

INSIDE:

**ALDF Sues
 Cruel Dairy
 Calf Ranch**

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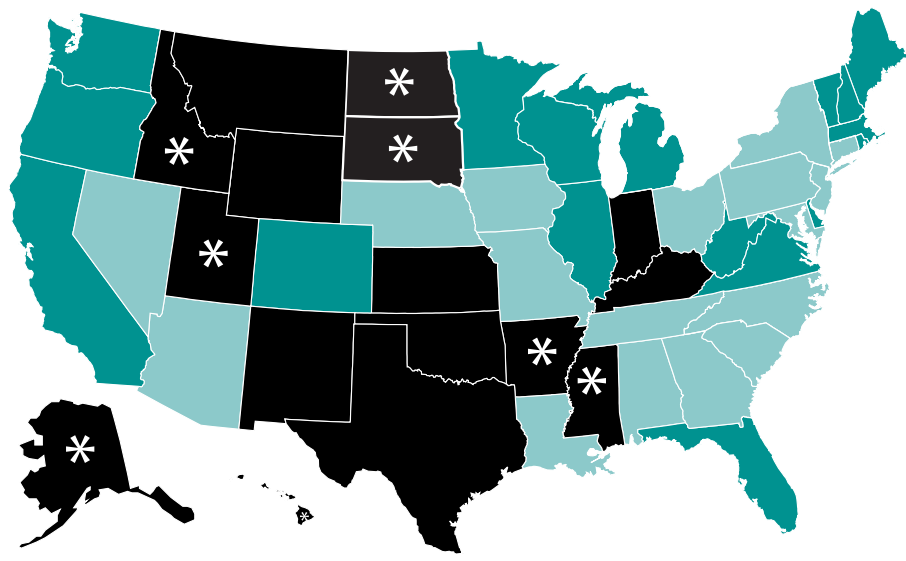
Best States to Abuse an Animal?

New, first-of-its-kind report ranks abuse laws state by state

Most people cringe at the mere mention of animal abuse, and the anti-cruelty laws that currently exist in all 50 states, making it illegal to torture and mistreat animals, represent our disdain for this kind of violence and cruelty. However, while some states are pushing the envelope in granting animals greater protection under the law, others fail even to provide humane agents who are trained to enforce animal cruelty laws. As the Animal Legal Defense Fund has revealed over the last 25 years, too often there is a deadly disconnect between what the general public believes is being done to protect animals from abuse, exploitation and neglect and what the law actually allows. Sadly, because animals are considered “property,” callous animal “owners” can get away with extreme neglect in many states.

Based on the wide variation among state laws, ALDF recently published a report recognizing the states where animals have the law on their side—and calling out those where animal abusers get off easy. After conducting an analysis of the animal protection laws of each state in the U.S., the 50 states and the District of Columbia were scored for the general comprehensiveness and relative strength of their respective legal protections for animals. This report, the first of its kind, required researching more than 2,000 pages of statutes and tracking more than 30 different categories of provisions.

Comparing each state’s laws overall, ALDF has identified California, Illinois, Maine, Michigan



- Best animal cruelty laws
- Average animal cruelty laws
- Worst animal cruelty laws
- * No felony animal cruelty law

and Oregon as having the best anti-cruelty laws. In these states, animal abusers can be charged with a felony, abused or neglected animals can be rescued from their guardians before a case goes to trial, and veterinarians must report instances of suspected animal cruelty. Courts in these five states can also order animal abusers to undergo counseling.

The states ranked as having the weakest laws protecting animals are Idaho, Kentucky, North Dakota, Utah and, at the very bottom of the list, Hawaii, which does not even require a guardian to provide a companion animal with veterinary care. As the “best state” in which to be an animal abuser, Hawaii also lacks adequate provisions for the forfeiture of abused animals and allows convicted abusers to own animals.

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For the **RECORD**

"If we conservatives believe in God, we surely cannot believe He means for us to feed ourselves by torturing innocent animals. There has to be a better way."

—Lawyer, economist, law professor, actor and former White House speechwriter **Ben Stein** in *The American Spectator*, May 2006

"Our city is better for taking a stance against the cruelty of foie gras."

—**Chicago Alderman Joe Moore** on the recent ban passed by the City Council on selling the fattened livers of force-fed geese and ducks

Letter from the **EXECUTIVE DIRECTOR**



A Strategy for Lasting Change

The Animal Legal Defense Fund has a reputation as a tough, serious, no-nonsense legal defender of animals. We've earned it. For more than 25 years, ALDF has been the animals' lawyer, with one goal—to protect the lives of animals using our legal system. It's what makes ALDF unique among all other animal protection groups.

Because I want you to feel the same pride in what ALDF accomplishes for animals that I do, I'd like to share with you, as an ALDF member, a brief overview of how we do what we do. In addition to our legislative work, spotlighted in this issue's cover story about how the animal protection laws of the fifty states stack up, ALDF has a three-pronged approach to protecting animals under the law, made up of three core programs: Litigation, Criminal Justice, and Animal Law. I'd like to give you a brief introduction to each one.

In our Litigation Program, we file lawsuits to stop or prevent animal abuse. Our legal victories create a foundation of case law that expands the boundaries of existing animal protection laws and allows other groups to follow in our legal footsteps. ALDF is famous for filing groundbreaking lawsuits. In this issue, you can read about the newest case our Litigation Program has filed, *ALDF v. Mendes* [Calf Ranch] in which we intend to stop the abuse of female calves born to dairy cows.

Meanwhile, our Criminal Justice Program is working with law enforcement agents and prosecutors to assure the successful prosecution of criminal animal abusers. This is the program that inspired our famous bumper sticker: "Abuse an Animal, Go to Jail!" And we mean it. Our criminal justice team, including our own former prosecutor, work with district attorneys and prosecutors across the country to assure their cases against abusers are solid, from investigation to sentencing. We provide advice, legal support, advocacy and training, depending on the needs of each individual case.

Finally, with a view to the future, our Animal Law Program (ALP) works to develop the new, and rapidly expanding, field of animal law in practice and in our nation's law schools. While ALDF is a legal force to be reckoned with, we can't do it all. So ALP works to support lawyers across the country when they have a case that involves animal abuse. And ALP has helped build a nationwide network of law student chapters of ALDF in more than 80 law schools. Law students are our future lawyers, judges and politicians, and we work to inspire and support them in their individual quests to defend the interests of animals through the legal system.

I hope this gives you a good overview of how ALDF works with our nation's legal system to protect animals—and why we have been so successful. It's important to me that you value your membership and support of ALDF and understand how we use it to make our world a better, more humane place for animals.

So, enjoy this issue of the Animals' Advocate, and to learn more about our work, check out our website at aldf.org. I also invite you to take a look at our most recent independently-audited financial report for 2005 on page 7 to see just how carefully we use your financial support to do it. And remember, we can't do any of it without you.

For the animals,

Stephen Wells
Executive Director



This calf must contort her body uncomfortably just to move in her tiny confinement crate.

From video taken earlier this year at Mendes Calf Ranch.

Dairy Cruelty in California

ALDF files suit against Mendes Calf Ranch

We've all seen the dairy industry ads featuring cows grazing peacefully in fields of green grass. While many consumers regard the dairy industry as relatively harmless, believing these cows enjoy comfortable lives, the reality is quite different. Animal agriculture has changed dramatically since World War II, and most of today's dairy cows are confined in highly automated industrial farms, hidden from public view. In order to maintain milk production and profits, dairy farmers force their cows to endure a whole host of cruel practices, such as being constantly impregnated so that they will continue to produce milk, which causes them to suffer from a wide variety of painful conditions. And although they have a natural lifespan of 25 years, most dairy cows are so abused and depleted that they are slaughtered for hamburger at just five years of age.

Because male calves don't give milk and are of no use to dairies, about one million of them are confined every year in tiny crates under extremely unhealthy living conditions in order to keep their muscles from developing normally so that their flesh can be sold as pale and tender "gourmet" veal.

A grim fate also awaits the female calves who are "replacements" for their slaughtered mothers. Most are destined for the same cycle of abuse that their mothers endure. But the cruelty begins

almost at birth for calves in large dairy production facilities.

More and more dairy farmers today separate female calves from their mothers right after birth—so that they don't drink the milk nature intended for them—and transport them miles away to a "growing yard," where the frightened calves will live in confinement for the first few months of their lives. As ALDF recently discovered, one such facility, Mendes Calf Ranch in Tulare County, California, keeps half of its 12,000 calves in individual crates barely larger than the animals themselves, severely restricting their movement. The calves remain in these crates for the first two months of their lives, during which they cannot comfortably lie on their sides with their legs stretched out beside them—a calf's natural position of rest. This cruel practice is in direct violation of Section 597(t) of the California Penal Code, which states that animals in confinement shall be provided with an adequate exercise area. Since Mendes' treatment of the calves is per se illegal, ALDF filed suit against the calf ranch in California Superior Court on June 19.

The cows raised at the Mendes facility represent 80 different dairies, which in turn produce cheese, butter and other dairy products for such companies as Land O' Lakes and Challenge. Video footage obtained for ALDF by the California group East Bay Animal Advocates shows that

More and more dairy farmers today separate female calves from their mothers right after birth...and transport them miles away to a "growing yard," where the frightened calves will live in confinement for the first few months of their lives.

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This dog was filthy and missing fur on much of his body when seized by the Chester County SPCA.



ALDF Helps Prosecute “Puppy Mill” Hoarders

Wolf was operating a “puppy mill”: a canine breeding facility that houses dogs in shockingly poor conditions.

Ammonia fumes from urine and filth often result in eye damage and blindness in dogs kept by hoarders.



Hundreds of dogs seized from a hoarding case in Oxford, Pennsylvania, in February are finding their forever homes. The new guardians are so eager to adopt one of the 333 dogs found in an unlicensed kennel that they lined up recently outside the Chester County SPCA to meet the rescued pups. Many of the dogs had been found with skin, ear, eye, and respiratory ailments linked to the dirty living conditions at the kennel, and several had broken bones that were never treated. Sadly, some dogs died shortly after being removed.

Three people, including nationally known breeder Michael Wolf, were convicted in April of failing to provide clean living conditions for the animals. They appealed, but in June pleaded guilty to 60 counts each of animal cruelty. Wolf, a frequent dog show participant in the 1960s and '70s, was put on 15 years of probation, fined \$6300, and ordered to pay more than \$122,000 to the Chester County SPCA for housing and treating the animals. He's also barred from contact with animals during his probation. Two other defendants, Gordon Trotter and Margaret Hills, were also ordered to pay restitution and are forbidden from owning, possessing, or controlling any animals.

These hoarding cases are all too common, and to make things worse, Wolf was operating a “puppy mill”: a canine breeding facility that houses dogs in shockingly poor conditions—these greedy business owners are concerned only about profit, not the welfare of the animals. To aid in the prosecution of Wolf, Trotter, and Hills, ALDF's Managing Senior Attorney Dana Campbell advised the Chester County SPCA investigator, Cheryl Shaw, on how to process hoarding cases once animals have been seized. Campbell

provided Shaw with legal research on the penalties for summary offenses in Pennsylvania and sent her sample forms and spreadsheets for tracking the care of each dog and what that care was costing. ALDF supplied research on Pennsylvania law on forfeiture and cost of care bonds. Campbell also contacted the county prosecutor, Assistant District Attorney Lorraine Finnegan, to discuss strategy and possible defense theories, and ALDF completed for Finnegan a research memo on an issue anticipated as a motion for the day of the trial, even making sentence recommendations.

“The highly competent manner in which the Chester County SPCA and the District Attorney's offices handled the investigation, seizure, and prosecution of such a large-scale hoarding case should serve as a model for all jurisdictions facing this problem,” says Campbell. “They were a pleasure to work with, were open to receiving the free assistance of ALDF, and should be commended for obtaining such a successful, satisfying outcome for those hundreds of dogs and the greater community.”

Fortunately, most of the animals in this hoarding case were rescued and the defendants were given stiff penalties. Moreover, Governor Edward Rendell has vowed to tighten regulations and make changes at Pennsylvania's Bureau of Dog Law Enforcement, which licenses and inspects the state's 2,400 kennels.

Please send a letter of praise and congratulations to the prosecutor in this case:

Lorraine Finnegan
Chester County District Attorney's Office
17 North Church St., Suite 218
P.O. Box 2748
West Chester, PA 19380-0991





ALDf's Founding Director Joyce Tischler answers your questions about how the law can help make the world a better place for animals.

Dear Joyce:

My neighbor's dog is chained 24/7 in the backyard. The dog barks for hours and seems quite miserable. What can I do?

Dear Reader:

The American Veterinary Medical Association has stated that guardians should "[n]ever tether or chain your dog because this can contribute to aggressive behavior."

The United States Department of Agriculture adds: "Continuous confinement of dogs by a tether is inhumane." Numerous animal experts agree.

Dogs are pack animals and their human family is often their "pack." A chained dog, kept away from the pack, is bound to be lonely and frustrated and may become aggressive.

Physical injuries can result from chaining as well. The necks of chained dogs are sometimes found raw and covered in sores because of improperly fitted collars and the dog's constant straining and pulling to escape the chain.

What can you do?

Start by approaching your neighbor in a friendly, nonjudgmental way. Ask if you can go with the owner to meet the dog and offer to walk the dog or bring the dog some treats. Try to find out why the dog is chained.

Offer advice to help your neighbor solve the problem without chaining.

- If the dog escapes from the yard, suggest suitable fencing or fencing alternatives.
- If the guardian doesn't want the dog to mate, offer resources about low-cost spay-neuter clinics (you might even offer to pay).
- If the dog is chained because he nips or digs, explain that chaining often makes that behavior worse.

Suggest obedience training. The best solution for the dog is to encourage your neighbor to

unchain him and bring him inside to be with his family. If the guardian doesn't really want the dog, offer to find him a loving, new home.

If you are unable to help the dog by dealing directly with your neighbor and if you suspect cruelty, notify the local authorities. Most state anti-cruelty laws make it a crime to consistently deny food, water, shelter and/or veterinary care to an animal. If you witness those conditions in addition to the chaining, contact your local humane society, animal control or police/sheriff to investigate. However, chaining without those other factors is not considered a crime in most states.

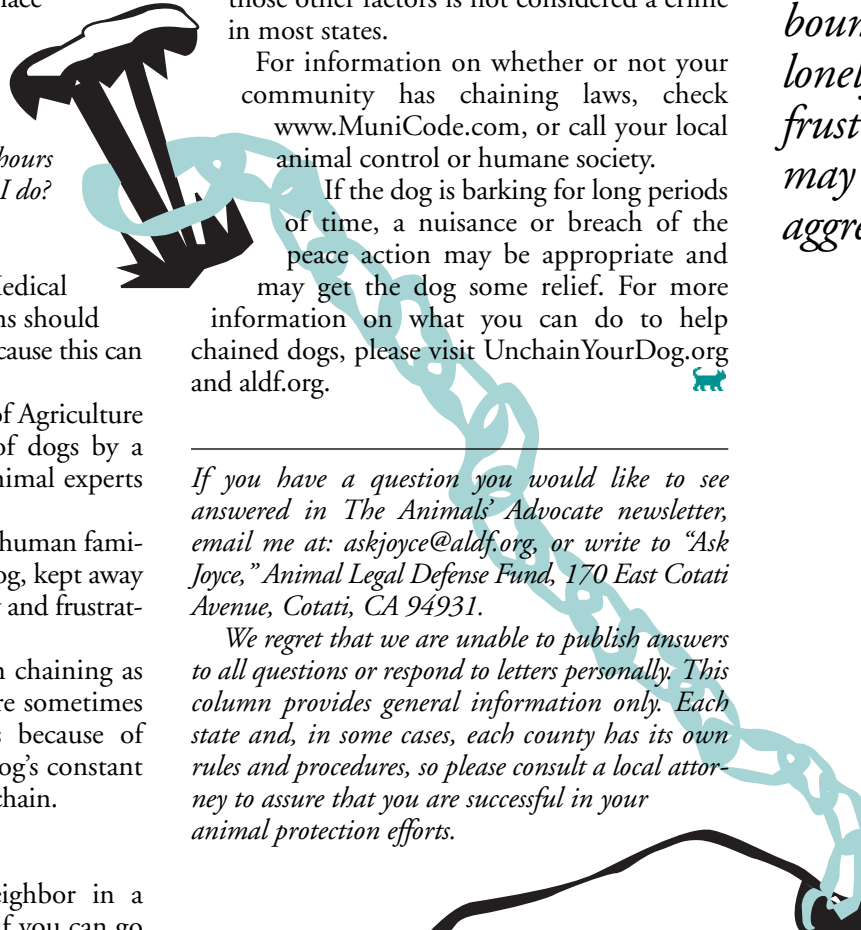
For information on whether or not your community has chaining laws, check www.MuniCode.com, or call your local animal control or humane society.

If the dog is barking for long periods of time, a nuisance or breach of the peace action may be appropriate and may get the dog some relief. For more information on what you can do to help chained dogs, please visit UnchainYourDog.org and aldf.org.

A chained dog, kept away from the pack, is bound to be lonely and frustrated and may become aggressive.

If you have a question you would like to see answered in The Animals' Advocate newsletter, email me at: askjoyce@aldf.org, or write to "Ask Joyce," Animal Legal Defense Fund, 170 East Cotati Avenue, Cotati, CA 94931.

We regret that we are unable to publish answers to all questions or respond to letters personally. 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 are successful in your animal protection efforts.



Best States for Abusers?

continued from front page

“Each state has room for improvement in the various ways its laws protect animals,” says Stephan Otto, ALDF’s Director of Legislative Affairs and producer of the rankings. “However, it is undeniable that some states do have stronger, more extensive laws than others. We hope this report encourages states, especially those at the lower end of the ranking, to refocus their attention on this problem and work harder at improving their laws.”

When ALDF initially published the report, Kansas was ranked among the worst states because it did not have any statute that allowed for felony prosecution of animal abusers. In a happy update, after ALDF had been working with Kansas lawmakers for a year, a new law went into effect July 1, 2006, that makes severe cruelty to animals a felony. The law, known as “Scruffy’s Law” after a terrier who was maliciously tortured in a gruesome 1997 killing, also includes mandatory minimum sentences, psychological evaluations, anger management programs and five-year bans on the possession of any animal following a conviction.


Otto advised Kansas legislators and the local grassroots organization “Power for Paws” in pushing for the passage of Scruffy’s Law. “The new felony provision in Kansas, along with the other steps forward for animals provided for by this law, are sure to make a difference in next year’s rankings,” he says.

The report grew from the aggressive “Zero Tolerance for Cruelty” campaign of ALDF’s Criminal Justice Program, which seeks to guide investigators and prosecutors in using their local laws successfully. Most investigators are inexperienced at handling animal abuse cases; prosecutors, meanwhile, are often overworked and too often give animal abuse cases the lowest priority. When cases do go to trial, judges frequently downplay the seriousness of crimes against animals and punish offenders with a slap on the wrist. One way in which animal advocates have been able to improve anti-cruelty laws and motivate the criminal justice system to take animal abuse cases more seriously is to educate law enforcement officers about the link between animal abuse and violence against human beings.

With a simple motto—“Abuse an Animal, Go to Jail!”—the Criminal Justice Program and its zero tolerance campaign has supplied free legal research, *amicus curiae* briefs and expert witnesses for the prosecution of cruelty cases. ALDF also maintains a nationwide database of animal cruelty cases and makes the information we gather, including convictions and sentences, available to prosecutors, judges, legislators and researchers.

Progress has been swift, and steady: in 1994, when the campaign began, only seven states had felony anti-cruelty provisions; that has increased to 42 states today (see sidebar).

Increasing public awareness of animal cruelty laws is crucial to ALDF’s success. In order for statutes to be strengthened, citizens need to know that animals are simply not as well protected as is generally assumed.

The Animal Legal Defense Fund plans to release these rankings on an annual basis. Please contact your state legislators and encourage them to support improvements to the laws that protect animals. For additional information, visit the “Laws & Legislation” section at aldf.org. 


Dairy Cruelty

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each of the isolation crates at Mendes’ facility is only a little larger than the individual calf and only allows her approximately 12 inches of space in front and back and 12 inches of space on her sides. To simply change positions or turn around, she must contort her body in uncomfortable positions and often bend her body in half.


The video, which you can view at aldf.org, shows calves living in feces-covered crates on slatted floors and struggling to change position. The animals try to reach out to neighboring calves through the breaks in the walls separating them from each other; as a result of being immediately separated from their mothers, their natural instinct to suckle and lick is totally thwarted. (Sadly, mother cows are forced to endure this tragic separation many times in their brief lives, as will their female babies when they are older.) The calves undergo a quick growth process in their time at Mendes, intended to prepare the animals for the harsh demands of the dairy industry.

Co-plaintiffs in the case, Kristin Burford and Kristina Filipovich, are two Stanford Law School students who, over the past two years, have purchased and consumed dairy products linked to Mendes Calf Ranch. Both individual plaintiffs believed that they were buying products made in accordance with California law; they are suing because of the harm they have suffered by paying for illegally-produced goods that they now know came from cows who have been cruelly raised. The suit also names the California Department of Food and Agriculture as a defendant and seeks a court order directing it to enforce state law on animal confinement.

“By taking calves who have been ripped from their mothers just after birth and keeping them isolated in tiny crates so small that they are unable even to turn around comfortably, Mendes Calf Ranch’s practices are not only cruel,” says ALDF Executive Director Stephen Wells, “they are also illegal.” 

WHERE ABUSE IS NOT A FELONY

Despite the best efforts of legislators and animal protection groups across the nation, there are still eight states that do not have a felony provision for animal cruelty: Alaska, Arkansas, Hawaii, Idaho, Mississippi, North Dakota, South Dakota and Utah have yet to pass a statute making severe animal abuse anything more than a misdemeanor.

What can you do? If you live in one of these states, please contact your elected officials and express your support for a felony abuse provision. Model felony provisions can be found in the “Model Animal Protection Laws Collection” on aldf.org. As a concerned citizen, constituent, business owner or voter, your voice can make a difference in the lives of animals. 

2005 Highlights



➤ Went to court against North Carolina animal hoarders Barbara and Robert Woodley; ALDF granted a permanent injunction against the Woodleys in the largest civil animal cruelty case in history and given custody of their 325 dogs, pending appeals.



➤ Released *The Animal Protection Laws of the United States of America — Second Edition*— a 2,100 page compendium featuring a detailed survey of the animal protection and related statutes for all 50 states and the District of Columbia.

➤ Helped DA's office in Ulster County, NY remove all animals—approximately 90 dogs and 24 cats—from the custody of convicted animal hoarder Patty Abezis.



➤ In response to Hurricane Katrina, coordinated the development of a comprehensive document addressing the legal FAQs facing veterinarians and rescuers who come to the aid of animals in disaster situations.



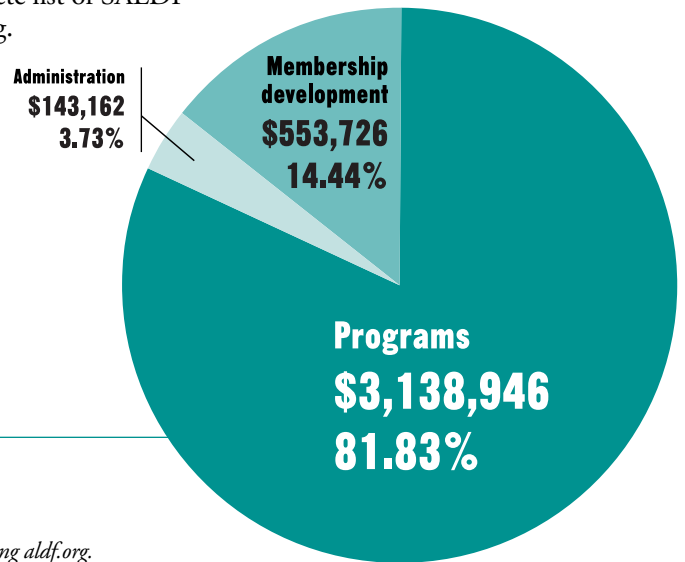
➤ Animal Law 101 Mini-Conference Series launched at George Mason University Law School in Washington, D.C.

➤ Filed lawsuit against animal “trainer” Sid Yost for violently abusing chimpanzees forced to perform in film and television appearances, in violation of the Endangered Species Act and the California animal cruelty statute.



➤ Student Animal Legal Defense Fund (SALDF) chapters formed at 23 new law schools in 2005, bringing total number to 75.

For a complete list of SALDF chapters, see aldf.org.



FINANCIAL REPORT – 2005

A copy of ALDF's full audited financial statement may be obtained by writing to ALDF or visiting aldf.org.

CURRENT ASSETS

Cash and cash equivalents	\$547,920
Investments	2,770,004
Accounts receivable	150,025
Prepaid expenses and other current assets	146,757
Total Current Assets	\$3,614,706

NONCURRENT ASSETS

Property and Equipment, net	\$1,003,340
Total Noncurrent Assets	\$1,003,340
	\$4,618,046

LIABILITIES AND NET ASSETS

Current liabilities:

Accounts payable and accrued liabilities	\$155,830
Accrued payroll liabilities	70,858
Mortgage payable—current portion	7,580
Total Current Liabilities	\$234,268

Long-Term Liabilities:

Mortgage payable—noncurrent portion	662,021
Total Liabilities	\$896,289

Net assets:

Unrestricted	3,667,292
Temporarily restricted	54,465
Total Net Assets	\$3,721,757
	\$4,618,046

SUPPORT AND REVENUE

Donations	\$2,860,144
Foundations and estates	862,351
List rental	89,674
Interest and dividends	55,093
Unrealized gains (losses) on investments	(43,495)
Realized gains (losses) on investments	103,179
Net assets released from restriction	60,489
Other	6,830
Total Support and Revenue	\$3,994,265

EXPENSES

Programs:	
Legal	\$2,013,529
Public Education	1,125,417
Administration	143,162
Membership development	553,726
Total Expenses	\$3,835,834
Increase in unrestricted net assets	158,431
Increase in temporarily restricted net assets	2,511
Increase in net assets	160,942
Net assets at beginning of year	3,560,815
Net assets at end of year	\$3,721,757


the
Animals'
ADVOCATE

Animal Legal Defense Fund

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Save the Date! March 30 – April 1, 2007

CAMBRIDGE, MASSACHUSETTS

THE FUTURE OF ANIMAL LAW

Remember when you thought you could change the world? You still can.

A conference sponsored by the Animal Legal Defense Fund and Harvard Law School.

CORRECTION: In the Spring 2006 article "Get with the (Animal Law) Program!," the 2006 Animal Law Moot Court and Closing Argument Competition was co-sponsored by the Harvard Student Animal Legal Defense Fund (SALDF) chapter and the National Center for Animal Law. 