Florida Hogs Hit The Campaign Trail

ALDF-backed initiative targets farm cruelty

Thanks to ALDF and the hard work of scores of animal activists, Florida voters will have the chance to ban a cruel factory farming practice this fall. Gestation crates — the tiny cages used to imprison pregnant sows for months or even years at a time — are the target of a ballot initiative developed by ALDF and other animal advocates. If passed, the initiative would ban the use of gestation crates on Florida farms.

This spring the Florida Supreme Court decreed that the initiative could go before voters. (In Florida, all ballot initiatives must be approved by the state’s highest court before they can be voted on.) The wording of the initiative was developed and presented to the Supreme Court by Holland & Knight, a law firm retained by ALDF.

But there was still one more hurdle to clear even after the court signed off on the initiative’s wording: Activists had to gather valid signatures in support of the measure from 488,000 registered Florida voters.

Dozens of volunteers traveled to the Sunshine State to drum up the necessary signatures. By mid-July, they had more than 650,000. In early August, the Florida Division of Elections verified 488,700 of those signatures, enough to pave the way for the initiative to appear on ballots this November.

“Just getting this initiative on the ballot was a real victory for animals,” says ALDF Executive Director Joyce Tischler. “Not only might it outlaw gestation crates in Florida, it’s drawn national attention to a truly cruel practice that’s still all too common in other parts of the country. Hopefully, this will prod more states to take a hard look at their own factory farms and how they operate.”

Unlike many sows, this pig can live as she should — outside a cage.
The Long Road To Harvard

As I write this, I’m preparing to fly to Cambridge, Mass., for an extraordinary symposium at Harvard Law School. Its title is “The Evolving Legal Status of Chimpanzees,” and the fact that it is happening at all — much less at an institution as prestigious as Harvard Law — is, for me, extraordinary in itself. Whatever pearls of wisdom may flow from the symposium’s impressive roster of speakers (details in the next Animals’ Advocate), it doesn’t take an Ivy Leaguer to grasp the gathering’s significance. The lesson is obvious. Animal law has arrived.

What a difference a quarter-century makes. When a small group of lawyers met in 1979 to form Attorneys for Animal Rights — which would evolve, in 1984, into the Animal Legal Defense Fund — we were as welcome in the legal community as the proverbial skunk at the garden party. Legal rights? For animals? Ridiculous! Twenty-five years later, the idea that animals’ interests should be protected by law is, if not yet widely accepted, at least argued seriously by both practitioners and legal scholars. Like skunks, animal lawyers may still not be the most popular of creatures in the legal menagerie. But we get a lot more respect nowadays.

Where ALDF and its member attorneys were once virtually alone in using the courts to extend protections to animals, the field is starting to get crowded. The Washington state Bar Association, for example, recently joined an ever-growing list of city and state bar associations that have formed animal law committees. Student Animal Legal Defense Fund chapters and animal law groups have sprung up at more than 25 law schools, with more on the way. Leading law schools such as Hastings and Georgetown are now offering animal law classes. A second edition of the popular casebook Animal Law has just been released, increasing the likelihood that more schools will follow suit. Constitutional scholars like Harvard’s Laurence Tribe have become active in the field, writing about animal law in legal journals, newspapers and magazines.

And now, a symposium at Harvard Law — sponsored in part by the campus SALDF chapter — featuring two of the world’s most influential (and inspiring) primatologists, Drs. Jane Goodall and Roger Fouts, and an all-star lineup of some of America’s best legal minds, including Cass Sunstein, Alan Dershowitz, Steven Wise and ALDF’s own David Favre. There, in the Ames Courtroom of Austin Hall, they’ll be discussing the question of whether chimpanzees should have legal rights. And no one will be laughing.

It’s been a long, tough journey from San Francisco to Harvard. But the skunks have joined the party, and the legal world is in for some very exciting times. Be there. Or be square.

Joyce Tischler
Executive Director

Editor’s Note

Production problems unavoidably delayed this edition of The Animals’ Advocate. Although the symposium discussed above, “The Evolving Legal Status of Chimpanzees,” took place too late for inclusion in this issue, a report is posted on ALDF’s Web site at www.aldf.org. The site will also feature post-election coverage of the pig gestation-crate initiative described on page 1, as will the next edition of The Animals’ Advocate. We apologize for the delay.
No Escape for Abusers

ALDF’s Anti-Cruelty Division recently helped the long arm of the law stretch a little further. After landing in hot water for their mistreatment of animals, an abusive dog trainer and a notorious hoarder moved to new locations — and soon went back to their old tricks. But ALDF continued tracking these two and their activities, supplying local activists and authorities with comprehensive files on both of them. Soon afterwards, they found themselves facing new charges.

Stephen Barry King first came to the attention of animal advocates in Oregon in the 1990s because of his extreme methods. Most disturbing was his predilection for disciplining dogs through “airplaning” or “helicoptering,” which involves jerking his victims off the ground by their choke collars, temporarily hanging and strangling them. King insisted that this was necessary to “correct” dogs and force them to obey.

When Anti-Cruelty Division Director Pamela Frasch witnessed King’s behavior first-hand in a local park, she realized that he needed to be stopped. After intervening that day, Frasch began searching for human guardians who felt King had mistreated their dogs. She quickly found more than 30 such people. Frasch and other animal advocates brought their concerns to local prosecutors, who launched an investigation. Although cruelty charges were never brought against King in Oregon, his excessive methods were exposed in the local media, resulting in a wave of negative publicity. King eventually left the state.

But he wasn’t through “airplaning” dogs. King went all the way to England, where he quickly went into business as a dog trainer, billing himself as a respected American expert in the field. The Anti-Cruelty Division learned of King’s move, and soon ALDF staff attorney Stephan Otto was supplying animal advocates in Britain with extensive material on King’s activities. Armed with case files, undercover surveillance video and advice provided by ALDF, England’s Ooze Online (a pro-animal Web site) launched a campaign to expose King.

Eventually, prosecutors in London brought charges. This summer, King was convicted of four counts of animal cruelty: two for “inflicting unnecessary suffering” and two for “cruelly terrifying and cruelly treating animals.” The charges stemmed from two separate incidents involving dogs. King was fined £500 (approximately $800) in the first case. In the second case — in which King wrapped a leash around a 2-year-old bull terrier’s neck and swung the animal a foot off the ground, causing the dog to bleed and become incontinent — the judge’s sentence included a £2000 fine (about $3000), 100 hours of community service and an eight-year ban on custody and control of dogs.

“King has spread terror wherever he’s gone,” says Otto. “Fortunately, through the perseverance of ALDF and animal advocates in the U.K., his abusive activities have finally been exposed in a court of law. He’s been brought to justice at last.”

Vicki Kittles has a history of hoarding animals that extends back over many years and many states. In the early 1980s, she ran into trouble with the law in Florida for allegedly hoarding dogs and horses in a home littered with feces and the bodies of dead animals. That pattern of abuse was repeated again and again over the years, with Kittles accused of imprisoning animals in squalid, cramped surroundings in Colorado, Washington and Oregon.

Thanks largely to expert witnesses and legal research provided by ALDF, Kittles was eventually convicted in Oregon of 42 misdemeanor counts of animal neglect. The case garnered widespread publicity, and ALDF used that momentum to push for stronger anti-cruelty laws. Soon afterward, the Oregon legislature passed an ALDF-drafted bill that made aggravated animal abuse a felony in the state.

As she had in the past, Kittles simply moved on when things got too hot for her. After serving almost a year in an Oregon jail, she moved to Wyoming, where she apparently began acquiring yet another menagerie of animals she allegedly couldn’t care for. The Anti-Cruelty Division stayed in contact with animal advocates in the state, offering background information on Kittles and her ways.

This summer, officials in Cheyenne removed 48 cats and six horses from her property. Although only one charge has been brought so far — a livestock-at-large misdemeanor — prosecutors there are considering further action. In the meantime, ALDF is working with pro-animal politicians and activists in Wyoming to strengthen the state’s animal protection laws.

“It’s extremely important for us to track individuals convicted of animal crimes, like Kittles and King, since they’re so likely to put more animals at risk,” says Otto.

“There’s a message we want to send to animal abusers: You can run, but you can’t hide,” adds Frasch. “These latest cases prove that.”

“Fortunately, through the perseverance of ALDF and animal advocates in the U.K., [King’s] abusive activities have finally been exposed in a court of law. He’s been brought to justice at last.”

ALDF Attorney
Stephan Otto
Two ALDF lawsuits are moving forward in federal District Court in Washington, D.C. Both suits — one involving Asian argali sheep, the other involving wild horses on public land in America — were originally launched last year.

The world's largest sheep species, argali sheep are officially listed as “endangered” throughout most of their range. Yet the argali sheep in Mongolia, Tajikistan and Kyrgyzstan have been designated as “threatened,” a status that offers far less protection. Nearly a decade ago, the U.S. Fish and Wildlife Service recommended that argali sheep in those countries be upgraded to endangered. While that proposal floated in limbo, the agency granted permits to hunters who wanted to import argali “trophies” into the U.S. ALDF, along with the Fund for Animals and other plaintiffs, sued in an attempt to stop the issuance of more permits.

In May, the Fish and Wildlife Service withdrew its proposal for an upgrade to endangered status. As a result, ALDF has amended its original claim to dispute that decision as well.

“There's more than enough scientific evidence to prove that argali sheep populations are continuing to decline in those three countries,” says attorney Howard Crystal, of the law firm Meyer & Glitzenstein, which is representing ALDF in the case. “There's nothing to support this decision — or the continuation of sport hunting of argali sheep, which is really what this case is all about.”

Crystal also is representing ALDF in its attempt to head off a massive wave of wild horse roundups. Under pressure from ranchers, the federal Bureau of Land Management planned roundups that would drastically reduce wild horse populations in 10 Western states. (The wild horses use the same publicly owned grazing land as ranchers’ cattle.) Once again working with the Fund for Animals, ALDF filed suit to block the roundups.

Earlier this year, a U.S. District Court judge ordered the BLM to enter into negotiations with ALDF and the Fund. As a result, the agency agreed to give 60 days notice if it planned a roundup that would reduce the horse population in a given area below certain predetermined levels. The BLM also suspended roundups during the foaling season. But in July, the roundups began again, and thousands of wild horses could be hunted down, locked in corrals and perhaps even sold for slaughter in the months ahead.

ALDF is seeking an injunction that would end the roundups until the BLM has prepared an environmental impact study that examines the long-term effect they could have on America’s wild herds. Though the agency filed a motion to dismiss the suit, that motion was rejected, and oral arguments were presented to U.S. District Court Judge Richard J. Leon in September. Leon's ruling is expected soon.

In July, the roundups began again, and thousands of wild horses could be hunted down.
Texas Town’s War on Prairie Dogs

A LDF has joined with several environmental groups to block the destruction of one of the largest prairie dog colonies in the world. Officials in Lubbock, Texas, plan to exterminate all 40,000 prairie dogs in the colony because they claim the animals are responsible for groundwater contamination — a claim environmentalists and government experts deny.

The prairie dogs live in crop fields used by Lubbock as a wastewater farm. City wastewater is sprayed on ryegrass, which is supposed to absorb dangerous nitrates from the water. But the Texas Commission on Environmental Quality says the system isn’t efficient enough and local groundwater supplies are threatened.

The commission and the city have blamed the prairie dogs for rising nitrate levels because the animals create their colonies by burrowing underground. But prairie dog holes are typically no more than five feet deep, while groundwater tables lie between 50 and 90 feet underground. According to an engineering consultant who worked for the city in the 1990s, there’s a more likely culprit: the city’s choice of crops. In 1996, the city changed over to ryegrass from corn and wheat even though the engineer, Texas Tech University professor Cliff Fedler, advised officials that ryegrass is less effective at absorbing nitrates. The Dallas News has reported that the city wanted to rent out pastures at the site for cattle grazing.

Yet the city has stuck firm to its plan to wipe out the prairie dogs. That has alarmed wildlife experts, many of whom believe the animals are becoming so rare they should be given federal protection. Burrowing herbivores with a complex social structure scientists are just now beginning to understand, prairie dogs were once common throughout the West. But over the last century, they’ve lost as much as 99 percent of their habitat. And every time another prairie dog colony is poisoned or blasted, other species suffer too. Destroying the colony decimates the fragile ecosystem that has built up around its holes and tunnels, with endangered burrowing owls and other animals perishing as well.

ALDF, Public Employees for Environmental Responsibility, Defenders of Wildlife and other groups filed suit against Lubbock and the state environmental commission in October, claiming that plans to exterminate the prairie dogs are unreasonable and arbitrary and thus in violation of proper administrative procedures. The commission quickly backed down, amending an order to the city that had blamed the nitrate problem on the prairie dogs. But Lubbock officials have yet to alter their plans — a situation the lawsuit is intended to change.

ALDF has also been involved in efforts to protect prairie dogs in Colorado, providing financial backing and legal expertise to environmentalists suing the state’s Division of Wildlife. The suit, brought by Rocky Mountain Animal Defense, argues that widespread poisoning of prairie dog colonies violates the Colorado constitution. An amendment passed by voters in 1996 made it illegal to trap or poison most wildlife species. Unfortunately, birds and rodents — including prairie dogs — were excluded from the amendment. But prairie dog colonies play host to more than 200 other species, including protected salamanders, snakes, rabbits and badgers.

In January, a Colorado district court judge issued an opinion that castigated the Division of Wildlife for failing to ensure that protected species weren’t being killed. Yet the judge declined to mandate any corrective actions, merely suggesting that the state agency clean up its act. With ALDF support, Rocky Mountain Animal Defense is petitioning the Colorado Supreme Court for an appeal.

“Prairie dogs are being poisoned to the brink of extinction. That’s got to stop,” says ALDF Executive Director Joyce Tischler. “Lawsuits like these can slow down the killing, but the problem won’t go away until more wildlife management agencies start doing their job. They should be protecting wild animals, not destroying them.”

Thousands of Birds Found Dead in Pet Store

Animal advocates in San Bernardino, Calif., recently made a gruesome discovery: a shipping container packed with hundreds of dead parakeets. The fragile birds had been sent to a local pet store from Bakersfield, 200 miles away, reportedly without water or air conditioning. As a result, 1,800 parakeets apparently died in transit.

Humane Society inspectors found the birds when they arrived to investigate allegations that the store, Adi’s Pet Shop, was overcrowded. More than 700 animals were later confiscated from the store, including 500 birds and 100 baby iguanas.

The store’s owner, Efrain Espadas, has been charged with only one count of felony animal cruelty. He recently pleaded not guilty and will return to court for a hearing in October.

Given the large number of birds who lost their lives — and the callousness with which they and the animals for sale in the store were allegedly treated — local prosecutors should be urged to bring further charges against Espadas. To do so, send a letter to:

Kathy Relyea
San Bernardino County District Attorney’s Office
316 N. Mountainview Ave.
San Bernardino, CA 92415-0004
BRIEFS...

ALDF Launches New Outreach Effort

This fall, ALDF’s Anti-Cruelty Division will begin sharing its expertise with community leaders across the country through a comprehensive new outreach program. Animal Abuse Prevention and Prosecution Legal Education Seminars (AAPPLES) will bring ALDF staffers and members together with local law enforcement officials, animal control and humane society workers, educators and others with an interest in protecting animals. Through both informal and town hall-style meetings, these groups will identify problem areas concerning animal abuse and neglect in the community and begin working to find legislative, training and education-based solutions. Presentations to local law students, law enforcement agencies, community coalitions and other groups will spread awareness of animal abuse and how it can be better recognized, investigated, prosecuted and even prevented.

“AAPPLES will bring new focus to our slate of educational presentations while helping to improve the legal environment for cruelty cases in our members’ communities,” says staff attorney Dana Campbell, who conceived of the new initiative and is directing its implementation. “The program’s success really will depend on ALDF volunteer attorneys and members coming forward in each locale who can assist us in identifying both current issues — like more training for investigators or better legislation — and key personal contacts. We’ll also follow up with advice and support to put it all in place.”

AAPPLES is already gearing up in the Omaha and Phoenix areas and will expand to more cities in 2003, with an emphasis on towns or states that have recently implemented new animal protection laws. If you think your community is right for AAPPLES — and you’d like to help bring it there — contact Campbell at dcampbell@aldf.org or by calling (503) 231-1602, ext. 304.

Animal Casebook’s Second Edition Ready

A new edition of Animal Law, Cases and Materials is now available. Written by ALDF board member Sonia Waisman, ALDF attorney member Bruce Wagman and ALDF Anti-Cruelty Division Director Pamela Frasch, this comprehensive 784-page casebook examines animal issues in torts, property, contracts, criminal law, wills and trusts, the Animal Welfare Act (among other statutes) and constitutional law.

The first edition, published in early 2000, has been instrumental in efforts to establish animal law classes at law schools across the country. Waisman, Wagman and Frasch are all adjunct professors who teach animal law themselves. The second edition of their book includes updates and revisions that reflect the growing field of animal law and the questions and strategies they have explored in the classroom.

“It is our hope that the second edition of Animal Law will enable even more law schools to offer animal law as a regular part of the curriculum,” says Frasch. “The future development of animal legal rights and protections is dependent on today’s law students learning about the field and choosing to pursue animal law as a career. We believe the book can provide a critical stepping stone for students starting on this path.”

Animal Law, Cases and Materials costs $80 and can be ordered online from Carolina Academic Press at www.cap-press.com or by calling (800) 489-7486.

New Online Look For ALDF

ALDF’s Web site has a new look — along with lots of new features and content.

The redesigned site features user-friendlier navigation, a broader range of information and resources, a search engine, regular animal news reports, an interactive bulletin board and a variety of options for making secure, online donations. In the months ahead, visitors will also be able to sign up for e-mail newsletters and alerts, and download audio and video clips.

“ALDF is the leader in animal law,” says ALDF Communications Director Barry Bergman, “and we wanted our Web site to look and feel as cutting-edge as the organization. We not only want to make a strong first impression on visitors, we want to keep them coming back. The real point of building a new Web site is to build the community of animal law activists.” Features like the “send to a friend” function — which allows users to easily forward site content to up to five e-mail addresses — are intended to help spread the word about animal law.

“We were aiming for just the right blend of information and inspiration,” says Bergman. “Like animal law itself, though, the site is a work in progress. Feedback from members, supporters and even casual users is more than welcome.”

One thing that hasn’t changed is the site’s address. You can still visit ALDF online at www.aldf.org.
The Year in Review

Here's a brief summary of the Animal Legal Defense Fund's activities in 2001:

Ending Animal Cruelty
ALDF’s Zero Tolerance for Cruelty Campaign continued to push for more aggressive prosecutions of crimes against animals. In one high-profile case, ALDF helped convince prosecutors to pursue a case against a former Oregon Zoo animal handler who abused a young elephant named Rose-Tu. The zookeeper was convicted, and Oregon Gov. John Kitzhaber later signed the “Rose-Tu bill” into law. The new law, authored primarily by ALDF, increased the penalties for certain animal abuses.

Strengthening State Laws
ALDF worked closely with activists in Texas to ensure passage of legislation that made cruelty to animals a felony. In Florida, ALDF provided the legal expertise needed to shepherd a groundbreaking ballot initiative through the state Supreme Court. If passed, the initiative would outlaw gestation crates on hog farms (see story, page 1). And ALDF continued its fight against an Oregon law that keeps victimized animals imprisoned in underfunded shelters for months or even years until their abusers are convicted of a crime.

Pushing the Government
ALDF stepped in to protect wild sheep and wild horses from irresponsible government practices. (For an update on those cases, see page 4). And ALDF fought to force the EPA to amend its policies so that millions of lab animals would not be needlessly subjected to toxic chemicals as part of the agency’s Endocrine Disruptor Screening Program.

Making the Case: Animal Rights
ALDF and its member attorneys filed numerous friend-of-the-court briefs urging judges to consider the interests of animals when making their decisions. One of these briefs helped pave the way for a landmark decision by the 3rd U.S. Circuit Court of Appeals reinstating a lawsuit against a Pennsylvania policeman who shot and killed a dog named Immi.

Supporting Animal Advocates
ALDF provided thousands of dollars in grants to support important animal law cases across the country. ALDF also gave attorneys access to our extensive database of pleadings, memos and briefs, which they used to make their own cases stronger.

Building for the Future
ALDF continued to encourage interest in animal law by supporting Student ALDF chapters on law school campuses. ALDF staff and member attorneys taught classes in animal law at law schools across the country. And an ALDF grant helped launch the National Center for Animal Law on the campus of the Northwestern School of Law of Lewis & Clark College in Portland, Ore. The center will host clinics and seminars, offer support to students with an interest in animal law and sponsor other activities designed to nurture the next generation of animal advocates.

FINANCIAL REPORT – 2001

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LIABILITIES AND NET ASSETS

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A copy of ALDF’s full audited financial statement may be obtained by writing to ALDF.
ALDF Lawsuit Targets L.A. Schools

O utraged by the suffocation of a rabbit as part of a lesson for a special-education class — and by the Los Angeles school district’s failure to take action to prevent a recurrence — ALDF has taken the district to court. In 2000, a Gage Middle School teacher, apparently wanting a corpse to dissect, placed a live rabbit in a plastic bag while his seventh-grade students watched. When the rabbit failed to die, the teacher placed the animal in a cabinet and left for the weekend. The rabbit was dead when the class returned Monday morning.

The L.A. Unified School District fired the teacher, but a jury later acquitted him of animal cruelty, finding his actions were not malicious. ALDF, however, sought to force the district to comply with state law by setting out clear guidelines for teachers regarding treatment of animals — and reminding parents and students of their right to opt out of animal experiments to which they object.

The California education code forbids any school activity that results in pain or injury to a vertebrate animal. Mitchell Wagner, the attorney handling the case on ALDF’s behalf, approached the district, asking to see its policies on animals in the classroom. After months of effort, Wagner obtained the material. ALDF reviewed the policies and found them clearly wanting. For instance, though state law requires that students be informed of their right not to participate in projects that involve harm to animals, L.A. students’ sole notification takes the form of a handout neither they nor their parents are likely to notice.

“They’re given piles of forms when the school year starts, and this would be buried in there,” Wagner says. “By the time there’s a dissection, students have probably forgotten about their right to abstain — if they even knew about it in the first place. To comply with the code, you should provide this information a week before the activity.”

ALDF drafted new language for the policies, and Wagner sent the suggested changes to the school district. After attempts to follow up were ignored, ALDF took the next logical step — into the courthouse. “We just want to make sure that nothing like this happens again in an L.A. school,” Wagner says.