SHE CLAIMED THE SCORES of tiny dogs were covered in mud. Sadly, it turned out to be dried excrement. Sadder still, that was hardly the worst evidence of neglect investigators would discover.

Thanks to the prompt work of an animal cruelty investigator, animal control officers, and the Animal Legal Defense Fund, more than 100 severely neglected animals seized from a Raleigh, North Carolina, breeder are now safe. The 106 dogs and nine birds were removed from the residence of Janie Conyers on October 19 when authorities discovered them living in squalor. ALDF quickly filed an injunction against Conyers, 77, to permanently remove the animals from her possession and control, and a settlement was reached in December.

The dogs found in Conyers’ home were covered in their own feces and dripping with urine. Many of the animals suffered from broken jaws, severe and extremely painful dental disease, corneal ulcers, cataracts and urine and fecal scalding. According to veterinarian Kelli Ferris, the animal cruelty investigator at the scene, the dogs probably never left Conyers’ house; consequently, the home was filled with urine and piles of feces – the measured ammonia level in the house was 10 times the USDA’s maximum recommended ammonia level for large swine operations!

Investigators reported seeing dogs with feces caked in their fur, cockroaches roaming through the birds’ food dishes, and one blind dog who was unable to stand up to relieve himself and whose jaw had rotted away from lack of proper care. “He was
"WITHOUT LEGAL PERSONHOOD ONE IS INVISIBLE TO CIVIL LAW" and “might as well be dead.” So wrote legal scholar, and former ALDF board president, Steven Wise in his seminal animal law book, *Rattling the Cage.* And so, according to the Austrian Supreme court, Matthew Hiasl Pan might as well be dead. Matthew, the court ruled in January, is not a person. Matthew is property—a thing.

A “legal person” is not to be confused with our common understanding of a “person” as an individual human. Other entities are considered “legal persons” for various purposes, like corporations and ships. Unfortunately for Matthew, he is neither a ship, corporation, nor human being. Matthew is a 26 year-old chimpanzee.

Captured as a baby in the jungles of Sierra Leone and smuggled into Austria for sale into the pharmaceutical testing industry, Matthew was rescued from that fate and has lived in a sanctuary for the past 25 years, according to news sources. But his future is in jeopardy. The sanctuary he has called home has gone bankrupt and though donors would like to help Matthew, the court’s ruling assures that he cannot receive gifts nor can someone else receive them on his behalf—“things” can’t own other things. And so Matthew could be sold into the fate he evaded 25 years ago.

Matthew’s case exemplifies the fundamental problem for animals under the law. Centuries of jurisprudence have shackled animals to the status of things, a status that conflicts with our modern understanding of animals and their capacity for thought, self-awareness, and suffering.

Do animals have rights? ALDF thinks they do. And although ALDF has had many successes using existing laws to protect animals, we believe that until the courts recognize the inherent rights of animals, they will suffer needlessly from the inability of animal advocates to represent their interests directly in court. So, while we work within the laws of today, we also work towards a future where animals are finally recognized as more than “things” in court.

And Matthew? His case will now go to the European Court of Human Rights. Stay tuned.

For the animals,
Stephen Wells
Executive Director

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“You mean he threw a helpless animal off three floors because he was mad at someone?”
— Charleston, S.C. Circuit Judge Edward Cottingham to the prosecutor, before sentencing a man to three years in prison for tossing a 10-week-old puppy to his death from a balcony during an argument with his girlfriend.

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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 on back, email us at info@aldf.org, or call (707) 795-2533.
YOU MIGHT EXPECT ANIMAL ADVOCATES at a conference on the genetic engineering of animals to be in front of the building chanting in protest, not inside as invited speakers. This past November, the Animals and Bioengineering Conference, sponsored by the American Bar Association and Duke University School of Law, brought together for the first time animal law and patent attorneys, litigators, vivisectors, ethicists, government regulators and industry representatives to explore the evolution and development of laws relating to the use of animals in bioengineering.

Increasingly, the lives of animals raised by the billions for the food industry are being affected by scientific advancements that allow researchers to manipulate their genes to increase economic profits—as Professor Bernard Rollin, a bioethicist, explained to conference attendees, “Most of the attempts that have thus far been made to genetically engineer farm animals have generated serious welfare problems.” These problems have included “life-shortening pathogenic changes in pigs including kidney and liver problems” and “a wide variety of diseases and symptoms, including lethargy, lameness…gastric ulcers… degenerative joint disease, heart disease of various kinds, nephritis, and pneumonia.”

In the contemporary scientific environment, what will be the basic rules addressing the treatment of animals, and who will make those rules? Up until now, the industry has for the most part done what it will, motivated primarily by profits and efficiency; animal advocates at the Duke conference raised the numerous reasons to consider the welfare and interests of the animals and the perspective of the animal protection movement.

ALDF founder Joyce Tischler gave a speech addressing one of the conference’s major themes—the patentability of animals. A lawsuit filed by ALDF back in 1988 that unsuccessfully challenged the patenting of animals (in that case, a mouse who was genetically altered by Harvard University researchers) raised an important issue that the American legal community has largely sidestepped—should animals be patentable subject matter under the U.S. patent law? Joyce observed to conference attendees that how we refer to animals guides our treatment of them. “If we call animals ‘manufactures’ or ‘compositions of matters’ [as they must be defined according to law, if they are to be patented], we will treat them as things: disposable, not worthy of moral consideration of their needs; if we deny that they feel pain, we will be lax about giving them pain relief.”

In contrast to the U.S. court’s decision, the Supreme Court of Canada held that the “Harvard” genetically engineered mouse was not patentable under Canadian law. Judge Michel Basterache, who authored the opinion in that case, explained to conference attendees how the Canadian court grappled with the ethical implications of patenting animal life—issues that the American courts failed to address. Meanwhile, Joyce explained that organizations like the American Anti-Vivisection Society (AAVS) are now beginning to apply creative new legal strategies to challenge the patenting of animals.

The Duke conference demonstrated that while animal attorneys are still frustrated and facing an uphill battle when it comes to providing legal protections for animals in the new world of bioengineering, there are some encouraging signs of progress for animals—even from surprising corners. Dr. Charles Hanner, who spoke on behalf of the biotechnology sector, noted at the conference that “…the changes sought on moral grounds by the [animal] activists may be indeed worth making, at least in major part, because alternatives to use of animals in experiments and pharmaceutical testing are now available that are not only cost effective but produce results and outcomes that are as or even more accurate than those obtained using live animals.” It is now up to the U.S. courts to get in step with progress that even the bioengineering industry itself is slowly beginning to make with regards to the use of animals.
Scott Heiser: Man with a Mission

Scott Heiser is a man dedicated to justice—especially when it comes to pursuing those who prey on the defenseless. This former prosecutor and elected district attorney in Benton County, Oregon has prosecuted all types of criminal conduct, including capital murder. But it is his passion for holding animal abusers accountable for their crimes that recently led Scott to the Animal Legal Defense Fund, where for the past year he has been the director of ALDF's Criminal Justice Program (CJP). Scott paused long enough to talk with us about working within the system, fighting the good fight, and a horse named Georgia.

THE ANIMALS' ADVOCATE: You had been a prosecutor for 17 years before joining ALDF. What led you from a long career as a district attorney to working directly for animals?

SCOTT HEISER: Fate, really. After securing convictions in a particularly taxing murder trial in the fall of 2006, I'd simply had enough of the local political situation and the lackluster performance of the local presiding trial judge. So, despite having just been elected to a third term in office, I decided it was time to resign. My original plan was to take six- to 12-month sailing sabbatical; however, that all changed when I received an email announcing that ALDF was looking for an experienced prosecutor to run the Criminal Justice Program (CJP).

The officer wasn't sure what to do. I was. I had met ALDF's chief contract attorney, Dana Campbell, about eight years prior at a joint training we did for local law enforcement, and I was very impressed with both Dana and ALDF. Moreover, I've always been an “animal person” — my wife and I have two dogs and three cats — and, as a prosecutor, I put animal cruelty cases at the top of the pile, right there with child abuse and domestic violence cases.

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THE ANIMALS' ADVOCATE: Before coming to ALDF, did you have many cases dealing with animals or animal law?

SCOTT HEISER: Yes, we had several cases of animal cruelty each year. They were always a priority in the office, both when I was a deputy DA and the elected DA. One of the perks of being the elected DA was that I could review the animal cruelty cases and ensure that they got the attention they deserved.

THE ANIMALS' ADVOCATE: Can you tell us about any of those cases that had an impact on you?

SCOTT HEISER: One horse neglect case really got to me. The investigating officer dropped by my office just after 5:00 p.m. on a particularly wet and cold Friday evening in early December. He told me of a situation where a number of horses were neglected and suffering in just miserable conditions. One horse named Georgia had died in the worst possible way a couple of days earlier.

The officer wasn’t sure what to do. I was. I
It's a great day to spend with Atticus. His ears are flapping around everywhere he goes. Not many people walk around with a 90-pound, 7-year-old black lab, but Scott Heiser and his wife, Kimberly, do. They both work for the Animal Legal Defense Fund (ALDF) and share an office in downtown Chicago.

I visited the ALDF offices to chat with Scott about the Criminal Justice Program, which he leads. He is also a career prosecutor, having served in the Cook County State's Attorney office in Chicago for more than 20 years before moving on to his current role.

The system to get the right result. This is what distinguishes ALDF’s Criminal Justice Program from other animal advocacy groups.

Beyond that, we provide direct assistance to police and prosecutors who need help investigating and/or prosecuting animal cruelty cases; attempt to change the thinking of those prosecutors and/or cops who don’t currently, for whatever reason, invest the time and resources into these cases; provide training to law enforcement professionals in areas where they may be lacking experience (such as using investigative tools to crack organized criminal operations like dogfighting rings); draft and/or consult on legislation related to substantive and procedural changes in state and federal criminal codes, and then lobby to get the good bills enacted; and we provide sentencing judges with feedback on how well they handled the case (it’s rare for judges to receive feedback from any source other than the appellate court).

AA: How do you view your role with the Criminal Justice Program?
SH: I lead a team of legal professionals to achieve a very lofty goal: to “protect the lives and advance the interests of animal through the legal system.” With two of the three CJP attorneys being former prosecutors and the third a career animal lawyer who is our legislative expert, we pride ourselves on working within the system to get the right result.
caged by himself in the basement, and sat in his cage, shaking,” said Mike Williams, director of the Wake County Animal Care, Control & Adoption Center, in an affidavit.

As a result of ALDF’s lawsuit, Conyers, a former AKC champion breeder who also ran a boarding operation, relinquished custody of all her animals, is forbidden to own or work with animals in the future, and must admit animal control officers into her home to make sure she is in compliance with these terms of the settlement.

The Animal Legal Defense Fund’s complaint was drafted by ALDF's chief outside litigation counsel, Bruce Wagman, and ALDF staff attorney Matthew Liebman, who notes that the happy ending in this case is largely due to a North Carolina statute, Chapter 19A, that allows concerned individuals and organizations to bring civil suits to enforce the criminal animal cruelty laws. “In other words,” Matthew explains, “when ALDF finds animal cruelty that violates the law, Chapter 19A provides a supplement to a criminal prosecution. This law is focused solely on the animals’ safety, and not on punishment for breaking the law. Thus, we can file our own civil suit to protect the animals. So in the Conyers case, the statute enabled us, in conjunction with the county animal cruelty investigator, to immediately get the dogs and birds out of their horrendous surroundings and to safety utilizing our own lawyers and resources.”

PET PEEVED

Conyers has been quoted in the media defending how she raised her dogs, which included about 80 toy poodles, and referring to them as “my babies.” She also told the press, “Nobody I know loves animals more than me.” Such statements are typical of animal hoarders, who may sincerely believe they are treating their animals humanely and often have no idea why authorities would confiscate them. Though they may call themselves “an animal lover,” hoarders treat animals with anything but loving kindness. Indeed, living conditions are often so bad that they threaten both human and non-human occupants of a home. According to the Hoarding of Animals Research Consortium at Tufts University, many hoarders’ dwellings have been condemned as unfit for human habitation. Air in some homes is so polluted that a visitor cannot enter without protective breathing apparatus.

Animal hoarding, says Dr. Ferris, is a widespread, national phenomenon in which individuals subject large numbers of animals to cruelty on a daily basis, usually through knowing neglect and failure to provide even minimal care and nutrition. “Two hallmarks of hoarders are that they deny the animals are suffering, even when the pain and distress is obvious, and recidivism: they always return to hoarding, or continue to hoard, unless they are permanently barred from having animals.”

Contrary to the popular stereotype, animal hoarders are not harmless “cat ladies” who “collect” animals; they are typically people with an obsession that leads them to acquire more animals than they can care for. “The biggest challenge with a potential hoarder is being able to recognize early on there is a trend and then to intervene before they get to 140, 500 or, in some cases, 1000 animals,” says Dr. Ferris.

“Because the rate of recidivism for animal hoarders is close to 100 percent, the fact that the settlement terms prohibit Janie Conyers from ever owning another animal is an important safeguard to protect other animals in the years to come,” says ALDF Executive Director Stephen Wells.

CIVIL ACTION

North Carolina’s unique civil statute, Chapter 19A, has helped ALDF rescue animals in hoarding cases before; it is the same law that ALDF used in 2005 to rescue more than 300 dogs from hoarders Barbara and Robert Woodley. Thanks to this law, a judge can issue a temporary injunction that allows the animals to receive care and, if necessary, remove the animals from inhumane conditions. Following a non-jury trial, the judge can decide whether to order a permanent injunction authorizing the removal of the dogs and transfer of ownership to the plaintiff or other appropriate party.

“With the Conyers case, ALDF is proving the indisputable value of a civil action for cruelty, lifting much of the burden of these cases from local authorities and rescuing large numbers of animals from horrible conditions involving chronic pain and suffering,” says Bruce Wagman.

Matthew Liebman agrees, adding that given the prevalence of animal cruelty and the relative infrequency of its criminal prosecution, every state in the country should have a law like North Caroli-
Dear Joyce:
I saw what happened to animals in Hurricane Katrina, and I worry about how to protect my dog and cats in the event that we face an emergency in my area.

Dear Reader:
None of us wants to think that it could happen to us, but hurricanes, floods, earthquakes, and fire occur, and planning ahead may spell the difference between life and death. Here are a few ideas to get you started.

What do I need to keep on hand? Prepare an emergency kit for your companion animals, with items stored in waterproof, airtight containers. Include:

➤ Enough food and bottled water to last for at least three days.
➤ A backup leash, collar and identification tag for each animal. This is in addition to the collar and i.d. tag that your animal normally wears. Consider permanent identification, such as microchipping.
➤ A carrier for each cat and a crate for each dog.
➤ If your dog or cat takes medications, an extra supply of the medicine.
➤ Disposable litter box and litter for your cat.
➤ Copies of each animal's vaccinations, medical and adoption records.
➤ A photo of each companion animal, in case you get separated from them.

This kit should be kept in a safe place that is easy to find by all family members.

Where will we go to? If you have to evacuate your home, you may not be allowed to go back there, and your companion animals may not be safe there. The Red Cross disaster shelters will not allow your companion animals in, due to health and safety regulations, so you must plan now for where you will bring your companion animals in the event of an evacuation.

➤ Ask family members or friends who live outside your immediate neighborhood if they will house and care for your companion animals.
➤ Ask your local humane society or animal shelter if they provide foster care during an emergency.
➤ Speak to your veterinarian about boarding options.
➤ Identify hotels and motels that will accept companion animals.
➤ Keep a list of preferred, responsible boarding kennels.
➤ Develop a plan with friends or neighbors, so that if you are away from your home during an emergency, they can evacuate your companion animals for you.

Learn as much as you can about emergency preparedness. Become more informed about what emergency plans are in effect in your area and state. Contact (800) BE-READY or go to www.ready.gov.

Let’s plan ahead to protect those we love.

—Joyce

If you have a question you would like to see answered in The Animals’ Advocate newsletter, email Joyce Tischler, ALDF’s founding director, at: askjoyce@aldf.org, or write to “Ask Joyce,” Animal Legal Defense Fund, 170 East Cotati Avenue, Cotati, CA 94931. We regret that we are unable to publish answers to all questions. This column provides general information only. Each state and, in some cases, each county has its own rules and procedures, so please consult a local attorney to assure that you receive advice specific to your jurisdiction.
Bizarro T-Shirts Now Available!

YOU KNOW DAN PIRARO — or at least you know his wildly popular print cartoon. “Bizarro” is syndicated in more than 200 newspapers around the world and routinely uses humor to raise awareness about topics concerning animal rights and the environment. Now you can wear a t-shirt or carry a tote featuring Dan’s unique take on what a cow’s day in court would look like. Check out our Café Press store at www.cafepress.com/aldf/3758531 for details. Of course, all proceeds support ALDF!