

the Animals' ADVOCATE

Spring 2006
Volume 25 Number 1

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Take Top
Honors

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A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND

Suffering Behind the Silver Screen

ALDF files suit against Hollywood chimpanzee "trainer"

Chimpanzees are our closest relatives, sharing 98.4% of their DNA with us. But unlike their human counterparts, chimpanzees on the silver screen don't enjoy a VIP lifestyle in the spotlight.

While collecting information about Hollywood chimpanzee "trainer" Sid Yost's practices for more than a year, primatologist Sarah Baeckler was shocked by the violent manner in which Yost and some of his colleagues treated the animals who were hired out as performers. The chimpanzees that Yost has mistreated have appeared in numerous movies, commercials, and TV spots, including "That '70s Show," "Scrubs," and "The Craig Kilborn Show"—but the cruelty they endure behind the scenes is anything but funny.

"The trainers physically abuse the chimpanzees for various reasons, but often for no reason at all," explains Baeckler. "If the chimpanzees try to run away from a trainer, they are beaten. If they bite someone, they are beaten. If they don't pay attention, they are beaten. Sometimes they are beaten without any provocation or for things that are completely out of their control." Baeckler, who holds undergraduate degrees in primate behavior and anthropology and a master's degree in primatology, also described how on at least one occasion, Yost beat a chimpanzee named Apollo with a thick, cane-shaped stick; the beating was so vicious that Yost eventually broke the stick over Apollo's back. Adds Baeckler, "I saw volunteers and trainers hit a chim-



panzee named Cody on the head with a lock, take a full windup and punch him in the back, kick him in the head, and hit him with a blunt instrument known as 'the ugly stick.'"

After Baeckler notified the Animal Legal Defense Fund of the extreme cruelty she witnessed while volunteering with Yost* from June 2002 to July 2003, an ALDF attorney got to work, spending countless hours putting together a complaint against him. In November 2005, *ALDF v. Yost* was filed in U.S. District Court in

Apollo, one of the chimpanzees ALDF is fighting to rescue from abusive trainer Sid "Ranger Rick" Yost

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For the **RECORD**

"What was done to Scruffy and what was done to Magnum... once we catch those offenders they should be prosecuted as felons."

—**Senator David Haley**,
a Kansas City Democrat, referring to crimes in which a dog was videotaped being burned alive and another, covered with fatal chemical burns, was dumped in a trash bin.

"Victims of domestic violence tell us that their abusers have threatened to kill, threatened to harm or actually harmed their pets as a means of keeping the victim from leaving the relationship."

—**Maine Gov. John Baldacci**,
who recently signed a bill that allows animals to be included in protection orders in domestic violence cases.

Letter from the **EXECUTIVE DIRECTOR**



A Tradition of Fighting for Justice

After working closely with Joyce Tischler for the past six years as the director of ALDF's Animal Law Program, I was honored to be chosen to become ALDF's executive director and CEO this year. In my new role I have the unenviable task of succeeding Joyce, who founded this organization 26 years ago and has led it ever since. Talk about a tough act to follow!

Fortunately, Joyce will be just down the hall, continuing to further ALDF's mission as our new founding director. As a member of ALDF, you will continue to hear from Joyce through her new newsletter feature, "Ask Joyce," which debuts in this issue on page 7.

The Animal Legal Defense Fund is unique among animal protection organizations in focusing exclusively on the law as a way to stop animal abuse. That's what attracted me to ALDF. I believe that the law is our most powerful ally in building a better future for all animals.

As a nation, we can be proud of the fact that even while the law technically considers animals to be "property" – like my computer or the desk it sits on – we have anti-cruelty laws in all 50 states. This is a demonstration of our nation's commitment to preventing animal cruelty. It's a foundation we can build on even as we strive to build a legal system that will one day recognize that animals are much more than "property" and have interests that deserve to be legally protected.

For now, often the primary obstacle to protecting animals is lack of enforcement of these cruelty laws, especially where companion animals are concerned. In other cases, the laws are simply too weak to provide an effective deterrent to animal abuse. Consider the case of 29-year-old Christopher Anderson of Indiana who received no jail time, a \$500 fine and community service after repeatedly shooting a cat with a pellet gun over two days until he died.

Sadly, in many other instances, the laws protecting animals simply don't exist. For example, there are no federal laws protecting the 10 billion animals raised and killed for food in our nation from torture or abuse. And almost all state laws are deficient in providing protection against animal hoarders and puppy mills – our nation's largest companion animal cruelty crisis – where untold thousands of animals suffer in misery year after year. ALDF's successful lawsuit in North Carolina, *ALDF v. Woodley*, which freed more than 320 dogs from a hoarder, demonstrates our commitment and leadership in this critical area.

We have developed a three-pronged strategy to continue to advance the laws protecting animals. First, through our Criminal Justice Program, we work to make sure that existing animal cruelty laws are enforced by assisting and training prosecutors in the handling of criminal cruelty cases. Second, through our Litigation Program, we file lawsuits to protect animals and to advance the law by creating stronger judicial case law. And third, through our Animal Law Program, we seek to involve and educate law students, our nation's future lawyers, judges and, often, politicians and to provide support for attorneys practicing animal law.

As ALDF's new executive director, I have inherited a proud tradition. And I promise you that, with your help, ALDF will continue to fight for justice for all animals.

For the animals,

Stephen Wells
Executive Director

Flying Free At Last

Few humans would want to live alone in the yard of an abandoned house—so why would an animal? That's no doubt what a concerned jogger in Marathon, Florida, was wondering when he happened to discover a severely neglected and distressed macaw while running past a condemned house in March 2004. He called the Exotic and Wild Bird Rescue of the Lower Keys and spoke with director Maya Totman, who in turn put this Good Samaritan in touch with Linda Gottwald, director of Stand Up for Animals, a non-profit organization that operates two shelters and a veterinary clinic. Worried about the bird's future and in need of legal guidance, Maya turned to the Animal Legal Defense Fund, which recommended she contact ALDF attorney member Marcy LaHart in West Palm Beach, Florida.

Maya recalls how she and Linda managed to rescue the macaw. "As we approached the location," she says, "I saw through my binoculars a blue and gold macaw in a small cage who was breathing heavily, with blood on his face and chest. The cage was way too small for this bird - a healthy and normally active macaw could have rolled the cage over and been seriously injured. The cage had only one perch approximately 12 inches long, one very old toy, and no edible food or water." The bird was in the backyard, with no relief from inclement weather and vulnerable to predators like cats and raccoons.

Maya and Linda entered the yard, took possession of the bird under Florida's animal-cruelty

law, and brought him back to the rescue center for treatment. The macaw, whom the women named Caper, was infested with mites and worms, and there were indications he had been trying to eat the rats gathering outside his cage. Maya preserved worms and rat fur (found in Caper's beak) for use as evidence in prosecuting this case. Meanwhile, Caper's "guardians," L.H. and Joanne McCormick, were demanding the return of the macaw, so Marcy filed a civil petition on behalf of Stand Up for Animals, requesting that the group be granted custody of Caper.

Dana Campbell, managing senior attorney at ALDF, threw the organization's support behind the case, strongly urging the judge to grant custody of Caper to Stand Up for Animals, emphasizing the severe neglect demonstrated by the McCormicks, who had left Caper in a tiny cage with no food or water outside their condemned house. Although the state attorney refused to press criminal charges against the McCormicks, following ALDF's intervention and LaHart's legal finessing, Stand Up for Animals was finally awarded custody of Caper.

Thanks to the care and attention Maya and Linda lavished on Caper, he made a full recovery. Today he lives in an enormous aviary filled with greenery, and he receives fresh fruit and vegetables daily. "He is now doing great," says Maya. "He's flying free and bonded with another blue and gold macaw named Kaya. They seem to love each other very much." 🐦



Caper the macaw preens and poses, post-rescue



2006 Animal Law Moot Court winners Matthew Liebman and Brian Blalock of Stanford University and first runners-up Nathan Olsen and Samantha Mortlock of George Mason University



Get With The (Animal Law) Program!

Think ALDF only keeps busy defending animals in court? Think again! We're also involved in a number of student programs, helping to nurture the animal defenders of tomorrow – lawyers, judges, and paralegals capable of changing the legal paradigm for animals.

This all begins with ALDF's Animal Law Program (ALP), through which ALDF works with academics, law professionals, and law students interested in the emerging field of animal law. A new but critical component of ALP is Animal Law 101, a series of conferences being held at law schools across the country. These programs offer students and legal professionals a primer on what animal law is, what animal lawyers do, and how law students can integrate animal law into their own studies and career plans. Animal Law 101 conferences are taking place at college campuses around the country this year and have already been held at George Mason University, the University of Miami, Seattle University, and the University of San Francisco. This spring, Animal Law 101 heads to Vanderbilt, Yale, and the University of Virginia.

Students interested in getting more involved with animal law can also join one of the Student Animal Legal Defense Fund (SALDF) chapters. As we go to print, 77 chapters have been established in schools throughout North America. SALDF members took home top honors at the 2006 Animal Law Moot Court and Closing Argument competition in February--Brian Blalock and Matthew Liebman of Stanford University's SALDF chapter were the winning team in the moot court competition, and Seattle University SALDF's Elaine Conway took the prize for best closing argument. This competition, held every year at Harvard Law School, brings togeth-

er teams from more than a dozen law schools and is yet another measure of the growing interest in animal law. "I chose to do animal law because the law condones the deaths of the more than 10 billion animals who are killed every year for food, research, fashion, and entertainment," says Stanford's Matthew Liebman. "The magnitude of animal deaths and the intensity of their suffering make animal law incredibly urgent for me."

Moreover, ALDF provides special grants to SALDF chapters to help members travel to Massachusetts to participate in the moot court competition. Grant recipients this year included George Mason University, the University of Nebraska-Lincoln, Lewis and Clark College, Chapman University, Golden Gate University, Seattle University, Rutgers-Newark, and UC-Berkeley.

In cases ranging from animal custody disputes and veterinary malpractice suits to criminal law encompassing domestic violence and anti-cruelty statutes, animal law has become a critical part of mainstream jurisprudence. With the help of ALDF, students are discovering how important – and rewarding – it can be to use their law degrees to protect and advance the interests of animals and to recognize that, despite animals' legal classification as "property," there are special relationships between humans and animals that the law should account for.

"Ten years ago, references to animal law might have been met with blank looks – or amused ones," says Pam Alexander, director of ALP. "Today, with more than 65 ABA-accredited law schools teaching animal law courses, an Animal Law Casebook in its third printing, and more and more lawyers integrating animal law work into their own legal practices and pro bono work, it's clear that the field of animal law is here to stay."

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**—Pam Alexander
director of ALDF's
Animal Law Program**



Katrina Generates Questions

ALDF addresses legal issues in disaster relief

While we may never know the exact number of casualties from Hurricane Katrina, this much is clear: the September 2005 disaster mobilized the largest animal rescue and sheltering operation in U.S. history. In the wake of the hurricane, animal protection groups and volunteers from around the country converged on the Gulf Coast to provide aid to thousands of injured and displaced animals in Alabama, Louisiana, and Mississippi. This unprecedented effort saved the lives of countless animals and reunited hundreds of them with their human companions. It also emphasized the unique challenges that confront animal rescuers – and the need for these individuals to understand the legal ramifications of rescues during disaster relief situations.

In response to this need, ALDF teamed up with the American Bar Association's Tort, Trial and Insurance Practice Section's Animal Law Committee and a growing number of attorneys, veterinarians, national animal welfare organizations, and government officials to discuss the legal issues pertaining to large scale emergency animal rescues. Now called the Animal Disaster Relief Network, the group first decided to have ALDF head up a project to comprehensively address the Frequently Asked Questions ("FAQs") concerning the legality of actions that animal rescuers must consider during or in the aftermath of such emergencies as hurricanes, floods, and fires. Rescuers might ask, for example, what are the legal rights, responsibilities, and potential liabilities of rescuers who must break into and enter private homes or property to rescue animals in peril as the result of a natural or manmade disaster? Or, do the humans forced to leave their animals behind have a civil cause of action against the U.S. Military/National Guard? (Check out the complete FAQs document at www.aldf.org to find out!)

ALDF's legal FAQs document for disasters, which now appears as a permanent resource on

This document would not have been possible

were it not for the tireless efforts of ALDF's volunteer legal researchers. Many heartfelt thanks to Claire Davis, Paul A. Ernest, Janis Fallon, Beatrice M. Friedlander, Cara Frisbie, Greg Harris, Michelle Harris, Kris McConville, Jay Pomerantz, Renada Rutmanis, Sarah Slayen, Kasson Stone, and Terrence Woodsome. We at ALDF also thank the many other attorneys who contacted us ready to volunteer their services but who have not yet received an assignment. 🐾

our website, is currently being circulated among the shelters, veterinarians, and individual volunteers who rescued and provided foster care for some of the countless animals left stranded by Hurricane Katrina.

"In a time of national disaster, organizations with different missions and goals have come together for a common purpose and are readily sharing human resources to address legal concerns affecting animals in disasters," says ALDF Managing Senior Attorney Dana Campbell, who is the director of the FAQs project. "As hurricanes, earthquakes, terrorism, and other disasters continue to pose a threat to the U.S., this document will continue to grow over time to encompass more questions and more states' laws." 🐾

Eileen's Disaster Diary

Last year, ALDF sent staff members to Louisiana to help with the rescue and care of animal victims of Hurricane Katrina. Among them was Eileen Stark, director of education for ALDF's Criminal Justice Program, who made two trips -- one in September and then another in October to continue rescuing animals still stranded after the disaster. Eileen kept a detailed journal of the work she and many other volunteers were engaged in. Following are excerpts:

September 15th

"Later in the afternoon on our first day we worked with some of the dogs, cleaning their cages and taking them for walks. Many are sick, dehydrated, suffer from diarrhea and look miserable. But it's very encouraging to see tags on some of the animals' cages, noting that a dog has been identified and that her human companion is on his way, but those are few and far between, and the whole situation is just heartbreaking. I can't say enough good things about the volunteers who have come out to help here. One man from Duluth, Minnesota, packed up a semi truck stocked with supplies and made the long drive to the staging facility here in Gonzales [Louisiana]. As he was leaving Duluth, a neighbor offered to come along and was ready to go in 45 minutes, and so the two men made the drive together to come help the animals stranded by the disaster."

September 16th

"Tragically, it is crystal clear that we cannot depend on our federal government to intervene and help these sentient beings who are just as capable of suffering as we are (if not more, considering



ALDF's Eileen Stark with her newest family member, Ashley, rescued in the aftermath of Hurricane Katrina

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Silver Screen Suffering

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Los Angeles, alleging that Yost is violating the Endangered Species Act and the California anti-cruelty statute by subjecting the chimpanzees in his possession to extreme pain and suffering.

It's not the first time the trainer has found himself on the wrong side of the law. Yost, who also goes by the stage name "Ranger Rick," has repeatedly been cited, fined, and placed on probation for animal-related offenses. The USDA has cited Yost for endangering the public because of the way he has handled chimpanzees: in two separate incidents in 2000 and 2001, a chimpanzee Yost was handling attacked a child during a public appearance. Yost has also been cited for his failure to provide minimum space to chimpanzees stored in a transportation vehicle, illegal possession of a lion cub, failure to provide ventilation in a shipping container for a chimpanzee, and failure to have an environmental enhancement plan. He has claimed his animals "live like at the Ritz-Carlton" and that his treatment of the chimpanzees is based on "affection training," a method that he claims emphasizes love, patience, and consistency.


But Baeckler said the chimpanzees at the animal-training compound in Malibu, California, lived in small cages and that she observed them routinely being beaten to break their spirits and make them submissive, so that they became fearful and withdrawn when a trainer approached. Over a period of several months, she said, a three-year-old chimpanzee named Sable was punched in the back, kicked in the head, and had

objects—including a rock, a mallet, and a broom handle—thrown at her. And while she never abused the chimpanzees herself, Baeckler says was instructed to do so by the various trainers she worked with. Yost told her to hit the chimpanzees "hard enough that they know you mean business, but not so hard that you do permanent damage." One trainer told her, "Aim for her head because it's really sturdy." And Yost said, "Kick her in the face as hard as you can. You can't hurt her." She saw Yost using all of his strength to kick and punch the young chimpanzees in his care, all in order to force them to perform for movies, television, and live appearances.

As the preeminent primatologist Jane Goodall points out, chimpanzees are aware of themselves and of others as unique individuals. When faced with physical abuse, chimpanzees respond just as a human would under similar circumstances: they cry and scream and utter sounds with distinct meanings. They suffer, and they look for a way to escape the torture.

In ALDF's lawsuit seeking to rescue Apollo, Cody, Sable, and a fourth chimpanzee named Angel from the frequent abuse meted out by Yost, ALDF is claiming that by physically injuring chimpanzees, who are protected by the Endangered Species Act, Yost is in direct violation of the Act. The lawsuit also says that Yost is in violation of the California anti-cruelty statute and of the federal Animal Welfare Act, which states that "[h]andling of all animals shall be done...in a manner that does not cause trauma...behavioral stress, physical harm, or unnecessary discomfort." Furthermore, two of the chimpanzees currently in Yost's possession at a facility in San Bernardino were stolen from his former employer, Amazing Animal Actors, a co-plaintiff in the suit. Amazing Animal Actors intends to retire the chimpanzees when they are rightfully returned.

"Eyewitness testimony will prove that Yost uses vicious beatings and intimidation to force terrified chimpanzees to perform in the spotlight," said ALDF's Chief Outside Litigation Counsel Bruce Wagman. "It is unconscionable -- and illegal -- for him to abuse our closest relatives for our viewing pleasure and his profit. ALDF will see to it that these animals will no longer suffer the pain and fear of being subjected to his cruel 'training' techniques."

The nascent use of computer-generated and animatronic animals in films and television shows may one day render training and the use of live animals obsolete, since these technologies allow filmmakers to create exactly the performance they are looking for. Director Peter Jackson, for example, used only computer-generated animals for last year's epic *King Kong*. But as long as animals are exploited in the name of "entertainment," ALDF will work to ensure that the rights of all animals used in entertainment are respected. 

WHAT YOU CAN DO:

Don't patronize films or advertisers who use chimpanzees for "entertainment"—you might be supporting abusive trainers like Sid Yost.

Teá, seen here when she was still being victimized by Yost, now lives free from fear at a sanctuary



ASK JOYCE



In this new column, Founding Director Joyce Tischler will answer some of the animal law related questions that we are asked most frequently.

Dear Joyce:

I'm moving to an apartment and want to bring my dog with me. I've heard about "no pet" clauses in leases. What are my legal rights?

Dear Reader:

Most leases have "no pet" clauses, but the good news is that you can always try to negotiate.* Landlords tend to be concerned that your dog will bark or damage the property, so I recommend that you show the landlord how responsible you are and what a great dog you live with. (The same advice applies to cats and other companion animals).

Give the landlord written evidence that your dog is well-behaved, for example: good references from prior landlords or your veterinarian, a certificate of graduation from a dog obedience school, and proof that your dog is licensed and has been spayed or neutered. Show the landlord photos of your dog and offer to bring the dog to meet the landlord. Finally, offer to pay a larger than normal damage deposit, to assure the landlord that you are a responsible guardian. An amount equivalent to an additional month's rent should suffice. If the landlord agrees to waive the "no pet" clause, always get it in writing. Don't sign a lease with the "no-pet" clause intact, because if the landlord later sells the property, you will need written proof that your dog is allowed to be there.

* If you are elderly or disabled, different rules apply- check www.aldf.org for details.

Dear Joyce:

I boarded my 10 year old cat at a kennel when I had to travel out of town for business. When I returned, my cat was dead. I'm devastated. Can I sue?


Dear Reader:

I'm so sorry to hear of your loss. When a companion animal is injured or killed, you can sue civilly (usually with the help of an attorney), or you can go to small claims court without an attorney. You may be compensated for the "market value" of the cat (the cost of replacing her with another cat), veterinary bills and possibly punitive damages.

The problem is that even if you win, you may well

have invested more in legal fees than you get back in damages. Recovery of damages for the loss of companion animals has been, historically, very low.

Some people have sued for their own emotional distress or the loss of companionship and while a few states have begun to recognize this kind of harm, most states do not. This is an instance in which I recommend that you contact a local attorney who can review the facts as well as the law in your state and advise you about your chances of success. Also, no lawsuit will bring back your cat, and I suggest that you allow yourself to grieve for your loss: contact your local humane society to find out about grief counseling services in your area.

For more in-depth information on both of these subjects, please visit the Legal Information page in the Resources section of ALDF's website at www.aldf.org. 

If you have a question you would like to see answered in The Animals' Advocate newsletter, e-mail me 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 or respond to letters personally. 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 are successful in your animal protection efforts.

Eileen's Disaster Diary

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that they also suffer from not understanding what's happening to them). I think of how it would probably only take a few troops and fairly little expense to get all of the surviving animals out... I can only hope that with the next disaster there will be better preparation, organization, communication and that people be allowed to take their animals with them. Clearly, we need the federal government to standardize protocols for rescuing and caring for animals left behind in natural disasters, as well as man-made disasters. For now, even though things seemed to be improving when we left Gonzales, at least for the volunteers there, I hope that fostering can begin much sooner, so that more animals can be placed in loving homes more quickly."

October 20th

"It was getting to be 7 pm and starting to get dark, but we were elated that we had actually physically rescued a dog and cat. But we saw more homeless, hungry, thirsty animals as we were driving north. We dropped food/water until it was gone and were heartbroken we hadn't been able to rescue more. One animal who sticks in my mind was a very thin steer whom I saw standing in an area next to where I had earlier dropped cat food and water. He was nibbling on a couple of blades of grass and my eyes filled with tears because I had nothing to offer him but water. How he would have loved the delicious green salad I had had for dinner a few nights earlier. I have since informed the Louisiana SPCA about him, but don't know what, if anything, has been done for him and other surviving livestock down there." 

You can read Eileen's entire diary on our "Rescue in Louisiana" feature at www.aldf.org.

Eileen on the scene in New Orleans



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Animal Legal Defense Fund

170 E. Cotati Ave., Cotati, CA 94931

www.aldf.org

Nonprofit Org.
U.S. Postage
PAID
Tucson, AZ
Permit No. 3341

 printed on recycled paper



**Animal Legal
Defense Fund**

Stephen Wells
Executive Director

Joyce Tischler
Founding Director

Steve Ann Chambers
President

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Lisa Franzetta *Editor*

Mark Hawthorne *Contributing Writer*

Stephen Farley Design *Newsletter Design*

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The Animal Legal Defense Fund is a nonprofit organization funded almost entirely by individual, tax-deductible contributions. If you would like more information about our work, are interested in joining or wish to notify us of a change of address, write to the address above, or call (707) 795-2533.

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ALDF's Logo Gets a Makeover!

Notice anything different about us lately? ALDF has a brand new logo. Of course, we're still doing the same hard-hitting legal work for animals we've been doing since 1979. We hope you like our new look as much as we do! 



Animal Legal Defense Fund

*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/>