



10

WINTER 2010



29.4



3

Rescued Horses Safe Forever

4

The Ugly Truth Behind The Egg Industry

7

Congress Considers Horrific "Crush" Videos

THE ANIMALS'

A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND



Unfriendly Skies

ALDF petitions government not to ignore animal protection laws

VETERINARIANS HAVE LONG WARNED against transporting animals within the cargo hold of a passenger aircraft. Generally dark and unventilated, these spaces may be fine for airline baggage, but dogs, cats and other animals can easily succumb to the compartment's extreme temperatures. The potential hazards of confining animals in a cargo hold became national news in August, when seven puppies died soon after being removed from an American Airlines jet in Chicago. In response to this tragedy, the Animal Legal Defense Fund is calling on the U.S. government to investigate the deaths and not to ignore laws designed to protect transported animals from inhumane treatment—and we have offered to provide legal research and other resources to the

responsible agencies.

ALDF has filed a petition with the Department of Transportation (DOT) urging them to compel airlines to report on the deaths of all animals—not just “pets”—in transit, and to identify the shippers and consignees involved in their “shipment.” Many commercial breeders use air carriers to transport animals throughout the country; though American Airlines has refused to reveal the shipper's name, the seven puppies who died on August 3 may likely have come from a puppy mill near Tulsa, Oklahoma, where the flight originated. By 7 a.m. that day, as the plane sat on a tarmac waiting to depart for Chicago, the outside temperature was 86 degrees and climbing; American's own

continued on page 6

ADVOCATE



LETTER FROM THE EXECUTIVE DIRECTOR

Exposing Animal Abusers



FOR THE RECORD

“My office has received hundreds of calls from people all across the country who want to follow Suffolk’s lead and see our animal abuser registry put into practice in their states.”

—Legislator Jon Cooper, Suffolk County, NY, who sponsored the new law that will create the nation’s first abuser registry.

IN FEBRUARY OF THIS YEAR, I WAS PROUD and honored to stand with California Senate Majority Leader Dean Florez to introduce legislation to create a registry of convicted animal abusers in California. This was the kick-off to the Animal Legal Defense Fund’s Expose Animal Abusers campaign to establish animal abuser registries across the country.

Though the California bill did not pass this time around, I am thrilled to report that on October 12, lawmakers in Suffolk County, New York voted unanimously to create the nation’s first animal abuser registry!

In story after heartbreaking story, abusers repeat their violent crimes against helpless animals. Registries, which function like registries for sex offenders and arsonists, will help animal shelters avoid adopting animals to known abusers; help families keep their pets safe by allowing them to know if an abuser is just across the fence; and help law enforcement track known abusers to prevent repeat crimes.

In addition to the likelihood that violent animal abusers will repeat their crimes, consider these startling statistics: Animal abusers are five times more likely to commit violent crimes against people and four times more likely to commit property crimes than are individuals without a history of animal abuse.

We applaud Suffolk County for its historic foresight in enacting the first animal abuser registry in the nation. And our campaign is gathering steam nationally. Registry bills have been introduced in six states, and legislators in more than a dozen states are currently considering supporting their introduction.

ALDF is committed to seeing registry legislation enacted across the country. Please help us by visiting our campaign website—www.exposeanimalabusers.org—where you can sign a petition in support of a registry in your community and send it with one click to your own lawmakers. And stay tuned to ALDF for updates on registry legislation across the country.

For the animals,

Stephen Wells
Executive Director



Animal Legal Defense Fund

Stephen Wells
Executive Director

BOARD OF DIRECTORS

Sarah H. Luick
Interim Chair

Jim Rockenbach
Treasurer

Joshua K. Marquis
Vice Chair & Secretary

Directors

Darcy Alamuddin • Marilyn Forbes
Tracy A. Miller • Dean G.C. Vanech

NEWSLETTER STAFF

Lisa Franzetta *Editor*

Mark Hawthorne
Contributing Writer

Stephen Farley Design
Newsletter Design

The Animal Legal Defense Fund is a nonprofit organization funded almost entirely by individual, tax-deductible contributions. For donation, membership and change of address inquiries, please email us at membership@aldf.org, or call 707-795-2533. For information about our work and programs, email us at info@aldf.org. Please see “copyright” link on aldf.org for trademark information.

Victory for Rescued Horses

ALDF uses old law in new way to secure horses a lifetime of loving care

AN ANIMAL NEGLECT CASE THAT BEGAN more than three years ago has come to a happy end, thanks to some creative legal strategy devised by the Animal Legal Defense Fund.

Regular readers of *The Animals' Advocate* may remember Robert and Rebecca Collier, who had terribly neglected the animals on their farm, and from whom the Marion-Grant County Humane Society of Indiana seized eight starving horses in November 2007. Guardianship of the animals was eventually turned over to the United States Equine Rescue League (USERL), which ultimately spent more than \$96,000 providing the severely neglected horses with veterinary and supportive care after Robert Collier was charged with two counts of animal cruelty and neglect in connection with this case.


Although the criminal charges were dropped, ALDF filed a civil suit against Collier on behalf of USERL, which was entitled to compensation based on the amount of veterinary care it had secured, plus a very reasonable \$13 per day per horse for all routine care and medical attention. Collier filed counter suits against USERL and the local humane society, refusing to pay what he owed and attempting to get back the horses he had neglected—a prospect that ALDF would fight tooth and nail. Fortunately, Indiana's statutes establish that USERL had a common law lien claim against Collier for the care of his horses, so that he owed USERL for the money it had spent to care for the animals.

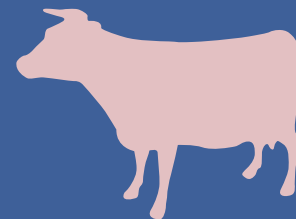
Through this three-year battle, ALDF attorneys were motivated by the stories of horses like Casey, a former racehorse removed from Collier's farm. Beautiful Casey had developed a painful condition of his hooves that should have meant an immediate retirement. Instead, his owners and abusers kept racing him for years—akin to making a woman with a broken leg run marathons. When USERL rescued Casey, they worked tirelessly with ALDF to bring in special veterinarians and farriers to try to save him. Unfortunately, the damage that resulted from his years of abuse was so severe that it was decided that euthanasia was the only way to end his suffering. Losing Casey only deepened our desire for justice in this terrible case. After Casey's death, ALDF took further action in court to win the case.

"We filed a motion in court to force a decision by the court that Collier should immediately pay the money he owed USERL for the care of the horses—\$96,500—and the judge

awarded it to us," explains Bruce Wagman, chief outside litigator for ALDF. "All USERL ever wanted was to be sure the horses were safe, so it offered to give up the money if Collier would give up his interest in the horses and dismiss both the lawsuits he had filed. He finally agreed, and the horses are now in the permanent care of USERL."

ALDF obtained the abused horses by using the traditional lien statutes that were originally designed for property left behind by one person and kept by another for a period of time. This application of those old laws to secure permanent, loving homes for animals is a novel legal tactic that allowed ALDF to go after the abuser without having to engage the district attorney, who was unwilling to prosecute him.

"This is a perfect example of how ALDF can use old laws in new ways to protect animals," says Wagman. "Basically, the law says, 'If I keep your property and improve it, and you knew or should have known that I would improve it, then you owe me the money I spent.' But here we had a special type of property—a type of property that needs to be fed and cared for. So we used the special nature of this property—that is, horses—to argue that he owed us the money for every day of care." By knowing that the horses were somewhere being taken care of, Collier had to know that somebody was feeding them. "ALDF came up with the legal theory that used the civil law to do what the criminal law refused to do." It is one more advance in the effort to save animals where there is otherwise no protection for them. 



"ALDF came up with the legal theory that used the civil law to do what the criminal law refused to do."

— Bruce Wagman, chief outside litigator for ALDF

Sweet Casey's suffering was extreme and unabated.





Cracking the Label Myth

ALDF joins petition calling for full disclosure of egg production methods



PAGE 4

THE ANIMALS'

Egg-laying hens suffer the excruciating mutilation of debeaking

FACED WITH ESSENTIALLY MEANINGLESS egg carton labels like “animal friendly” and “naturally raised,” it’s no wonder consumers are not fully aware of what goes into egg production. In fact, egg companies go out of their way to deceive the public through clever marketing. That’s why the Animal Legal Defense Fund has joined the Washington, D.C.-based nonprofit Compassion Over Killing (COK) in petitioning the Food and Drug Administration (FDA) to mandate the full disclosure of production methods on all egg cartons sold within the United States. ALDF and COK are also asking that egg containers clearly indicate if the eggs come from caged hens or cage-free hens.

“We believe the law obligates the FDA to require this, because there is a mountain of evidence that egg branding in the U.S. is totally misleading as to the state of the hens where the eggs come from,” says Carter Dillard, ALDF’s director of litigation. “We think that

consumers have a right to know the truth about where their eggs come from, and if they knew the truth, they would probably not be buying some of the eggs they are buying, and might not be buying eggs at all.”

Animal welfare claims on egg cartons are currently unregulated in the U.S., allowing egg producers to create ambiguous or outright false labels. Eggs marked “free-range” or “free-roaming,” for example, imply that they come from hens who have spent a good portion of their life outdoors—when in fact, these animals may actually never leave the confines of an industrial shed. Such terms have become marketing buzz words, capitalizing on the public’s growing concern about animal welfare, and they are often augmented with bucolic images of chickens enjoying the sunshine or laying eggs in straw nests—pictures that bear no resemblance to the reality of modern egg production.

Over the last half century, the small family farms that once dotted the landscape have been replaced by corporate animal factories, which churn out the vast majority of the meat, eggs and dairy products consumed in this country. An estimated 95 percent of the 300 million egg-laying hens in the U.S. are confined in wire “battery cages,” where they are crammed with six or seven other birds. Row upon row of stacked cages populate huge warehouses in which everything from feeding to egg collection is handled by machine. Each hen will spend her life standing on wire, searching in vain for a private place to lay her eggs and breathing the ammonia fumes that rise from the manure pit below. She has no ability to enjoy many of her most important natural behaviors, such as nesting, perching or dust bathing; she doesn’t even have enough space to spread her wings.

Living in such stressful conditions causes animals to respond with a variety of “stereotypical” behaviors—repetitive and often maladaptive behaviors induced by confinement in artificial environments. For the hen, this includes pecking at her cage-mates. To limit the physical damage a hen might cause other birds, rather than increasing cage sizes or removing hens from cages altogether, some factory farmers cut off the sensitive end of each hen’s beak when she is just a few days old. No anesthesia is used for this painful procedure, and eating becomes a frustrating




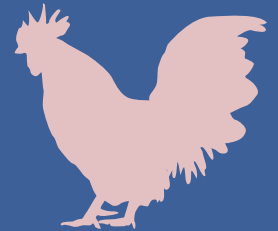
chore for debeaked hens, whose instinct is to peck for food.

In the eyes of animal agribusiness, the laying hen's sole purpose is to churn out at least six eggs a week for human consumption, and they'll continue doing so until their bodies are exhausted and their egg production has declined. At this point, they're either slaughtered for low-grade meat products or simply killed and disposed of. Methods for ridding the egg industry of spent hens include tossing live birds into wood chippers, gassing them with carbon dioxide, suffocating them beneath a blanket of firefighting foam and burying them in landfills while they're still alive. Meanwhile, 200 million male chicks are killed every year because they are of no use to the U.S. egg industry. Most of these newborn chicks are ground up alive in a machine called a macerator, which is equipped with high-speed, rotating blades that shred the baby birds to pieces.

But beyond the animal cruelty, modern egg

production can be a public health hazard, says Dillard. "There is pretty good evidence that eggs produced by hens in really intensive-confinement conditions present a greater risk of transmitting salmonella infection than eggs produced in more humane and less intensively confined conditions," he says. "So consumers buying cage-free eggs are not only choosing the less cruel option, they are also probably making the safer choice."

It's important to note that "cage-free" eggs are still the products of animal cruelty. Both battery cage and cage-free systems purchase their hens from hatcheries that kill male chicks upon hatching, and some cage-free hens have the ends of their beaks cut or burned off like caged hens do. And cage-free hens are typically slaughtered when their egg production declines at about two years of age—many years less than their normal lifespan. What's a conscientious consumer to do? The most humane choice is simply to avoid eggs altogether. 



ALDF Honors Illinois for Its Progressive Legislation


FOR THREE YEARS IN A ROW, THE ANIMAL LEGAL DEFENSE FUND has acknowledged the State of Illinois for having the most progressive animal protection laws in the country. Since 2007, the state has scored highest in ALDF's annual ranking of all 50 states for its laws defending animals. It's a notable achievement, and this fall we presented the state with an award recognizing their efforts on behalf of animals.

At a special reception in Chicago on October 7, ALDF Executive Director Stephen Wells was joined by members of the local animal protection community as we presented the Best State for Animals award to the State of Illinois.

Accepting the award from Governor Pat Quinn's office were Lindsay Hansen Anderson and Beth Penesis. Referred to by some of his constituents as "Pet Quinn," the governor has signed a number of important animal protection bills into law since taking office last year, including a law that makes it a felony to be a spectator at an animal fight, a prohibition against keeping primates as pets, a requirement that pet stores disclose information about the animals they sell and a ban on the use of inhumane decompression chambers and carbon dioxide gas for euthanasia.

Governor Quinn sent a statement to ALDF which was read at the ceremony, in which he stated, "On behalf of the people of Illinois, I thank you for honoring the State of Illinois and I look forward to working with you in the future to safeguard the rights of animals."

Created by award-winning Chicago sculptor Boban Ilic, the Best State for Animals award depicts a human hand and an animal's paw reaching out to each other. Following Illinois, California, Maine, Michigan and Oregon have the best laws on behalf of animals. In the doghouse are Hawaii, Idaho, Kentucky, Mississippi and North Dakota—the five worst states for animals.

"With felony penalties for cruelty, neglect, abandonment and sexual assault of animals, principal protections that apply to most animals, and increased penalties for repeat animal abusers and animal hoarders, Illinois stands as a wonderful example of how one state can ensure that those responsible for harming animals are held accountable for their crimes," says ALDF's Stephen Wells. "We look forward to helping Illinois—and every state in the country—make their animal protection laws even stronger." 



Lindsay Hansen Anderson, Beth Penesis and ALDF's Joyce Tischler



Unfriendly Skies

continued from front page

welfare policy states that “pets cannot be accepted when the current or forecasted temperature is above 85 degrees Fahrenheit ... at any location on the itinerary.”

Not every animal shipped by air freight is considered a “pet,” however, and that distinction is at the heart of ALDF’s petition to the DOT, which currently only reports on the deaths of animals who, at the time of transport, are “being kept as a pet in a family household in the United States.” But this is not what Congress intended when it passed the law in 1998 that was designed to protect every animal onboard a flight, explains Carter Dillard, director of litigation for the Animal Legal Defense Fund. “When Congress gave that directive, called the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, they were pretty clear that they wanted reporting on all animal injuries and deaths,” he says. “Congress didn’t use the words ‘pets in a family household’; the Department of Transportation made up that language.” The DOT, in service of the airlines, rewrote the regulations that implemented the law, eventually declaring that the only reporting required was for a household pet.

“That is probably a small percentage of the animals actually flown,” says Dillard. “Commercial interests also ship animals, and we know that puppy mills ship their puppies all over the country as air cargo in order to sell them. It’s those animals who are probably most at risk.”

In developing the reporting requirement, Congress intended to determine just how dangerous it is to transport animals as cargo.

Moreover, Congress specified that the Department of Transportation report deaths to the United States Department of Agriculture (USDA), which is charged with enforcing the Animal Welfare Act. “The way the Animal Welfare Act is structured reinforces the view that Congress intended that reporting would apply to animal ‘dealers’—like shippers from puppy mills,” says Dillard. “The members of Congress who wrote the law have told the Department of Agriculture that they’re wrong in their interpretation. But we have a department that cares more about the airline industry than it does about animals and the general public.”

ALDF is also conducting an investigation (including offering a reward) to identify the shipper in the American Airlines case, as we believe the state law was violated. “Oklahoma law defines animal cruelty to include the failure to provide necessary drink, shelter or veterinary care,” says Scott Heiser, director of ALDF’s Criminal Justice Program. “Death by dehydration and heat exposure due to confinement in the belly of an airliner sitting on a hot tarmac in Tulsa during an ongoing August heat wave would certainly qualify.” Once we have gathered all of the facts, we plan on tendering the case to District Attorney Tim Harris (whose office has jurisdiction over conduct occurring at Tulsa International Airport) for prosecution.

Whether an animal is shipped as a pet by her guardian or as an item of commerce by a puppy mill has no bearing on that animal’s ability to suffer. Travelers and animal lovers have a right to know exactly how risky it is for animals to be shipped as cargo on commercial airlines, and the Animal Legal Defense Fund will not rest until air carriers are required to report on the death, injury or disappearance of every animal entrusted into their care. 🐾

THE ANIMALS’ WHAT YOU CAN DO

Never transport your companion animals as air cargo; fly them on animal-friendly airlines such as Pet Airways, or in the cabin with you on standard commercial airlines.

Please send a letter to your senators and representatives through ALDF’s website and ask them to join Senators Robert Menendez (D-N.J.), Richard Durbin (D-Ill.) and Joseph Lieberman (I-Conn.) in amending this regulation to ensure accurate reporting about the real risks to animals shipped in cargo holds.



Terrified horses rounded up by low-flying helicopters



Wild Horses

continued from page 8

helicopter roundups: Nevada roundups started in July, forcing horses, including just-born foals, to run as many as eight miles in high temperatures during the height of summer, with helicopters sometimes coming as close as a terrifying 20 feet from the animals. The roundups resulted in the deaths of at least 21 horses, and several others were treated for painful colic and brain swelling due to dehydration and exhaustion.

Despite these tragic consequences, roundups continued in the fall, with federal officials chasing horses into corrals. Thousands of additional wild horses and burros were removed—all paid for with your tax dollars—and there is no end in sight. 🐾



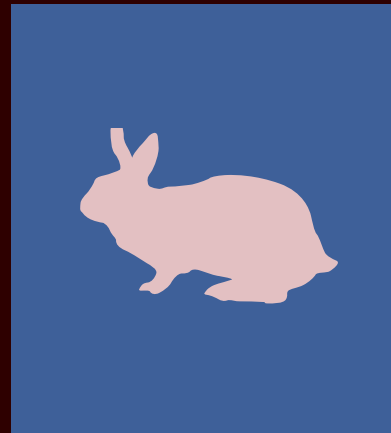
ASK JOYCE

WHAT YOU CAN DO:

Please send an e-mail to your U.S. Representative in Washington through ALDF's website — encourage him or her to vote for H.R. 5566. Let him or her know that as a voting constituent, you expect and appreciate that they will protect animals from this outrageous cruelty. A vote was expected as we went to press—check aldf.org for updates on this vote, and to see if your letters are still needed.

All the best, —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.



Dear Joyce:

I read that the U.S. Supreme Court threw out a law that banned crush videos. How on Earth could that happen?

Dear Reader:

"Crush videos" are sold via the internet to sexual fetishists who want to watch and hear animals being crushed to death — usually by women wearing spiked heels. It has been almost impossible for law enforcement to track down the people who make these disgusting videos because the filming is done in a clandestine manner. Thus, a law targeting the sale and distribution of crush videos was needed to give law enforcement the tool it needed to stop this cruelty.

In 1999, Congress passed a federal law that criminalized the sale, possession and distribution of depictions of animal cruelty. While that law was a response, in part, to crush videos, it covered a wider range of depictions. In *U.S. v. Stevens*, Robert Stevens was convicted of violating the 1999 law for making and selling videos of dogfighting. He appealed his conviction to the U.S. Supreme Court, challenging the law on First Amendment grounds. The Animal Legal Defense Fund submitted an *amicus curiae* brief urging the Court to uphold the law and acknowledge that the prevention of cruelty to animals is a compelling governmental interest.

The Supreme Court determined that the 1999 law violates the First Amendment and is therefore unenforceable; however, the Court left open the possibility that a more narrowly tailored law could be found constitutional. For an excellent review of what the Supreme Court said, check out ALDF Staff Attorney Matthew Liebman's blog on our website, at <http://www.aldf.org/Stevens>.


But, don't despair: there is good news. In response to the Supreme Court's decision, Congress has drafted a narrower bill, H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010, which will prohibit the sale and distribution of crush videos in interstate commerce. The House of Representatives has approved H.R. 5566 by an overwhelming vote of 416-3; the Senate has unanimously approved its own version of the bill and now, the House must approve the Senate-passed version, so H.R. 5566 can become law.

Last Chance for Year-End Giving!

WHEN ABUSERS GO FREE, ANIMALS PAY THE PRICE. Your generous support helps ensure that doesn't happen! Make your year-end tax deductible donation today.

- \$25 will provide medicine to a dog rescued from a filthy shelter sued by ALDF for substandard conditions**
- \$50 will update dozens of law enforcement officials on important improvements to their state's animal protection laws**
- \$75 will pay for fingerprint analysis to identify the perpetrator in an animal cruelty investigation**
- \$100 will help pay for DNA testing necessary to put together an airtight case against a serial cat killer**
- \$250 will fly in an expert witness to provide critical testimony needed to convict an animal abuser**
- \$500 will pay for the necropsy of a dog who died due to neglect by an animal hoarder, providing evidence for a criminal case**
- \$1000 will provide food for horses saved from starvation thanks to ALDF's close work with law enforcement**

ALDF is committed to winning the case against cruelty...but we can't do it without you. Please use the enclosed envelope to send in your donation, or visit us at www.aldf.org and click on the red "Donate" tab to help animals who need ALDF to protect them. Thank you!

The Animal Legal Defense Fund is proud to be a four-star charity on Charity Navigator and a Better Business Bureau Accredited Charity, and we're proud to have been awarded the Independent Charities Seal of Excellence, ensuring that we meet the highest standards of public accountability, program effectiveness and cost effectiveness. Gifts to ALDF are tax-deductible to the fullest extent of the law. 

170 E. COTATI AVE.
COTATI, CA 94931
www.aldf.org

Nonprofit Org.
U.S. Postage
PAID
Tucson, AZ
Permit No. 3341

THE ANIMALS' ADVOCATE



Printed with 100% New Wind Energy

 printed on recycled paper

INSIDE



2 Nation's First
Abuser Registry
Law Passes!



5 First-Ever
"Best State for
Animals Award"

Help Us End the Roundup of Wild Horses

HELICOPTERS CHASING TERRIFIED HORSES FOR MILES across hot deserts. Mares, stallions and newborn foals stumbling over rocky terrain. Animals dying from injuries and dehydration. It's all part of an effort by the United States Bureau of Land Management (BLM) to remove thousands of federally protected wild mustangs from public rangelands across the West—and the Animal Legal Defense Fund is asking our supporters to help put a stop to it.

WHAT YOU CAN DO

The BLM's mismanagement must be stopped before another horse suffers and dies at the agency's hands. Send a letter to your Representatives and Senators through ALDF's website at aldf.org/wild-horses. Urge them to:

- Call on the Interior Department and President Obama to halt the BLM's summer roundups, and...
- Use their appropriations authority to strip funding for this abusive practice while the National Academy of Sciences conducts its independent review of the program (slated to begin in January 2011)

Thank you!

The government estimates that 35,000 wild horses live on ranges in ten Western states. BLM officials contend that these animals have no natural predators, and with horse populations growing at between 15 and 20 percent a year, they claim the roundups are one of the few ways they have to deal with herds that get too big for available resources.

Yet the BLM has violated its own protocol of waiting until mid-August (after the foaling season) to begin

continued on page 6



Elyse Gardner