

THE ANIMALS' ADVOCATE

THE QUARTERLY NEWSLETTER OF THE ANIMAL LEGAL DEFENSE FUND

WINTER 2000 #4

ALDF Fights Primate Abuse

Complaint filed with USDA over primate treatment at Oregon Regional Primate Research Center

On September 6, 2000, ALDF filed a complaint with the U.S. Department of Agriculture (USDA) alleging violations of the federal Animal Welfare Act (AWA) at the Oregon Regional Primate Research Center. ALDF filed the complaint on behalf of Matt Rossell, who had worked at the Center for two years as an animal technician, and witnessed primate abuse. The complaint alleges deficiencies in veterinary care, sanitation, and training of animal care staff as well as failure to provide for the psychological well-being of primates. Rossell documented his observations through meticulous log notes, photographs and videotapes. "The



COURTESY OF MATT ROSSELL

video and other evidence shows monkeys housed in unsanitary conditions and/or displaying physical and psychological signs of distress," states

ALDF Senior Staff Attorney Valerie Stanley. "This case shows why it is imperative that the USDA establish specific, concrete requirements for the psychological well-being of primates in captivity, as Congress directed it to do almost 15 years ago. Leaving the regulation of primate care in the hands of the research industry has resulted in ongoing suffering to primates." Officials at the Center have denied the allegations.

The Oregon Regional Primate Center is part of the Oregon Health Sciences University (OSHU), and receives funds from the National Institutes of Health (NIH).

WHAT YOU CAN DO:

- ▶ Please write to the agencies below; demand that they conduct a thorough investigation of OSHU and seek stiff penalties for any violations of the AWA.

USDA - Michael V. Dunn
Undersecretary, Marketing
and Regulatory Programs
1400 Independence Ave., S.W.
Room 228W
Washington, DC 20250-0109
Phone: (202) 720-4256
email: m.dunn@usda.gov


USDA - APHIS
Dr. Robert Gibbens, Director
Western Region Animal Care
9580 Micron Ave.
Suite J
Sacramento, CA 95827-2623
Phone: (916) 857-6205
Fax: (916) 857-6212

Meet New ALDF Attorney: Piper Hoffman

Piper Hoffman has joined ALDF's litigation staff in Rockville, MD. As a second year law student, Piper was awarded ALDF's Eleanor Seiling clerkship, and she worked in the Rockville office during the summer of 1998.

Piper's career helping animals began when she co-founded an animal rights group in high school. In 1994, she graduated from Brown University magna cum laude and Phi Beta Kappa (B.A. in political science with honors). She attended Harvard Law School and graduated cum laude in 1999. She served as co-chair of the Harvard Law School Student Animal Legal Defense Fund and helped bring about the first animal law class to be offered at Harvard, in the spring semester of 1999. Piper also edited *The Guide to Animal Law Resources*, a valuable handbook that was published with a grant from ALDF (available from HLS SALDF: 1563 Massachusetts Ave., Pound Hall Room 103, Cambridge, MA 02138).

After law school, Piper clerked for Judge Gladys Kessler of the United States District Court for the District of Columbia.

Piper lives with her cats, Howard and Tiger and her husband, Aviv Roth, a web programmer and musician. She is a highly motivated and compassionate individual, dedicated to both animal and human rights, and we are delighted to have her on our litigation team. 



Piper Hoffman with Howard

MESSAGE FROM THE PRESIDENT

Dear Friends of ALDF,

To those who are in the middle of a struggle to achieve something, the struggle sometimes seems to last forever. The entertainer, Eddie Cantor, once said, "It takes 20 years to become an overnight success."

The same is true for the entrepreneur who is battling to build a company, or for dedicated volunteers who are fighting for a cause. Is there really any progress being made and, if so, why does it seem to take so long? Progress, at times, seems to be made in inches or feet, rather than yards or miles.

And then comes the magical "breakthrough point" — the day, month or year when that determined entrepreneur, or committed volunteer organization, finally reaches a critical mass, and all the seemingly disparate pieces fall into place. Suddenly, it seems, the company or volunteer organization has "arrived" — they are truly on the map — and the ironic thing is that the public seldom sees what went before. Like Eddie Cantor, you are simply perceived as an "overnight success."

After all these years, could it be that ALDF is just approaching its breakthrough point? Our numbers have increased with each passing year, bringing us ever closer to the type of national presence required to effect a massive shift in public awareness. Slowly but surely, more and more people are beginning to recognize that the inhumane treatment of animals is something our society can no longer tolerate.

How much longer will it take? That's the question the daily warriors in any organization like ALDF must ask. But here is a French riddle that instills hope and has served me as a practical reminder of the dynamics of massive change:

In Beleaux Wood, there was an immense lily pond. The lilies on the pond doubled in size every day. If it took twenty years for the lilies to cover one-half of the pond, how long did it take for them to cover the second half?

The answer, of course, is a single day.

Here at ALDF, as we near that point of critical mass, I can't help but think of ways to accelerate that breakthrough point. One way is to adopt this simple commitment: "*Each one reach one.*" In other words, suppose that each and every ALDF member made a personal commitment to tell our story to just one other person in your circle of influence. Invite that person to join with us in our endeavor to seek justice for animals. *Each one reach one!* Like the lilies on the pond, by year's end we will have doubled our national presence and coverage. And from there, we shall double it again and again until — perhaps not this year, or next — but very soon we will reach that magical breakthrough point. That's the point where enough fair-minded, good-hearted, reasonable people have finally become acutely aware of an unjust situation that deserves and requires formal change.

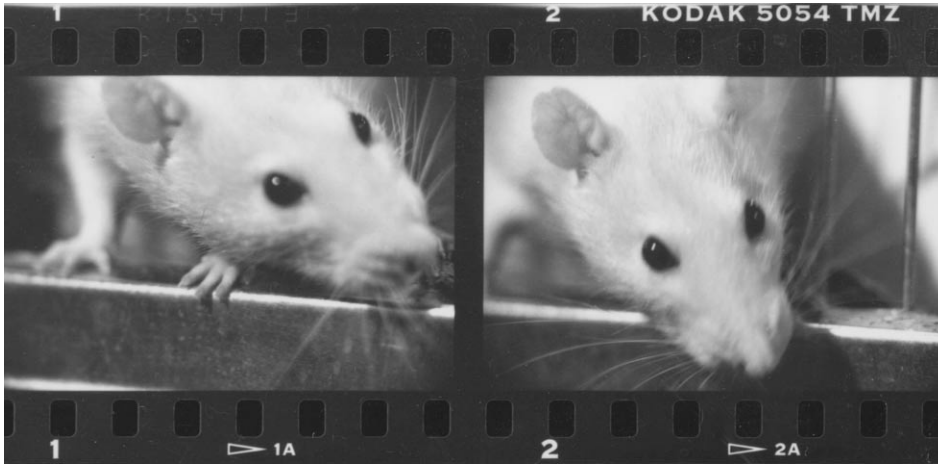
Although you and I have been working at this cause for many years, it is still a new idea to most of our friends and neighbors. But I have faith in the people of this country. They are the ones who abolished child labor practices, gave women the right to vote, helped establish a decent minimum wage, and adopted the Civil Rights Act. We just need to get our message into their hands. I'm not asking you to do it on a grand scale, you don't have time. But I am asking — no, imploring, "*Each one to reach one.*"

For the animals,

Steve Ann Chambers, President



PHOTOS BY NANCY O'BRIEN




Rats, Mice and Birds Victory in Jeopardy

In September 2000, a significant victory was won for the most commonly used laboratory animals — rats, mice and birds. An out-of-court settlement was reached between the Alternatives Research & Development Foundation, an affiliate of the American Anti-Vivisection Society, and the U. S. Department of Agriculture (USDA) granting legal protection to these animals under the Animal Welfare Act (AWA). The agreement provided that USDA would begin rule-making on amending the regulatory definition of “animal” to include these animals. Rats, mice and birds have been completely neglected because the USDA has argued that protecting them would be too costly and time consuming.

However, in a backdoor deal, the biomedical industry has succeeded in getting an amendment attached to the FY2000 Agriculture Appropriations bill which would block the agreement from being implemented. As we go to press, the fate of these animals is in the hands of President Clinton and his power to veto H.R. 4461.

ALDF brought the first lawsuit on behalf of rats, mice and birds in 1991. We were victorious in the U.S. District

Court, but in 1993, the USDA appealed the decision, the Court of Appeals vacated the lower court’s decision and held that ALDF lacked standing under the Act. The Alternatives Research & Development Foundation took up the fight again, and in this current case, ALDF Senior Staff Attorney Valerie Stanley was “of counsel.” 

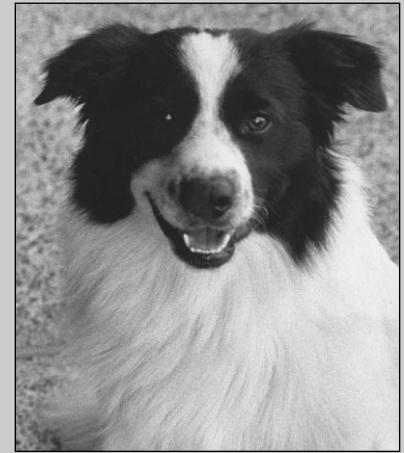



PHOTO BY SUMNER FOWLER/MARIN HUMANE SOCIETY

YOU DREAM OF A BRIGHTER FUTURE FOR THE ANIMALS...

Your bequest to the Animal Legal Defense Fund will help make your dream come true. We will carry on your commitment to protect animals from cruelty, abuse and exploitation.

For estate planning information, contact Joyce Tischler, Executive Director, Animal Legal Defense Fund, 127 Fourth Street, Petaluma, CA 94952-3005, (707) 769-7771. 

Eleanor Seiling Legal Clerkship

During the summer of 2001, the Animal Legal Defense Fund will be giving two (2) promising law students the opportunity to learn more about animal law by participating in the Eleanor Seiling Legal Clerkship. Responsibilities will include legal research and preparation of pleadings in cases currently being handled by ALDF. The students will be placed in ALDF’s Rockville, Maryland office.

This is a 10-week position with a flexible starting date. **It is open to second-year law students only.** Preference will be given to students who have had legal internship/clerkship experience and who have taken Environmental and Administrative Law courses.

Deadline for resumes is December 1, 2000. The law clerks will be chosen by January 12, 2001. Law students interested in applying should forward their **resume** and a **writing sample** to:

Ms. Leslie Porter, Animal Legal Defense Fund

401 E. Jefferson Street, Suite 206

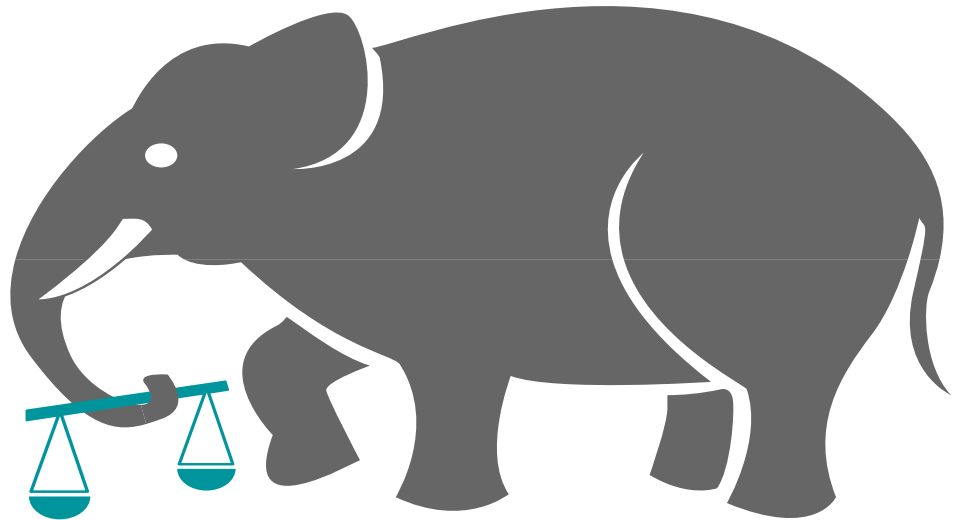
Rockville, MD 20850-2617

Phone: (301) 294-1617 • Fax: (301) 294-8519

Oregon DA Refuses to Prosecute for Elephant Abuse

Action Needed

Claiming it could not prove that Rose-Tu, an elephant, suffered substantial pain, the Multnomah County District Attorney's office has refused to bring charges against an Oregon Zoo animal keeper, Fred Marion, for allegedly beating her. Marion beat Rose-Tu, a 6-year-old female elephant with a bull hook or "ankus" (a




two-foot long wooden stick with a short, metal hook attached to one end). The bull hook is routinely used by certain elephant trainers and handlers.

According to police reports, on the morning of April 17, two other keepers at the zoo said they witnessed Marion using excessive force while handling Rose-Tu. They saw Marion chase her,

hit and poke her repeatedly with the bull hook, and lift her tail and insert the bull hook into Rose-Tu's rectum. Following an investigation by the zoo, Marion's employment was terminated. Another zoo keeper examined Rose-Tu on the day of the incident, and found 176 punctures and other wounds. Inexplicably, the zoo's veterinarian did not examine Rose-Tu until 48 hours after the alleged abuse.

ALDF wrote to the D.A. urging that charges be filed against Marion under Oregon's anti-cruelty statute for animal abuse in the second degree. ALDF offered pro bono legal assistance and reminded the D.A. that eight deputy D.A.'s in our Special Prosecutor Program stand ready to handle the case on behalf of the D.A.'s office, at no cost to the taxpayers.


After sitting on the case for four months, the DA's office finally admitted it would not file charges. 

Puppy Killer Sentenced

German Shepherd Puppy, Spike, Beaten to Death with Ax

Robert Bradshaw, 58, was found guilty of cruelty to his 8 month old German Shepherd mix puppy, Spike, for bludgeoning the puppy to death with an ax handle. This marked the first jury trial in a cruelty case in the state of Arizona using the new felony animal cruelty law. On September 20, 2000, Bradshaw was sentenced to 90 days in jail, a \$1,000 fine, three years probation, 100 hours of community service and during his probation, he may not possess an animal.

Bradshaw insisted that he beat Spike as a "mercy killing," claiming the dog had Parvo Virus, but a veterinarian who examined the dog's body said there was no sign of the disease. Neighbors testified that Spike appeared healthy and was running around in the yard the day he was killed. Assistant County Prosecutor, Kristen Hoffmeyer showed the judge two large files of letters from people in the community who urged the judge not to "let [this case] slide because it's a dog. It's important." A large number of animal activists attended the sentencing hearing, seeking justice for Spike.

ALDF Board Chair, Stephanie Nichols-Young, was present at the sentencing and said "While I'm disappointed he wasn't sent to prison and that he's not doing more time, this sends a clear message that such actions won't be tolerated under Arizona law."... "Animals feel pain and have a high level of consciousness. As such, they should be protected from this sort of outrageous conduct." 

WHAT YOU CAN DO:

- ▶ Please write to the prosecutor and demand prosecution of Fred Marion. Ask why ALDF's Special Prosecutor Program was not used for this case.

Fred Lenzser
Chief Deputy, District Court
Multnomah County
District Attorney's Office
1021 SW 4th Avenue
Portland, OR 97204
(503) 248-3162



BULLETIN

ALDF CASE FILE:

MAN CHARGED WITH PUPPY DRAGGING (Ft. Mill, SC)

Benito Gomez, 27, has been charged with felony animal cruelty, the first case to be tried under South Carolina's new felony law. The charge carries a penalty of up to 5 years in prison and a \$5,000 fine. Following a police search, Gomez turned himself in after he allegedly dragged his puppy behind a truck until the dog suffered broken bones and severe burns on 40 percent of his body. The 10-month-old Rottweiler mix, who has been nicknamed Roadie, has undergone skin graft surgery and will need several months of treatment before he can be adopted. Gomez was previously charged with misdemeanor animal neglect in a separate action.

ACTION NEEDED:

► Thank the prosecutor for charging Gomez with a felony, and ask for the maximum sentence in this case.

Thomas E. Pope
York County Solicitor's Office
1675-1a York Highway
Justice Center
Ph: 803-628-3020
Fax: 803-628-3025

ALDF CASE FILE:

DOG SURVIVES BB SHOT BETWEEN THE EYES (Big Pine Key, FL)

On March 13, 2000, 18-year-old Justin Hilbish, of Big Pine Key, Florida is alleged to have shot Lexus, a Labrador-Collie mix, between the eyes with a BB gun at point blank range. Gregory Duque, 38, Lexus' guardian has requested that Mr. Hilbish be prosecuted for cruelty, but the State Attorney's Office has refused to file charges. Lexus now suffers from with seizures.

ACTION NEEDED:

► Please write the State Attorney and

request aggressive prosecution of this case.

Mr. John Elsworth
Supervisor, Felony Division
State Attorney's Office
500 Whitehead Street
Key West, FL 33040

ALDF CASE FILE:

ALLIGATOR BEATEN TO DEATH WITH AX (Gresham, OR)

Richard Allen Davis, 53, faces one count of aggravated animal abuse, a Class C Felony, which carries a maximum penalty of five years in jail and a \$100,000 fine. Davis allegedly killed a five-foot-long alligator, who was illegally kept in a friend's backyard, after he decided to wrestle the animal. After the alligator reportedly bit Davis on the arm, Davis used a roofing hammer and an ax to beat the animal to death.

ACTION NEEDED:

► Please thank the district attorney and request vigorous prosecution in this case.

Erika Soublet
Multnomah County District
Attorney's Office
600 County Courthouse
1021 SW 4th Ave
Portland, OR 97204
Ph: 503-988-5502
Fax: 503-988-3989

ALDF CASE FILE:

FELONY CHARGE FILED IN CAT SHOOTING (Rock Island, IL)

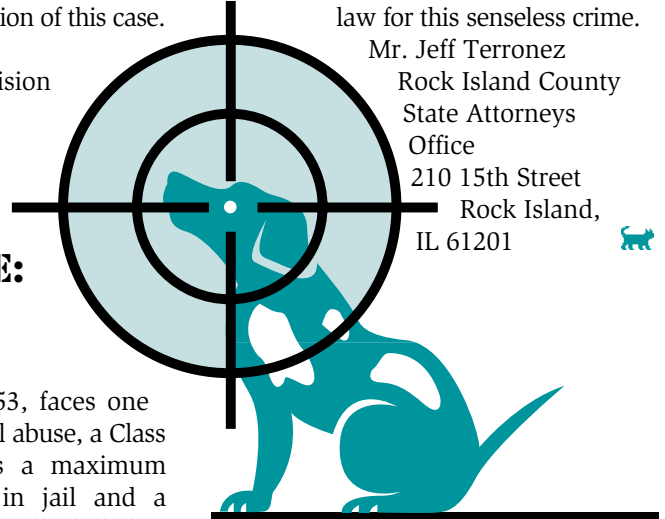
Edward Kraklio, 35, of Rock Island was arrested on October 6, 2000 and charged with a felony for allegedly shooting his neighbor's cat, Felix, in both eyes and the nose with a pellet gun, leaving the animal blind. Assistant State's Attorney Jeff Torronex said his office also filed a misdemeanor charge of aggravated cruelty to an animal. If convicted of the

felony, Kraklio could be sentenced to one to three years in prison.

ACTION NEEDED:


► Please request that Edward Kraklio be prosecuted under the Class 4 Felony provision of Illinois law and that he receive the stiffest penalty allowed by law for this senseless crime.

Mr. Jeff Terronez
Rock Island County
State Attorneys
Office
210 15th Street
Rock Island,
IL 61201



EPA Suit

continued from back page

vice to the need to reduce the use of animals in its Endocrine Disruptor Screening Program, while the facts and figures outlined in its Report to Congress sharply contradict this." 

WHAT YOU CAN DO:

► Send an e-mail or fax to EPA Administrator Carol Browner and Vice President Al Gore and ask them to use non-animal tests.

Carol Browner
Administrator, EPA
Ariel Rios Bldg.
Rm. 3000 #1101-A
1200 Pennsylvania Avenue
Washington, D.C. 20460
Phone: (202) 564-4700
Fax: (202) 501-1450
Browner.Carol@epamail.epa.gov

The Honorable Albert Gore, Jr.
Vice President of the
United States
Old Executive Office Building
Washington, D.C. 20501
Phone: (202) 456-2326
Fax: (202) 456-7044
vice.president@whitehouse.gov

Animal Organizations Intervene in Suit Against EPA

The Environmental Protection Agency (EPA) has proposed a massive pesticide testing program that promises suffering and death to millions of animals. In order to challenge this plan, in August 2000, ALDF, representing People for the Ethical Treatment of Animals, Physicians Committee for Responsible Medicine, and the Doris Day Animal League, moved to intervene in federal court, charging the EPA with failure to meet statutory deadlines for the development of a validated testing program in its proposed *Endocrine Disruptor Screening Program (EDSP)*. The intervention motion was granted in September.

The EPA's animal testing program is designed to evaluate certain pesticides and chemicals suspected of disrupting the hormonal or endocrine systems of humans. This program calls for the testing of 87,000 chemicals in the U.S. Although protecting the public from toxic chemicals is a worthy goal, the testing is anticipated to kill and/or cause suffering to millions of animals



COURTESY OF PETA

because it requires that the chemicals be tested using "validated" tests. Validation is a process in which test data are reviewed in order to confirm that a test method is reliable, reproducible and relevant to humans. The program requires that non-animal testing procedures be put through a rigorous valida-

tion procedure while allowing animal tests to be "validated" using much less rigorous standards. This creates a strong bias against non-animal tests.

ALDF Senior Staff Attorney Valerie Stanley says "We are gravely concerned that the agency continues to pay lip ser-

continued on page 5



ANIMAL LEGAL DEFENSE FUND

Joyce Tischler
Executive Director

NEWSLETTER STAFF

Laura Wilensky
Editor/Writer

Stephen Farley Design
Newsletter Design

BOARD OF DIRECTORS

Stephanie Nichols-Young
Chair

Steve Ann Chambers
President

Robert L. Trimble
Vice President

Sarah H. Luick
Secretary

David S. Favre
Treasurer

Directors

Katie M. Brophy
Nancy L. Ober
Katharina Otto-Bernstein
Jay L. Pomerantz
Kenneth D. Ross

The *Animal Legal Defense Fund* is a non-profit organization funded almost entirely by individual, tax-deductible contributions. If you would like more information about our work, are interested in joining or wish to notify us about your change of address, please contact The Animal Legal Defense Fund (address below), (707) 769-7771. The *Animals' Advocate* newsletter is published quarterly. A subscription is available for \$15 per year.

THE ANIMALS' ADVOCATE

ANIMAL LEGAL DEFENSE FUND
127 Fourth Street, Petaluma, CA 94952-3005

<http://www.aldf.org>

Nonprofit Org.
U.S. Postage
PAID
Merrifield, VA
Permit No. 6203

