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SPRING 2009

FIGHTING ANIMAL ABUSE
HONORING ANIMAL VICTIMS



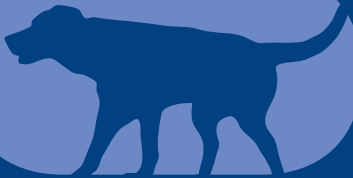
NATIONAL JUSTICE FOR ANIMALS WEEK
FEBRUARY 22-28, 2009

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8 New Shelter for Robertson County Animals

THE ANIMALS'

ADVOCATE



A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND



The New Presidential Administration

Obama's Dream Team ...or Animals' Nightmare?

PRESIDENT BARACK OBAMA FAMOUSLY campaigned on a platform of change: a shift in the direction the U.S. has been heading over the last eight years. Naturally, we at the Animal Legal Defense Fund are hoping that shift includes advancements for animals, who currently receive little protection from our government. Though it's too early to tell how the Obama Administration will impact animal protection, a look at key posts may offer some clues.

Scott Heiser, director of ALDF's Criminal Justice Program, observes that the U.S. Attorney General, for example, advises and defends governmental agencies — including all agencies under the Depart-

ment of Agriculture and the Department of the Interior — on all manner of legal issues. "It is theoretically possible for the Attorney General to adopt in-house prosecution policies that make the aggressive enforcement of any one or more of the commonly cited federal statutes relating to animal welfare a top priority," says Heiser. "These include statutes that prohibit animal fighting, require humane slaughter of livestock, protect free-roaming horses and burros, ban the sale of depictions of illegal acts of animal cruelty, protect marine mammals and cover many

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LETTER FROM THE EXECUTIVE DIRECTOR



Thirty Years of Progress



Stephen and Joyce with Sugar

FOR THE RECORDS

“We don’t want a black eye but yet we have groups always pressuring us, saying we’re the worst state. And if you look at the numbers we’re the worst state in a lot of things. But we’re also the best in a lot of things, too, if you look at the numbers differently. It’s kind of an emotional issue. If you throw a cat off a bridge, you’re gonna get in trouble either way.”

— Rep. Jim Patrick, R – Twin Falls, Idaho, commenting on the ALDF 2008 State Rankings Report listing Idaho as one of the worst five states in the country for animal protection laws

IN 1979, THE AVERAGE ANNUAL INCOME FOR AN AMERICAN was \$17,500, and that person paid \$.86 per gallon of gas to get to her job. On her way, she might have listened to the Village People sing YMCA, or the sultry Donna Summer sing *Bad Girls* on the radio, as this was the height of the disco era. On TV, *The Muppet Show*, *Three’s Company* and *The Love Boat* were popular, and *Kramer vs. Kramer* and *Alien* were in the theaters.

Meanwhile, in San Francisco, an attorney named Joyce Tischler put an ad in her local legal newspaper calling for attorneys, like herself, to join forces to put their legal skills into practice to protect animals. There was no “animal law” as a field of practice yet, but Joyce and the handful of attorneys who answered her ad felt its time had come. As Joyce stated in Part 1 of her “History of Animal Law” in the *Stanford Journal of Animal Law and Policy*:

“The members of our fledgling group were all volunteers with full-time jobs or law school responsibilities; we had no office, equipment, or support staff—none of the basics for operating a public interest law firm or handling litigation. Inevitably, however, we could not avoid the call to duty.”

They didn’t know it yet, but the Animal Legal Defense Fund and animal law as a recognized field of practice were born.

Over the years, ALDF has filed countless cases and helped prosecutors across the country bring animal abusers to justice. We have won many and lost many. But what’s important is that these cases have laid the groundwork for hundreds of other attorneys and organizations to make the case for animals in the courts. What was a vague idea just 30 years ago is now a significant national movement for change.

Today, ALDF has established 134 student chapters in law schools across North America, with 103 animal law classes being taught. Every one of the top ten ranked law schools has a Student ALDF chapter and an animal law class. Just last year, ALDF entered into a historic collaboration with Lewis & Clark Law School to create a first-of-its-kind Center for Animal Law Studies.

Unlike Joyce and her colleagues in 1979, law school graduates today will know what animal law is. They will embark on their legal careers with a lengthy history of animal protection case law behind them. And their passion and commitment will blaze new trails as they become trial lawyers, judges or politicians.

Much has happened in the first 30 years of animal law – a testament to Joyce’s vision. I can’t wait to see what we will accomplish in the next 30.

For the animals,

Stephen Wells, Executive Director



Stephen Wells
Executive Director

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National Justice for Animals Week 2009

Fighting Animal Cruelty, Honoring Animal Victims

THOUGH THEY HAPPEN EVERY DAY, crimes against animals are often unseen or unreported, and abusers frequently go unpunished. In an effort to shed light on this hidden epidemic, ALDF has launched National Justice for Animals Week, which will be observed every February. The week is dedicated to raising awareness about animal abuse nationwide and honoring prosecutors and others in law enforcement who have set a high bar in demanding justice for animals.

Throughout the week, which this year takes place February 22 – 28, ALDF will put special emphasis on urging law enforcement, prosecutors and lawmakers to protect our animals and communities from abusers. We will explain how to create stronger laws and assure tough enforcement.

National Justice for Animals Week will also be an opportunity to recognize those individuals who have given their time, skills and energy to ensure their neighborhoods are safe havens for animals.

Among the lawmakers, prosecutors and community leaders who will be honored is Geoffrey Fleck. An assistant state attorney in Florida, Fleck is passionate about prosecuting animal cruelty and fighting cases. "After being a prosecutor for a while, I came to realize to my utter dismay that cruelty cases were never being sent for felony prosecution and, instead, that ninety-nine percent of them never made it to our office even as misdemeanors," he says. "The animal control folks were so discouraged they merely issued meaningless warnings and citations. Those few cases that made it to our office were routinely treated with no priority, and the defendants were offered deferred prosecutions, which essentially means 'please don't do it again.' I found that to be utterly unacceptable."

In response, Fleck instituted a policy that he was to review all cruelty/neglect/fighting cases that came to his "intake" division, or to any misdemeanor lawyer, before a final charging decision was made. "I also talked to and met with Animal Services to encourage more aggressive action on their part, and I promised more aggressive action on mine," he says. "Well, within a month or two, I became inundated with criminal cruelty cases, almost all of which I deemed appropriate for felony prosecution."

Fleck says that Florida statutes on cruelty are generally poorly written and unclear, but he has been routinely getting significant jail and prison sentences. "I always add a long probation with the special condition that the offender not possess, own, or cohabit with any animals," he explains. "The support I've received from the judges, to my surprise and delight, has been overwhelmingly positive. Juries are hugely responsive to these cases, too."


National Justice for Animals Week will also honor Sandy Brode, an attorney with the Chicago Police Department. Since joining the department in 2000, Brode has developed a broad range of initiatives and programs to train law-enforcement officers about animal cruelty and work with churches, schools and other community organizations to teach parents and children about the importance of positive human/animal relationships.

One of Brode's programs is "Breaking the Cycle of Violence," which educates officers about the link between domestic violence, homicide and other violent crimes and animal cruelty.

"This theme was carried over into our Domestic Violence Program, where officers continue to be exposed to the connection between animal cruelty and cruelty to domestic partners," explains Brode.

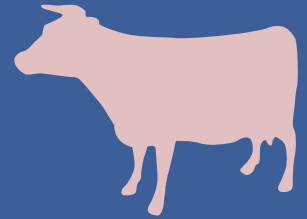
"I believe that we have accomplished quite a bit, and our Animal Crimes Team is held in high esteem by the current administration," she says. "As with most large departments, there is always a lot more that can be done, and I am hopeful that 2009 will be an outstanding year in our fight against animal cruelty."

"National Justice for Animals Week is an important time to draw attention to the plight of animals throughout the country and throughout the world," says former California Assemblymember Lloyd Levine, who is joined by Congressman Steve Cohen (TN-09) in sponsoring the event. "Many of us have animals as pets, but beyond those in our daily lives, animals often suffer. We need to recognize that some of the actions that humans engage in cause suffering to animals, and we need to take steps to improve that situation and eliminate suffering."

For more information on National Justice for Animals Week, please visit www.aldf.org. 

THE ANIMALS'
ADVOCATE

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NATIONAL JUSTICE FOR ANIMALS WEEK HONOREES

ALDF is pleased to acknowledge these outstanding professionals for their tireless work on behalf of animals.

LEWIS BRANDES *Deputy District Attorney, Pima Co., AZ*

SANDY BRODE *Attorney, Chicago Police Department*

STEVE GOOLEY *District Attorney, Los Angeles Co., CA*

KELLI FERRIS *Animal Cruelty Investigator, Wake Co., NC*

GEOFFREY FLECK *Assistant State Attorney, 8th Judicial District, FL*

DEBORAH KNAAN *Deputy District Attorney, Los Angeles Co., CA*

HEIDI MOAWAD *Deputy District Attorney, Multnomah Co., OR*

MANDY TROUT *Assistant County Attorney, Platte Co., NE*



THE ANIMALS'

A bona fide animal advocate in the Obama Administration — especially a law professor who understands the importance of animal rights — is a welcome change indeed.

Obama's Team

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more animal-related issues.”

The new U.S. Attorney General, Eric Holder, is familiar with at least one major animal welfare issue. While in private practice at a Washington, D.C., law firm in 2007, Holder was hired by the NFL to investigate dogfighting charges against Atlanta Falcons quarterback Michael Vick. Vick was suspended indefinitely after Holder's final report was delivered to the league.

Here's a peek at a few additional Obama Administration positions and how they might impact animals.

SECRETARY OF AGRICULTURE

The Secretary of Agriculture is responsible for directing the USDA, the agency that oversees our federal laws on animal welfare, humane slaughter and transport, animal fighting, food safety and other important issues. Because farmed animals are raised and slaughtered at the rate of 10 billion a year in the U.S., the agriculture secretary has by far the most authority over the treatment of animals in this country. President Obama's pick for agriculture secretary, Tom Vilsack, has an uneven track record where animals are concerned. On the upside, as the governor of Iowa, Vilsack championed bills to toughen Iowa's penalties for animal fighting and stood up to puppy mills. He even vetoed legislation that would have allowed the hunting of mourning doves.

But Vilsack also supported the growth of factory farms during his tenure as governor; indeed, the average number of hogs per farm in Iowa — the largest exporter of live animals in the U.S. — grew from about 800 to more than 1,800, while the number of hog farms declined under Vilsack's watch. Meanwhile, he's a major supporter of biotechnology, and his plan for Iowa's economic development included the cloning of dairy cows.

As the Secretary of Agriculture, Vilsack will play a major role in carrying out the new administration's goal of reducing global warming, since meat production is a major contributor of greenhouse gases. He's also in position to reverse the archaic practice of subsidizing factory farms.

SECRETARY OF INTERIOR

Obama's choice to head the Department of the Interior is Colorado Senator Ken Salazar, a fifth-generation rancher. With responsibilities that include overseeing the U.S. Fish and Wildlife Service, the Endangered Species Act, the National Park Service and the Bureau of Land Management, Salazar clearly has tremendous authority over the well-being of animals. The

question is, how will he strike a balance between caring for wildlife and pursuing his other role, which is to tap the nation's resources for energy and recreation?

If his previous performance is a clue, animals may not fare well under Salazar, who threatened to sue the U.S. Fish and Wildlife Service when its scientists concluded the black-tailed prairie dog may be endangered. He also fought efforts to increase protection for endangered species and the environment in the Farm Bill and voted to support subsidies to ranchers using public lands. Salazar received a 25 percent vote rating for 2007 from the Humane Society of the United States, a 0 percent vote rating for 2005-2006 from the Fund for Animals and a 60 percent vote rating for 2007 from Defenders of Wildlife.

At least one group is thrilled by the appointment, though. "Senator Salazar's pro-hunting votes over the past four years in Washington and his support for access to federal lands for hunting throughout his entire career in Colorado will prove to be invaluable for sportsmen and women during this Administration," said Safari Club International's Merle Shepard, who praised Obama for resisting "the pressure from anti-hunting groups to name an anti-hunting extremist to this important post."

OFFICE OF INFORMATION AND REGULATORY AFFAIRS

The head of the Office of Information and Regulatory Affairs (OIRA) oversees government regulations, looking for smarter approaches and better results in public health, the environment and other domestic areas. Although head of OIRA has not been a high-profile position under previous presidents, Obama has stressed the need to revamp the nation's regulatory structure, giving this appointment more importance.

Obama's pick to lead OIRA, Cass Sunstein, is a colleague of the President (they were friends while teaching at the University of Chicago Law School) and was an informal advisor during Obama's campaign. He has also shown himself to be a champion of animal law. He co-edited the 2004 anthology *Animal Rights: Current Debates and New Directions*, which includes essays by such notable contributors as *Animal Liberation* author Peter Singer, former ALDF president Steven Wise and former ALDF board president David Favre. In the text, Sunstein writes "animals should be permitted to bring suit, with human beings as their representatives, to prevent violations of current law." He also supports giving "private citizens ... the right to bring suit to prevent animals from being treated in a way that violates current law."

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A Kitten's Lasting Legacy

Torture Case Leads to Tough New Sentencing Guidelines

NO CASE OF ANIMAL TORTURE HAS A HAPPY ENDING, but occasionally something positive will result. In the case of White Socks, a kitten who was scalded and beheaded with a hatchet, the two men responsible for her death were charged with felony aggravated animal abuse and served jail sentences in Oregon. Moreover, the case has led to a change in that state's regulations governing the sentencing of felony animal crimes: the presumptive sentence for felony animal cruelty will now be prison rather than probation.

The tragic case of White Socks began in 2007, when Cody Allen Scheewe and Robert J. Wagner were the houseguests of two friends in Portland, Ore. Scheewe and Wagner claim they were giving their friends' seven-week-old kitten a bath and didn't pay attention to the water temperature, which became too hot for White Socks, causing her to pant and suffer diarrhea. Rather than seek veterinary help for the sick animal, Scheewe and Wagner struck White Socks with a hatchet at least eight times, nearly decapitating her; they then threw her over the backyard fence.

David Lytle, a spokesperson for the Oregon Humane Society (a group that ALDF routinely represents in court on pre-conviction forfeiture matters), called it one of the worst cases of cat abuse he'd heard about in years. "The even scarier thing to me is that people who commit these kinds of crimes are about five times more likely to commit a crime against a human being," he added.


When ALDF heard about the case, Scott Heiser, ALDF's senior attorney and director of our Criminal Justice Program, contacted the prosecutor, Deputy District Attorney Heidi Moawad, and offered her our services. Moawad requested legal advice on the sentences she planned to recommend and, as a result, ALDF helped ensure that the state was fully prepared to articulate for the judge the sentencing options available to the court.

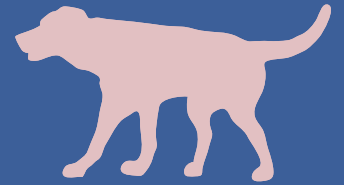
Scheewe and Wagner were angling for a probationary slap on the wrist, but thanks to Moawad's aggressive prosecution and ALDF's assistance, the pair did get some jail time. (Both men also had mental health evaluations and are prohibited from having contact with animals.)

Recognizing the weakness in his state's sentencing guidelines, ALDF board member and Clatsop County, Ore., District Attorney Josh Marquis teamed with Moawad and Heiser to persuade the Oregon Criminal Justice Commission to examine

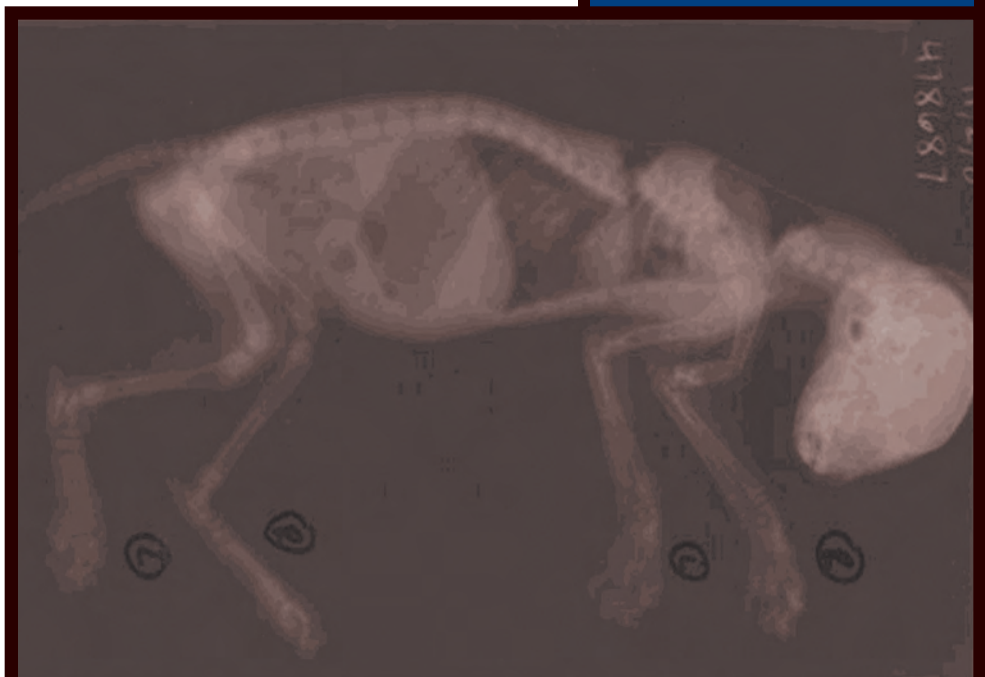
the White Socks case and ultimately vote to change how animal abusers are sentenced. The new state sentencing guidelines' crime seriousness scale will be elevated for felony animal abuse crimes. In addition, a conviction for a felony animal abuse crime will be classified as a "person crime," which will make an offender's subsequent criminal history score higher if they come back for sentencing on new felony offenses.

Moawad explains there are two levels of animal abuse in the state: Animal Abuse I and Aggravated Animal Abuse I. "Once the Oregon State Legislature has approved the rule change, the presumptive sentence for Aggravated Animal Abuse I will be prison," she says. "Additionally, Animal Abuse I when it is elevated to a felony because the individual has either committed the crime in the presence of a minor or has previously been convicted of animal abuse will be presumptive probation or prison, depending on the person's criminal history."

"This is great news," says Heiser. "Once this is on the books, the presumptive sentence for felony animal cruelty in Oregon will be prison rather than probation, meaning the court doesn't have to jump through a host of hoops to get these offenders in department of corrections' custody for much longer prison terms — not to mention that the post-prison supervision terms will be longer, as well." 



Post-mortem x-ray of White Socks shows hatchet strikes in her back and the break in her arm





THE ANIMALS'

ALDF

University of Chicago Law School's Vince Field has tails wagging

Field of Dreams

Enterprising Student Establishes Chicago SALDF Chapter

THE TAINTED-PET FOOD SCANDAL of 2007, which resulted in the deaths of countless dogs and cats, touched many lives. For law student Vince Field, it was the impetus for establishing a Student Animal Legal Defense Fund (SALDF) chapter at the University of Chicago.

Field, who had been interested in animal welfare issues for many years, spent the summer of 2008, just before he began law school, immersed in researching the pet food recall. But he also found time that summer to attend his first Taking Action for Animals conference, where he met Pam Alexander, director of ALDF's Animal Law Program. Everything gelled for Field, and he hasn't looked back.


"To be honest, I was quite surprised that the University of Chicago Law School did not already have an SALDF chapter and felt very strongly that if the law school was going to have any kind of serious focus on animal law, it needed to be associated with ALDF," he says. Indeed, thanks to Field, the University of Chicago became the last of the top ten ranked law schools in the U.S. to establish an SALDF chapter. (As of

press time, there are 127 SALDF chapters in the U.S. and seven in Canada.)

In just a few months, the University of Chicago Law's SALDF chapter has made great strides to raise awareness of animal protection issues on campus. In November, they hosted Animal Law Week, a pioneering symposium of events featuring more than a dozen speakers from organizations like the Humane Society of the United States and the FDA's Center for Veterinary Medicine; not surprisingly, Pam Alexander was there representing ALDF. Animal Law Week was built around the annual Dewey Lecture in Law and Philosophy, which was delivered by esteemed Harvard philosopher Christine Korsgaard. "Dr. Korsgaard presented a very interesting paper titled *Interacting with Animals: A Kantian Account*, which discussed the merits of various philosophical approaches for advocating for animal rights," says Field.

The University of Chicago's SALDF chapter also successfully petitioned the law school administration for an animal law course, which is being offered for the first time this spring semester, marking another first for the university. "Our goal is to make the animal law course a permanent offering, and we are currently discussing with the administration the possibility of bringing in a permanent lecturer in this area," says Field.

"This SALDF chapter is a perfect example of what a handful of motivated law students can accomplish," says Alexander. She emphasizes that each SALDF chapter and member contributes immensely to fulfilling ALDF's mission of protecting the lives and advancing the interests of animals through the legal system. "In this elite group of future lawyers," she says, "I have discovered over time that there are ones to watch — students who have made a tremendous impact for animals by being actively involved in our work while in law school. Vince is one of these students. We are pleased to be partnering with the new SALDF chapter at the University of Chicago, and we look forward to seeing many more accomplishments from them in the future."

Count on hearing more from Vince Field: He's just accepted a summer 2009 clerkship with ALDF. 



Interested in starting an SALDF chapter at your law school? Please contact Nicole Pallotta at npallotta@aldf.org.



ASK JOYCE

Dear Joyce:

I'm worried about who will care for my cats, Bob and Alice, when I die. My family is gone, and I have no friends who can take care of them. What do I do?

Dear Reader:

It's time for some planning. In a previous Ask Joyce column, I addressed the subject of creating a trust for your companion animal. Today, let's focus on the actual day-to-day care of Bob and Alice when you can't be physically present for them—for example, if you have to be hospitalized for some reason, or if you die without a will (which I hope you will not do!), or even if you have provided for Bob and Alice in your will but didn't prepare instructions for their care during the period of time between when you die and when your will is admitted to probate.

First and foremost, there has to be some other human being who will take physical custody of Bob and Alice, even on a temporary basis. This could be a neighbor you trust or your veterinarian. Or, start hanging out at the local dog park and get to know the dogs owners, volunteer at the library, join a club or a church—make contact with caring humans and, for Bob and Alice's sake, form a relationship to help you plan for their future. Develop

a very specific set of written instructions about all aspects of your cats' care: their names, physical descriptions, ages, temperaments, foods and feeding times, medications, special needs, identification of veterinarians and health records, everything that the caregiver would need. If the caregiver is not willing to take permanent custody of Bob and Alice, ask if they are willing to place them into a good permanent home and describe what sort of home you want for them.

If you cannot find an individual caregiver, you may want to contact a humane society or non-profit animal protection group to provide care for your cats. Do research on the internet. Then, take great care to visit the facility and find out what the care is going to be like; avoid a situation in which there is overcrowding, or your cats will be confined to a cage for long periods of time. I do not recommend having your cats killed when you die—there are far better solutions, and they deserve a chance at a new, loving home.

There is a lot to think through to protect Bob and Alice—a will, a durable power of attorney, a trust and the actual hands-on care. Please check our web site, www.aldf.org for more information on this subject.

—Joyce 

If you have a question you would like to see answered in The Animals' Advocate newsletter, email Joyce Tischler, ALDF's Founder and General Counsel, 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.

Obama's Team

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A bona fide animal advocate in the Obama Administration — especially a law professor who understands the importance of animal rights — is a welcome change indeed.

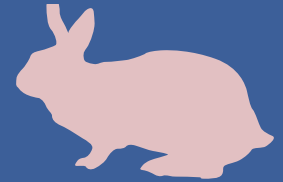
ADDITIONAL APPOINTMENTS

The new Secretary of Homeland Security, Arizona Governor Janet Napolitano, may have some input if Obama considers rescinding the Animal Enterprise Terrorism Act, which restricts the freedom of speech and assembly of animal and other social justice advocates. Napolitano has spoken out against the new "security" fence along the U.S.-Mexico border. In addition to its many other problems, the barrier disrupts the migration of such endangered animals as jaguarundi

and ocelots and keeps wild turkeys and turtles from crossing, and the bright lights at the top of the tall fence interfere with birds' ability to navigate by the stars.

Finally, it's worth noting that President Obama has created an Energy Coordinator. As the White House "energy czarina," as the position is often called, Carol Browner will coordinate the work of various energy and environmental agencies, paying particular attention to climate change. Browner is also chairwoman of the National Audubon Society, which seeks to conserve and restore natural ecosystems, focusing on birds and other wildlife.

Time will tell if these and other members of the Obama Administration will be a source of positive change for animals. But remember that the government is the people: If you learn of a policy that harms animals, please communicate with your elected officials! 



Remember that the government is the people: If you learn of a policy that harms animals, please communicate with your elected officials!

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Robertson County Shelter Victory!

THE WINTER 2008 ISSUE OF THE ANIMALS' ADVOCATE FEATURED a cover story on the disgraceful condition of two animal shelters in Kentucky. Shelters run by the state's Estill and Robertson counties were grossly inadequate, offering dogs and cats little if any of the comfort and care stray or homeless animals require. ALDF is happy to report that one of the shelters is being completely rebuilt to meet humane standards.

Readers may recall that the Mt. Olivet "shelter" in Robertson County was nothing more than a wooden shack with floors that were often covered with dirt where dogs endured frigid cold in the winter and blistering heat in the summer. The condition of this shelter, along with those of the shelter in Estill County, prompted complaints from local citizens, and ALDF filed lawsuits on their behalf in August 2008, represented by ALDF Board Chair and Louisville attorney Katie Brophy.

Kentucky counties had been given three years to comply with the state's Humane Shelter Law, which was passed in 2004. The Humane Shelter Law sets minimum standards that Kentucky counties must meet in caring for their homeless animals, including operating (or contracting with other counties that are operating) animal shelters that provide for basic care, food and water, shelter, public access and humane euthanasia.

ALDF's efforts provided complete victory for the Robertson animals. According to an agreed order of judgment issued by Robertson County's 18th Circuit Court, a new and largely improved shelter must be completed and begin housing dogs and cats this summer. The new shelter will provide a higher standard of care and a superior home for the animals, and adequate veterinary care will be a guarantee. The shelter will also segregate dogs from cats, sick or injured animals from healthy animals, males from females and aggressive animals from all others. Nursing mothers and their young will also be kept apart from other animals.

"We are thrilled at the cooperative spirit of Robertson County and its officials," says Matthew Liebman, ALDF staff attorney. "They recognized they had a serious problem and acted quickly to fix it." Liebman notes that ALDF will always do what it takes to ensure animal protection laws are obeyed. "And that includes aggressively pursuing lawsuits in the courts when necessary," he says. 