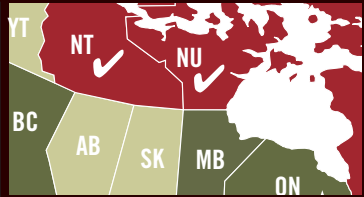
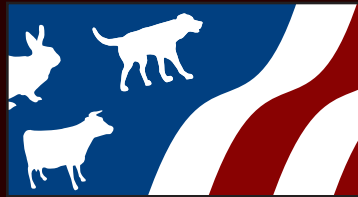




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Animal Law Case Heads for U.S. Supreme Court

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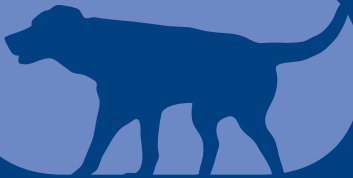
"If Not Now, When?" Help Animals Today!

8

Report on Canada's Laws Prompts Real Change for Animals

THE ANIMALS'

ADVOCATE



A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND



Light on the Horizon for Animals in Labs

ALDF developing symposia to explore non-animal toxicity tests

LIKE MANY ORGANIZATIONS dedicated to advancing the interests of animals, the Animal Legal Defense Fund welcomed a 2007 report from the National Research Council (NRC) that could mean an end to painful toxicity testing on animals. "Toxicity Testing in the 21st Century" called for a sustained, well-funded effort that moves away from using live animals to test the toxicity of industrial chemicals and pesticides to which humans are exposed and replaces them with humane alternatives, such as cell cultures, tissue cultures and computer models. Because using the law to protect the lives of animals exploited in laboratories is such a critical component of our mis-

sion, ALDF is helping to develop a series of groundbreaking symposia that will bring together the key people in science, governmental agencies and industry to discuss the problems and opportunities involved in making the sea change from animal testing to alternative methods.

ALDF has teamed with Johns Hopkins Bloomberg School of Public Health, the Center for Animal Law Studies at Lewis & Clark Law School and the Environmental Law Institute to actively support the changes recommended in the NRC's report, as ALDF Founder and General Counsel Joyce Tischler

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LETTER FROM THE EXECUTIVE DIRECTOR



The Mother of Animal Law



Stephen and Joyce with Sugar

FOR THE RECORD

“Mr. Speaker, it’s an embarrassing day for New Brunswick that this province’s animal cruelty and protection laws are dead last in Canada.... New Brunswick has been dealt a failing grade by the Animal Legal Defense Fund.”

— from a statement read to the New Brunswick legislature by Member of the Legislative Assembly Jody Carr.

SHE ROLLS HER EYES WHEN WE REFER TO HER as the “Mother of Animal Law” here at the office, but Joyce Tischler is, singularly, the person most responsible for the development and advancement of the field of animal law. In August, the American Bar Association TIPS Animal Law Committee honored Joyce, ALDF’s founder and general counsel, by granting her the Excellence in the Advancement of Animal Law Award.

Joyce didn’t set out thirty years ago with a plan to boldly pioneer and champion a new field of law. She had her sights set on the manual typewriter on which she hammered out some of her earliest complaints and pleadings to the courts on behalf of animals. Joyce simply knew that as a young attorney she wanted to put her law degree to work protecting animals.

But she quickly realized she was not alone. Her work struck a nerve with other law professionals who wanted to help animals as well. She organized meetings for some of the interested local attorneys in San Francisco, and she began to correspond with other attorneys from all across the country. Unwittingly, the Mother of Animal Law had given birth to a movement.

A core group of these compassionate law professionals became the founding members of the Animal Legal Defense Fund. Over the next 26 years, with Joyce serving as its Executive Director, ALDF filed countless groundbreaking lawsuits and laid the foundation necessary for animal law to be taken seriously as a field of law in law schools, law firms and bar associations across the country.

Although ALDF remains the only specifically animal law-focused organization, today nearly every animal protection group has lawyers and a legal strategy to complement its work. In addition, there are now 140 student chapters of the Animal Legal Defense Fund in law schools across the U.S. and Canada, including every one of the nation’s top ten law schools, and more than 110 law schools now teach an animal law class. And, last year, ALDF entered into collaboration with Lewis & Clark Law School in Portland, Oregon to create the first-of-its-kind Center for Animal Law Studies.

It is not characteristic of Joyce to make much of her role in building this movement. Indeed, one of the things that define Joyce to anyone who knows her is her combination of strength and humility. But her persistent advocacy and clear leadership has been a force for change that would not be denied. It is my honor to say both congratulations and thank you from myself and everyone at ALDF and, most importantly, for the animals whose voices have been heard clearly and without fail through the voice of the Mother of Animal Law.

For the animals,

Stephen Wells, Executive Director



Animal Legal Defense Fund

Stephen Wells
Executive Director

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U.S. Supreme Court to Rule on Animal Cruelty Ban

ALDF submits amicus brief supporting anti-cruelty law

THOUGH MOST PEOPLE ABHOR CRUELTY to animals, there are those willing to pay to see it. Today's technology has made this easy, and that has fueled trafficking in videos that depict some of the cruelest animal abuses imaginable. Such videos have been illegal in the U.S. for a decade, but a case that has been working its way through the courts may result in the United States Supreme Court ruling that video depictions of animal cruelty are protected under the Free Speech Clause of the First Amendment. The Animal Legal Defense Fund doesn't believe the law banning these videos violates the Constitution, and we've submitted an *amicus curiae* brief urging the Court to uphold the law and recognize that the prevention of cruelty to animals is a compelling government interest.


The case in question, *United States v. Stevens*, pivots on Section 48 of Title 18 of the US Code, which prohibits the creation, sale or possession of depictions of animal cruelty if the offender intends to place such depictions into interstate commerce for commercial gain. Congress passed the law in 1999 in part to respond to "crush videos," which feature women stepping on and crushing small animals to death. In 2005, a jury convicted Virginia resident Robert Stevens of three counts of violating Section 48 by selling videos depicting dogfights and so-called "hog-dog fighting," including graphic footage of a pit bull mutilating the lower jaw of a live pig. He also provided voiceover narration on each video. The trial court determined that the videos had none of the serious religious, political, scientific,

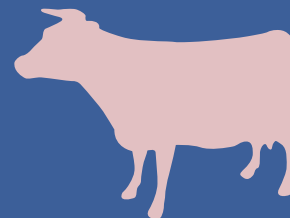
educational, journalistic, historical or artistic value that would exempt Stevens' videos from the law's prohibitions.

Sentenced to 37 months in federal prison, Stevens challenged the District Court's ruling on First Amendment grounds. The Third Circuit Court of Appeals agreed with him, invalidating Section 48 as a violation of the First Amendment. The Third Circuit concluded that the government's interest in barring the depictions of animal cruelty did not rise to the level of a compelling governmental interest necessary for justifying the regulation of First Amendment protected expression.

In her appeal of the Third Circuit's decision, the United States Solicitor General urged the Supreme Court to find that depictions of animal cruelty, like fighting words, obscenity, incitement and child pornography, are not worthy of First Amendment protection. The *amicus curiae* ("friend of the court") brief submitted by ALDF argues that the statute does not violate the First Amendment and that the Third Circuit's analysis is simply wrong. "As Congress has found, animal cruelty is often committed so that others can watch," reads the brief, which emphasizes that the law targets peddlers of videos depicting animal cruelty.

"This case presents a very interesting conflict between two important values: animal welfare and free speech," says Matthew Liebman, staff attorney for ALDF. "But the conflict appears far less challenging when you consider how horrific crush videos and dogfighting videos are, as well as the fact that the law exempts the kinds of speech we highly value: speech with some political, artistic, or other important message." Liebman says that regardless of whether the Supreme Court ultimately upholds the law, ALDF expects it to take this opportunity to recognize animal protection as a compelling government interest. "We've had animal protection laws in the Americas for more than three and a half centuries, even before there was a United States of America," he says. "To dismiss animal protection as anything less than compelling, as the Third Circuit did, is unjustifiable."

The Supreme Court will begin hearing oral arguments October 6. 



"As Congress has found, animal cruelty is often committed so that others can watch."

— ALDF amicus brief





THE ANIMALS'

"If we are successful, it will mean that, within our lifetime, hundreds of thousands of animals per year will be freed from the horrific suffering and death caused by toxicity testing."

—ALDF Founder and General Counsel Joyce Tischler

Animals in Labs

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explains. "Our objective is to bring about a win-win for everyone — the animals, the scientists, the industries, environmentalists and public health advocates — by helping them work through the many questions of how to develop non-animal scientific techniques that are more cost-effective, faster and better predictors of toxicity," she says. "This project is complex and many layered, and the change will not come as quickly as we would like, but we are feeling very hopeful."

These symposia are of vital importance because, while the NRC's vision is encouraging, it's not enough. "Having better technologies and more data cannot alone change U.S. federal regulatory practice," explains Dr. Paul Locke of the Johns Hopkins Bloomberg School of Public Health. "Data and technology are not self-implementing. If we want to create a path for a successful paradigm shift away from animal toxicity testing and toward more effective public health prevention, we must develop a roadmap to implement the report's vision and strategy and build coalitions that will bring pressure on regulators, legislators and other decision makers to force a change in the way federal agencies operate."

HIGH-THROUGHPUT SCREENING

Toxicity testing forces animals to endure extreme pain and suffering in the supposed interest of protecting human health. To test the toxicity of a compound, scientists currently inject it into a mouse, rat, rabbit or other animal and wait to see if the animal becomes sick or dies. With either result, the animal is autopsied so researchers can document any damage to her internal organs, and the tests are then extrapolated to human biology, providing only crude estimates of potential human health effects. Testing for toxicity includes checking whether a specific compound causes acute or chronic effects, such as neurological damage, cancer or reproductive abnormalities, and one of the major problems with animal testing—in addition to the harm done to the animals—is that the results do not always translate to humans.

Moreover, the Environmental Protection Agency, which commissioned the NRC's report, now recognizes that toxicity tests performed on animals are too slow and expensive to keep up with the rate at which chemical companies develop pesticides, cleaners and other potentially toxic compounds: there are more than 140,000 chemicals currently on the market, and about 700 new ones are added each year. The NRC Report recommends that, rather than testing each of these compounds on live animal "models," researchers can use something called "high-throughput screening," in which hundreds of human cells grown in a lab are inserted into each of the 1,536

"wells," which are just a fraction of a millimeter across, housed on a single 3-by-5-inch glass tray. A robotic arm then drips a chemical sample into each tiny well, and a machine later determines how many cells remain while a computer analyzes the toxicity of each compound.

This process allows researchers to assess thousands of chemicals at one time. (In contrast, it has taken the agency 30 years to rigorously test just 5,000 potentially toxic compounds.) The EPA has already begun evaluating 300 chemicals using these new (non-animal) methods, and with the NRC's plan as a blueprint, advances in molecular biology and computational sciences could be incorporated into toxicity testing and risk assessment practices across the agency.

REACHING OUT

But, again, this much-needed progress won't happen without the driving force of a coalition of advocates, which is why ALDF is playing a leading role in spearheading these symposia. "Our goal is to reach out to scientists, government regulators, the industries that develop chemicals and other products, and environmentalists — the people who can make this vision a reality," says Tischler. "If we are successful, it will mean that, within our lifetime, hundreds of thousands of animals per year will be freed from the horrific suffering and death caused by toxicity testing."

Our first symposium, held June 29-30 at the University of Ottawa, took an international perspective as the panelists examined the scientific, risk assessment and implementation challenges and opportunities generated by the NRC's report. "These symposia are focused on creating the implementation road map that will lead regulatory agencies to adopt the NRC vision and strategy," says Dr. Locke. "They are designed to bring together bench scientists, regulators, environmental health professionals and animal welfare advocates in a series of one-and-a-half-day discussions, during which implementation opportunities and challenges will be developed, and the hard questions that could hold back progress will be addressed."

Future symposia will be held in Portland, Oregon; Chicago; Washington, D.C.; and Chapel Hill, North Carolina. These meetings will focus on economic issues, what laws and regulations will need to be changed, and how to encourage the scientific development of alternative methods for testing.

"The NRC report may be the light at the end of the tunnel after decades of ethical debate about the use of animals in laboratory testing," says Stephen Wells, ALDF's executive director. "Though the cruelty inherent in such tests could never be denied, for the first time, the scientific community is recognizing that new non-animal technologies will make for better, more reliable test results."





ASK JOYCE

Dear Joyce:

I can't believe that tens of thousands of horses are slaughtered in the U.S. for human consumption! I feel so helpless. Is there something I can do to stop this outrage? —ALDF member

Dear ALDF member:


The single most powerful thing you can do is find your own voice, raise it and speak for those who cannot speak for themselves. It starts with passion, which is exactly what your question tells me you have in spades. So, let's break the rest down into manageable steps. The first step is to get information about the problem and possible solutions. If you go to ALDF's web site, www.aldf.org, and enter "protect our horses!" it will take you to a page where you will find current information on two bills recently introduced in Congress. H.R. 503 will end the slaughter of horses for human consumption and H.R. 305 will ban the use of double-decker trucks to transport horses. We will explain to you what is happening to horses in our country and how these legislative bills can fix the problem. What's more, we have drafted a letter urging your legislator to vote "yes" on these bills. Once you fill in your address and zip code, your letter will be sent directly to your elected representative.

Far too many people contact us and tell us that they can't make a difference—that only ALDF can take effective action. At ALDF, we are doing everything we can to protect animals, but an enormous resource lies within each of the

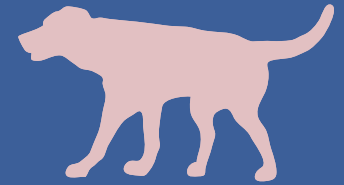
ALDF members reading this newsletter right now. Politicians will be most responsive when they hear from their constituents directly. And, the animals need each of us to take that next step: speak up, speak out and speak often.

Now that you have spoken up for the horses, are you willing to do the same thing for other animals? Everything you need is on our web site. There is a page titled: "Working with Legislators" that explains how to effectively contact and influence your elected representatives. Not sure who your representatives are? There's a page on our web site titled: "Find Your Elected Officials." Go to that page and click on "Project Vote Smart." You will be amazed to find all the information you need about who your elected representatives are and how they vote. And, with one more click, you can send your elected representative an email, expressing your opinion about bills that can protect or harm the animals you care deeply about. Plus, ask your legislators to tell you how they plan to vote on those bills.

Don't have a computer? Oh; I've heard that one before. Your local library has several, and they will help you get to our web site.

So, please: it has never been easier to make your voice heard and the animals have never needed you more than they do right now. Democracy won't work to protect animals unless each of us gets actively involved. To paraphrase an ancient quote: If not me, then who? If not now, then when? —Joyce 

If you have a question you would like to see answered in The Animals' Advocate newsletter, email Joyce Tischler, ALDF's founder and general counsel, 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.



The single most powerful thing you can do is find your own voice, raise it and speak for those who cannot speak for themselves.

Canada's Animal Laws

continued from page 8


siveness of its current animal protection laws.

In addition to prompting positive action by leaders in New Brunswick, the report showcases the outstanding work of legislators in Ontario, which moved from a last-place position in the ranking last year to become the highest-ranking province in Canada this year. ALDF's report credits Ontario for its new laws, including standards of care for animals, requiring veterinarians to report suspected offenses, higher penalties, and restrictions on the future ownership of animals by offenders. Ontario joins Manitoba, British Columbia and Nova Scotia in the top tier of provinces.

"It is our hope that these ongoing reviews help shed light on

this important issue and garner support for both their strengthening and enforcement," says Stephan Otto, ALDF's director of legislative affairs and author of the rankings report.

The report certainly inspired Carr, who says he was embarrassed to see New Brunswick named one of the best places in Canada to abuse animals. "I hope this new law means better living conditions for animals, safer communities and less domestic violence. I am so thankful for the support of ALDF and the report. Also, the advice, encouragement and endorsement during the process were instrumental in helping New Brunswick become the province with the highest fines for animal abuse in Canada."

You can view MLA Jody Carr's statement in the legislative assembly at <http://www.aldf.org/article.php?id=998>, or on our YouTube channel at www.aldf.org/youtube. 



Profiles in Animal Law

Fighting The Good Fight

Pam Alexander on animal law, teaching, and a dog named Max



PAGE 6

“There was a time when there were no animal law courses. And now students are specifically going to law school because they know they want to be animal lawyers.”

ALDF Animal Law Program
Director Pam Alexander

AS THE DIRECTOR OF ALDF'S Animal Law Program, Pam Alexander manages programs dedicated to the development of animal law in academia and legal practice. Thanks to her hard work, programs such as our Student Animal Legal Defense Fund (SALDF) chapters and ALDF's extensive attorney volunteer network have enjoyed tremendous growth. Somehow, Alexander has found time to teach the first animal law course at the University of Chicago. And to think it all started with a dog.

“I was in my first year of law school at the University of Wisconsin, struggling to figure out what I wanted to do with my legal career,” Alexander explains. “Prior to law school, I had adopted a dog named Max from the ASPCA in New York City. He came from an abusive home, and no one else wanted to adopt him.” Looking at Max, Alexander knew she wanted to be involved with helping animals. “I was flabbergasted that someone could hurt this dog.” In law school, Alexander adopted Sophie, another abused dog, and began considering the connection between animal abuse and domestic abuse.

Things began to gel when Alexander befriended fellow law student Megan Senatori. Both were law student members of ALDF and volunteers at the local humane society, but they wanted to do more. “This was our first year of law school, and we were looking for ways to advocate for animals,” says Alexander. “We saw that there was really no organization in our community that was addressing the link between domestic violence and animal cruelty, so we approached our public interest professor and asked her if we could start a nonprofit for credit. What we thought would be a one- or two-credit project evolved into a nonprofit that is still thriving today, Sheltering Animals of Abuse Victims, or the SAAV program.” SAAV provides confidential, temporary shelter for companion animals while the victims of domestic violence leave their abusive situation; victims are reunited with their companion animals once safer housing is secured. “So often these animals are used as control tools and are


retaliated against, either with torture or death, when someone tries to leave an abusive situation,” says Alexander.

Upon graduating, she went into private practice and did some *pro bono* work for ALDF. In 2003, she and Senatori not only successfully petitioned the University of Wisconsin to add its first animal law course to their curriculum, they were soon teaching the class. “It was an incredibly rewarding experience teaching animal law at my alma mater,” says Alexander.

Indeed, teaching animal law was in her blood, and soon after ALDF hired Alexander as a staff attorney, she helped the University of Chicago Law School to establish a SALDF chapter and found herself at the helm of the college's first animal law course. “The University of Chicago is a great example of what can happen when you embrace a particular area of the field of the law,” she says. “They round out the top ten law schools in the country to have a SALDF chapter. They added an animal law course that was successfully petitioned by the SALDF chapter, particularly by a standout student named Vince Field. Once the course was approved, Vince asked if he could give the administration my name as a lecturer in law candidate. They offered me the job, and I began teaching the spring quarter 2009.”

Alexander points out that ALDF's next Future of Animal Law conference will be held at the University of Chicago, April 9-11, 2010. (for more information, visit www.animallawconference.com)

In reflecting on the many highlights ALDF has enjoyed in recent years, Alexander considers how the SALDF program has expanded. “In 2000 there were 12 Student Animal Legal Defense Fund chapters; now there are 140. There are approximately 197 ABA-accredited law schools, so our goal is to have a student chapter at every law school in the country. It's been really rewarding to see that growth.”

With a growing family that includes her husband, Will, two children and companion animals, Pam Alexander has a lot to be thankful for. And with a rewarding vocation that began 13 years ago with one dog, she recognizes great things can have humble beginnings. “I definitely credit Max for helping me find my footing in this wonderful career I have,” she says. 





2008 Highlights



➤ Hundreds of dogs and cats are freed from nightmarish conditions when ALDF attorneys help close North Carolina's horrific All Creatures Great and Small "shelter."



➤ ALDF drops its lawsuit against California's Corcpork, Inc. when the massive pig farm agrees to end the abusive confinement of pregnant and nursing sows.

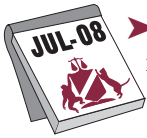
➤ Willie Nelson joins ALDF's campaign urging Land O' Lakes and Challenge Dairy to stop using milk from calves kept in illegal confinement.



➤ Leading up to the Kentucky Derby, ALDF calls on Kentucky to improve its grossly inadequate laws in light of epidemic horse abuse throughout the state.



➤ ALDF releases first-ever Canadian Animal Protection Law rankings report, finding Ontario's laws the weakest in Canada.



➤ Criminals engaged in dogfighting in Virginia now face tougher penalties as a new state law, written by ALDF, goes into effect.



➤ Represented by ALDF attorneys, Kentucky residents file suit against Estill and Robertson Counties for failing to protect homeless dogs and cats.



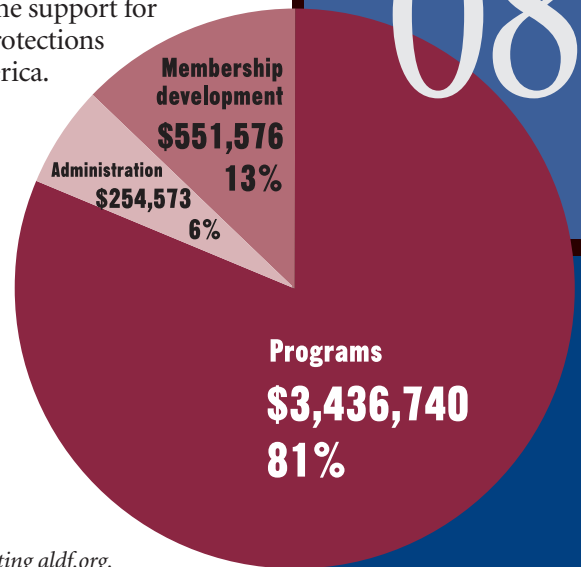
➤ ALDF partners with Portland, Oregon's Lewis & Clark Law School to launch the Center for Animal Law Studies, breaking new academic ground in the field of animal law.



➤ On Election Day, ALDF launches AnimalBillofRights.com, garnering massive online support for basic legal protections for animals in America.



➤ Arkansas, Idaho, Kentucky, Mississippi, and North Dakota are named the five best states in the country to be an animal abuser in ALDF's annual rankings report.



FINANCIAL REPORT – 2008

A copy of ALDF's full audited financial statement may be obtained by writing to ALDF or visiting aldf.org.

CURRENT ASSETS

Cash and cash equivalents	\$1,087,752
Investments	2,013,963
Accounts and grants receivable	85,279
Prepaid expenses and other current assets	39,829
Total Current Assets	\$3,226,823

NONCURRENT ASSETS

Property and Equipment, net	\$967,324
Total Noncurrent Assets	\$967,324
	\$4,194,147

LIABILITIES AND NET ASSETS

Current liabilities:

Accounts payable and accrued liabilities	\$157,432
Accrued payroll liabilities	58,300
Mortgage payable—current portion	9,396
Total Current Liabilities	\$225,128

Long-Term Liabilities:

Mortgage payable—noncurrent portion	635,476
Total Liabilities	\$860,604

Net assets:

Unrestricted	3,307,875
Temporarily restricted	25,668
Total Net Assets	\$3,333,543
	\$4,194,147

SUPPORT AND REVENUE

Donations	\$2,601,509
Foundations and estates	1,778,970
Interest and dividends	34,822
Unrealized loss on investments	(1,534,155)
Net assets released from restriction	254,717
Other	113,277
Total Support and Revenue	\$3,249,140

EXPENSES

Programs:

Legal	\$2,248,731
Public Education	1,188,009
Administration	254,573
Membership development	551,576
Total Expenses	\$4,242,889
Increase in unrestricted net assets	795,123
Decrease in temporarily restricted net assets	(254,717)
Unrealized loss on investments	(1,534,155)
Decrease in net assets	(993,749)
Net assets at beginning of year	4,327,292
Net assets at end of year	\$3,333,543

THE ANIMALS' ADVOCATE



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7 Animal Legal Defense Fund's 2008 Annual Review and Report

Canadian Animal Protection Law Rankings

New ALDF report leads to big changes in New Brunswick

ANIMALS IN CANADA HAVE A FRIEND IN JODY CARR. When Carr, a Member of the Legislative Assembly of the Canadian Maritime province of New Brunswick, learned that the Animal Legal Defense Fund had ranked his province among the bottom tier in our new report of animal protection laws in Canada, he took the issue up with his fellow leaders and introduced a bill to strengthen the SPCA Act. The new law, which received unanimous approval, makes New Brunswick's maximum fine the highest for animal abuse in Canada.

ALDF's 2009 Canadian Animal Protection Laws Rankings had named New Brunswick one of the "best places to be an animal abuser," citing the province's need for stronger penalties, including mandatory terms of incarceration for certain offenders and mandatory fines. "New Brunswick has been dealt a failing grade by the Animal Legal Defense Fund," said Carr, addressing the New Brunswick legislature in May. He added that animal cruelty is linked to community safety and domestic violence. "That is why addressing animal cruelty is important and the right thing to do."

New Brunswick's new law raises the maximum penalty for animal abuse from \$570 maximum per offense to \$100,000 and up to 18 months in jail. "This law is substantial," says Carr. "It sends a strong message to animal abusers, businesses and individuals that animal abuse is going to be taken seriously in New Brunswick — that it is an important issue, and it won't be tolerated."

ALDF's annual report, the only one of its kind in Canada, ranks each jurisdiction on the relative strength and comprehen-



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