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Oregon Law Gives Citizens New Tools To Stop Cruelty



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Animal Rights Advance Into Academia



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ADVOCATE



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ALDF Ag-Gag Victory: Hope for Farmed Animals

U.S. District Court, in a historic decision, throws out Idaho's law that banned whistleblowing and undercover investigations in factory farms

In a landmark victory for farmed animals, Animal Legal Defense Fund (ALDF) made history, as a U.S. District Court ruled that Idaho's Ag-Gag law is unconstitutional, violating the First and Fourteenth Amendments. This is the first time a court has declared an Ag-Gag statute in violation of the U.S. Constitution.

Idaho's Ag-Gag Law (section 18-7042) criminalized whistle-blowing and undercover investigations by journalists and animal advocates in "agricultural production facilities," like factory farms. By making it illegal to take photos or video footage inside factory farms or slaughterhouse plants without the owner's permission, it effectively "gags" individuals from exposing unsafe or illegal practices.

"This decision takes Idaho's Ag-Gag law for all practical purposes off the books," explains Animal Legal Defense Fund's Senior Attorney

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“The effect of the statute will be to suppress speech by undercover investigators and whistleblowers concerning topics of great public importance: The safety of the public food supply, the safety of agricultural workers, the treatment and health of farm animals, and the impact of business activities on the environment.”

— U.S. Chief Judge B. Lynn Winmill of the District of Idaho in *ALDF, et al., v. Otter* on August 3, 2015

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LETTER FROM THE EXECUTIVE DIRECTOR

Turning Concrete Into Glass



Paul McCartney once famously said, “If slaughterhouses had glass walls, everyone would be vegetarian.” Whether or not that’s true, the meat and dairy industries go to great lengths to prevent people from seeing what goes on behind closed doors on factory farms and in modern slaughterhouses.

In the past 10 years or so, undercover investigators have provided a glimpse behind the stark concrete walls of these facilities and most of what has been shown is horrifying. These investigations have led to public outcry, massive recalls of meat (and frequently firings) and criminal animal cruelty charges. Such exposure has been one of the driving factors in legal changes like California’s Proposition 2, which banned many types of intensive confinement of farmed animals and was overwhelmingly passed by voters.

The industry’s response has been illuminating. Rather than address the conditions for animals or even the human workers in such facilities, the meat, dairy and egg industries — desperate to keep their operations out of the public eye — have united in a push to make illegal the taking of photographs or video in agricultural facilities. Eight states passed such laws, collectively known as “Ag-Gag” laws because they “gag” constitutionally-protected freedom of speech and freedom of the press.

But thanks to the Animal Legal Defense Fund, the state of Idaho’s Ag-Gag law has been overturned. On August 3, the US District Court ruled in favor of ALDF and a broad coalition of plaintiffs — including animal protection, media and civil liberties organizations — who argued that the state’s Ag-Gag law was unconstitutional. This is a historic achievement and one in which you can take pride as an ALDF member.

In this issue of the *Animals Advocate*, you can read about our great victory as well as ALDF’s new undercover investigations program, which will continue to expose cruelty and gather evidence on factory farms, in puppy mills, and at exotic wildlife attractions.

Thank you for making our lifesaving work possible with your support.

For the animals,

Stephen Wells,
Executive Director



Animal Legal
Defense Fund

Stephen Wells
Executive Director

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EMPOWERING ANIMALS

Oregon law provides citizens new way to shut down animal cruelty

Thanks to the hard work of ALDF's Criminal Justice team, Oregon residents now have an additional tool in the battle against animal cruelty thanks to the passage of the Nuisance Statute for Animal Crimes (HB2888).

WHAT WAS THE PROBLEM?

Despite the dedication and hard work of law enforcement, the criminal justice system routinely produces bad results by failing to help voiceless victims of cruelty. For example, in a case of neglect hidden behind closed doors, law enforcement may not be able to gather enough evidence to obtain a search warrant, and therefore cannot complete a full criminal investigation to help the animals inside.

HOW DOES THE NEW LAW SOLVE THAT PROBLEM?

The new law fills these gaps in the criminal justice system by empowering citizens to stop ongoing animal cruelty in their communities through a process called nuisance abatement—a civil process that bears a lower standard of proof than the high bar set by the criminal justice system. For example, a neighbor can use evidence they obtained to stop a hoarder where a prosecutor's evidence may not be admissible.

"The Oregon Nuisance Statute for Animal Crimes gives citizens legal standing to file a lawsuit to stop ongoing criminal abuse of animals," adds Scott Heiser, the Director of ALDF's Criminal Justice Program. "Now, in Oregon,

like in North Carolina, citizens are no longer required to sit on their hands and wait for law enforcement to deal with a case. Rather, they can file suit to stop the suffering of victimized animals immediately."

WHAT DID ALDF DO TO HELP PASS THE LAW?

ALDF's Criminal Justice team played an integral role in getting this law passed. The team wrote the legislative concept that ultimately became the law, secured the sponsors who filed the bill, and formed a coalition of supporters who joined ALDF in lobbying to pass the bill, including testifying in support of the bill.

2015 Animal Law Conference Set

The 2015 Animal Law Conference, which starts on October 16 in Portland, Oregon, promises to be yet another exciting forum for sharing ideas, catching up, and bringing together the brightest young minds in animal law.

This, the 23rd annual conference, will focus on global animal issues, including marine mammals, animal testing, factory farming, and many other emerging subjects.

Speakers will include ALDF's own Carter Dillard, *Director of Litigation*; Lora Dunn, *Staff Attorney, Criminal Justice Program*; Pam Hart, *Director, Animal Law Program*; Scott Heiser, *Director, Criminal Justice Program*; Kelly Levenda, *Staff Attorney, Animal Law Program*; Carney Anne Nasser, *Legislative Counsel*; Nicole Pallotta, *Student Programs Coordinator*; Joyce Tischler, *Founder and General Counsel*; T.J. Tumasse, *Manager of Investigations*; and Stephen Wells, *Executive Director*.

The three-day event begins Friday evening, October 16th, in the Pearl District of downtown Portland with a welcome reception and keynote presentation at Urban Studio. The remainder of the conference will take place at the Lewis and Clark Law School.

Visit www.animallawconference.org for more information.



ROB SWATSKY

ANIMAL LAW ADVANCES

ALDF brings animal rights into the the hallowed halls of academia

The environment of a university is one of a nurturing and molding nature. It is within the hours of lectures and through the piles of textbooks where budding minds are able to grow. In the research-based field of law, many years of education are required. Even after becoming a lawyer, one must hone the acquired knowledge to successfully win cases. Although the world of academics may provide an array of legal knowledge pertaining to human rights, where does the issue of animal rights stand within the walls of law school?

With the aid of ALDF, the subject of animal rights is slowly making its way into the classroom and piquing the interest of law students. University of Denver's Sturm College of Law recently established the first-ever professorship committed to inviting students to follow interests in animal rights law – the ALDF Professorship. The Professorship is a revolutionary position funded entirely by ALDF. Justin Marceau, a law professor at the University of Denver, has recently been awarded the title of ALDF Professor of Law. Marceau, who has a deep passion for animal rights, stated that the ALDF Professorship position “will allow the law school to offer upper level courses in animal law to our students.”

Harvard has also created a new animal law program and hired ALDF's own Chris Green to serve as its first executive director. Former SALDF member Delci Winders was also awarded the first ever Harvard animal law fellowship.

By witnessing the increase of animal topics within law schools, we are given a glimpse of the future of animal rights issues in law. With the help of ALDF, university education can include more opportunities for students to find and nurture their passion for animal law.



Wine, Wills, and Whiskers coming to a city near you!

ALDF recently launched a new program called Wine, Wills, and Whiskers where guests are invited to a small gathering to enjoy amazing wine, tasty plant-based hors d'oeuvres, and an informal presentation about how estate planning can have a positive impact on animals.

We held our very first Wine, Wills, and Whiskers event in New York City, and attendees were so delighted by the afternoon event, ALDF has decided to host more of these intimate get-togethers.

“Because of the outstanding feedback everyone gave us, we have decided to host Wine, Wills, and Whiskers events more often,” said ALDF's Director of Development, Vaughn Maurice. “In the coming months, we are hosting them in various cities throughout the country.”

During Wine, Wills, and Whiskers, attendees will learn the planned giving options that are available – some with benefits that you may have never even considered.

“We recently started hosting these events to help people understand the ways estate planning can provide long-term financial security for family members and others,” added Maurice.

Keep an eye on our Facebook Page where we will announce the location of our next Wine, Wills, and Whiskers event. If you are interested in hosting one in your home, contact Erika Mathews at emathews@aldf.org for more information.



AG-GAG VICTORY | FROM PAGE 1

Matthew Liebman. “This is the first step in defeating similar Ag-Gag laws across the country, and should dissuade other states from considering similar laws.”

The lawsuit, filed by ALDF, was backed by a broad-based public interest coalition of national nonprofit organizations, including the American Civil Liberties Union (ACLU) of Idaho, People for the Ethical Treatment of Animals (PETA), and the Center for Food Safety. The suit was also supported by individual journalists, academics, and investigators.

The U.S. District Court for the District of Idaho ruled that the statute was unconstitutional because it suppressed free speech, violating the First Amendment, and was motivated by a hostility against animal rights advocates, a violation of the Equal Protection clause of the Fourteenth Amendment.

The now defunct Idaho Ag-Gag law was originally written by the Idaho Dairymen’s Association after an undercover investigation by an animal rights group revealed workers beating, stomping and sexually abusing cows at an Idaho dairy farm. It was signed into law in February 2014 by Governor C.L. “Butch” Otter, a rancher.

“Ag-Gag laws are being introduced on the behest of the agricultural industry,” adds Liebman. “They know that if consumers saw what animals go through, it would affect com-

panies’ bottom lines—because no one wants to support cruelty. There is no transparency in the factory farming industry—that’s why it’s so important whistleblowing is protected.”

Previous undercover investigations into the agricultural industry have led to plant closures, recalls for food safety issues, citations for environmental and labor condition violations, criminal convictions, and civil litigation.

The Federal Court’s decision guarantees protection for individuals who bravely come forward to expose not only extreme isolated incidents, but also cruel routine practices which are considered “industry standards.”

“There’s an ongoing conversation in society on whether animals should be used as commodities—it is vital the public has access to accurate information,” says Liebman. “People have the right to know how their diet is contributing to suffering—and how common industry practices could be making them sick.”

The benchmark decision sets a precedent for ALDF’s lawsuit against the state of Utah and its own Ag-Gag statute, 76-6-112, which ALDF has also challenged as unconstitutional.

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“Whatever one’s view on the ethics of eating animals, a robust and educated public debate can’t take place without access to accurate information.”

MATTHEW LIEBMAN, ALDF ATTORNEY





T.J. Tumasse,
Manager of
Investigations



NATHAN CAMUZO

ABUSE CAN'T HIDE

ALDF Launches New Undercover Investigations Unit



For years, factory farms have hidden a litany of horrifying practices. But thanks to the efforts of undercover investigators, documentation of conditions that shock not only those closely involved in animal welfare but the general public as well is emerging.

Now ALDF is helping to bring to light the dirty secrets of agribusiness with a new undercover investigations unit led by veteran investigator T.J. Tumasse.

Tumasse has been involved in undercover investigations in 30 states with leading animal rights organizations Mercy for Animals, PETA, and now ALDF.

“I have always believed that undercover investigations provide the greatest platform in advocating for the freedom of animals because investigations show people the reality hidden behind the locked doors of industries and persons who exploit animals,” said Tumasse. “The videos do not lie. The illusion that animals are ours to do with as we please is shattered when people see the reality of their suffering.”

Under Tumasse’s leadership, ALDF’s new undercover unit will take investigations a step further than similar efforts.

“ALDF is taking a different approach to undercover work in that we are specifically looking to advance the status of animals as victims in the eyes of the law,” explained Tumasse. “What this means is that we are selecting undercover strategies that will enable us to develop

cases that lead to litigation, legislation, and criminal justice lawsuits.”

Tumasse believes that the abuses investigators uncover are not isolated incidents, as some would claim, but rather represent widespread practices.

“Animal abuse is not limited to bad employees and it is not limited to factory farms,” he said. “Every place I have visited that keeps animals against their will and uses them for human purposes exploit, abuse, and harm the animals in ways we can’t even fully understand. The abuse that animals face is systemic and it is never justified.”

Unfortunately, the eye-opening findings of past investigations have triggered a backlash in the form of Ag-Gag legislation. Seven states have passed laws to make it illegal to gather information, photos, and video at facilities such as factory farms. Ag-Gag bills make the investigators, rather than the animal abusers, the criminals.

“If Ag-Gag efforts progress, the companies and people who abuse animals will move to those states so they have government protection to continue to abuse, enslave, exploit, and slaughter animals in the most egregious ways known to man,” said Tumasse. “Ag-Gag is meant to hide the truth for a reason: they have something to hide and undercover investigations show that. They are trying to make it illegal to report systematic abuse instead of ending it. That’s why ALDF will continue to challenge these laws as unconstitutional.”

Did you know that you can avoid capital gains taxes by donating appreciated stocks directly to ALDF? Contact estates@aldf.org for more info.



ALDF recently opened its first regional attorney network in Los Angeles, California. The office is a prototype that ALDF will expand to other regions where there is strong momentum to push the law forward for animals. As Los Angeles regional director, Lindsay Larris is responsible for the operations of the L.A. office and furthering ALDF's national goals regionally.

Q: WHAT ARE THE BENEFITS OF OPENING A REGIONAL NETWORK IN THE LOS ANGELES AREA?

LARRIS: Over the past decade, the Los Angeles area has been at the forefront of legal advances to protect the lives and advance the interests of animals. A few examples are the West Hollywood fur ban; the city of L.A.'s ban on the sale of commercially-bred dogs, cats, and rabbits; a strong move against the puppy mill industry; and the recent enactment of a bull-hook ban by L.A. City Council, effectively forcing circuses to either change their practices or remove elephants from their shows.

Against this strong background of support for animal welfare, ALDF has more than 5,000 members in the L.A. area, nearly 100 attorneys in our pro bono network, plus SALDF chapters at eight of the area law schools. ALDF's Los Angeles regional attorney network will strengthen our national organization's connections to our attorney members, student chapters, and supporters in the Los Angeles area.

Q: WHAT ARE YOUR GOALS FOR ALDF-LA?

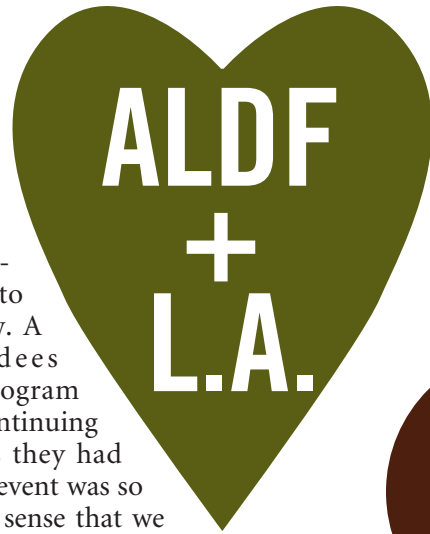
LARRIS: Overall, I'd like to build ALDF's presence in the Los Angeles area as the expert in animal law by hosting continuing legal education (CLE) activities related to animal law, collaborating with other non-profit organizations based in Los Angeles, and building relationships with local government. I also would like to host local events for ALDF supporters in the L.A. area, allowing members to meet one another and learn more about ALDF's groundbreaking work in a personal, informal setting. Last, I'd like to continue to build our amazing pro-bono attorney network, which allows us to pursue so many different cases to advance the interests of animals.

Q: WITH THE SUCCESS OF ALDF-LA'S FIRST SYMPOSIUM, CAN WE EXPECT MORE SYMPOSIUMS IN THE NEAR FUTURE?

LARRIS: Absolutely! The L.A. Animal Law Symposium, held at the USC Law School in March, was such a

fantastic event, not only because of the quality of our panelists, but because of the incredible number of people who chose to spend an entire Saturday in the basement of a law school to learn about animal law. A number of attendees responded that the program was one of the best continuing legal education events they had ever been to! Since the event was so popular, it only makes sense that we would continue the tradition next spring.

Visit us here <http://aldf.org/about-us/aldf-la/> to join the ALDF-LA attorney network.



LEGACY OF LOVE

Help a great cause and provide a lifetime of care for your pets

Have you thought about what would happen to your companion animal(s) if you passed away? It's not pleasant to think about but being prepared is a must and ALDF is here to help through our Legacy of Love program.

The Legacy of Love program guarantees that your companion animal(s) will have a loving adoptive home for life when you leave \$25,000 or more to ALDF in your will. In addition to providing a stable, happy environment for them, your \$25,000 assists ALDF in its efforts to protect animals everywhere.

You can specify that bonded animals be adopted together and we're happy to handle any other special requests.

ALDF will also ensure that your pets receive the best care with annual check-ins with their adoptive family.

For more information or if you would like to be a temporary foster parent of a Legacy of Love animal, please write estates@aldf.org for more information.



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Raise awareness with ALDF's Hot Cars Sunshade

Every summer, people are warned not to leave their dogs locked in a hot car. Even on a relatively mild 70-degree day, the interior temperature of a car can reach well over 100 degrees. Unlike humans, dogs can't sweat through their skin to cool themselves, so they must rely on panting. When panting in hot air, a dog can quickly become overheated and succumb to heatstroke, leading to organ damage or death.

Now you can remind others to be considerate of their canine companions with the ALDF Dogs in Hot Cars Sunshade.

The sunshade, which was recently featured on *The Today Show*, features a bold warning not to leave dogs in cars, with a reminder to call 911 if you do encounter an unattended dog in a car.

Take a stand for dog safety with the Dogs in Hot Cars Sunshade, which you can order at ALDF.org/sunshade.

THE ANIMALS' ADVOCATE A NEWSLETTER FOR THE SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND



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ALDF Launches
New Undercover
Investigations Unit



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ALDF Opens New
Regional Attorney
Network in L.A.