She passes her days swimming in endless circles around a barren tank that even the USDA considers too small. But for Lolita, the only orca at Seaquarium in Miami, that’s hardly the worst of it. Orcas (also known as “killer whales”) are highly intelligent, social animals, and Lolita has been separated from her family since 1970, when she was taken from her pod—part of the Southern Resident orca population—in the North Pacific Ocean. Each day she is forced to leap into the air for spectators at the South Florida amusement park.

For decades, animal advocates have campaigned to help Lolita, and now the law may be on her side. In 2005, the National Marine Fisheries Service (NMFS) listed the Southern Residents as protected under the federal Endangered Species Act (ESA), determining that whale-capture operations in the 1970s had contributed to their decline and that these animals are in danger of becoming extinct. Although the Act protects Lolita’s pod and the rest of the Southern Resident population against harassment and harm, Lolita herself has been excluded, leading the Animal Legal Defense Fund, along with People for the Ethical Treatment of Animals (PETA) and three individual plaintiffs, to file suit against NMFS for illegally carving out the ESA exemption.

The Loneliest Orca

ALDF and others file lawsuit on behalf of Lolita, captive killer whale

The last moments of freedom for Lolita and several other members of her pod captured in Puget Sound
A SYMBOL OF WILDERNESS LOST, the last gray wolf in California was killed in 1924. The subject of European superstition and viewed as competitors for wild game and a threat to domestic animals — even people — wolves were hunted to oblivion across most of the continental United States. But wolves are making a comeback. In December, a lone wolf named Journey wandered into northern California — the first wolf to do so in nearly 90 years. He faces many natural challenges — especially finding a mate! — but his biggest threat is the same human fear, greed, and superstition that his distant ancestors faced decades before.

Since the 1950s, biologists began to understand wolves’ vital role in maintaining healthy ecosystems. This understanding led to efforts to restore wolves that have brought the species back to several states after decades-long absences. In Yellowstone, where wolves were reintroduced in the 1990s, studies have shown the benefits of predation on wildlife and even trees (aspens, previously nearing elimination, are coming back because elk cannot just linger indefinitely on river beds).

This successful return of wolves has been a cause for celebration amongst most biologists and Americans. Unfortunately, many hunters, unwilling to compete with natural predators for wild game, and ranchers, who fear financial loss, are not happy about the wolf’s return. Calls by their powerful lobbies for wolf trapping, snaring, poisoning, and even shooting from helicopters are being heard by state governments.

This same mentality poses a threat to Journey and his kin in California. Though there is plenty of room for wolves in California from a biological perspective, his arrival has already sparked fear-mongering by the state’s ranchers and hunters. And our irrational fears are still there, too. Just witness the release of the film The Grey, an egregious work of fiction that may do to wolves what the movie Jaws did to sharks.

I grew up with a fascination for wildlife, including wolves, that ultimately led me from Chicago to Alaska, where I worked to protect wildlife and wild places. I studied wolves and learned of their incredible intelligence, commitment to family, and playfulness. Most of all I realized their right to exist and be wolves and the benefits to humans and ecosystems of our letting them be. I hope you will join me in wishing Journey and his kind well in recovering lost territory and in dispelling the myths and greed that resulted in the loss of wolves in the first place.

For the animals,

Stephen Wells

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In The Realm Of Animal Exploitation, some abuses are simply beyond comprehension, which is one reason dogfighting is now a felony in all 50 states. “There’s nothing crueler than animal fighting,” says Geoff Fleck, an attorney for the Animal Legal Defense Fund’s Criminal Justice Program. “It is an inconceivably vile blood sport.” And if anyone would know, it’s this former assistant state attorney from Florida, who has dedicated his career to prosecuting the perpetrators of violent crimes.

In April 2010, Fleck was still with the Florida State Attorney’s Office, 8th Judicial Circuit, when police in Baker County busted a dogfight in progress. Organizers and spectators scattered so fast that one man, Omar Aldridge, left his four-year-old son at the scene. Aldridge and another man, Cletus Gaskins, eventually returned and were charged with dogfighting and animal cruelty.

Fleck began building his case against the two, but he faced several hurdles. “For one thing, dogfighting is extraordinarily hard to investigate and prosecute, because by the time the police arrive, as in this case, everyone has high-tailed it into the woods,” he says. “The only reason we got these two people is because one came back for his dying dog and the other came back for his son. The police didn’t bother taking down the license plates of anyone else there, which is a typical problem prosecutors face everywhere in every kind of case.” Another obstacle was the judge, who was reluctant to send Aldridge and Gaskins to prison, says Fleck.

“The police found Aldridge’s son sitting at a picnic table near the ring, surrounded by dogs,” he says. “The people who do this lack so much sensitivity. It becomes part of the family culture. They say, ‘Hey, Son, you may only be four years old now, but this is what you can do when you grow up.’”

Ultimately, neither of the defendants received any jail time. Aldridge and Gaskins were given five years of probation, during which time they are not allowed to have animals, and 100 hours of community service. “Notwithstanding the sentencing judge’s weak sentence, every dogfighting prosecution we handle or assist with represents an opportunity for ALDF to educate the bench on the evils of these senseless blood sports,” says Scott Heiser, director of ALDF’s Criminal Justice Program. “Over time we will purge the institutional bias that still lingers in those jurisdictions where courts simply fail to see the value of aggressively prosecuting these important cases.”

“People think dogfighting is a ring and two dogs doing what they would normally do, but it’s not that at all,” adds Fleck. “Fighting dogs are worth $40,000, while pups from a good lineage are worth $20,000. People bet six figures or more in these fights. It’s a horrible institution. It’s organized crime.”

Inside Dogfighting

Trainers Prepare Dogs To Fight by inflicting a variety of ruthless and gruesome abuses, as well as systematic neglect, including starvation, beatings, and placing heavy chains around their necks to increase muscle mass.

Other animals may be kept around to serve as bait for dogs to attack. Dogs raised for fighting often suffer severe, even fatal wounds, with fights going on until one of the dogs is unable to continue.

They may die of blood loss, shock, dehydration, exhaustion, or infection hours or even days after the fight.
Loneliest Orca

continued from front page

for captive members of the Southern Resident population.

“The question is, does she deserve protection?” says Carter Dillard, ALDF’s director of litigation. “The obvious answer is yes. She is a member of the Southern Residents population, and the only reason that she would be excluded from ESA protection is because the Miami Seaquarium wants to exploit her. Meanwhile, the National Marine Fisheries Service is happily turning a blind eye.” ALDF and PETA estimate that Seaquarium has made tens of millions of dollars by forcing Lolita to perform unnatural tricks over the past four decades.

According to the complaint filed in federal court by ALDF in November 2011, NMFS has failed to protect Lolita and other imprisoned orcas and, as a consequence, “captive members of this species continue to be kept in conditions that cause them great harm and suffering with absolute impunity under the ESA.”

One August day 42 years ago, Lolita was swimming with her family off the coast of Washington State when a whale-capture crew used speedboats, helicopters, and explosives to herd the orcas into a cove. Five orcas died in the process, including one whale who became entangled in a net and drowned while struggling to reach her calf. The crew succeeded in capturing several whales that day, and they were towed to a dock, loaded onto trucks, and sold for exhibition. The Miami Seaquarium bought Lolita for $6,000, and she is now the only orca housed at the amusement park. Her former tank mate Hugo died in 1980; after 12 years of “service,” his body was simply dumped at the Miami-Dade County landfill.

Aside from a few dolphins, Lolita has been alone for 32 years, performing in two shows a day. She lives in a tank about one-tenth the size of those at SeaWorld; indeed, hers is the smallest orca tank in North America. According to current regulations set forth by the US Department of Agriculture, the primary enclosure for a whale Lolita’s size must be a minimum of 48 feet wide in either direction with a straight line of travel across the middle. Lolita’s tank is only 35 feet from the front wall to the slide-out barrier, and it is only 20 feet deep. (For years, Seaquarium’s promise to build Lolita a bigger tank has remained unfulfilled.)

The Southern Resident killer whale population consists of three families: the J, K, and L pods. Their range during the spring, summer, and fall includes the inland waterways of Puget Sound, Strait of Juan de Fuca, and Southern Georgia Strait, all off the coast of Washington. Lolita was a member of the L pod when she was captured; she has family members who are still living in the wild, where orcas form bonds that may last a lifetime.

The Endangered Species Act clearly prohibits the wholesale exemption of all captive members of a listed species, and even where valid exemptions exist, they apply only where the holding of such animals “was not in the course of a commercial activity.”

“The ultimate goal would be to have the same protections that apply to wild populations apply to Lolita,” Dillard says. This could mean dramatically improving her current conditions or moving her to something approximating a sea pen, located in the Northwest, where she could interact with members of her pod. At least in the safety of a seaside sanctuary, Lolita would not be forced to perform and could swim in ocean waters.

Five orcas died and several were captured the day Lolita was taken from her family off the coast of Washington in 1970.
After carefully analyzing more than 4,000 pages of statutes covering 14 broad categories of provisions, ALDF’s legislative affairs team recently released its annual study that reports on animal cruelty laws throughout the United States. The report ranks every U.S. state and territory for the relative strength and general breadth of each jurisdiction’s current animal welfare laws. The results show vast differences in the legal protections animals are given.

Unfortunately, as with years past, the latest rankings indicate that some states have a long way to go. Kentucky, North Dakota, Idaho, Iowa, and South Dakota are the states with the weakest laws, including severely restricted or absent felony penalties for the worst types of animal abuse, inadequate standards of basic care for an animal, and lack of restrictions on the ownership of animals for those convicted of cruelty to animals.

The good news is that states continue to improve; indeed, since ALDF began ranking states in 2006, more than half of all states and territories experienced a significant improvement in their animal protection laws. Improvements adopted by jurisdictions include expanding the range of protections for animals, providing stiffer penalties for offenders, better standards of care for animals, mental health evaluations and counseling for offenders, bans on ownership of animals following convictions, and allowing animals to be included in domestic violence protective orders. For the fifth consecutive year, Illinois held the top spot in the rankings due to its wide array of animal protection laws.

One of the frequently-used measures for gauging the state of animal protection laws in the U.S. has been the presence or absence of felony-level penalties for the most egregious types of abuse. Over the past five years, there has been noticeable progress in this indicator. For example, six jurisdictions added – for the first time – felony penalties for cases involving extreme animal cruelty or torture: Alaska, Arkansas, Guam, Hawaii, Mississippi, and Utah. Meanwhile, six other jurisdictions strengthened their existing felony animal cruelty laws: Kentucky, Louisiana, Michigan, Nebraska, Nevada, and Puerto Rico. Additional felonies added to statutes include repeated or aggravated animal neglect (in Alaska, Arkansas, Indiana, Louisiana, Michigan, Nebraska, North Carolina, and Puerto Rico) and repeated abandonment or abandonment that results in the death or serious injury of an animal (in Arkansas, Louisiana, Indiana, Michigan, Nebraska, and Puerto Rico). Alaska, Puerto Rico, and Tennessee all added felonies for the sexual assault of an animal.

Why a state-by-state ranking, rather than a national score? “In the U.S., as with most other criminal laws, the vast majority of laws protecting animals occur at the state level,” explains ALDF’s executive director Stephen Wells. “For this reason, our annual U.S. Animal Protection Laws Rankings reports compare and contrast the wide spectrum of laws protecting animals at the state and territorial level.”

Our study – the longest-running annual report on animal laws – has become the most comprehensive and most authoritative ranking of its kind.

“We are very optimistic for additional progress in the upcoming year,” says Wells. “Every state and territory has ample room for improvement, and we urge lawmakers to heed the call for better animal protection laws across the nation. Animals do not vote, but those who love them definitely do.”

BABY CHICKS DROWNING IN BUCKETS of liquid waste. Birds dying on concrete floors as workers do nothing. Hatchlings thrown into trash bins where they remain for several hours. These are just some of the appalling cruelties captured on video by Compassion Over Killing (COK) inside Cal-Cruz Hatcheries Inc., a Santa Cruz, Calif.-based chicken hatchery. In January, the Animal Legal Defense Fund filed a complaint in California Superior Court on behalf of COK seeking to stop the ongoing abuse of baby birds at Cal-Cruz.

A 2009 investigation by COK produced video footage of dead or dying hatchlings trapped in and under processing machinery; newly-hatched chicks with various injuries—open bloody wounds, skin ripped off, exposed organs, mutilated feet and legs—gasping for air, shaking, and struggling to move in full view of hatchery workers; and buckets of unwanted hatchlings dumped into the egg shell disposal chute and forced down a clogged drain with a pole and high-powered hose.

These practices occurred with the knowledge of upper management and appear to violate the California penal code which, generally speaking, prohibits action or inaction that unreasonably causes unjustified animal suffering. When COK turned over their video footage to Santa Cruz County Animal Services Authority and the District Attorney’s Office, the follow-up investigation corroborated their evidence and led to the confiscation of 88 ducklings, more than half of whom had to be euthanized. A year later, the District Attorney’s Office declined to prosecute Cal-Cruz, but that did not stop ALDF and COK from moving forward with their civil lawsuit.

“The systematic torture and reckless neglect of baby birds at Cal-Cruz is not only shocking—it is also illegal under the California Business and Professions Code,” says Carter Dillard, ALDF’s director of litigation. “In essence, this case ensures that businesses that violate California cruelty law don’t get away with it.”

Cal-Cruz hatches thousands of chicks per week—amounting to millions of birds per year—for shipment to “growers” that house and feed the birds until they are ready for slaughter. One retailer that won’t be selling the birds is Whole Foods Market, which confirmed following the filing of ALDF’s lawsuit that it will no longer purchase chicken from ranches that receive hatchlings from Cal-Cruz.

One of the most disturbing realities of animal agribusiness is that the majority of states exempt cruelty against farmed animals if the abusive conduct is a “customary agricultural practice.” Such common cruelties include cutting off pigs’ tails and confining egg-laying hens to tiny wire cages. Although state laws protect cruel practices perpetuated by corporations, when evidence of egregious acts of violence by individuals comes to light, they are often the subject of animal cruelty lawsuits. Moreover, with so much talk about animals being “humanely raised,” it’s important to note that while chickens may enjoy a semblance of freedom on some farms, they all begin life at hatcheries like Cal-Cruz, where profit comes before animal welfare.

We encourage readers to watch COK’s undercover video at aldf.org/cal-cruz.
not sure that’s true. I think we surprise ourselves. Love gives us strength and determination we never knew we had.”

It is with this capacity for love that Nicole recently adopted Teagan, a little German shepherd who had been severely abused, shot, and left for dead in Mississippi. “The bullet destroyed her left eye and smashed several teeth,” explains Nicole. “Her left front leg was snared—deliberately, according to the vets—in her collar, creating a deep gash that cut closer to the bone with every painful step. Her back legs were crooked and deformed, likely from being kept in a cage that was too small for her. She was starving and upon rescue weighed only 15 pounds.” Teagan is now a healthy 38 pounds, but she will always be a “mini” shepherd, her growth likely stunted by early malnutrition and neglect.

“Teagan has rescued me from my grief over losing my dear Alec too soon. She has brought immeasurable joy back into my life. In addition, she literally saved my life recently when she woke me in the middle of the night and alerted me to a fire in our apartment! She is my hero.”

Her devotion to animals gives Nicole a powerful desire to see our fellow creatures treated with equal respect. “I dream of a day when companion animals enjoy the status of real—not provisional—family members who are loved, cared for, and cherished as much as Alec and Teagan,” she finds encouragement in the SALDF program. “Our student members literally represent the future of animal law, and the steady growth of our SALDF program gives me hope for a world in which all animals have the basic right to live free from cruelty and neglect, and in which their interests are taken seriously by the courts and legislatures.”

Nikole, who completed her Ph.D. in sociology at the University of Georgia in Athens, is now developing an undergraduate course in animals and the law for Lewis & Clark Law School in Portland.

For more information about SALDF, please visit www.SALDF.org. You can read more about Alec at www.alec-story.com.

Heartbreak to Hope

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JOIN OUR PARTNERS IN PROTECTION!

FROM THE CITY OF WEST HOLLYWOOD banning fur sales to counties in New York State adopting animal abuser registries, experts from the Animal Legal Defense Fund work coast to coast. And none of our victories would be possible without our dedicated members.

As a 501(c)(3) charitable organization, ALDF relies almost entirely on individual, tax-deductible contributions from caring members and donors like you. And there’s nothing that helps us win the case against cruelty like sustaining members—individuals like Harold Schessler who make a regular donation. “I began monthly giving for a practical reason,” says the Yorkville, Ill., retiree. “I didn’t have the sum of money I wanted to donate to ALDF, so rather than delaying a donation, I happened to be reading the ALDF website and saw that they had an option to become a recurring donor. Now that I must withdraw money every month from my IRA, it is only natural that these regular payments should go to ALDF. And it’s easy, too.”

The Partners in Protection program gives you a simple and convenient way to make regular contributions to ALDF that are posted to your credit or debit card. Partners in Protection gifts provide a predictable source of funding that is critical to our work on behalf animals like Tony, a Siberian-Bengal tiger who has been confined in a truck stop in Grosse Tete, La., for more than a decade. Whatever your weekly, monthly, or quarterly donation, every single dollar counts in the fight against animal abuse.

The Animal Legal Defense Fund is committed to using the legal system to help animals—but we can’t do it without you. To become a Partner in Protection and gain the satisfaction of knowing that your regular financial support is helping animals across the country, just visit aldf.org and click “Donate.” Thank you!

The Animal Legal Defense Fund is proud to be a four-star charity on Charity Navigator and a Better Business Bureau Accredited Charity and to have been awarded the Independent Charities Seal of Excellence, ensuring that we meet the highest standards of public accountability, program effectiveness, and cost effectiveness.
TO KNOW NICOLE PALLOTTA IS TO EXPERIENCE HER INFINITE DEVOTION to the animals in her life. Nicole, the student liaison for ALDF’s Animal Law Program, works with law students who are interested in advancing ALDF’s mission, including members of 180 Student Animal Legal Defense Fund (SALDF) chapters. She does this with the sort of enthusiasm you’d expect of someone who has passionately committed herself to the needs of others. Nowhere is this commitment more evident than in the dogs she has adopted.

In 2002, Nicole met a German shepherd named Alec while working at the kennels of The Seeing Eye in Morristown, NJ, the world’s oldest existing guide-dog school. Nicole was in no position to be adopting a dog—she already had two at home and had a habit of moving from one state to another—but their bond was undeniable, and it was clear Alec was not cut out to be a guide dog. Love prevailed, of course, and within three years Nicole was working at ALDF’s headquarters in California. Many of our staff bring their furry companions to work, and this animal-friendly policy became even more critical in 2008 when Alec was partially paralyzed after suffering a herniated spinal disk. His doctors said Alec would never regain the use of his hind legs. Undaunted, Nicole reorganized her world to accommodate Alec’s special needs. She moved to a ground-floor dwelling. She slept on an air mattress to be closer to him. She outfitted him with a doggie wheelchair. She took him to specialist after specialist and eventually transferred to ALDF’s office in Portland, Ore., where she found an apartment even better suited for Alec.

Alec worked hard, too, and in time he proved the doctors wrong. A year after his injury, he began walking without assistance. “It felt like a miracle,” says Nicole. But just a year later, fate brought tragic news: Alec had cancer. “My love could not save him. In the end, all the strength and determination in the world could not defeat the cancer that was destroying his body. I finally had to admit that it was time to let him go.” Alec passed away in 2010.

“I had friends—fellow animal advocates with their own strong bonds with their companion animals—tell me they would not have been able to do what I did for Alec,” says Nicole. “But I’m

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