They wrestle, play with toys, enjoy fresh fruit, groom one another and draw with crayons. But life wasn’t always so kind to Annie, Burrito, Foxie, Jamie, Jody, Missy and Negra, the first residents of Chimpanzee Sanctuary Northwest (CSNW). For decades, these seven chimpanzees were test subjects, their bodies used mostly for hepatitis B vaccine efficiency trials. But as of June 13, 2008, they are under the care of Student Animal Legal Defense Fund alum Sarah Baeckler, CSNW’s executive director.

Baeckler, a primatologist with degrees in primate behavior, anthropology and law, spent the summer of 2007 as an ALDF clerk. “I learned more that summer working with Bruce Wagman [ALDF’s chief outside litigation counsel] and Joyce Tischler [ALDF’s founder] than I did in my three years of classroom studies,” she says. “ALDF and the clerkship gave me the opportunity to learn by doing in a way that gave me so many important skills, all of which are useful to me at CSNW.” Baeckler returned to the ALDF clerkship for the 2007-2008 school year. “Again, it gave me the opportunity to work on real cases and focus on the practice of law rather than the theory they espouse in textbooks.”

She was also a co-plaintiff in Animal Legal Defense Fund v. Sidney Jay Yost, which brought to the public’s attention the plight of chimpanzees used in the entertainment industry.
JaMie reTURNeD To The waTeR spiGoT and I prepared for my third consecutive dousing. She delights in getting a rise out of visitors by taking mouthfuls of water and spitting on them. I decided to take it as a sign of affection.

JaMie is one of seven chimpanzees recently arrived at the brand new Chimpanzee Sanctuary Northwest (CSNW). Jamie and her six companions will live out the rest of their lives in this safe, caring and comfortable home. In August, I was visiting my good friend and colleague Sarah Baeckler, who is now the executive director of the sanctuary, and had an opportunity to visit with the chimps as well. In keeping with the desire of the sanctuary to let the chimps be chimps with limited human interference, I sat just outside the chimps’ indoor pen. I watched them play with toys, including a fire truck sent by a caring donor from Ireland, and chase each other around, reveling in their newfound space and companionship.

Also new is the chimps’ diet of fresh fruits, vegetables, nuts, seeds, and grains — quite a change from the monotonous “monkey chow” biscuits they were fed daily in captivity. I volunteered to prepare dinner for the seven chimps and was told to be creative. So I made them some pasta noodles with fresh coconut chunks, tomatoes and peanut butter. This was accompanied by fresh vegetables and fruit. I was informed later by the staff that the chimps loved their dinner, and that Burrito, the only male of the group, took a second bowl while making noises of delight.

The CSNW staff—Sarah; J.B. Mulcahy, director of operations; Diana Goodrich, director of outreach, and Keith LaChappelle, founding director—are among the most caring and dedicated people you could possibly meet. I left realizing the magnitude of their commitment and of the need to provide a home to the hundreds of chimps who languish in abusive or neglectful situations in cages barely big enough for them to take a step in.

ALDF is committed to working with CSNW and other sanctuaries to make sure that every chimpanzee who needs safe haven finds one.

For the animals,

Stephen Wells
Executive Director

FOR THE RECORD

“When you talk about the Kentucky Derby, Belmont, Preakness, it’s all pretty romantic and wonderful. But in everyday racing, there are horses going down, and then the horses unable to fulfill their promise going to slaughter. The greed has trumped the concern for the horse, it’s trumped the safety of the jockeys, and it’s trumped the integrity of the sport.”

— US Rep. Ed Whitfield (R) of Kentucky
LAW'S REFLECT A SOCIETY'S PRINCIPLES. But the few existing laws meant to protect farmed animals are out of step with mainstream American values. So when Pam Alexander, director of ALDF’s Animal Law Program, was invited to address a groundbreaking meeting on Capitol Hill in support of a new anti-cruelty bill, she arrived well prepared with some examples of appalling cruelty to farmed animals to illustrate exactly what kinds of reforms are needed.

The purpose of the Congressional Friends of Animals Caucus briefing, held in Washington, DC, in July, was to discuss HR 6202, the federal Farm Animal Anti-Cruelty Act. “All animals, whether it is one sleeping next to your bed at night or one outside in a barn, are deserving of humane treatment, and this is what HR 6202 is all about,” Alexander told a packed hearing room, which included the bill’s co-authors, Representatives Christopher Shays (R-CT) and Jim Moran (D-VA), as well as representatives from 17 Congressional offices, government agencies, committees and media representatives.

HR 6202 would promote the well-being of animals held for commercial use by providing them with protection from cruelty and abuse. It would make it a federal offense to – without justification – kill, mutilate, disfigure, torture or intentionally inflict pain or suffering upon an animal raised for food, or to fail to provide food, water and shelter. The Farm Animals Anti-Cruelty Act would be a powerful tool in the many states that exempt farmed animals from coverage under their anti-cruelty statutes. The bill, which has been referred to the House Committee on Agriculture, comes in response to numerous documented and publicized instances of cruelty on factory farms, in transport and during the slaughter process.

Alexander described a number of these cases, including nearly one million starving hens who had to be euthanized at egg plants operated by the same farmer (20,000 more hens actually did starve to death); 12 cows who died of dehydration at a ranch; and 150 pigs who died of heat exhaustion and dehydration in a trailer because drivers refused to remove them. She also reminded everyone about the notorious 2004 investigation of Pilgrim’s Pride slaughterhouse workers who were seen kicking, stomping and throwing chickens against a wall, ripping birds’ beaks off, spray-painting their faces, twisting their heads off, spitting tobacco into their mouths and eyes and breaking them in half, all while the birds were still alive. In not a single one of these cases did authorities press animal-cruelty charges, Alexander said, adding that HR 6202 “will provide a crucial layer of federal oversight into a minimally-regulated industry.”

“Our societal attitudes toward the treatment of animals are changing,” Alexander told the caucus attendees. “Our body of laws needs to change as well to reflect this shift.”

Will Power

Trusts protect your companions

MONTANA HAS HAD ONE SINCE 1993. Arkansas, Hawaii, Idaho, Illinois, Indiana, Nebraska, North Carolina, Oregon, Rhode Island, South Carolina and Texas all got on board in 2005. In fact, 39 states and the District of Columbia now have laws ensuring that trusts for companion animals are legally enforceable.

Pet trusts received a lot of attention, both positive and negative, shortly after Leona Helmsley died in August 2007, leaving a $12 million trust fund to Trouble, her nine-year-old Maltese. While some people criticized the late billionaire’s pet trust as extravagant, the story highlighted the importance of including companion animals in estate plans as a means for providing continued veterinary care, food, water and companionship.

Up until recently, a guardian who wished to provide for the support of her companion animal could create an “honorary trust,” but there was no guarantee that the animal would actually be cared for and, in fact, many companion animals were literally left out in the cold.

That began to change in the early 1990s, when the Uniform Probate Code added an optional section to validate trusts for the care of domestic pet animals. In the late 1990s, Barbara Newell, then an ALDF staff attorney, contacted the attorneys working on the Uniform Trust Code, and she described to them the problem of honorary trusts for animals. She worked with them to develop language for the UTC, which validates trusts for animals in each state that adopts the Code. “Though the code is very broad and the

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industry. Baeckler had worked with captive chimpanzees in zoos and sanctuaries for several years before going undercover at Yost's animal “training” compound near Malibu, Calif., in 2002. For more than a year, she collected information about Yost's business, which was to make exotic animals perform specific acts (such as mimicking human behavior) for movies and television. Baeckler was appalled by what she witnessed: Yost and some of his colleagues violently beating chimpanzees in order to force them to perform.

Baeckler alerted the Animal Legal Defense Fund of the routine cruelty she witnessed, and ALDF attorneys worked for months preparing a complaint against Yost. In November 2005, our lawsuit was filed in U.S. District Court in Los Angeles, alleging that Yost (who denied the allegations based on Sarah's eyewitness testimony) was violating the Endangered Species Act and the California anti-cruelty statute by subjecting the chimpanzees in his possession to extreme pain and suffering.

Inspired by the lawsuit and subsequent rescue of the chimpanzees she met while undercover, Baeckler expanded her focus by combining her scientific and hands-on care experience with legal training to improve her advocacy on behalf of chimpanzees. She emphasizes the need for CSNW not just to provide a safe haven for retired chimps, but to shut down the industries exploiting them. “If we can’t put a stop to their use and abuse, we’ll never really make true progress for them,” she says.

**TEST SUBJECTS**

Annie, Burrito, Foxie, Jamie, Jody, Missy and Negra are clearly in capable hands now, adapting to a much more promising life than the abusive existence they came from. When they weren’t being subjected to biomedical testing, the chimps were housed in 5-by-7-foot cages or in a small group enclosure in the windowless basement of Buckshire Corp., a laboratory and quarantine facility 30 miles north of Philadelphia. They were fed protein biscuits and had no access to the outdoors.

Then, last June, salvation. Buckshire retired the animals, and they are now settling into their new surroundings at CSNW, one of nine chimpanzee sanctuaries in the United States. The nonprofit sanctuary, located on a 26-acre farm in the Cascade mountains, sits atop a lush green hill overlooking the Yakima River about 70 miles southeast of Seattle. The chimps share a spacious two-story building with four interconnected front rooms and a two-story play area offering plenty of high climbing space and toys and blankets donated by the surrounding community. There’s also a loft, a catwalk and heated resting areas along windows that offer views of the canyon. They even have a two-level outdoor area with wooden structures to play on.

Sharing more than 98 percent of their DNA with humans, chimpanzees have, sadly, been favorite test subjects in biomedical research. In the 1980s, vivisectors frequently turned to chimpanzees for HIV/AIDS research; however, unlike humans, chimps don’t acquire AIDS when infected with HIV, and with a surplus of chimpanzees in labs, many were used for hepatitis research.

Historically, chimps were euthanized after they were no longer needed. But in 2000, Congress passed a law requiring federal laboratories to donate their retiring chimpanzees to sanctuaries. Private labs, like Buckshire, have also seen the sense in allowing chimps to retire. “When Keith LaChappelle founded CSNW, he did not have a particular group of chimpanzees in mind— he just knew that there were lots of chimpanzees in need of a sanctuary home,” says Diana Goodrich, director of outreach for CSNW. “As soon as he found out about the Buckshire chimpanzees, he contacted the company and began to make arrangements.”

Negra, the largest of the six females, was caught in Africa in 1973 shortly importing chimpanzees into the U.S. was made illegal via the Endangered Species Act. Prior to that, it was common practice for hunters would kill mother chimps and steal their babies. Jody, born in 1975,
was used in a circus prior to going to Buckshire. Annie was born in the wild in 1975, and Missy was born that same year. Foxie was born in captivity in 1976. Jamie, born in 1977, is the youngest of the female chimps and was also used as a circus performer. Burrito, the lone male in the group, was born in a laboratory in 1983. Initially, Burrito acted subservient to the females, but now that he has room to display his natural masculine traits, he is moving up in the hierarchy like a normal male chimp. Though chimpanzees in captivity can live into their 60s, their average lifespan is 35 to 50 years old.

“In the future, when we have more funding, CSNW will be able to provide a home for other chimpanzees who are being released from biomedical research and the entertainment industry, as well as individuals being kept as pets,” says Goodrich.

Although many people don’t consider chimpanzees to be endangered, in truth they could cease to exist in the wild within a generation, says Baekler. “Chimpanzees seem plentiful because they’re on TV, but in fact they are critically endangered.” She adds that another misconception is that chimpanzees are necessary for medical progress and research. “This is simply not true,” she says. “Very few medical advances have been due solely to the use of chimpanzees in research. There are ethical and more effective alternatives out there.” Finally, Baekler is quick to disabuse people of the myth that chimpanzee “actors” are happy and well-treated. “I saw firsthand when I worked undercover in Hollywood that nothing that can be further from the truth. Humans exploit chimpanzees in the wild and in captivity, and we need to start doing better for them.”

“At this moment there are a few hundred chimpanzees who could be rescued if there were somewhere for them to go, but the fact is we just don’t have enough space,” says Baekler. “There are chimpanzees in backyards, on trainers’ compounds, in labs and at roadside zoos who could be retired if we had enough sanctuary space. Sadly, there aren’t the resources out there to build enough sanctuaries for all the chimpanzees in need.”

**ALDF’S GREAT APE LEGACY**

The Animal Legal Defense Fund has been working to protect the interests of great apes for decades. Perhaps our most prominent case involved a chimpanzee named Barney, who was languishing in solitary confinement at a USDA-licensed zoo. Deprived of companionship and veterinary care, Barney suffered from severe psychological and physical distress until he escaped from his cage and, tragically, was shot and killed by a zoo employee. On behalf of Mark Jurnove, a frequent zoo visitor distressed by the isolation and neglect that marked Barney’s daily life, ALDF sued the USDA for failing to set standards to protect primates under the federal Animal Welfare Act (AWA).

In October 1996, U.S. District Court Judge Charles Richey found the USDA in violation of the AWA and ordered the agency to develop stricter standards, emphasizing the need to address the psychological well-being of primates in captivity. “This case involves an abject failure in the rulemaking process...to enforce the AWA,” he said. Sadly, Richey’s decision was overturned on appeal.

More recently, ALDF sued Hollywood “trainer” Sid Yost for animal cruelty in the aforementioned case involving Sarah Baekler’s undercover work. That case resulted in a landmark settlement in which ALDF rescued the chimpanzees in Yost’s care and delivered them to sanctuaries and entered into a settlement agreement with Yost. “But over the past year Yost has committed multiple violations of the settlement agreement, in which he agreed that he would never work with any primates again,” says Bruce Wagman, who is also on CSNW’s board of directors. “Based on Yost’s ongoing violation of the settlement agreement, ALDF sued him earlier this year for breach of the agreement.” The case is in its early stages, pending in San Bernardino County, Calif. One of the chimps Yost may have been in contact with was Moe, who escaped from his cage in June and disappeared in the San Bernardino Mountains.

A passionate advocate for the rights of animals, Wagman says he joined CSNW’s board in part because of their emphasis on educating the public about great apes. “Since the sanctuary has a strong advocacy component that campaigns for the rescue of more and more chimpanzees, I wanted to be involved,” he says. “The sanctuary also plans to focus on eliminating great apes from entertainment, where they are exploited and then discarded, and this is a focus of my own work.”

ALDF applauds the work of Chimpanzee Sanctuary Northwest and is working for the day when great apes — and all animals — are no longer exploited. For more information, visit chimpsancuarynw.org.

**IN AN EXCITING SIGN OF THE TIMES, another approach to assisting great apes (bonobos, chimpanzees, gorillas and orangutans) is being carried out in Spain. In a historic vote in June of this year, Spain’s government declared its support for The Great Ape Project — a proposal to grant rights to life, liberty and protection from torture to our closest nonhuman relatives. The resolution directs the Spanish government to promote a similar declaration throughout the European Union and calls on the government to adopt legislation that would prohibit potentially harmful experiments on great apes that are not in their interests.**
FOR MORE THAN A DOZEN YEARS, the Animal Legal Defense Fund’s Criminal Justice Program has been fighting for stronger anti-cruelty laws and more vigorous prosecution of animal abusers. A dedicated staff of attorneys provides free legal assistance to prosecutors and law enforcement agencies around the country, helping to ensure that those working to bring animal abuse cases to court have every available resource at their disposal.

JUSTICE FOR PUDDLES

Two recent cases illustrate how CJP goes to bat for animals—and local prosecutors. In May, Mandy Trout, a deputy county attorney in Platte County, Nebraska, contacted Scott Heiser, director of the Criminal Justice Program. Mandy was preparing a case against the owner of Puddles, a 13-year-old Bichon Frise who had suffered such severe neglect that he had to be euthanized. The little dog, who was blind and deaf, was suffering terribly from a treatable skin condition that his owner ignored, even as Puddles chewed his bleeding limbs for relief. Mandy asked Scott if he would mind reviewing the evidence and recommend how she should proceed.

Scott did better than that. He boarded a plane for Nebraska and took a hands-on approach to assisting Mandy with prosecuting the dog’s owner, whose defense was based in part on her claim that this case was a waste of the court’s time. After the defense tried unsuccessfully to exclude evidence, limit testimony and sanitize the court record, Scott outlined key portions of the State’s closing argument, which Mandy eloquently delivered to the jury. It took the jury only 32 minutes of deliberation to convict Puddles’ owner of misdemeanor animal cruelty, with sentencing to be decided.

Clearly, Mandy takes animal cruelty very seriously. “Insofar as there was no doubt in my mind that Puddles was not treated with the statutorily required ‘care as is reasonably necessary for the health of the animal,’ I refused to dismiss the case and went forward with no holds barred,” she says. “Scott’s ardent support and legal expertise encouraged me to go forward with the fervor that these types of cases require. Just having him there with me in the courtroom—quietly observing and taking notes, ready at anytime to quickly answer a question or give some advice—was amazing.”

FIGHTING MAD

Earlier this year, Scott assisted a city attorney in Daytona Beach, Florida, after law enforcement officials seized 32 pit bulls from a home. With fresh wounds on their faces, heads, necks and shoulders, these dogs were clearly being used in a dogfighting operation. ALDF and the city attorney’s primary goal was to ensure the defendant surrendered ownership of these exploited animals, so Scott met with the city attorney and helped prepare for and prevail at the forfeiture hearing.

“These two cases are perfect examples of the services ALDF’s Criminal Justice Program provides,” says Scott. “The cases are from opposite ends of the spectrum, both in terms of the size and the nature of the jurisdictions—rural versus urban. They demonstrate that animal cruelty knows no socio-economic boundaries and that the Criminal Justice Program will work aggressively with law enforcement to see animal abusers prosecuted.”

Historically, it has been far more common for ALDF to push local authorities to take action in animal cruelty cases when they are not vigorously going after abusers. “But that trend is slowly changing,” observes Scott. “We are pleased that more and more of our casework is at the request of local law enforcement, rather than the result of us first having to do battle on the front end just to get a case properly investigated by the police, let alone inducing a prosecutor to file the case. That’s a very positive trend, though there is still much progress to be made.”

When it comes to cases involving animal abusers, local prosecutors can count on ALDF to be an aggressive part of the team.
Dear Joyce:

I recently saw a video in which cows were being mistreated. Why isn’t that sort of thing outlawed?

Dear Reader:

Farmed animals—the ten billion cattle, chickens, pigs, sheep, goats, turkeys, ducks, geese and other species raised each year in the U.S. for food—have far too little legal protection. There are federal and state laws intended to provide minimum protections during transport and slaughter, but those don’t apply to the care and treatment of animals for the lion’s share of their lives on the “farm.” The majority of state anti-cruelty laws specifically exempt farmed animals from their protections. The massive factories that house these animals treat them as if they were machines, and the result is a mountain of misery. Our job (yours and mine) is to speak up for these animals: we need laws that recognize that these animals are sentient and have basic physical and emotional needs.

The good news is that things are slowly starting to change:

- The voters of Florida (2002), Arizona (2006) and Oregon (2007) have passed statewide bans on the intensive confinement of pigs. In 2008, the voters of California will decide whether or not to ban the intensive confinement of pigs, calves and chickens.
- In 2007, Smithfield Foods, Inc., the largest pork producer in the U.S., announced it would eliminate gestation stalls (intensive confinement) in all of its facilities. Shortly afterwards, Maple Leaf Foods, the largest pork producer in Canada, agreed that all its operations would also eliminate gestation stalls.
- McDonald’s and Burger King have announced that they will be steadily increasing their demand that their suppliers provide pork from pigs in group housing.
- ALDF’s lawsuit against Corcpork, a pig breeding facility in California was settled when Corcpork closed its facility forever.

Please speak to your state legislators about the suffering of farmed animals. And, don’t forget that each of us has the power to make personal choices. My personal choice is that I don’t eat or wear animals. I hope people reading this column will consider that choice, as well. —Joyce

If you have a question you would like to see answered in The Animals’ Advocate newsletter, email Joyce Tischler, ALDF’s founding director, at: askjoyce@aldf.org, or write to “Ask Joyce,” Animal Legal Defense Fund, 170 East Cotati Avenue, Cotati, CA 94931. We regret that we are unable to publish answers to all questions. This column provides general information only. Each state and, in some cases, each county has its own rules and procedures, so please consult a local attorney to assure that you receive advice specific to your jurisdiction.

Will Power

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animal trust provision is one small part of it, we have worked to assure that as many states as possible adopt the good language that we drafted,” says ALDF founder Joyce Tischler.

PET TRUST TIPS

Pet trusts give you peace of mind but must be carefully considered. Here are a few guidelines:

- See the article “Establishing a Trust for Your Animals” on aldf.org to find out if your state has passed legislation to allow trusts for companion animals. If your state is listed, consider creating a trust for the care of your companion animals. If your state is not listed, contact your state legislator and let him or her know that this issue is important to you.
- The person you select as the trustee should be someone you feel certain will do what is best for your companion animals and will act responsibly.

- In creating a pet trust, an owner must name a trustee (to handle the funds) and a caretaker (to provide the physical care of your companion animals). One person can act in both roles. Provide that person or persons with detailed, written instructions about the care of your animals.
- Don’t forget to plan ahead in writing for the care of your companion animals in the event that you become ill, hospitalized or incapacitated. Make the necessary arrangements with friends or family members: give them access to your home, contact information for your veterinarian and detailed instructions about care. Make sure your family knows that this arrangement is authorized by you.
- Do the math: what would your companion animal need in terms of food and medical expenses to continue living the life he or she currently has?
- Discuss your wishes and needs with a qualified estate planning attorney to determine the best course of action for you.
What do you get when you mix thousands of legislators and their staff members from all across the country together with representatives of the Animal Legal Defense Fund? You get an excellent opportunity to meet face-to-face with those who have the ability to strengthen and improve the laws that protect animals. And this is precisely what happened in July in New Orleans, when ALDF attended the National State Legislative Summit.

“Our message centered on the importance of laws aimed at reducing the enormous costs involved in caring for abused animals,” said Stephan Otto, ALDF’s director of legislative affairs. “A single cruelty case can easily cost a community thousands of dollars. However, there are a number of legal provisions being used across the country that can help to mitigate these costs, thereby allowing communities to better care for and rehabilitate abused animals.” Examples of these type of measures include cost-of-care bonds, which make the offender pay for the continuing costs of caring for the abused animals while the criminal case is in process; bans on owning, possessing or residing with animals following a conviction; and priority scheduling in the court calendar for cases involving rescued animals.

The resources available to community shelters and humane societies are always scarce and are now under additional strains due to today’s economy. Cost-savings measures are an important element to help ensure that communities across the country can adequately enforce their animal protection laws and provide the necessary care for the victims of these crimes. This message resonated very positively with the legislators attending the summit, and we developed many new avenues for working together to help improve the laws that are so vital in the protection of animals.
*ALDF and Sidney Yost have reached a settlement of all litigation between them, with both sides denying the other’s allegations and neither side admitting any liability. For additional information, click this link.

http://aldf.org/statement-of-settlement/