



Special Edition of The Animals' Advocate

Celebrating 40 years of justice for animals

FEATURING
A TIMELINE
OF FIGHTING
ANIMAL CRUELTY
AND INJUSTICE



Justice for Animals



Justice from 2018 lawsuit

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**ANIMAL LEGAL
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ANIMAL LEGAL DEFENSE FUND EST 1979

40 years ago, Joyce Tischler founded the Animal Legal Defense Fund with a unique mission: to protect the lives and advance the interests of animals through the legal system. We remain the only animal protection organization exclusively focused on the law – our most powerful tool to fight animal cruelty.

In 1979, the field of animal law was practically nonexistent, but as you'll read in this special 40th anniversary issue of *The Animals' Advocate*, a lot has changed in the last four decades. Our lawsuits, our advocacy, our tireless pursuit of justice for animals has led to stronger animal protection laws and stronger enforcement of those laws. We are training the next generation of animal lawyers, too, with more than 200 Animal Legal Defense Fund Student Chapters at law schools in the United States.

We have made tremendous progress, but the work is far from done. Changing the way the legal system views animals is a marathon, not a sprint. But the legal expertise we have developed has enabled us to create change more quickly and effectively than we could have imagined 40 years ago.

We continue to build on our successes thanks to your generous support. With your help we are creating a safer, more humane, and more just world for all animals. **Thank you for making our work possible.**



For the animals,

Stephen Wells
Executive Director



The Animal Legal Defense Fund is founded



The Animal Legal Defense Fund successfully halts a U.S. Navy plan to kill wild burros
Animal Legal Defense Fund lawsuit



Joyce Tischler becomes first full-time animal rights attorney



The Animal Legal Defense Fund hosts first Animal Law Conference



The Animal Legal Defense Fund blocks USDA cow face-branding plan
Animal Legal Defense Fund lawsuit



The Animal Legal Defense Fund stops annual bear hunts in California
Animal Legal Defense Fund lawsuit

What is the Animal Welfare Act?



The AWA is the primary federal animal protection law. The AWA, which was signed into law in 1966, mainly involves animals kept at zoos and used in laboratories, as well as animals who are commercially bred and sold, such as those in puppy mills. The AWA directs the Secretary of the United States Department of Agriculture to set minimum standards regarding animals' "handling, care, treatment, and transportation." Dog fighting and cockfighting are also prohibited under the Animal Welfare Act, so long as the activity in some way crosses state lines.

The AWA is problematic on several levels: the law itself — which provides only minimal protections — and its enforcement by the Department of Agriculture are frequently criticized as allowing inhumane practices to go unchecked; additionally, the AWA does not apply to animals on farms, or to roughly 95% of the animals tested upon in labs — such as rats, mice, birds, fish, and reptiles.



Barney in 1998

1998

ANIMAL LEGAL
DEFENSE FUND
LAWSUIT

ESTABLISHING THE RIGHT OF ANIMAL ADVOCATES TO CHALLENGE FEDERAL AGENCIES' TREATMENT OF ANIMALS

When the Animal Legal Defense Fund discovered a chimpanzee named Barney in a U.S. Department of Agriculture (USDA)-licensed zoo, he was languishing in solitary confinement on the cement floor of a cage. Deprived of companionship and veterinary care, Barney suffered from severe psychological and physical distress until he escaped from his cage and was subsequently shot and killed by a park employee.

In 1996, the Animal Legal Defense Fund successfully sued the USDA for failing to adopt minimum standards for the humane treatment of primates at research facilities and roadside zoos. U.S. District Court Judge Charles Richey ruled that the USDA had violated the Animal Welfare Act (AWA) and must rewrite its rules to prevent animal suffering and ensure the psychological well-being of captive primates. Judge Richey called the USDA's failure to issue such standards "egregious."

The ruling established the right of animal advocates to challenge the USDA's rules regarding the treatment of animals under the AWA.

The decision was reversed in 1997 when a panel of judges of the U.S. Court of Appeals for the D.C. Circuit ruled that the individual plaintiffs — who were regular visitors of the zoo — lacked legal standing. But after rehearing the case, the federal appeals court ruled on September 1, 1998 that the plaintiffs did have standing — they suffered direct harm witnessing the terrible living conditions of primates at the zoo. **A major legal victory.**



1995

The Animal Legal Defense Fund helps defeat legislation that would have sent 148 Air Force "space chimps" to a research facility



1999

Stephen Wells joins the Animal Legal Defense Fund and develops programs for law schools and law firms



2000

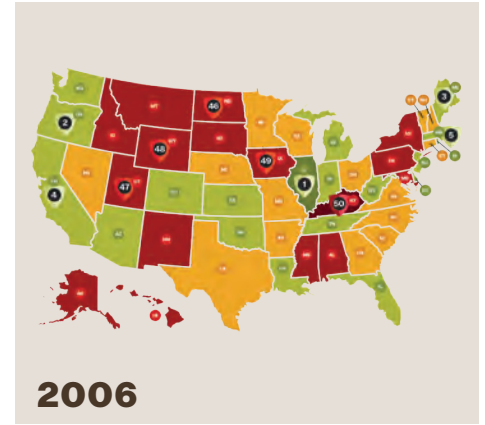
"T-Bo Act" in Tennessee recognizes dogs and cats have more than economic worth
Animal Legal Defense Fund drafts legislation



Florida outlaws gestation crates for pigs in factory farms
Animal Legal Defense Fund drafts legislation



Animal Legal Defense Fund rescues more than 300 dogs from hoarders using North Carolina's civil cruelty law
Animal Legal Defense Fund lawsuit



Launch of the Animal Legal Defense Fund's U.S. Animal Protection Laws State Rankings Report

2001

ANIMAL LEGAL DEFENSE FUND LAWSUIT

SECURING JUSTICE FOR AN ABUSED ELEPHANT — AND LEGAL RECOGNITION THAT VIOLENCE DOES NOT STOP AT SPECIES LINES

In April 2000, an Oregon Zoo staff member, in full view of witnesses, used a bullhook — a long stick with a pointed metal hook on its end — to beat and sodomize Rose-Tu, a six-year-old elephant. Though prosecutors initially believed Oregon's laws prevented them from charging Rose-Tu's abuser, with the Animal Legal Defense Fund's extensive legal assistance, and highlighting the mounting public outcry, they successfully secured a conviction. The Animal Legal Defense Fund followed up this victory by drafting Oregon's "Rose-Tu bill," which became law in 2001. Two of the legal leaps forward included in Rose-Tu's bill were statutorily recognizing connections between domestic violence and animal cruelty, and removing the requirement that prosecutors prove an animal victim experienced pain (a technically complicated undertaking) in order to charge animal cruelty. These changes mean, for example, that abusing an animal as part of terrorizing a child is treated with particular seriousness. Similarly, in the wake of Rose-Tu's bill, prosecutors in Oregon no longer need to prove that the emotion experienced by an elephant with over 176 cuts on her body is pain; instead, the legal question is simply whether the defendant injured the elephant.



Rose-Tu at the Oregon Zoo

Laws, like Rose-Tu's bill, that acknowledge violence to animals seldom stops there, fortunately, are becoming more common. For example, nearly two-thirds of states now allow companion animals to be included in domestic violence protective orders.





2006

Stephen Wells becomes the Animal Legal Defense Fund's executive director, succeeding founder Joyce Tischler who remains general counsel and a key advocate for the organization



2006

Oregon Appellate Court rules neglected cats can benefit from protective order
Animal Legal Defense Fund lawsuit



2007

100th Animal Legal Defense Fund law Student Chapter is formed



2008

California bans some of farming's cruellest confinement practices
Animal Legal Defense Fund engages with coalition



2008

Virginia recognizes dog-fighting rings as organized crime
Animal Legal Defense Fund drafts legislation



2008

The Animal Legal Defense Fund and Lewis and Clark Law School in Portland Oregon create the Center for Animal Law Studies at Lewis and Clark – an historic advancement in animal law education



2009

The Animal Legal Defense Fund's Pro Bono Network rises to 800 volunteer attorney members



2010

Retail pet sale ban enacted in West Hollywood, California
Animal Legal Defense Fund drafts legislation



2011

Oregon animals included in domestic violence protective orders
Animal Legal Defense Fund lawsuit



Ben wasn't the only animal suffering at Jambbas Ranch. The roadside zoo had accumulated dozens of Animal Welfare Act violations. In 2014, in response to a subsequent lawsuit, the USDA suspended Jambbas Ranch's license — ensuring the facility could not continue to exploit other animals.

2012

ANIMAL LEGAL
DEFENSE FUND
LAWSUIT

**ANIMAL LEGAL
DEFENSE FUND
FREES BEN THE BEAR
FROM ROADSIDE ZOO**

Ben the bear languished for years at Jambbas Ranch, a North Carolina roadside zoo. Ben lived alone in a dirty, concrete cage that measured just 12-by-22 feet. In the wild, bears love to swim, climb trees, and run. Ben could do none of those things. Instead, he ate dog food in a barren cage with only a few pieces of wood and a ball as company. He endured noisy tourists and crying children each day, all day long. Ben was often observed pacing — caused by extreme psychological stress — and pressing his head against the chain-link fence that kept him prisoner.

In conjunction with PETA, the Animal Legal Defense Fund filed a lawsuit against Jambbas Ranch on behalf of two concerned North Carolina residents under North Carolina's unique civil enforcement ("19A") statute which allows any private citizen or organization to bring civil cases against abusers for violating animal cruelty laws. The court agreed that Ben's cage and living conditions did not meet the requirements necessary for his health and well-being.

After the judge granted a preliminary injunction, Ben was flown to California to live in a spacious habitat at the Performing Animal Welfare Society's sanctuary. For likely the first time in his life, Ben was able to swim in his own pool, sleep in a straw nest under oak trees, and feel the grass underneath his paws. The judge later issued a permanent injunction.



After: Ben at Performing Animal Welfare Society © Lisa Worgan



Before: Ben at Jambbas Ranch

2014

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PROSECUTORS

EVERY ANIMAL COUNTS

In *State v. Nix*, the defendant attempted to merge all 20 of his animal neglect convictions down to just one, convincing the trial court that the 20 goats and horses involved were not themselves crime victims — in other words, going for an ‘abuse one, get the rest free’ sentence. The Oregon Supreme Court ruled that individual animals can be considered crime victims when harmed by criminal abuse or neglect. On the same day, the Oregon Supreme Court issued another groundbreaking ruling holding in *State v. Fessenden* that an officer — despite not having a warrant — acted properly in seizing a horse near death from neglect and transporting her to a veterinarian for immediate medical care. In ruling that the exigent circumstances exception applied to the officer’s actions, the Oregon Supreme Court described the horse as being the victim of the defendant’s criminal cruelty, and wrote that the officer had “a responsibility to...prevent the perpetrator from causing further imminent harm to the victim,” whether the victim was animal or human.

Though *Nix* was ultimately vacated on unrelated procedural grounds in 2015, the *Nix* rule went back into effect. The Court of Appeals adopted the Oregon Supreme Court’s rationale and affirmed multiple convictions in a cat hoarding case, *State v. Hess*, ruling that each animal qualified as a crime victim for sentencing purposes. *Fessenden* has remained good law throughout.

The Animal Legal Defense Fund assisted with the *Nix* and *Fessenden* appeals, as well as the prosecution of *Hess*. Subsequently, the Animal Legal Defense Fund has used the legal arguments deployed in *Nix* and *Hess* to successfully counter the “abuse one, get the rest free” sentencing structures at both the state and federal level — building legal recognition that each animal, and each animal’s interests in not being subject to cruelty, counts.





2013

The Animal Legal Defense Fund establishes the first dedicated, full-time animal cruelty prosecutor
Animal Legal Defense Fund bestows grant



2015

The Animal Legal Defense Fund frees Ricki the bear from Jim Mack's Ice Cream Shop
Animal Legal Defense Fund Lawsuit



2015

Exposing cruelty at chicken slaughterhouse: Tyson Foods
Animal Legal Defense Fund undercover investigation



2015
ANIMAL LEGAL
DEFENSE FUND
LAWSUIT

STRIKING DOWN UNCONSTITUTIONAL AG-GAG LAWS

The Animal Legal Defense Fund scored a landmark victory when the U.S. District Court for the District of Idaho declared that the Idaho Ag-Gag statute violated the First and Fourteenth Amendments to the U.S. Constitution — the first time a court declared an Ag-Gag statute unconstitutional. Ag-Gag laws seek to “gag” would-be whistleblowers and undercover activists by punishing them for recording footage of what goes on in animal agriculture.

After the state appealed the district court’s ruling, the United States Court of Appeals for the Ninth Circuit struck down key provisions of the Ag-Gag law — the first federal appellate court to do so. Undercover investigations play a critical role in exposing the horrific cruelty that farmed animals endure. It’s often the only way in which the public can learn about factory farming’s most abusive practices.

The Animal Legal Defense Fund is leading the charge against Ag-Gag laws across the country. In addition to our victory in Idaho, Utah’s and Iowa’s Ag-Gag law have also been struck down. Litigation is pending against Ag-Gag laws in North Carolina and Kansas. The Animal Legal Defense Fund recently filed a new lawsuit in Iowa, after the state passed another unconstitutional law restricting investigations.

Learn more: aldf.org/aggag



Exposing cruelty at pig breeding facility: The Maschoffs, LLC
Animal Legal Defense Fund undercover investigation



Texas suspends cat-killing veterinarian Kristen Lindsey's license to practice
Animal Legal Defense Fund testifies



The Animal Legal Defense Fund shuts down Animaland Roadside Zoo
Animal Legal Defense Fund lawsuit

2016

ANIMAL LEGAL DEFENSE FUND
ASSISTS PROSECUTORS

SENTIENCE MATTERS — ANIMALS ARE NOT THINGS

What began as a relatively routine animal neglect investigation five years before, resolved with the Oregon Supreme Court holding in *State v. Newcomb* that animal well-being can supersede a person's privacy interest: "A dog owner simply has no cognizable right, in the name of her privacy, to countermand [the] obligation [to provide animals with basic care]." In this case, the Oregon Supreme Court built on Animal Legal Defense Fund milestones such as the passage of SB 6, a 2013 law recognizing that "animals are sentient beings capable of experiencing pain, stress and fear," *Nix* (2014), and *Fessenden* (2014) by holding that sentience is a distinction between animals and objects that requires a dispositive difference in how the law views animals — that animals cannot be treated as things. In addition to the work on SB 6, *Nix*, and *Fessenden*, that provided the framework for the *Newcomb* court's decision, the Animal Legal Defense Fund submitted an amicus brief in *Newcomb*.

2016

ANIMAL LEGAL DEFENSE FUND
LAWSUIT

MAJOR VICTORY FOR PENNSYLVANIA PUPPY MILL DOGS

The Pennsylvania Department of Agriculture issued two broad exemptions to its comprehensive regulations on commercial dog breeders: one allowed 50% of flooring to be metal wire strand in the small cages where mothers with nursing puppies were kept; the second stated that the department would not enforce the stipulation for "unfettered access" to an outside exercise area for dogs over 12 weeks of age, provided that daily access was available for nursing dogs.

In 2014, the Animal Legal Defense Fund filed a taxpayer lawsuit in state court. The lawsuit alleged that the department unlawfully weakened the minimum legal standards for commercial dog breeders with its exemptions. A panel of three judges ruled in favor of the Animal Legal Defense Fund in 2016, striking down the Department of Agriculture's unlawful regulations.





The Animal Legal Defense Fund permanently shuts down King Kong Zoological Park
Animal Legal Defense Fund lawsuit



The United States District Court for the District of Columbia ruled that animal advocacy organizations may be entitled to intervene and participate in enforcement actions against alleged violators of the federal Animal Welfare Act
Animal Legal Defense Fund lawsuit



Lucky the elephant gets two companions and improved living conditions
Animal Legal Defense Fund lawsuit

2016

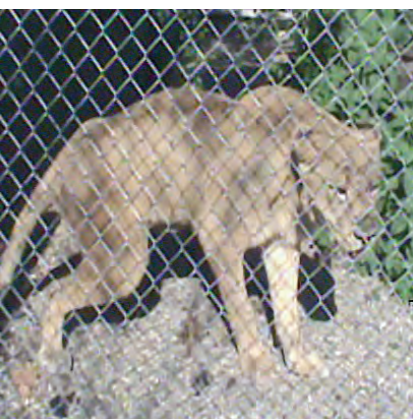
ANIMAL LEGAL
DEFENSE FUND
LAWSUIT

A PRECEDENT-SETTING VICTORY, ENDANGERED SPECIES ACT PROTECTS CAPTIVE ANIMALS

In the span of two years, five tigers died at Cricket Hollow Zoo in Manchester, Iowa due to inadequate veterinary care; another tiger was found to be suffering from open wounds, untreated by a veterinarian. A capuchin monkey, also denied veterinary care, had lost her hair and was found chewing her tail — clear indications of severe boredom and frustration. Additionally during this time, at least five lemurs died.

Over the course of several years, the U.S. Department of Agriculture (USDA) had documented a long and horrifying list of federal Animal Welfare Act violations at Cricket Hollow Zoo. These included animals who died of exposure to harsh weather; animals suffering with untreated injuries; animals being handled improperly; small, filthy enclosures; lack of access to clean water and food; and food contaminated with vermin.

In 2016, the U.S. District Court for the Northern District of Iowa found that the ESA is applicable to captive animals, and that Cricket Hollow Zoo violated that law. The court ordered that the four remaining tigers and three remaining lemurs be removed from the zoo. In 2018, a three-judge panel of the Eighth Circuit upheld the district court’s ruling that Cricket Hollow Zoo violated the ESA; in doing so, this case set an important precedent for stronger protection of captive animals.



The Animal Legal Defense Fund filed a lawsuit arguing that Cricket Hollow Zoo’s mistreatment of animals constituted a violation of the federal Endangered Species Act (ESA).





Shasta, Siskiyou, Monterey, and Mendocino counties have all terminated, suspended, or considered the environmental effects of their contracts — either voluntarily or by court order — after the Animal Legal Defense Fund and its allies took or threatened legal action.

2017

ANIMAL LEGAL
DEFENSE FUND
LAWSUIT

WAR ON WILDLIFE SERVICES

Millions of native wild animals including coyotes, mountain lions, foxes, bobcats, and bears are targeted and killed by the U.S. Department of Agriculture's Wildlife Services, whose programs often rely on outdated science and employ painful killing methods such as leghold traps and wire snares. In July 2017, the Animal Legal Defense Fund filed a lawsuit against Wildlife Services for failing to comply with the National Environmental Policy Act (NEPA), which requires the agency to account for harm it causes to native wildlife.

Because of this lawsuit, in October 2017, Wildlife Services agreed to comply with its obligations under NEPA and conduct an environmental analysis of wildlife management activities in California's North District. The lawsuit was dismissed in exchange for this settlement agreement, and the agency's compliance will be monitored as it conducts its updated review.





After the USDA asserted that the term “individual” only applies to humans — not to a captive tiger — and refused to expedite our request, we filed a lawsuit.

2017

ANIMAL LEGAL
DEFENSE FUND
LAWSUIT

FIGHTING FOR TONY THE TIGER’S STATUS AS AN INDIVIDUAL

For more than seven years, the Animal Legal Defense Fund fought tirelessly on multiple fronts to free Tony, a Siberian-Bengal tiger held in a small cage at the Tiger Truck Stop in Gross Tete, Louisiana. In 2012, we obtained a judgment prohibiting Louisiana from issuing any future permits for Tony’s captivity. The judgment should have required Louisiana to transfer Tony to a reputable sanctuary where he could have spent the last years of his life in a naturalistic environment with space to run and swim. Following our victory, however, the state legislature amended the Louisiana Big Cat Ban to exempt the Tiger Truck Stop.

The Animal Legal Defense Fund quickly challenged the law in court. Tragically, Tony passed away before the law was declared unconstitutional. But our work on Tony’s behalf did not end with his death. In addition to educating countless Americans about the plight of captive wildlife, Tony is part of an important lawsuit that asks the government to recognize animals as the individuals they are.

Prior to Tony’s passing in the fall of 2017, the Animal Legal Defense Fund filed a Freedom of Information Act request seeking records related to his health and well-being. We sought expedited processing, which FOIA requires when delaying the disclosure “could reasonably be expected to pose an imminent threat to the life or physical safety of an individual.”

After the USDA asserted that the term “individual” only applies to humans — not to a captive tiger — and refused to expedite our request, we filed a lawsuit. Oral arguments in the case are scheduled for summer 2019.





2018

The Animal Legal Defense Fund files a lawsuit on behalf of a horse named Justice. If successful, this lawsuit will be the first to establish animals have a right to sue their abusers in court
Animal Legal Defense Fund lawsuit



2018

California strengthens bans on some of farming's cruelest confinement practices
Animal Legal Defense Fund engages with coalition



2018

Florida voters ban greyhound racing by 2021
Animal Legal Defense Fund engages with coalition



2018

The Animal Legal Defense Fund rescues fourteen animals from Deer Haven Mini Zoo
Animal Legal Defense Fund files 60-day notice of intent to sue



2019

To date, the Animal Legal Defense Fund has conferred more than 130 Advancement in Animal Law Pro Bono Achievement Awards, recognizing the support animals and our cases receive from law firms



2019

The Supreme Court of the United States denies petition, foie gras ban goes back into effect in California
Animal Legal Defense Fund files amicus brief

2019 | ENGAGING THE LEGAL COMMUNITY ON ANIMALS' BEHALF

Since the Pro Bono Network's inception in 1999, the Animal Legal Defense Fund has secured more than 63,000 pro bono hours for various projects, totaling more than \$23 million in legal work for animals. The country's largest pro bono network for animal protection has grown to 2,400 talented individual law professionals and 450 law firms nationwide.

Nationwide, there are now over 200 Animal Legal Defense Fund Student Chapters and over 165 law schools offering one or more animal law class.

2019

ANIMAL LEGAL
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PARTNERSHIP

A DEEP DIVE INTO CRIMINAL ANIMAL CRUELTY LAW

The National Council of Juvenile and Family Court Judges (NCJFCJ), in partnership with the Animal Legal Defense Fund, hosted the first-ever formal judicial convening focused on animal cruelty cases.

For two days, Animal Legal Defense Fund attorneys and 10 judges from throughout the country — led by NCJFCJ staff — took a deep dive into issues surrounding animal abuse and neglect, especially those affecting domestic violence, juvenile delinquency, and dependency cases. Topics ranged from the importance of recognizing The Link (between human violence and animal cruelty), the crucial impact that cross-reporting and inter-agency communication can have on both human and animal victims, and tools already available to judges from the bench such as inclusion of animals in domestic violence protective orders and prohibiting animal ownership for a certain period of time.

This convening marked the beginning of the Animal Legal Defense Fund's new partnership with NCJFCJ — the first formalized partnership between an animal protection organization and a national judicial group.



Attendees of the January 2019 convention



DONOR SPOTLIGHT

Barbara Provus has always lived with, and loved, animals. “In fact,” she says, growing up “my ‘older sister’ Alice was a cat!”

Today, the now-retired executive recruiter and her husband Fred

Wackerle share their Chicago home with Sally, a 15-year-old, one-eyed cat the couple adopted two years ago, and Zeus, a “frisky 3-year-old Chihuahua mini-pincher mix, who was scheduled for euthanasia in Mississippi.”

Barbara’s love for animals has driven her to support the Animal Legal Defense Fund for three decades now, starting in October 1990. Barbara has also included the Animal Legal Defense Fund in her will, “so that I can continue to help the organization after I am gone,” she says.

Barbara says the Animal Legal Defense Fund’s “mission to protect animals through legal action” is what inspires her support — and she’s pleased by evidence “the pendulum is moving in the right direction, although never fast enough to suit me!”

“I can’t save or protect every animal individually, but when laws can be created or enforced, that will help protect all affected animals,” she says. “I believe legal action can have broad, dramatic, and permanent effects.”

Barbara Provus

Barbara became a donor in 1990. To learn about ways you can support the Animal Legal Defense Fund, **visit aldf.org/support**.