Seven horses once so starved that they resorted to eating bark off of trees are now safe and healthy, thanks to the Animal Legal Defense Fund, the United States Equine Rescue League (USERL), and a North Carolina animal cruelty investigator. Diva, Groucho, Lacy, Raven, River, Shadow, and Twister were found suffering from severe neglect in a Willow Springs, N.C. field rented by the horses’ owners, Michael Keating, his ex-wife Judy Keating, and their daughter Gayle. The Keatings are now defendants in a lawsuit filed by ALDF.

The drama began to unfold last December, when Kelli Ferris, DVM, an animal cruelty investigator in Wake County, N.C., responded to reports that the Keatings’ horses were in extreme distress. Ferris arrived at the property on December 17 accompanied by law enforcement officers, animal control officers, members of USERL, and vet students from the North Carolina State University College of Veterinary Medicine. “We determined that the horses were suffering from severe starvation that was a direct result of the type of long-term neglect that constitutes animal cruelty,” says Ferris.

Among the cruelties Ferris noted—a horse named Rain, the mother of River, was...
It was bright in the middle of the day in Los Angeles. I knocked on the door to this lovely Spanish Revival home and as the door swung inward it was impossible to see in the darker interior. But a voice, as familiar as my own mother’s, asked “You’re here to see Bob Barker?” There was Bob, jokingly parodying himself!

I was visiting Bob at his home to interview him about his new memoir, Priceless Memories. As a kid who grew up on The Price is Right on TV, the book is a treasure trove of vignettes from Bob’s incredible career in radio and television. It’s also a fascinating account of Bob’s decades of animal advocacy — Bob closed every episode of Price with this famous line: “Help control the pet overpopulation problem, have your pets spayed or neutered!” But his commitment goes much deeper than that. He also gave up a lucrative gig as host of the Miss USA and Miss Universe pageants when they refused to stop using fur.

In the interview I was able to ask Bob about his path toward becoming an outspoken advocate for animals and, in particular, why he came to see the law as the key to making the world a better, safer, more humane place for animals. He has given $1 million grants to support the study of animal law to the law schools at Harvard, Columbia, Duke, UCLA, Northwestern, Stanford and the University of Virginia.

During the interview, in Bob’s living room, he lets his rescued dog, Jesse, steal the show — which nicely sums up the role animals play in his life at this point. We are grateful for his commitment. Check out my interview with Bob on page 8 of this issue, and watch it online at www.aldf.org/youtube.

What’s your opinion?

Every day at ALDF we are looking for new opportunities to advance the laws that protect animals. We also want to know more about what is most important to you, our members and supporters. To make it easy, we’ve developed a very short survey designed to allow Animals’ Advocate readers to share your opinions. What are your favorite features of the newsletter? How do you like to interact with ALDF online? Please visit www.aldf.org/survey to answer a handful of questions that will help us get you the information you want about how we are winning the case against cruelty.

Thanks in advance for sharing your opinion!

For the animals,

Stephen Wells, Executive Director
DIVVYING UP THE DOGS?

In March, a New Jersey appeals court ruled that judges can consider the human-animal bond in deciding who gets custody of companion animals when couples separate. This precedent-setting case centers on a seven-year-old pug named Dexter, who was purchased by Doreen Houseman and Eric Dare in 2003. The engaged couple subsequently broke up, dividing their belongings, and it was orally agreed that Houseman would keep Dexter. But things got complicated when Houseman went on vacation and left Dexter with Dare, who refused to relinquish the dog upon his ex-fiancé’s return. Houseman took Dare to court, and a judge awarded her the $1,500 value of Dexter, but refused to enforce the terms of the couple’s agreement that would have given her custody of him.

Houseman appealed, and ALDF filed an amicus curiae brief, arguing that the court should consider Dexter’s interests in reaching its final decision. In reversing the trial court, the appeals court concluded that a pet has “special subjective value” that cannot be compensated by money alone. The decision gives Houseman a chance to regain her beloved pug.

“This case is a mixed blessing,” explains ALDF staff attorney Matthew Liebman. “On the one hand, the court acknowledged the significant bond that guardians have with their companion animals. It recognized and considered the sentimental attachment that Ms. Houseman had to Dexter. That is certainly a step forward. At the same time, however, the court refused to adopt the ‘best interests of the animal’ standard that ALDF advocated in our amicus brief.” Under that standard, companion animals would be treated as sentient beings with interests that are independent of those of their owners. “The question would not be ‘Who has a valid claim to own or possess Dexter?’ but ‘Which guardian will best provide for Dexter’s interests?” The court expressed its doubt about whether courts could manage that determination. But an animal’s interests are no more difficult to ascertain than those of a child or an elderly relative, and determining which party can best provide for those interests should be fairly easy to figure out.”

Liebman notes there is cause for hope: The court included a caveat in its rejection of the standard proffered by ALDF. “It suggested that the best-interests standard might apply in cases involving animal cruelty,” he says. “This means that if one of the parties to a custody dispute is likely to abuse or neglect the animal in a way that amounts to cruelty under state law, their property right to the animal could be overridden, and the animal could be placed with the party who would best provide for the animal’s interest. This qualification reflects the court’s implicit recognition that animals do in fact have interests and should be treated as more than inanimate property under the law.”

SHAMEFUL SLAUGHTER

Meanwhile, ALDF has combined forces with the Humane Society of the United States, Farm Sanctuary, and the Humane Farming Association to intervene in a meat industry lawsuit that seeks to overturn key provisions of California’s newly upgraded law banning the use of sick and disabled animals in the food supply. In 2008, California Penal Code Section 599f was strengthened to prohibit slaughterhouses from buying, selling, or receiving non-ambulatory (“downed”) animals for human consumption. Since 1994, the law had required that any downed animal at any point in the process from transport to slaughterhouse be euthanized immediately or removed from the process. In response, the National Meat Association (NMA), which represents major meat-packing and slaughter-plant companies, obtained a preliminary injunction to prevent the State of California from enforcing the new law. Another industry group, the American Meat Institute, has joined NMA in their suit.

Section 599f was amended last year following the Humane Society’s infamous undercover investigation at Chino, California’s Hallmark/Westland slaughterhouse, a major supplier to the National School Lunch Program. Video from the investigation shows slaughterhouse employees repeatedly shocking animals, prodding them in the eyes, dragging them with chains, and ramming them with forklifts. “That exposé demonstrated that the continued on page 7
The issue of ensuring a safe outcome for animals trapped in the highly dysfunctional cycle of domestic violence is sadly an all too common one.

IF EVERY MARCH FOR SOCIAL JUSTICE has its landmarks, the case of Max the cat is surely a milestone for animal rights. Thanks to a tireless prosecutor, an aggressive judge, and some help from the Animal Legal Defense Fund, Max is not only safe, but his ordeal has led to a pioneering court ruling that may set a precedent for future cases involving companion animals.

Last January, Dustin Teahon of Scotts Bluff, Nebraska, assaulted his girlfriend and kicked her cat Max down a flight of stairs. Max sustained possible neurological trauma, and the girlfriend ended her relationship with Teahon. The woman even obtained a protection order barring Teahon from contacting her and revealed that he had also abused another of her animals, a 10-week-old kitten named Diddy, who died a day after Teahon struck him in the head. As in many domestic-violence cases, the couple later reconciled. But this time authorities recognized that allowing Max to remain with his guardian would place him in danger—so the court placed him in a local shelter, not even permitting the woman's parents to adopt him.

As Tiffany Wasserburger, chief deputy of the Family Law Division for Scotts Bluff County, was working on the criminal case against Teahon, she was faced with another challenge: the defendant's girlfriend wanted Max returned. Teahon pleaded no contest to third-degree domestic assault and two counts of animal cruelty, and the trial court banned him from possessing animals. Wasserburger had informed the court that considering the possession ban applicable to the defendant, and that he and his girlfriend were again living together, the state would oppose any attempt to release Max back to the victim (the girlfriend). The court said it probably didn't have jurisdiction over the victim, adding that it likely would be forced to overrule the state's objection. Nevertheless, the trial judge gave Wasserburger a chance to research the issue and substantiate her position.

“The judge told me I needed to be ready with case law or statutory authority giving him the authority to terminate the victim's ownership rights,” says Wasserburger, who immediately emailed Scott Heiser, director of ALDF's Criminal Justice Program, which assists prosecutors throughout the country with difficult animal abuse cases. “Scott was great,” she says. “He called me with suggestions and then over the next several days emailed me tons of resource information, case law, and arguments to support our position that regardless of ownership, the deciding factor in this case was Max's best interest.”

Judge James Worden sentenced Teahon to a total of 22 months: nine months for domestic assault, five months each for two counts of animal cruelty, and three months for violating a protection order. “I appreciate that the judge recognized the correlation between animal abuse and domestic abuse,” says Wasserburger. “He even described Mr. Teahon as 'holding the animals hostage' in an attempt to hurt the victim. He received a separate sentence for each victim, which I think honors each of them and recognizes that these animals also suffered at the hands of Mr. Teahon. I consider this sentence a big step in our efforts to protect both women and animals.” She also reports that Max has been adopted into a loving home.

“Unlike many companion animals, Max the kitten had a good outcome, thanks to the excellent work of a highly skilled and motivated prosecutor. It warms my heart to have helped play a role in this case, and I am delighted that the trial judge adopted our reasoning on the issue.”

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Horse Rescue

continued from page 1

found in a state of chronic malnutrition and died of starvation before she could be rescued. Rain died in active colic, a gastrointestinal condition that causes agonizing pain when left untreated (the Keatings could provide no evidence of veterinary care for any of the horses at any time). River, just four months old, was also suffering from intestinal cramping; veterinarians ranked her pain level at 9 out of a possible 10. Diva, a chestnut mare, was examined by a veterinarian and had a very low body score (an indication of a horse’s overall health) and had been neglected for months. Twister, developmentally, medically, and nutritionally handicapped by the Keatings’ failure to feed him, was suffering much like River and appeared much smaller than he should have been for his age of five to six months. Raven, a black mare, was found with her hipbones, backbones, and ribs protruding beneath her skin, indicating advanced starvation. Lacy, an Arabian mare, was found lying on the cold, wet ground; pregnant and close to death from colic and the burden of carrying a foal with no food or nutritional support, she was rushed to the North Carolina State University College of Veterinary Medicine for critical care.

Moreover, adds Ferris, there were no signs of edible hay anywhere on the property, and no grain other than a portion Gayle Keating had brought out to Rain the night before the mare died of starvation; the grass in the horses’ enclosure had been eaten down to the ground. All the horses were nursing or pregnant, and the condition of all of the seized horses indicated progressive states of malnutrition and starvation, making it clear that the Keatings had been neglecting them continuously for an extended period of time.

In January, ALDF filed a lawsuit against the Keatings seeking permanent custody of the seized horses, who were rescued swiftly after the December investigation and are now in the care of USERL. The lawsuit was filed under the state’s Civil Remedy for Protection of Animals statute — Chapter 19A — a law unique to North Carolina that allows a private citizen or organization like ALDF to file suit on behalf of abused animals.

In February, Matthew Liebman, ALDF staff attorney, and ALDF’s Chief Outside Litigation Counsel Bruce Wagman traveled to North Carolina to urge the Wake County District Court to compel the Keatings to pay the costs of caring for the horses since the seizure and during the lawsuit. Judge Vince Rozier granted ALDF’s request and ordered the Keatings to pay $8,372. “The North Carolina law requires defendants to pay the costs of care or forfeit their animals because they cannot afford to take care of them,” says Liebman, who represented ALDF at the February cost-of-care hearing. “The Keatings proved they could not take care of the horses, first by neglecting them and then by showing they could not afford their care. Those six horses belong to ALDF and USERL because the Keatings failed to pay the bond.”

In addition to the six pregnant or nursing horses, rescuers had found a male horse named Groucho, who was deemed to be in better condition than the others. At the February hearing, ALDF discovered that the Keatings were claiming they had sold Groucho to Joel Simpson, one of Gayle’s friends, for $1. USERL has since taken possession of Groucho, and ALDF filed a second lawsuit against Simpson for continuing to neglect the horse. ALDF has petitioned the Johnston County District Court to order Simpson to pay the costs of care for Groucho during the lawsuit. A hearing on the petition will take place as this newsletter goes to print. Check aldf.org for updates.

Along with recouping USERL’s expenses associated with properly caring for the seven horses seized, ALDF has requested that the court issue a permanent injunction preventing the Keatings from owning or caring for any animals for a period of ten years, according to Liebman. ALDF is thankful for the caring organizations and individuals who have been involved in this case and grateful to North Carolina, the only state in the country with a Chapter 19A provision. “Every state should have a law like 19A, because wherever you are, there are many more instances of animal cruelty than there are resources to criminally prosecute that cruelty,” says Liebman. “Having a civil option takes the burden off the state to spend resources to investigate and prosecute these cases. If you’ve got a group like ALDF that will spend its own resources to pursue these cases civilly, it’s really a win-win situation.
about the book is that, if it should happen to make profits, everything will go to the DJ&T Foundation, which subsidizes spay/neuters for dogs all over the United States,” he says. The DJ&T Foundation is named for Bob’s wife of 37 years, Dorothy Jo, who died in 1981, and his mother, Tillie. “They were both animal lovers, and I’m sure they are pleased with this.”

Wells asks Barker about one of the issues closest to the TV icon’s heart: controlling the pet population. “Animal exploitation comes in many ugly forms, and I’ve tried to do what I could in the fight against all of them,” says Barker. “One of the most tragic animal problems, I think, is overpopulation. There are just too many cats and dogs born in the United States for them all to have homes. There are people across the country, thousands and thousands of people, and organizations that devote their time, their energy, and their money to find homes for these cats and dogs, and these people are doomed to disappointment, because the homes do not exist. And the only answer, the obvious answer, is spay and neuter. That’s why I closed every show by reminding people to ‘help control the pet population: have your pets spayed or neutered.’”

As Wells explains, Barker and the Animal Legal Defense Fund both feel an urgent need to get animal law taught in major law schools. Barker has given an enormous boost to that effort by providing grants to some of the top law schools in the country. “What made you decide to choose animal law as a focus for your animal rights activism?” asks Wells.

“Well,” says Barker, “I came to the conclusion that what we really need is legislation. We need stronger laws. We need more legislation. But we also need stringent enforcement of the laws we already have on the books.” Barker elaborates by explaining the importance of the endowment funds he’s set up at some of the finest law schools in the United States. “If a graduate becomes a lawyer and practices law, and he has a case involving an animal, he’ll have some sort of background and will at least know where to go for more information. If he becomes a judge, then he’s in a position to make decisions possibly involving animals, and hopefully he’ll make the right decision, if he’s had a little background. But, maybe the most valuable: many of our legislators have legal backgrounds, and if they go into politics, on the local level or on the state level or on the national level, they’re dealing with legislation, and there they can really help animals. I’m happy to say that these endowment funds that I’ve set up have not only been applauded by the animal rights activists—they love it—but also by the legal profession.”

In addition to the eight law schools, Barker recently set up a $1 million endowment at his alma mater, Drury University in Springfield, Missouri, for the Bob Barker Endowment Fund for the Study of Animal Rights. The initial course at Drury, titled “Animal Ethics,” will educate students about issues that directly affect the lives of animals. The course will begin in September. “That could do for the undergraduate students what the law endowment funds are doing for the lawyers-to-be. It could be great,” he says.

Barker is rightly proud of his work both in the front of the camera and behind the scenes. Of his new book he says, “I would like to urge everyone to buy it and remind you the price is right!”
Dear Reader:

In this issue of Ask Joyce, instead of answering a question from our members, I thought I’d share with you a question that we frequently hear from professional news reporters: “Have Americans’ attitudes towards animals changed?” Our answer is yes, they have, and it is most obvious in how Americans view their own companion animals. According to recent surveys:

- 124 million companion animals live in American homes – nearly one for every two Americans.
- 70% of those surveyed with dogs or cats say that their companion animals are definitely family members.
- 45% of dog guardians take their pets on vacation.
- More than half of companion animal guardians would prefer a dog or a cat to a human if they were stranded on a deserted island.
- 50% of companion animal guardians would be “very likely” to risk their lives to save their animals.

Another 33% percent indicated they would be “somewhat likely” to put their own lives in danger to save their animals.

- 9% of dog guardians throw birthday parties for their canines, and 25% of all dog caretakers buy birthday gifts for their dogs.

Another recent survey revealed that consumers are spending approximately $36 billion on an annual basis on companion animal products and services, more than doubling the amount spent ten years earlier ($17 billion). That $36 billion spent on companion animals has made the “pet products and services” industry one of the largest sectors of the U.S. economy, exceeding the dollars spent on hardware, jewelry, or candy in the same year, according to the U.S. Census Bureau.

This increase in spending reflects the attachment that many Americans have to the dogs and cats who share their homes. But there is something more that I want to share with our members. These facts and figures point to our combined and growing potential to influence both the industries that utilize animals and the state and federal legislatures that pass animal protection laws. It is no coincidence that Smithfield Foods, the nation’s largest pork producer, recently announced that it will phase out gestation crates at all of its company owned sow farms over the next decade. And the passage of Prop 2 (banning battery cages for hens, gestation crates for pigs and veal crates for calves) in California is more writing on the wall for industry. Use the power of your wallet, of your vote and of letters to the editor in your local newspaper. Check our website, aldf.org, for additional actions that you can take to help ALDF create a far more just and compassionate society.

—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.

Litigation Updates

continued from page 3

USDA, which is primarily responsible for oversight in the slaughterhouses, was not doing its job and needed additional oversight by the state, which then attempted to improve animal welfare and food safety by amending Section 599f,” says Bruce Wagman, ALDF’s chief outside litigation counsel.

Section 599f prevents extended extreme suffering of hundreds of thousands of cows, pigs, sheep, and goats every year. “It does not keep them out of the factory farms,” says Wagman, “but it requires that if they are in pain or diseased, they are euthanized rather than prolonging their torture and dragging them into the slaughter line, exacerbating their agony and potentially contaminating the food supply.”

ALDF and our fellow defendants have appealed the preliminary injunction to the federal Court of Appeals for the Ninth Circuit. According to Wagman, the parties have all agreed to put the rest of the litigation on hold until the Ninth Circuit rules, which we’re hoping will be late summer. Regardless of their answer, the case will continue in district court. So, except for the appeal, the case is dormant until we hear from the Ninth Circuit.”

Be sure to visit www.aldf.org/youtube for more information on pet custody issues and our case involving the meat industry.
Bob Barker: The Price of Rights

ALDF's Stephen Wells Chats with the Game Show Host and Longtime Animal Advocate

M ost people know Bob Barker as the host of television’s The Price Is Right, the Emmy-winning game show now in its 36th season. But Barker, who retired in 2007, is also a dedicated animal advocate. He has established endowments at such law schools as Columbia, Duke, Georgetown, Harvard, Northwestern, Stanford, UCLA, and the University of Virginia—all to fund the study of animal law.

In recognition of Barker’s work, ALDF honored him with our first-ever Lifetime Achievement Award at the Future of Animal Law conference at Harvard Law School in 2007. Little did we know that Barker was busy working on his memoir, Priceless Memories, in which he writes, “As proud as I may be of my nineteen Emmys and my fifty years on television, I really feel that some of the most valuable things I may do in my life may be things I have yet to do. And I suspect it will be in the area of animal rights.” As the autobiography was hitting bookstores, ALDF Executive Director Stephen Wells sat down with Barker to talk about the importance of animal legislation and the star’s generous contributions to law schools across the country.

Relaxing with one of his rescued dogs, Jesse, by his side, Barker is clearly pleased to have finished work on Priceless Memories. “I think the most important thing

continued on page 6