Victory for Abused Chimpanzees

**ALDF settles suit against Hollywood “trainer”**

To the attorneys at ALDF, it was a clear case of cruelty for profit, but it’s finally over. Angel, Cody, and Sable — three chimpanzees who for years were exploited and abused by a Hollywood animal “trainer” — are beginning the new year, and their new lives, in sanctuaries for rescued primates.

After one of ALDF’s most important and hardest-fought legal battles, Cody and Sable are enjoying the loving atmosphere of Save the Chimps in Alamogordo, New Mexico. Established in 1997, Save the Chimps is a non-profit organization that will offer Cody and Sable a comfortable setting among fellow chimpanzees who have been rescued from the space program, laboratory research, and other sources. The environment of Save the Chimps was carefully designed to nurture and stimulate these sensitive and complex primates, providing them with a home in which to socialize, build bonds, play, and rebuild the confidence that has been destroyed by years of physical and emotional abuse. Moreover, they are at long last being treated with the love they deserve, enjoying not only excellent healthcare, but three meals a day of fresh fruits and vegetables, oatmeal or grits in the morning, and a dinner of pasta salad. Coincidentally, Sable’s mother and father also live at the Save the Chimps sanctuary.

Angel, meanwhile, has a new home at the Center for Great Apes in Wauchula, Florida. On this beautiful, 100-acre sanctuary, Angel is enjoying a life quite different from her previous sad existence of performing for film and public appearances under the threat of physical punishment. Since 1993, the non-profit Center for Great Apes has been providing long-term care for retired “entertainment chimps,” including Angel’s mother, Daisy, who was rescued from a circus. The chimpanzees and orangutans at the sanctuary are housed in ten large domed enclosures 34 feet high and surrounded by a tropical forest setting of oak, pine, magnolia, sweet gum, willow, bamboo, guava, mango, and banana trees. Angel’s new home...
Looking Back, Moving Forward

2007 marks ALDF’s 28th year. Over those 28 years, ALDF has helped prosecutors win countless convictions against animal abusers, filed hundreds of cases to stop animal cruelty, and helped to create an entirely new field of law – animal law. Our success has helped to spur countless changes in the law that benefit animals.

So, as each year passes, ALDF must adjust to this changing legal landscape to make sure that we are doing all that we can for animals in need. Every year there are new court decisions and new laws passed that require us to reconsider what kinds of cases we ought to file and how best to use these developments to our advantage. In addition, the growth of animal law as a serious field of practice has presented us opportunities to expand our educational mission within law schools to make sure the next generation of lawyers and judges understands the important role the law plays in protecting animals.

To adapt to these changes, ALDF’s program managers meet at the end of every year to discuss major developments of the past year and to plan for the next. We review our accomplishments and challenges and develop a plan that will challenge us, keep us on our toes, and advance the laws protecting animals even further.

And so, as 2007 gets rolling, ALDF stands ready to use all of the latest developments in the law to the best advantage to fight animal abuse, punish animal abusers and to create better, stronger laws to protect animals.

For me, working with our amazing team of professionals in this process is incredibly rewarding. So many great minds all focusing on how to help animals. At the end of every year I feel very fortunate to look towards the next year with a renewed sense of hope and excitement simply because I get to work with such amazing people. This is my chance to thank the entire team at ALDF and, from all of us, to thank you, our members, for your generous support of our important work.

For the animals,

Stephen Wells
Executive Director
HUNDREDS of dogs rescued from a puppy mill near Nashville, Tennessee, last fall are now finding permanent, loving homes, thanks to a joint community effort and some extra work by the county prosecutor. In October, more than 100 Sumner County authorities, veterinarians, and volunteers from the local humane society arrived at the property of breeder Irene Meuser. They found 36 cats and hundreds of small dogs, including Chihuahuas, poodles, Shih Tzus, papillons, and Pomeranians, living in squalid conditions.

Many of the dogs were cramped together into cages so small they could not stand, and some had no food or water. The smell of urine and feces was so overwhelming that rescue workers donned ventilator masks. Dr. Bryan Bondurant, a local vet who had just moved his practice to a new facility, made his old clinic available, giving rescuers an ideal location to bring the animals. Sadly, some dogs were so sick they had to be euthanized.

It is not uncommon for hoarding cases like this one to drag on for well over a year as owners battle with the courts to keep their animals and contest the charges. This means animals have a long wait before they can be adopted by caring members of the community. But thanks to the compassion and hard work of Sumner County Assistant District Attorney William Lamberth, this case was over in just four business days.

“This case was really exceptional,” says ALDF’s Leighann McCollum, who co-managed the shelter and was the shelter director for the infamous Woodley hoarding case in 2005 (see aldf.org). “Mr. Lamberth did an outstanding job on behalf of these animals, who are now learning what it’s like to play, sleep in comfort, and get nutritious meals.” Thanks to the dedication of veterinarians, all the animals were sterilized, except for a few who went to foster homes because they are new moms, pregnant, or too frail to withstand the surgery. Nutro Foods, meanwhile, donated 4,000 pounds of dog and cat food.

Almost all of the dogs on Meuser’s property were suffering from illness or injury, including parvo, respiratory diseases, bone injuries, and broken teeth.

“They were in buildings that were not heated in the winter or cooled in the summer,” says Tim Anschuetz, Sumner County Animal Control resource officer and head of the investigation authorities dubbed “Operation Animal Hope.” “We knew we needed to get them out of that environment. It was very important in light of the fact that cold weather is coming on.”

The Sumner County Sheriff’s Department charged Meuser, 69, with six counts of animal cruelty. She pleaded guilty to four of the charges; the additional two counts were dropped, in a plea deal by which Meuser agreed to a lifetime ban on breeding cats and dogs for sale. The court ordered her to pay the nearly $800 in fines and court costs and placed her on a two-year probation, during which random searches can be made of Meuser’s property and any violations of the probation terms can result in jail time and additional fines. Although the penalties and probation period may not seem very harsh, the animals are now safe, and Meuser will never be able to operate another puppy mill – a condition that may not have been possible without this settlement.

Major Don Linzy of the Sumner County Sheriff’s Department is full of praise for how the entire community has made this rescue a success. “That’s really the best thing,” he says. “Everyone who worked on this, the vets and other volunteers, put in hours and hours. There’s no way we could handle this on our own. Taking care of 300 dogs is more difficult than taking care of 600 prisoners!”

Dana Campbell, managing senior attorney of ALDF’s Criminal Justice Program, spoke with the prosecutor, who stressed the importance of getting the dogs placed as quickly as possible into good homes. Lamberth said more than a thousand people have inquired about adopting the rescued animals, and they have raised $30,000 through adoption fees – money that will help fund future rescues. He also asked about legislation that would require hoarders to post a bond to cover the costs of animal care from the time animals are seized until after trial.

“Mr. Lamberth said he knew that if he turned to ALDF, we would be able to assist with model language for a bill introducing a cost-of-care bond procedure,” she says. These laws require that defendants who are accused of abusing animals pay a bond that gives financial support to the agencies caring for the animals. “We’ll also provide some research listing which other states have such a law already and make some other recommendations.”

Thanks to the caring and dedication of many people, a puppy mill is out of business and hundreds of animals now have real homes.
Last year, ALDF was pleased to welcome our new executive director, Stephen Wells. Many members know Stephen from his work as the founder and director of ALDF's Animal Law Program, in which he focused on building relationships with law professionals, law students, and law firms. Before he joined the Animal Legal Defense Fund in 1999 as our director of education, Stephen served as executive director of the Alaska Wildlife Alliance in Anchorage. A passionate advocate for animals and the environment, he has appeared on “CNN Worldwide,” “NBC Nightly News,” and “Good Morning America.” Stephen took some time from his hectic schedule to answer a few questions for The Animals' Advocate.

How do you see your role as executive director?

The executive director is the chief executive officer of the organization. That means that just like the CEO of a for-profit corporation, I am responsible to our board of directors for making sure that the organization works efficiently and effectively to fulfill its mission. Toward the end of every year I work with our program managers to develop a business plan and budget for the following year that gets approved by our board. I am then responsible for making sure the plan and budget are implemented. My personal motivation is to make sure that every nickel donated to ALDF is used to do the most good for the most animals. There is a lot to do, but the job is made easy at ALDF because we have an amazing team of professionals who are committed to that same goal.

How have laws protecting animals improved during the time you’ve been with ALDF?

In my seven years at ALDF, there have been significant improvements in many specific laws protecting animals. For example, in that time, 21 states have improved their anti-cruelty laws to make animal abuse a felony offense. In addition, some states have begun to pass laws that allow an animal’s guardian to claim damages beyond the “fair market value” standard that applies to all other “property,” thereby acknowledging that animals are more than just property. There are many other examples. Most are baby steps, but that’s the way the law works. A lot of foundation must be built before the big changes can occur. That’s what ALDF is good at doing: identifying or creating opportunities to build that legal foundation.

What do you see as the biggest challenge facing ALDF in the short term?

The biggest challenge for ALDF is that animals do not have “standing”—that is, the right to sue or to be represented in court because, under the law, animals are still considered “things” or “property.” That often makes using the law to protect animals challenging. It forces us to constantly think of unique legal strategies that will allow us to put the case for animals before a judge or jury.

There’s a lot of talk now about what “animal rights” means. What does it mean to you?

One of the things that appealed to me about working for an organization that worked within the legal realm is that the concept of rights or “interests” has a fairly clear meaning. In strictly legal terms, the word “interests” probably has more relevance. Either way, if you want to bring a case before the court, you have to prove that there is a “right” or “interest” at stake. For animals, that often means an interest held by the “owner” of the animal. Some day, I believe that the courts will recognize that animals do indeed have rights and interests of their own.

Is there anyone involved in animal protection who has particularly inspired you?

Joyce Tischler, ALDF’s founder, remains an inspiration for me. From the day she hired me she was incredibly open and supportive of new ideas and freely shared her wisdom and experience with me. It was her insight and vision that gave birth to ALDF and, to a great extent, the field of animal law. I was also highly motivated by the work of primatologist Jane Goodall from the time I was a child. Her bravery in going alone into remote parts of Africa to study chimpanzees astonished me. And her humility despite all she has accomplished is also something I really admire.
Standing: One Barrier to Action
by David Favre

Distressing news often arrives at ALDF’s office: “X Company has six primates housed under cruel conditions,” or “Y Corporation is starting up another egg laying facility which will house 200,000 chickens in battery cages.” ALDF members and supporters urge us to do something about the problem, to file a lawsuit in order to protect the animals. However, sometimes we cannot file direct legal action on behalf of the animals. The obstacle that often prevents us from filing a lawsuit is the legal concept known as standing, which refers to your right to “stand before the Court and complain.”

Every lawsuit must meet certain requirements before the court will allow the party suing (the plaintiff) to make his or her argument against the alleged wrongdoer (the defendant). One of these requirements is the test of standing.

Simply stated, to have standing, the plaintiff must show that the action or conduct complained of in the lawsuit interferes with a legally recognizable right of the plaintiff. An example of the violation of a legal right is harm to a person’s body or a person’s property. Therefore, if Mr. Dillon shoots you in the leg, or shoots your dog in the leg, you have standing to sue Mr. Dillon for the damages you suffered.

Presume that for some reason you decide not to sue Mr. Dillon. Your neighbor, Ms. Chester, believes that the actions of Mr. Dillon are outrageous and that he should be forced to pay for the harm he did to you and your dog. If Ms. Chester files a lawsuit naming Mr. Dillon as the defendant, the defendant’s attorney will be able to have the lawsuit thrown out of court, or dismissed, because the plaintiff (Chester) does not satisfy the standing test. The legal system does not recognize Ms. Chester’s moral outrage as a justification for filing the lawsuit. The actions of Mr. Dillon did not cause any physical or financial harm to Ms. Chester, and therefore she is unable to sue for the harm done to you or your dog.

Similarly, the Animal Legal Defense Fund as an organization may be outraged by illegal or unethical conduct in the treatment of animals, but we are often precluded from filing a lawsuit because we are not the owners of the animals, nor have we been harmed financially by the pain and suffering inflicted upon animals.

One of the important roles that ALDF plays in the legal arena is to seek out individuals that might personally satisfy the requirements of standing even if the organization does not. In the past five years, ALDF has been uniquely successful in finding and representing harmed individuals under the federal Animal Welfare Act (AWA). With great persistence, ALDF has obtained opinions from two of the federal Courts of Appeals (just beneath the Supreme Court) granting standing for private parties under the AWA. Having established that standing is possible, ALDF is hoping that more cases can be filed to help animals being treated contrary to the provisions of the federal law.

These standing cases are premised on the issue of harm to a human. In the long run, standing will be removed as a barrier to animal law suits when the harm to the animal is itself recognized as a legal harm.

David Favre, who was on the board of ALDF for more than twenty years, is a professor of law at Michigan State University, where he teaches animal law, wildlife law and international environmental law.
environment includes a safe outdoor habitat with plenty of swings, toys, and climbing equipment, and she sleeps in an attached heated night house that includes hammocks and ropes and is strong enough to withstand Florida hurricanes.

The chimps’ saga from abuse to asylum began when primatologist Sarah Baeckler spent more than a year collecting information about “trainer” Sid Yost's business, which was “training” exotic animals to perform specific acts (such as mimicking human behavior) for movies and television. Baeckler was appalled by what she witnessed on a routine basis: Yost and some of his colleagues violently beating five chimpanzees named Angel, Apollo, Cody, Sable, and Teá. (Prior to suing Yost, ALDF had assisted with the earlier transfer of Teá to the same protection as Cody and Sable.)

“The trainers physically abuse the chimpanzees for various reasons, but often for no reason at all,” explained 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 was told that on at least one occasion, Yost violently beat Apollo with a thick, cane-shaped stick, eventually breaking the wood over the chimpanzee’s back.

“I saw volunteers and trainers hit…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,’” she reported.

After working with Yost as a volunteer from June 2002 until July 2003, Baeckler alerted the Animal Legal Defense Fund of the routine cruelty she witnessed. ALDF attorneys worked for months preparing a complaint against him, and in November 2005, Animal Legal Defense Fund v. Sidney Jay Yost was filed in U.S. District Court in Los Angeles, alleging that Yost was violating the Endangered Species Act and the California anti-cruelty statute by subjecting the chimpanzees in his possession to extreme pain and suffering. Yost denied all the allegations, but turned over the chimpanzees. Now that the suit has been settled, guardianship of the animals has been transferred to Dr. Roger Fouts, a world leader in the field of chimpanzee behavior and communication, who determined which sanctuaries would make the best forever homes for the long-suffering chimpanzees.

“I couldn’t be happier about the new lives of Angel, Cody, and Sable,” Sarah says. “It’s a new beginning for them, and it’s so exciting to know that they’ll finally get the care they deserve. My small part in freeing them is absolutely my finest accomplishment.”

Unfortunately, the happy ending of this case was marred by one final, tragic loss: last July, Apollo died after being bitten by a rattlesnake while in his cage at Yost’s southern California operation. Federal law requires that primary enclosures for chimpanzees protect them from other animals. Upon learning the nature of Apollo’s death, ALDF immediately contacted the U.S. Department of Agriculture, the agency responsible for overseeing the welfare of nonhuman primates, and urged them to fully investigate how Apollo died. (So far, the USDA has replied only by stating that they would look into ALDF’s concerns, taking appropriate action “if necessary.”)

Each time another happy update on Angel, Cody, and Sable’s adjustments to their new lives, free from abuse, comes in to the ALDF offices, it’s another opportunity to thank the dedicated legal team—in particular, Berkeley, Calif. attorney Robin Craig who worked countless hours, pro bono, helping ALDF fight for the chimpanzees’ freedom—as well as all of ALDF’s members and supporters who were a critical force in making sure that every new year will be a happy one for these chimpanzees, from now on. It is your generosity that makes this vital work for animals possible!
Dear Joyce:
My backyard faces a wildlife preserve. Lately we have witnessed a neighbor with her teenaged son and dog playing out in the wetland area. Neighbors have witnessed the dog chasing and killing the ducks and their babies. Aren’t there laws against this?

Dear Reader:
Most states have laws that prohibit companion animals from harassing or killing wildlife. Stay tuned for a summary of these laws coming up on ALDF’s web site, aldf.org. I’d suggest that you gather signed statements and photos or video, if available, from the people who witnessed the killings, along with the name and address of the neighbor who allowed her dog to kill the ducks. Determine the appropriate agency to contact; it will likely be the state fish and wildlife agency. Provide that agency with the evidence you have and ask them to investigate the incident.

Bringing our dogs to a wildlife preserve or public park is a privilege, and dog guardians must be respectful of the wildlife who live in those places. Those of us who live with dogs know that our dogs enjoy getting off leash. However, dogs are predators, and allowing them to chase and harm wildlife can spell disaster for all. Under the laws of most states, dog guardians are prohibited from allowing their dogs to chase or kill wildlife, and a peace officer or fish and game employee may kill the dog with immunity from liability; that means you can sue the peace officer for killing your dog. Further, the dog’s guardian may be charged with an infraction or a misdemeanor for harassing the wildlife. Many states require that dogs in public parks be on a leash at all times. There are other, less obvious ways in which dogs can harm wildlife: even if the dog doesn’t catch his “prey,” the wild animals (including pregnant females and infants) have had to expend energy needed to hunt for food or avoid their natural predators. For the wildlife, being chased is not a fun game; they need all of their resources to survive. Finally, remember that dogs can transmit disease to wildlife, especially through dog feces, so please pick up the poop.

As animal advocates, we must balance our desire to take our dogs to public parks and other natural environments against our responsibility to keep them safe as well as protect the resident wildlife and the environment. If you see someone allowing her dog to chase wildlife, please give her the 411.

All the best
— Joyce

Special thanks to Emily Hartman and Christina Lynn of the University of Virginia Law School and attorney Paul Ernest for compiling the summary of state laws relevant to this issue. If you have a question you would like to see answered in the Animals’ Advocate newsletter, email me at: askjoyce@aldf.org, or write to “Ask Joyce,” c/o Joyce Tischler, Founding Director, 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.
Several years ago, ALDF recognized that for the emerging field of animal law to grow, we would need to take the lead with law schools. The result—our Animal Law Program, which works closely with law students, faculty, and school administrators to facilitate the development of animal law courses and assist in forming Student Animal Legal Defense Fund (or “SALDF”) chapters across the country. It became clear right away that we were meeting a much-desired need; when the Animal Law Program started 5 years ago, there were only a handful of SALDF chapters. As we go to press, there are 91, with 10 more forming.

Attorneys who volunteer for this program help ALDF in many ways, including research and citation checking, writing legal information guides, filing amicus briefs, litigating cases, and assisting prosecutors with animal cruelty cases.

The Animal Law Program also assists bar association members interested in forming animal law bar sections or committees, and it partners with pro bono coordinators interested in developing animal law volunteer opportunities at their firms. Our Animal Law 101 tutorial, now available online, is another product of the Animal Law Program, serving as 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. Furthermore, the program provides legal professionals with access to ALDF’s extensive resources and expertise, including model laws, pleadings, briefs, and current animal-protection laws.

If you are a legal professional and would like more information, please visit our website, aldf.org, or contact Pam Alexander, ALDF’s Animal Law Program director, at palexander@aldf.org.