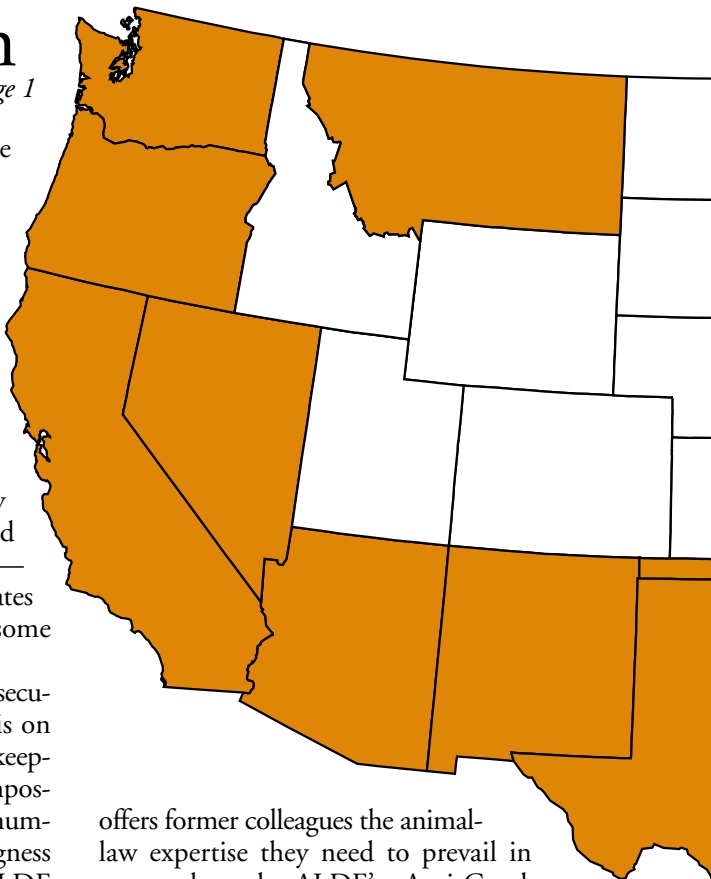
Meanwhile, even in places where legislators haven't quite got the message, many local prosecutors have. And public outcry over cases like Hetzler's — fed by publicity from animal advocacy groups like ALDF, and by heightened attention from the media — could force even stubbornly independent states like Idaho to finally join the pack and put some teeth into their anti-cruelty laws.

Teeth or not, however, the number of prosecutions for animal cruelty and neglect cases is on the rise across the United States. Lax record-keeping by law enforcement agencies makes it impossible to tell whether this reflects a rise in the number of incidents, or simply a growing willingness to report such crimes. Last year alone ALDF received some 14,000 calls, e-mails, faxes and letters about instances of abuse and neglect, and added nearly two-thirds more cases to its database than in 1999. And while many more episodes go unreported, it's getting harder and harder for police and prosecutors to look the other way.

Thank the upsurge in felony statutes for that, says Dana Campbell, a one-time prosecutor who

offers former colleagues the animal-law expertise they need to prevail in court through ALDF's Anti-Cruelty Division. "It's felonies first, then misdemeanors — that's how prosecutors choose cases," she says. "Police are also more likely to work a felony case than a misdemeanor. That's a big benefit of having a felony law."

And even though felony laws don't always result in prison time for offenders, notes Campbell, the added stigma of a felony conviction can



"We want the public to realize how serious a crime this is."

Dana Campbell,
ALDF Anti-Cruelty
Division

Rose-Tu: One Elephant Can Make a Difference

Nudged by a notorious abuse case involving a baby elephant, Oregon has become the first state in the nation to legally recognize the link between animal abuse and violence toward people.


The "Rose-Tu bill," signed into law in August by Gov. John Kitzhaber, increases the penalties for animal abusers with two or more prior convictions for either animal abuse or domestic violence, and for those who knowingly abuse animals in front of children. The new law also prohibits anyone convicted of animal abuse, neglect or abandonment from possessing a domestic animal for at least five years.

And, in an effort to correct violent behavior as early as possible, the state's judges will now have the authority to order psychological, psychiatric or mental health evaluations and treatment for youth offenders.

Oregon previously made only the most egregious acts of animal abuse a felony.

"This is an important step forward for Oregon," said ALDF's Stephan Otto, the law's principal author. "It will help provide better protection for Oregon's animals, and reduce violence in our communities."

The need for better protection was made painfully clear by the ordeal of Rose-Tu, the young Asian elephant abused by her handler last year at the Oregon Zoo. (See *Animals' Advocate*, Summer 2001.) With prompting and assistance from ALDF attorney Dana Campbell, the reluctant Multnomah County District Attorney's office eventually took the defendant to court, resulting in a sentence of two years' probation and a two-year ban on contact with animals.

Besides the new, tougher law, Rose-Tu has also spurred change on another front. On the heels of the conviction in her case, Metro, the elected regional government for the greater Portland area, established an independent task force to help make the zoo "a world leader in the humane and enriching care of animals under its stewardship." Campbell was one of its six members. 

To view the report and recommendations of the Oregon Zoo Animal Welfare Task Force, visit ALDF's Web site.



WHO'S BEHIND THE CURVE?

States shown in orange on this map have enacted felony animal abuse provisions; those in white (including Alaska and Hawaii, below) have not.

still be a deterrent to abuse. “We want the public to realize how serious a crime this is, even when the penalty isn’t that serious,” she says. “It sends a powerful message.”

Which isn’t to say that’s enough. Besides helping prosecutors win convictions in abuse and neglect cases — the heart of ALDF’s Zero Tolerance for Cruelty Campaign — ALDF is actively seeking to make existing felony statutes as effective as possible. Although a growing majority of states like California, Oregon and Washington have strengthened their laws with felony penalties for abusing or neglecting an animal, many still leave the call to judges and prosecutors, while in others the decision depends on the nature of the abuse or the number of previous offenses.

And all too rare in animal protection statutes is something ALDF routinely asks of judges about to sentence convicted abusers. That’s a prohibition on keeping animals, or — as in the recent case of Rose-Tu, a baby elephant abused by her handler at the Oregon Zoo — even being around them. ALDF is intent on getting such provisions added to state laws nationwide.

“We want to be sure that when offenders get out of jail,” says Campbell, “they don’t have the opportunity to abuse animals again.” 🐾

Report abuse to ALDF’s Anti-Cruelty Division at (503) 231-8480. For more information on animal cruelty — and what you can do to stop it — check out ALDF’s Web site at www.aldf.org.

California to Abusers: You’re Busted, Dude

California is anything but mellow when it comes to animal cruelty. The Golden State boasts one of the toughest felony statutes on the books — and it knows how to use it. Three recent cases underscore how seriously the state takes violence against animals:

➤ Andrew Douglas Burnett, who threw a small, 10-year-old dog into oncoming traffic in a “road rage” incident, received the maximum possible sentence of three years in prison. After a now-famous fender bender in San Jose, the 27-year-old Burnett pulled Leo, a white bichon frise, out of the other car and flung him into the road, where he was struck and killed by a car. “I believe that prison can send a message,” declared the judge in the case, “and it can deter.”

➤ Martin Berg, 40, who beat and set fire to a kitten, was sentenced to the maximum prison term of three years and eight months. Berg, a former pizza delivery man in Napa, told police that the kitten, Sara, scratched him when he tried to pet her while making a delivery. After clubbing her with a flashlight, he drove her to the site of his next delivery, doused her with charcoal lighter fluid and set her on fire. Berg also admitted to beating another kitten to death with a metal flashlight a week earlier.

➤ In Eureka, Dale Grant Morton, 49, received a term of 10 years and two months in prison after being convicted on a variety of charges, including animal abuse. Responding to a call that the severed head and front paw of a puppy were hanging in the window of his apartment, police investigators also found a decapitated cat in his freezer, as well as the remains of several birds.

“The link between animal abuse and more violent conduct has clearly been established,” said the Humboldt County district attorney, who prosecuted the case. “The dismembered remains of dogs and cats today could well be that of children tomorrow.” 🐾

BRIEFS...

Byrd of a Feather

Animals have found a powerful new ally in Washington, and it's a Byrd.

Sen. Robert Byrd (D-W. Va.), chairman of the Senate Appropriations Committee, has taken to the floor of the Senate several times in recent months to deplore the mistreatment of animals, from household dogs to factory-farmed pigs, chickens and cows. He strongly backed a bill to restrict interstate commerce in fighting cocks, and added \$3 million for tougher enforcement of the Humane Slaughter Act to a spending bill sent to President Bush.

Byrd, who called his Maltese terrier "a key part of our lives at the Byrd house," applauded the conviction of Andrew Burnett, the Californian who hurled a small dog into heavy traffic. That "monstrous, brutal, barbaric act," he said, "was not just road rage, it was bestial cruelty."

But many were surprised that the senator's empathy extended to other animals, too.

"I am concerned," Byrd said in July, "that cruelty toward our faithful friend, the dog, may be reflective of an overall trend toward animal cruelty." In particular, the senator — who said he used to kill hogs himself — decried the practices of corporate factory farms, which he said are growing "more and more barbaric." These include locking pregnant pigs in two-foot-wide "gestation crates," starving hens to induce molting and higher egg production, and confining veal calves in "dark wooden crates so small that they are prevented from lying down or scratching themselves."

"Barbaric treatment of helpless, defenseless creatures must not be tolerated even if these animals are being raised for food — and even more so, more so," he said. "Such insensitivity is insidious and can spread and is dangerous. Life must be respected and dealt with humanely in a civilized society."

"Barbaric treatment of helpless, defenseless creatures must not be tolerated even if these animals are being raised for food."


Sen. Robert Byrd

Animal advocates were ecstatic. "Never has a senator taken to the floor like this, and nobody of his stature has ever said these things," said Wayne Pacelle, vice president of the Humane Society of the United States.

Weeks later, Byrd was at it again.

"I don't think there is a person among us who can countenance these acts of cruelty — whether they are random acts of violence against animals or institutionalized agriculture," he told his Senate colleagues.


"It is one thing to determine as a culture that it is acceptable to raise and rear and then eat animals. It is another thing to cause them to lead a miserable life of torment, and then to slaughter them in a crude and callous manner. As a civilized society, we owe it to animals to treat them with compassion and humaneness.

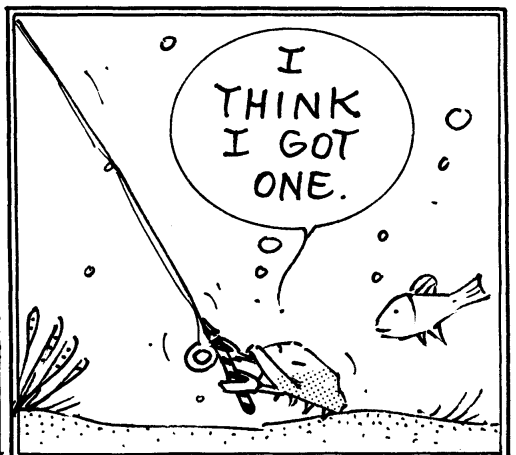
"Animals suffer and they feel," said Byrd. "Because we are moral agents, and compassionate people, we must do better." 

EPA vs. Animals, Continued

ALDF's legal efforts to block a massive animal testing scheme (see *Animals' Advocate*, summer 2001) are continuing.

A federal judge ruled in April that the proposed EPA plan, which could subject up to 1.2 million animals to cruel and needless experiments, was approved with undue haste. Now, a final decision on the legality of the plan may not come until next spring.

ALDF — representing PETA, the Doris Day Animal League and Physicians Committee for Responsible Medicine — recently amended its complaint to add the Department of Health and Human Services and the National Institute of Environmental Health Sciences as defendants in the case. ALDF charges the agencies with failing to take adequate steps to develop alternatives to animal testing in scientific research. 



Getting Through Grief

It's hard to say goodbye. It's also crucial.

By Julie Axelrod, Psy.D.
Association for Pet Loss and Bereavement

When someone close to us dies, our loss is met with sympathy, comfort and offerings of condolence. We are allowed to grieve. We are allowed to cry. We are allowed to experience our emotions.

But when the death is that of an animal, the story is very different. Often, others fail to appreciate the depth of our grief. Some may even display gross insensitivity by making comments like, "Why don't you just get another pet?" Mourning an animal companion is painful enough due to the loss itself. But it may be deeper still due to the loneliness of this type of grieving.

Why are the feelings so painful?

Loss of unconditional love. Our animal companions don't judge insecurity or imperfection. They are all-accepting in ways few humans can achieve.

Caretaking. Loving an animal is much like being a parent. Countless activities were centered on our animal companions' needs. Their absence creates a huge hole in our lives.

Animals as life witness. Our animal friends not only provide us with *their* uninhibited emotional expression, but allow *us* to express parts of ourselves that we may never let other humans see.

Many goodbyes. We must say goodbye to each role the animal occupied — friend, child, significant other — as well as to feeding time, walking routes and all the aspects that made up our practical routines. So many goodbyes need time and patience.

What might make my grief more complicated?

Guilt. If we perceive that we could have done something to prevent the death, the duration and severity of our guilt can be intensified. For those forced to make the excruciating decision to end the life of a beloved animal, grief is further aggravated if we are plagued by doubt over our choice.

Grieving timeline. Grief gets derailed when a timeline is imposed: "I should be better by now," or "Why is she *still* so sad?" This results in the opposite of what we're seeking, which is to work through our feelings of loss.

Reawakening an old loss. A companion animal's death may remind us of a previous loss, whether animal or human. If we failed to come to terms with the earlier death, it is especially important not just to mourn the lost animal, but to seek closure with both losses.

Resistance to mourning. In our efforts to cope, we may suppress feelings so as not to appear weak. We may fear that the tears will never stop once we let them begin. Whatever we use to defend against our true emotional experience will complicate our natural progression of grief.

Letting go of grief is sometimes mistakenly interpreted as a betrayal, as though trying to feel better equals trying to forget. But we'll always love the animals we've lost. Healthy grieving means getting *through* — not getting over.


What can I do?

Be patient. Anytime you find yourself wishing you were "past it," remember that emotional processing has no set endpoint. You're in mourning. By pressuring yourself, you'll only make yourself feel worse.

Find an ally. Find at least one safe person you can talk to about your loss, or explore other options at these Web sites: The Association for Pet Loss and Bereavement, at www.aplb.org; or www.petloss.com, which has chat rooms and online memorial services.

Take stock of your companion's life. You can do this by writing, or sharing with an ally. What are some special memories? What will you miss the most? Such an overview can help cement the things you want to make sure not to forget.

Rituals. Humans have funerals and wakes to help us grieve and keep our loved ones in our hearts. Create rituals for your animal companion. Have a ceremony in the dog park, at home or in a place special to you both. Create a living memorial by planting a tree or a garden.

This is a sorrowful time. There will be occasions when we won't have answers to our painful questions, or activities to quell our longings. But ask yourself: What would your companion do if he found you sad and in pain? Give you love, give you comfort, stay with you as long as it took. That's worth remembering — now, more than ever. 

Healthy grieving means getting through — not getting over.

At Harvard, the Price is Right, And Animals Are the Winners


Bob Barker, who's given away millions in cash and prizes to squealing human contestants in his 30 years as the TV host of "The Price Is Right," has now left a priceless legacy to the animals.

Using a \$500,000 gift arranged by Barker, a longtime animal activist, Harvard Law School in June announced the creation of the Bob Barker Endowment Fund for the Study of Animal Rights. Proceeds from the fund will go to support courses and seminars on animal rights, and to subsidize both Harvard and visiting scholars working in the field of animal law.

The fund builds on the foundation laid by Harvard's Student ALDF chapter, which originally persuaded the law school administration to offer a single course in animal law. Piper Hoffman, an ALDF staff attorney who was instrumental in that effort as a chapter member, recalls that once the course was finally offered in 1999, interested students could never be sure it would return.

"Thanks to Bob Barker," Hoffman said, "SALDF won't have to keep making the case each year that the class should be offered again. He's made animal rights law a regular part of the curriculum."

The endowment fund, a gift from the production company that owns "The Price Is Right," is certain to further burnish the image of animal law, which is now taught at major law schools all over the United States. As Harvard Dean Robert C. Clark said in making the announcement, "This fund will allow our faculty and students to explore in depth an emerging field of law that has ramifications in many traditional legal areas."

Barker, meanwhile, is keeping his eyes on the prize. "I am deeply moved that Pearson Television has chosen to honor me in this fashion," said America's favorite quiz show host. "Pearson and this prestigious institution have made this a wonderful day for me and the animals." 

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