

the Animals' ADVOCATE

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A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND

INSIDE:

ALDF Helps
Prosecutor
Fight Abuse

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Warning: Page 7 contains
graphic material

Spared on the Prairie

*Texas town calls off
prairie dog slaughter*

A plan to kill nearly 50,000 black-tailed prairie dogs has been scuttled thanks to a lawsuit brought by ALDF and a coalition of environmental and animal protection groups. Officials in Lubbock, Texas, were preparing to wipe out a local prairie dog colony because they claimed the animals were responsible for groundwater contamination — a claim environmental experts denied. Soon after the lawsuit was brought, the city backed away from its extermination plan, opting instead to relocate the animals.

“People think that once an animal is recognized under the Endangered Species Act (ESA), it’s protected. Sadly, that’s not always true,” says Stephanie Nichols-Young, an ALDF volunteer who has been involved in efforts to protect prairie dogs across the Southwest. “Black-tailed prairie dogs are listed as a candidate species under the ESA. Nine states that are part of their 11-state historic range — including Texas — have signed off on a Conservation Agreement to protect them because of this status. Yet a state agency had a hand in the city’s plan to kill the prairie dogs. I was very disappointed that government officials so blatantly tried to ignore their agreement and their duties under the ESA, especially considering that their pretext for doing so was so weak.”

The prairie dogs live in fields used by Lubbock for sewage treatment. City wastewater is sprayed on rye grass, which is supposed to absorb dangerous nitrates from the water. But the Texas Commission on Environmental Quality says the system isn’t efficient enough and local groundwa-



PHOTO BY DON FEARRE

ter supplies are threatened. The commission and the city have blamed the prairie dogs for rising nitrate levels in the water because the animals create their colonies by burrowing underground. But prairie dog holes are typically no more than five feet deep, while groundwater tables lie between 50 and 90 feet underground.

Yet despite the lack of evidence linking the animals to the water contamination problem, the city

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For the **RECORD**

“Animals are property. We buy them, we sell them, trade them. I think this bill tries to take that away... put them on a standard higher than any other personal property.”

Wyoming state Rep. Rodney “Pete” Anderson on his opposition to Wyoming’s new felony anti-cruelty law — which he later voted for

“[A dog gives] unconditional love, and I can’t state how strong it is to be loved like that. But to have it taken away from you the way they’ve done, this is terrible.”

James Smoak, speaking to the *CBS Early Show* about his dog Patton, who was shot by a police officer (for more details, see the story on page 3)

Letter from the **EXECUTIVE DIRECTOR**

No Foam, Decaf, Grandé Social Change

Those of us who founded ALDF believe that the best place to fight animal abuse and exploitation is in America’s courtrooms. Of course, that doesn’t mean we think the courts are the *only* place people can work to end cruelty. In fact, I like to think I’ve been fighting my own little crusade every time I go into a coffee shop. And lately I’ve been winning.

It started a few years ago, when I began asking for soy milk instead of cow’s milk for my coffee. In the beginning, I got a lot of puzzled stares — and I *never* got any soy milk. One snooty *barista* even suggested that I start lugging my own soy milk around with me. But eventually I stopped hearing “No, ma’am” everywhere I went. Instead, I’d hear the occasional “Here you go” or “It’s right over there.” These days, it’s not even all that occasional — it’s common.

Do I think I brought about this coffee shop revolution all by myself? Absolutely not. I have no doubt that a lot of other people have been asking the same question I have. (You wouldn’t have any doubt either if you’ve ever tried a mocha with soy!) This wasn’t a single-handed victory. I was working with people across the country — most of whom I’ve never even met — to bring about a change for the better.

I’ve been working with my allies, all those thousands of likeminded strangers out there, on a number of other fronts, as well. Have you noticed all the meat substitutes your local grocery stores have started stocking? The ones that have been slowly eating up a larger and larger portion of the freezer section? We did that. We kept asking store managers for “unmeats.” And if enough customers ask, store managers start to listen.

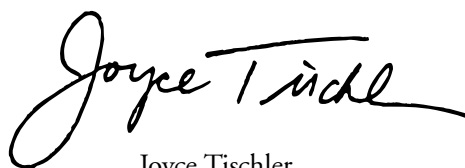
And how about all the cruelty-free cosmetics you can find in stores today? And the faux leather purses and shoes and jackets? And vegetarian and vegan options at banquets and on airplanes and in fast-food restaurants? Yes, all that was us. We got them because each of us, one by one, *asked* somebody for them. It was really that simple!

My hope is that enough people will keep on asking — and buying, and recommending ethically created products to family and friends — that cruelty-free capitalism will become as widespread and accepted as recycling. After all, thirty years ago recycling programs were little more than a pipe dream, something environmentalists placed high on their wish list. Today, you’ll find Americans recycling bottles, cans and paper from sea to shining sea. What some stick-in-the-muds once called impractical, maybe even impossible, is now a reality for millions.

It’s important to fight the big battles — the ones that shape laws and how they’re enforced. But it’s just as important to fight the little skirmishes you usually won’t see covered in newspapers or newsletters like this one. They have the power to change lives, too.

And if you’re fighting for soy-milk mochas, they have the advantage of being mighty tasty!

For the animals,



Joyce Tischler



P.S. — We’d love to hear about some of the simple, everyday ways you make the world a better place for animals. To share them, log onto the ALDF website (www.aldf.org) and post your suggestions in the Issues section of our Bulletin Board.

Tragedy in Tennessee

This winter, TV viewers across America were stunned and outraged to see graphic video footage of a Tennessee police officer shooting a playful dog as family members watched in horror. The video, captured by a dashboard-mounted camera in a police cruiser, resulted in a flurry of news stories about the incident. Yet while the video was shocking for most who saw it, ALDF Cruelty Case Coordinator Bradley Woodall wasn't surprised to learn of a beloved companion animal gunned down by police.

Woodall tracks animal abuse cases for ALDF's Anti-Cruelty Division. As reported in the Winter 2001 issue of *The Animals' Advocate*, he's noticed a disturbing trend — a sharp increase in reports of police officers shooting dogs.

"I used to get one or two calls about this every month," Woodall said then. "Now I'm getting one or two a week."

Unfortunately, nothing's changed since then.

"As this latest case demonstrates, this is still a big problem," Woodall says.


The Tennessee incident began when James Smoak, driving home from a vacation with his wife and son, accidentally left his wallet on top of his car after stopping for gas. When motorists reported seeing money flying from the car on the highway, police thought the vehicle might be connected to a robbery. So they pulled the Smoaks over and, with guns drawn, forced the family to kneel by the roadside. Despite the Smoaks' repeated requests that they close all the doors, the officers didn't. When the family's friendly boxer-pit bull mix, Patton, bounded out an open door with tail wagging, police officer Eric Hall fired a shotgun at the dog, killing him.

Soon afterward, the traumatized family began exploring legal options with their attorney. As they did so, they had some help from an outside source — ALDF Louisville-based attorney (and ALDF board member) Katie M. Brophy and ALDF Anti-Cruelty Director Pam Frasch both consulted with the Smoaks' lawyer, sharing their expertise and later faxing over relevant research and other information. ALDF was also on hand to offer support when Tennessee state Senator Steve Cohen began organizing a hearing in response to the incident. ALDF Staff Attorney Stephan Otto consulted with Cohen on the hearing (just as ALDF attorneys had earlier worked with Cohen when the lawmaker was preparing the state's T-Bo Act, which made it legal to sue for non-economic damages after the wrongful death of a companion animal).

The focus of Cohen's hearings was on the need

for better animal behavior training for police officers. According to Woodall, most communities could probably benefit from such a hearing — because so few police officers have the training they need. Frequently, officers receive no instruction in animal behavior, leading them to misinterpret a non-threatening dog's intentions as hostile. All too often, Woodall says, these officers resort to lethal force when other, more appropriate options — such as calling in animal control authorities or using pepper spray — are available.

If your local police department doesn't offer animal behavior trainings, there is a way you can help. Woodall says concerned citizens can purchase training videos and provide copies to their local law enforcement agencies. One he recommends is "What Dogs Try to Tell Cops," a 23-minute training video available for \$95 from In the Line of Duty. (For more information, call 800-462-5232 or go to www.lineofduty.com.)

"I'm certain that more and better training would result in fewer tragedies like the one experienced by the Smoaks," says Woodall, who (like the rest of ALDF's Zero Tolerance for Cruelty team) works closely with law enforcement officials nearly every day. "Hopefully, what happened to them — and the aftermath of it — will act as a wake-up call for police departments that aren't currently training their officers to deal effectively with companion animals." 

"I'm certain that more and better training would result in fewer tragedies like the one experienced by the Smoaks."

**Bradley Woodall,
ALDF Cruelty Case
Coordinator**

Patton before he was shot



PHOTO COURTESY THE PRESS & STANDARD, WALTERBORO, S.C.

Prairie Dogs

continued from front page

“Prairie dogs are being driven to the brink of extinction.

That’s got to stop.”

**ALDF Executive Director
Joyce Tischler**

created a plan to destroy the colony. That alarmed wildlife experts, many of whom believe prairie dogs are becoming so rare they should be given federal protection. Burrowing herbivores related to squirrels, prairie dogs were once common throughout the West. But over the last century, they’ve lost as much as 99 percent of their habitat. And every time another colony is poisoned or blasted, the suffering reaches out beyond the prairie dogs. Destroying a colony decimates the fragile ecosystem that has built up around its holes and tunnels, with other animals perishing as well.

So when the city’s plan became known, environmentalists and other concerned citizens raised the alarm. Soon afterward, ALDF, Public Employees for Environmental Responsibility, Defenders of Wildlife and other groups filed suit against Lubbock and the state environmental commission, claiming that exterminating the prairie dogs would be unreasonable and arbitrary and thus in violation of proper administrative procedures. The commission quickly backed down, amending an order to the city that had blamed the nitrate problem on the prairie dogs. Lubbock officials later decided not to kill the animals. Instead, they launched a relocation effort this winter, and prairie dog advocates continue to monitor the city’s actions.


ALDF has also been involved in efforts to protect prairie dogs in Colorado, providing financial backing and legal expertise to environmentalists suing the state’s Division of Wildlife. The suit, brought by Rocky Mountain Animal Defense, argues that widespread poisoning of prairie dog colonies violates the Colorado constitution. An amendment passed by voters in 1996 made it illegal to trap or poison most wildlife species. Unfortunately, birds and rodents — including prairie dogs — were excluded from the amend-



PHOTO BY DON HEARE

ment. But prairie dog colonies play host to more than 200 other species, including protected salamanders, snakes, rabbits and badgers.

This past January, a Colorado district court judge issued an opinion that castigated the Division of Wildlife for failing to ensure that protected species weren’t being killed. Yet the judge declined to mandate any corrective actions, merely suggesting that the state agency clean up its act. With ALDF support, Rocky Mountain Animal Defense is petitioning the Colorado Supreme Court for an appeal.

“Prairie dogs are being driven to the brink of extinction. That’s got to stop,” says ALDF Executive Director Joyce Tischler. “Lawsuits like these can slow down the killing, but the problem won’t go away until more wildlife management agencies start doing their job. They should be protecting wild animals, not destroying them.” 

No More Home on the Range?


Dwindling prairie dog populations aren’t just bad news for the furry, burrowing animals. It’s bad news for other plants and animals, bad news for scientists and bad news for anyone who values the beauty of the American West.

Prairie dogs play a vital role in the ecosystem of America’s grasslands. Their digging helps to aerate the soil, benefiting a variety of plant species. Dozens of other animals — including the federally protected burrowing owl — make their homes in holes dug by prairie dogs. And the prairie dogs are a critical food source for eagles, hawks, foxes, ferrets, coyotes and badgers. When prairie dogs disappear, the surrounding grasslands often go with them, as do the other animals who live there.

Not only do prairie dogs have a unique place in their ecosystem, they have a unique place in science as well. In recent years,

zoologists have come to appreciate the complex social structure of prairie dog colonies. And one researcher has discovered that the animals have a well-developed communication system, which they use to alert each other when predators are near.

Yet despite the special importance of prairie dogs and the role they play in the environment, they are routinely shot, poisoned, drowned, gassed and buried alive by bulldozers. Of the five species of prairie dog in North America, only two have been listed under the Endangered Species Act, and population numbers for all five species are falling fast.

On July 26, animal advocates will gather in Denver to discuss the prairie dog’s troubling future — and what to do about it. The 2003 Prairie Dog Summit will bring together educators, policymakers, attorneys, biologists and others interested in protecting this very special animal. For more information, go to www.prairiedogcoalition.org. 

Dogged Determination

Key to helping prairie dogs is tenacity, says ALDF volunteer

ALDF board member Stephanie Nichols-Young loves all animals, but she feels a special kinship with prairie dogs. Maybe that's because she and the increasingly threatened animals share a specialty: communications. Nichols-Young began her career as a television news photographer in Tucson, and prairie dogs are the chattiest creatures you'll find on the plains.

"I can remember the moment I first became fascinated with prairie dogs. A few years ago, a friend of mine who worked for *Dateline NBC* told me about a story he'd worked on for the show. A scientist at Northern Arizona University discovered that [a species of] prairie dog has a language," Nichols-Young recalls. "One of them will act as a sentry and make different noises for different predators. The sentry will even use a different signal if the predator is hunting or just walking by. I was amazed."

That amazement turned to sorrow when Nichols-Young learned that another species, black-tailed prairie dogs, had once lived in her state but had been killed off by ranchers years before. Nichols-Young devoted herself to reintroducing black-tailed prairie dogs in Arizona. Though there are still years of work to be done to make that happen, Nichols-Young hasn't lost any of her determination to see her goal realized. In the meantime, she's become involved in efforts to help prairie dogs in other states — including Texas. She provided vital assistance to activists who were working hard to head off the city of Lubbock's plan to exterminate a huge prairie dog colony. Nichols-Young drafted and helped file Freedom of Information Act and state open-records law requests, identified useful legal strategies for a lawsuit designed to block the killings and brought in other attorneys with expertise on the issues at hand.

"At first I didn't think there was much I could do to help the Lubbock prairie dogs. I'm not licensed in Texas and I have no expertise in wildlife law. But then I realized that the skills we have as attorneys can *always* be valuable," says Nichols-Young. "I knew I could help gather information to pass off to attorneys who did have the right expertise."


Don't let Nichols-Young's devotion to prairie dogs fool you. She's got plenty of room in her heart for other species too. In fact, she's had a special relationship with animals ever since she was a child.

"I became a vegetarian when I was 12 years old," she says. "My family had moved from the suburbs to a rural community, and all my friends

were in 4-H and had to raise animals as pets for a year. Then, at the end of the year, they sold them for slaughter. When my friends told me what they were going to do, I couldn't believe it. I can remember another time visiting a friend's house after her dad had slaughtered a cow. The carcass was still hanging in the barn. That was it for me. No more meat."

Nichols-Young stuck to her childhood vow. Later, when she was in her twenties, she took another step down the path of animal activism. While in law school at the University of Arizona, she became aware of the horrors of product testing on animals. Soon she was volunteering with local animal rights groups. And once she graduated and passed the bar, she immediately began putting her new legal skills to good use. She's been involved in a number of vet malpractice suits, litigation to recover greyhounds who were sold to research laboratories without their owners' knowledge or consent, efforts to get animal protection initiatives on state ballots (as well as efforts to block ballot proposals that would harm animals) and the defense of animal activists whose First Amendment rights have been violated.

And, of course, there's another important way Nichols-Young has worked to help animals: as an ALDF volunteer.

"ALDF has helped me meet people across the country who feel the same way I do," she says. "It never ceases to amaze me how helpful it is to talk to attorneys working on animal issues in other states. While every state is different, there are also many similarities, so there's a lot we can learn from each other. It's really inspiring to see that put into action." 

"I didn't think I could help the prairie dogs. Then I realized the skills we have as attorneys are always valuable."

**ALDF Board Member
Stephanie Nichols-Young**

**Stephanie
Nichols-Young**



BRIEFS...

“We will monitor the progress of these regulations and examine the final version carefully.”


**Wendy Anderson,
Managing Attorney,
ALDF Litigation Office**

Litigation Office Turns Government Watchdog

ALDF has called on Department of Agriculture Secretary Ann Veneman to give the public electronic access to USDA inspection reports. Amendments made to the Freedom of Information Act in 1996 require USDA to make the reports available electronically. Yet though the reports were once available on USDA's website, they were removed last spring without explanation. ALDF has sent Veneman a letter asking that she comply with federal law and direct her department to make the reports available online once again.

The reports in question give citizens a window on the care and treatment of animals in research labs inspected by USDA. Knowing that the reports are made public in a timely fashion would give research facilities added incentive to obey

Animal Welfare Act guidelines.

“These reports need to be available pretty much as they come out,” says Wendy Anderson, managing attorney of ALDF's Washington, D.C., litigation office. “If people have to submit written Freedom of Information Act requests, they'll probably have to wait years to see the reports. By then, the reports will be obsolete and many of the animals will be dead. So there's a very good reason electronic access is mandated by law.” 


ALDF Calls for More FAA Animal Protections

ALDF has also urged the Federal Aviation Administration (FAA) to strengthen protections for animals transported in the cargo holds of commercial airplanes. Responding to public concern about the issue, Congress directed that airlines make public reports about incidents involving the loss, injury or death of animals during air transport, while also improving the training of airline employees entrusted with animal care. In the fall of 2002, the FAA sought public comment on the regulations it created in response to this directive. ALDF analyzed the proposed regulations, as well as many of the public comments already on file, and found three primary areas of concern.

First, the FAA's proposed definition of “animal” is unduly narrow, restricting “animals” to “pets,” thus ignoring the vast number of transported animals who are not companion animals. Second, some public comments suggested that airlines need not investigate and report every incident, but only those where a formal complaint is filed. This would diminish the amount of timely, reliable data available to the public concerning the treatment of animals by various airlines. And third, the proposed regulation contains no provisions for improving employee training.

ALDF has submitted its analysis of the proposed regulations to the FAA, and before finalizing the regulations in the months ahead the federal agency must review and consider ALDF's comments (as well as more than 5,500 comments submitted so far by other animal welfare organizations, airlines, animal dealers, exhibitors, researchers and concerned private citizens).


“We expect that the FAA will look closely at our comments and make the appropriate changes,” says Wendy Anderson, managing attorney of ALDF's Washington, D.C., litigation office. “We will continue to monitor the progress of these regulations and, when a final version is announced, we will examine it carefully and decide then whether further action is necessary.”

To read both ALDF's letter to the USDA and the organization's comments on the FAA regulations, go to the Issues section of the ALDF website. 

New Programs for ALDF Supporters

ALDF has launched a new recognition program that will give supporters a unique, behind-the-scenes look at the organization's activities. Members of the newly formed Guardians Council will receive updates and alerts that offer in-depth analysis of ALDF's current and upcoming programs, partnerships, initiatives, events and lawsuits. The program is open to donors who support ALDF's efforts to protect animals with a gift of \$500 or more. For more information, contact ALDF President Steve Ann Chambers at sachambers@aldf.org.

Meanwhile, another recently launched recognition program continues to grow. The Barney Legacy Society is named in honor of the chimpanzee at the heart of a landmark ALDF case. Barney was living in a cramped cage at a New York game farm when he was spotted by Mark Jurnove. Disturbed by the isolation and neglect Barney was being forced to endure, Jurnove contacted USDA, the federal agency charged with enforcing the Animal Welfare Act. When USDA refused to act, Jurnove turned to ALDF, which took the case to court. The lawsuit resulted in a historic decision that affirmed a citizen's right to sue the government to ensure that animal protection laws are enforced. Tragically, Barney never benefited from this important decision. In June of 1996, he was shot to death after he escaped from his cage. But his memory lives on, serving as the inspiration for the Barney Legacy Society, a recognition program for those who've chosen to include the organization in their estate planning. More than 200 individuals have joined the Society since it was formed last year. To learn more about the Barney Legacy Society, estate planning, gift annuities and other giving options, contact Linda Manning at manning@aldf.org.

Those searching for a less conventional way to support ALDF's animal protection efforts might be interested in our new online auction. Later this year, ALDF will begin auctioning off donated items via the popular eBay auction website. ALDF supporters have already sent in an array of auction items, including paintings, airline tickets, autographed books and hard-to-find collectibles. If you'd like to donate an item that can be easily shipped to ALDF, send an e-mail to auction@aldf.org. 

A Dog Named Hope

Just a few months ago, things looked bleak for Mercedes, a 4-year-old Doberman pinscher in Gautier, Miss. Her human guardian kept her locked up in a backyard kennel with only dirt in her food and water bowls. She was starving. She had heartworms. And she had only one companion — the decomposing body of another Doberman.

Fortunately, neighbors reported the smell of the corpse to the police, and Mercedes was rescued before starvation could take her, as well. Soon afterward, she had a new life, a new name and — thanks to some timely assistance from ALDF — a new shot at justice.

Kim Capella-Gowland, director of Gulf Coast Doberman Rescue, agreed to take Mercedes in after the dog was seized by the police. She was shocked by what she saw: an animal so starved and sick it was a wonder she was alive at all.

“I gave her a new name — Hope,” says Capella-Gowland. “I thought that’s all she really had.”

Under Capella-Gowland’s care, the newly christened Hope slowly but steadily regained her health. But despite the recovery, Capella-Gowland remained outraged by the way the dog had been treated. And she was even more outraged when she learned that local prosecutors didn’t plan to pursue the case vigorously.

“They weren’t even going to ask for the maximum penalty,” she says. “They just wanted to fine [the woman who’d kept Hope locked up] \$500.”

Capella-Gowland contacted local lawyer (and ALDF member-attorney) Marilyn H. David, who thought ALDF needed to get involved — and fast. The trial of Hope’s former guardian, Tremena Miskel, was just days away.

Soon, David and Capella-Gowland were strategizing with ALDF Staff Attorney Dana Campbell and Cruelty Case Coordinator Bradley Woodall. After researching Mississippi’s anti-cruelty laws, Campbell prepared a lengthy memo for the prosecutor handling the case, alerting him to the other sentencing options he could request: a \$1,000 fine, restitution for Gulf Coast Doberman Rescue and a permanent ban on custody of animals.


“Dana suggested that I personally meet with the prosecutor before the trial to discuss the strategies she was advocating, and I think that influenced the way he prosecuted the case,” David says. “Bradley also helped coordinate news coverage of the case, which was very important in educating the community about the case and animal cruelty.”

A few days later, when Judge Gary Roberts made his ruling, it was clear that everyone’s efforts had paid off. Roberts sentenced Miskel to 10 days in jail, fined her \$1,000, ordered her to pay \$1,355 in restitution to Gulf Coast Doberman Rescue and permanently barred her from acquiring more ani-

mals as long as she lives in Gautier. Although Roberts suspended the jail time and \$500 of the fine, he also placed Miskel on one year’s probation. If she purchases another animal or doesn’t come through with the money she owes Capella-Gowland’s organization, she’ll have to cough up the additional \$500 — and she’ll go to jail.

“It was a real miracle,” says David of the judge’s verdict. “If Dana and Bradley hadn’t responded so quickly, we wouldn’t have known what to do.”

Capella-Gowland says there’s another miracle in this story: Hope’s recovery.

“I’ve never seen a dog treated so badly. I expected severe emotional trauma,” she says. “But it’s just amazing. She loves other dogs. She loves people, especially kids. She just loves the world. She’s one heck of a survivor.” 



Hope after her rescue (above) and today



Family Accused of Torturing Rabbits



Police recently arrested Matteo and Rosario Loverso of Bay Shore, N.Y., after a tipster dropped off a videotape that allegedly depicts the father and son duo torturing rabbits at a family party. The Loversos are currently free on \$100 bond and face one count each of misdemeanor animal cruelty.

Copies of the video were anonymously delivered to the Suffolk County Society for the Prevention of Cruelty to Animals and a local television station. According to an SPCA spokesman, the video shows the men punching and kicking the rabbits, encouraging the family dog to attack them and then skinning at least one of them while the animal was still alive and screaming in agony. Family members, including children, reportedly looked on and laughed. After viewing the tape, the SPCA launched an investigation, resulting in the Loversos’ arrest.

The Loversos raised the rabbits themselves in a hutch behind their Long Island home. The animals were eaten after being killed.

Because the Loversos reportedly urged Cujo, their dog, to attack the rabbits, the SPCA contends that the family violated the state’s felony law against animal fighting. To encourage local prosecutors to bring felony charges against Matteo and Rosario Loverso — and seek the maximum sentence allowable under the law — send a letter to:

Thomas J. Spota
Suffolk County District Attorney
Building #77 North County Complex
Hauppauge, NY 11787




the Animals' ADVOCATE

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More States Join Anti-Cruelty Fight

Years of work by ALDF bore fruit this winter when West Virginia and Wyoming became the 39th and 40th states to create felony anti-cruelty laws. ALDF's Anti-Cruelty Division worked closely with legislators and concerned citizens in both states to make the laws a reality.

"Slightly more than a decade ago — right before the formation of ALDF's Zero Tolerance for Cruelty campaign — seven states had felony animal cruelty statutes. Now we're up to 40," says the Anti-Cruelty Division's director of legislative affairs, Stephan Otto, who authored the West Virginia law. "That's a dramatic shift."

Otto also wrote the initial drafts of Wyoming's "Dexter's Law," which gained widespread support in the state after the gruesome torture-killing of a basset hound named Dexter. The new Wyoming statute makes it a felony, punishable by up to two years imprisonment and/or a fine up to \$5,000, if someone "knowingly and with intent to cause death, injury or undue suffering, cruelly beats, tortures, torments, injures or mutilates an animal resulting in the death or required euthanasia of the animal."

The West Virginia statute, dubbed the "Groucho Act" in memory of a dog killed by a reckless driver in a hit-and-run accident, made a number of improvements to the state's animal protection laws. It added a felony provision — punishable by one to three years in jail and a fine between \$1,000 and \$5,000 — for torturing or maliciously killing an animal. It required courts to order and review mental health evaluations before granting probation for convicted offenders. And it prohibited those convicted under the cruelty laws from possessing or living with any animal for five years (in the case of misdemeanors) or fifteen years (in felony cases).

"Encouraging states to create and enforce strong animal protection laws is an important part of ALDF's mission," says ALDF Executive Director Joyce Tischler. "So I'm very proud of what we've accomplished in Wyoming and West Virginia. It's taken a lot of effort to get this far. And we're not through yet. We've still got ten states without felony anti-cruelty laws, so there's still work to be done."

