

13

FALL 2013



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Conviction For Kitten Abuser

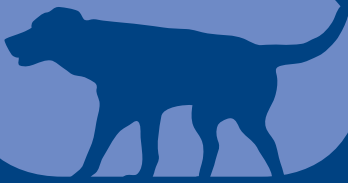
4

Suing to Stop Puppy Mill Abuse

8

Save the Date! 2013 Animal Law Conference

THE ANIMALS'



A NEWSLETTER FOR SUPPORTERS OF THE ANIMAL LEGAL DEFENSE FUND



Taking Ag Gag to Court

ALDF defends free speech rights in order to expose factory farms

IN JULY, THE ANIMAL LEGAL DEFENSE FUND, along with PETA, filed the nation's first lawsuit against ag gag legislation, taking Utah to court for infringing on the free speech rights of activists, investigators, and journalists by criminalizing undercover investigations at factory farms. It's a crucial lawsuit for farmed animals—who are abused by the *billions* on factory farms.

U.S. factory farms have brought us sick and downed animals dragged on the ground to become lunchmeat; animals kicked and punched by workers; additive-laced animal feed; antibiotic-resistant “superbugs;” “pink slime” and ammonia in burgers; and pregnant sows confined in such cruel conditions that they can't

ever turn around.

That's why investigative reporting on factory farms is an absolute necessity. Without undercover investigations that expose the conditions in which animals suffer, we cannot hold agribusiness corporations accountable.

Corporate agriculture wants to keep the public ignorant and misinformed by stanching the flow of embarrassing undercover exposés that reveal cruelty to animals, unsafe food production, and violations of workers' rights. They stand to profit on a *massive* level by keeping the rest of us in the dark. That is why the Animal Legal Defense Fund and PETA have filed a groundbreaking lawsuit in

continued on page 4



PAGE **2**

LETTER FROM THE EXECUTIVE DIRECTOR

Stephen Wells
Stranger than Fiction



FOR THE RECORD

“...the Department shall meet with local conservation and community organizations having expertise in local migratory birds, and with regulatory agencies as well, to determine the most appropriate means of achieving full compliance with applicable state and federal laws protecting migratory birds and other wildlife...”

— The California Department of Transportation’s agreement to better protect Cliff Swallows in their highway construction projects, as petitioned by ALDF, and requested by Assemblymember Marc Levine.

IT SOUNDS MORE LIKE A CONSPIRACY-THEMED

movie plot than real life. Giant corporations fearing the increasing exposure of illegal activities within their operations collude with legislators friendly to their interests to criminalize such exposure. All the great elements are there. Unfortunately this is not fiction. So called “ag gag” laws, pushed by factory farms and slaughterhouses in states all over the U.S., make gathering evidence video and photos in such agricultural operations a crime. Seven states have adopted these laws already, and other states are considering them.

No wonder the industry wants laws that punish investigators and whistleblowers. It has a lot to hide. Recent investigations have exposed rampant and routine animal abuse and public health and safety threats on factory farms. But, rather than change its ways, factory farming interests want instead to criminalize exposing the truth – exactly what ag gag laws seek to do.

In response, on July 22, the Animal Legal Defense Fund, and other animal protection and free speech advocates, filed an historic lawsuit in Utah that challenges the constitutionality of that state’s ag gag law. This lawsuit could set a landmark precedent as a battle for free speech, freedom of the press, and the public’s right to know who its food is produced. ALDF’s lawsuit could also mean a significant shift in the ability of the public to challenge the routine abuse occurring on factory farms.

As a member of the Animal Legal Defense Fund, you know how hard we fight every day in courtrooms across the country, to use the law to protect the lives and advance the interests of animals. Keeping checks and balances on industrial agriculture has been a major element in many of our landmark lawsuits.

Without the capacity to gather and bring the facts of life for animals on factory farms to light, our work and the work to challenge animal abuse on factory farms, as well as the work of reporters and animal advocates to expose such abuse, could become nearly impossible. We cannot let these ag gag laws that threaten our fundamental freedoms, as well as animals on factory farms, and unsuspecting consumers stand.

For the animals,

Stephen Wells
Executive Director



Animal Legal Defense Fund

Stephen Wells
Executive Director

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Kitty Cruelty = Conviction

ALDF RECENTLY HELPED SECURE A CRIMINAL conviction in a case of shocking animal cruelty to a kitten. In late 2012, Justin Samuel Coppola (age 20) was arrested after an off-duty police officer witnessed a terrifying incident in a Woodhaven, Michigan grocery store parking lot. The officer reported to investigators that Coppola tried several times to run the kitten over, then picked the little guy up and drove away. The concerned officer tailed the defendant and witnessed him throw the kitten out of the moving car and continue driving. Luckily, Coppola was later arrested by Riverview police.


The Animal Legal Defense Fund worked closely with prosecutor Amy Slameka, who secured a felony conviction. ALDF's Scott Heiser consulted with Amy Slameka at the inception of the case on a host of legal issues, including how to prove a "no body" abuse case—because despite law enforcement's best efforts, the kitten's body could not be found before charges were pressed, and the animal was presumed injured or dead.

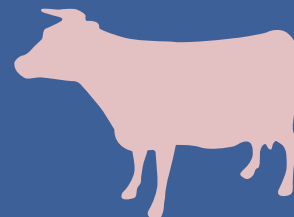
Amy Slameka was honored by the Animal Legal Defense Fund in 2011 during National Justice for Animals Week as one of the U.S.' top 10 animal defenders. Slameka had helped secure criminal convictions in a Wayne County,

Michigan case where two young men set a pit bull mix on fire with gasoline and lighter fluid.

Amy explains, "I have found that many of the defendants who are convicted of animal abuse have engaged in various forms of assaultive behavior towards woman, children and other animals. The difficulty in prosecuting these cases comes from the specialized knowledge required to appropriately charge and successfully convict."

All too often, adds Amy, "these cases are circumstantial and must be prosecuted without the actual animal. It forces us to rely on expert witnesses to recreate scenes, forensic veterinarians to assist with the explanation of the injuries, and other direct evidence to explain how the animal was injured."

In an unusually happy turn of events, an animal control officer later found the kitten hiding in bushes near an intersection. The kitty was healthy and has since been adopted. Coppola pleaded guilty to felony animal torture; in exchange, his misdemeanor charges of animal cruelty and reckless driving were dropped. "Amy and her team do such a good job with these cases," said Scott Heiser, director of ALDF's Criminal Justice Program. "It is such treat working with her and assisting on a case with a truly happy ending for the victim." 





Puppy Mill Stores Under Fire

PAGE 4

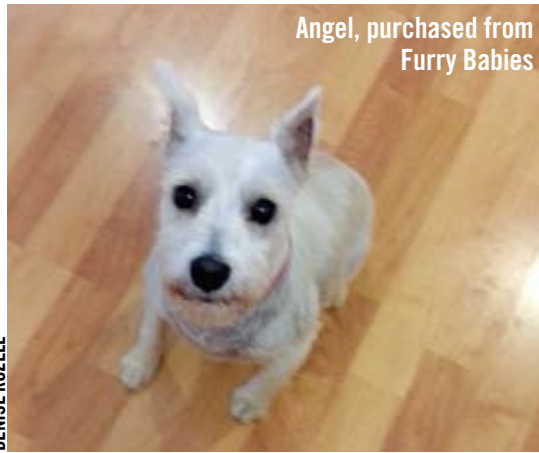
CAN YOU IMAGINE THE HEARTACHE of falling in love with a new puppy, only to find she comes with a fatal disease or behavior problems, all due to bad breeding? It's one thing to be tricked into buying a "lemon" at the car dealership, but when it's a living, breathing animal, the impact can be devastating. And that's just what happened to a group of consumers in Illinois—and why ALDF decided to take action.

In May, 2013, the Animal Legal Defense

Fund filed a lawsuit along with the Humane Society of the United States against a Chicago-based chain of pet stores for selling sick puppies from puppy mills. The chain, known as "Furry Babies," hides the real origins of the puppies, claiming they are "hand-picked" and "nursery-raised" from reputable breeders.

The problem is that Furry Babies actually gets their puppies from "puppy mills" – which are the puppy equivalent to factory farms. "Puppy mills are linked to fatal diseases, bad genes, and abhorrent animal welfare," said Chris Berry, attorney for ALDF. "However, some pet stores cannot resist the extra profit and will resort to misleading advertising instead of obtaining dogs from reputable sources."

Illinois State Trooper Nick Griggs and his wife Lisa were duped. Lisa bought a German Shepherd puppy named Duke for her husband on Father's Day—for nearly two thousand dollars. They were willing to spend this extra money because they trusted Furry Babies. Staff at the pet store assured them their dogs came only from top, reputable breeders. However, Duke soon became



Angel, purchased from Furry Babies

DENISE KOZELL

Ag Gag

continued from page 1

Utah that challenges the constitutionality of ag gag laws for the very first time. Erwin Chemerinsky, a professor and dean of the law school at the University of California, Irvine, and a leading scholar of U.S. constitutional law, has weighed in in support of the lawsuit, explaining, "The Utah law is very much directed at restricting speech, and especially particular messages. This is exactly what the First Amendment prohibits."

Utah's law makes it illegal to obtain access to an agricultural operation under false pretenses, such as providing inaccurate information on a job application, which is one of the ways that investigative reporters document violations and abuses. Utah's law also makes it illegal to apply for a job at a factory farm with the intent to conduct an unauthorized undercover investigation and to document abuses.

Journalists Will Potter and Jesse Fruhwirth, along with professor James McWilliams, are plaintiffs in our lawsuit, all of whom use the results of agricultural investigations in their

professional work. ALDF and PETA are also joined in the lawsuit by Daniel Hauff, an undercover investigations consultant specializing in factory farms, the political journal CounterPunch, and Utah activist Amy Meyer.

Who is Amy Meyer? This past February, Amy made headlines by standing beside a road and recording operations at Dale Smith Meatpacking Company in Draper, Utah. Horrified to witness a downed cow being pushed by a bulldozer like mere garbage, Amy turned on her camera, like many of us would. In an outrageous turn of events, however, Amy was prosecuted for doing so under Utah's ag gag law—the first person in the nation to be prosecuted under an ag gag law. The charges were dropped, however, after a large public outcry.

Ag gag laws aim to scare people. Amy explains, "What happened to me shows that any ag gag law will be used to instill fear in law-abiding people who are simply trying to document cruelty to animals. This has a chilling effect on the gathering and disseminating of information in the public interest."

In this way, ag gag laws have the effect of halting serious investigative reporting on

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ADVOCATE



Tommy,
purchased from
Furry Babies

overbreeding and unsanitary pens means the puppies often carry physical ailments and serious behavioral problems. As Chris explains, “this results in a pile of veterinary bills for many well-intentioned consumers, if not a dead puppy and heartbreak. Pet stores resorting to such unscrupulous practices must be held accountable under the law.”

ALDF’s lawsuit was filed on behalf of individual consumers who have been duped by the misleading actions of Furry Babies pet stores. These types of problems are leading locales across the nation to pass “Puppy Lemon Laws” that either ban the sale of dogs from puppy mills in pet stores, or hold companies accountable for not disclosing the origins of irresponsible and inhumane breeding at puppy mills. 



Chi Chi, purchased from
Furry Babies

TRACY ROSS

extremely ill and it was discovered that he had parvo, a highly contagious disease that contaminated the Griggs household. Looking into the matter further, they discovered that their paperwork was fraudulent and Duke really came from an unlicensed farmer. Many others have been similarly fooled and brought their dogs home only to find they had behavioral problems, *E. coli* infections, or other serious ailments, and that they came not from “reputable breeders” but callous and inhumane puppy mills.

At these breeding facilities, female dogs are treated like machines: bred over and over, often in filthy, unimaginable conditions, to produce high-priced puppies. As if the suffering of the dogs in these mills weren’t enough,

industrial agriculture by trampling upon free speech rights that are protected under the First Amendment. Prosecutors often rely on undercover investigations in animal cruelty cases; in fact, investigators’ video and testimony is often the only evidence available at all.


Journalistic exposés of the meat industry, like Upton Sinclair’s *The Jungle*, led to landmark food safety laws such as the Federal Meat Inspection Act and the Pure Food and Drug Act. These laws help protect the public from “mad cow” disease, *E. coli*, and *salmonella*. Journalist Will Potter says “There’s a long history of investigative journalism in this country based on exactly the type of research and whistleblowing that these laws criminalize. Ag gag laws make it impossible to report stories that are vitally important to the public.”

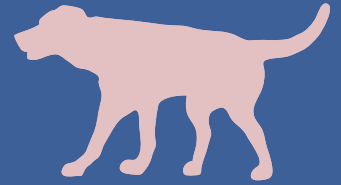
These investigations have revealed severe animal cruelty, like animals beaten, kicked, maimed, and thrown. “One industry seeking protection from public scrutiny, lobbying to keep all of their practices secret and in the dark, is disturbing to say the least,” says Justin Marceau, ALDF attorney.

The American public also relies on journalistic integrity to expose inhumane and

unsafe food production practices in industrial facilities. As Will Potter says, “Americans are concerned about food and environmental issues like never before, and journalists have a responsibility to provide the true story of how their food is produced — not industry sound bites.”

Industrial agriculture feeds a majority of our country – and the idea that consumer safety should be left at the discretion of corporate interests is unconscionable. We must be able to hold them accountable. As citizens we have the right to bring animal cruelty to light and ALDF will not allow politicians to violate these rights to protect their constituents’ interests in covering up dangerous and cruel practices.

“The Animal Legal Defense Fund won’t sit idly by as special interests launch a full-scale attack on the constitutional rights of animal activists and the public’s right to know what happens at animal factories,” says Matthew Liebman, senior ALDF attorney. This case demonstrates why, as a member of the Animal Legal Defense Fund, your help is so necessary. Stay tuned to ALDF.org for more information on our landmark case. 



Want to join the ranks
of ALDF’s pro bono
attorney all-stars?
Attorney applications
for Animal Law Program
membership are at
aldf.org/
animallawmembership

Abuser Registries Take Hold

PAGE 6

LAST MARCH, A GRUESOME VIDEO showed three men in Brooklyn setting a bag containing a dog and her four puppies on fire. Last summer, a woman in Richmond Hill, Queens was arrested when her 1-year-old dog was found tethered to a tree with no food or water. The puppy, named Zellie, weighed 32 pounds and was near death when she was found. Even if abusers like these were to serve time, nothing stops them from walking out of prison and harming more innocent animals.

As you know, ALDF has been at the forefront of a national campaign to introduce animal abuser registry laws. These laws would allow communities to track the whereabouts of convicted animal abusers, as sex offender registries currently do, through publically accessible registries. Animal abuser registries also aim to prevent convicted offenders from acquiring new animals.


“We owe it to ourselves, our animals, and our communities to make it as hard as possible for convicted abusers to seek out new victims,” says Chris Green, ALDF director of legislative affairs. “Volumes of scientific evidence have verified a direct relationship between the criminal abuse of animals and subsequent violence against women, children, and the elderly.”

ALDF worked closely with Suffolk County, New York to help it become the first-ever locality to pass an abuser registry law two years ago. Many states are considering registry bills this year; four counties in New York have

already passed such laws (Suffolk, Westchester, Rockland, and Albany). ALDF offered start-up grants to establish state-level registries in Michigan, Texas, and Arizona this year—and offered to donate \$10,000 to offset the costs of establishing a registry in New York City. This registry, pushed by Astoria Council Member Peter Vallone Jr., would list locals convicted of animal cruelty and prevent them from owning animals for five years. If this bill passes, New York City will become the largest jurisdiction in the nation to protect its citizens with an animal abuser registry.

Council Member Vallone has been a Chair of the City Council Public Safety Committee for over a decade and places a high priority on the safety of all his district members—their families and their companion animals. His proposed registry would provide electronic information to all law enforcement, pet stores, and animal protection groups. Furthermore, it would require animal shelters to consult the registry before allowing citizens to adopt animals. Anyone in violation of these terms – who fails to report or who owns an animal during the period of their prohibition – would face up to a year in prison.

Registries like Vallone’s aim to speak up for animals who cannot speak up for themselves, and that’s why the Animal Legal Defense Fund is working closely with Vallone’s office to get this bill passed. The impetus for Vallone’s registry came after Astoria bodybuilder Milan Rysa threw his own dog out an apartment window (he was convicted and served time for this act of cruelty). Vallone was determined to ensure that something like this could never happen again. “Right now, there’s nothing stopping an animal abuser from walking out of prison, going to his neighborhood pet shop, and buying a new animal to hurt,” said Council Member Vallone. “Our shelters are doing an excellent job of trying to keep animals safe, but they have no way of knowing if they are handing a puppy off to a violent criminal – my registry fixes that problem.”

For animal lovers, abuser registries are a “gift” says Vallone. Protecting animals, and communities, is something we can all get behind. Breeders, rescue groups, and shelters will be grateful to have a list of people who have abused animals. And Vallone believes New York can be a model for other localities as well. He says “as always, when we do it here, cities around the world will follow.” 

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“Right now, absolutely no mechanism exists. A person can be jailed for animal abuse and then walk right out of jail and buy another animal.”

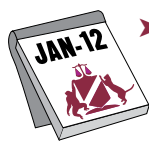
— Chris Green, ALDF legislative affairs director



Council Member Peter Vallone Jr., with his daughter and their dog.



2012 Highlights



➤ Whole Foods Market severed ties with Cal-Cruz Hatcheries as a result of ALDF's landmark lawsuit, which tackled animal cruelty using the California Business and Professions Code to stop the horrific abuse of baby chicks.



➤ In the largest farmed animal rescue in California history, ALDF – representing three major animal sanctuaries – filed a civil suit against A & L Poultry after they abandoned 50,000 hens to starve to death.



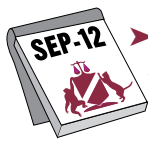
➤ ALDF and the Palm Springs Animal Shelter reached a settlement resulting in shelter improvements following a lawsuit alleging extremely high euthanasia rates of adoptable animals, lack of veterinary care, and the misuse of the term “no-kill” at the shelter.



➤ In ALDF's joint lawsuit with PETA, a judge granted Ben the Bear permanent sanctuary at the PAWS animal sanctuary and removal from Jambbas Ranch, a hellish North Carolina roadside zoo.

➤ ALDF and PETA sued the USDA to stop renewing the license of the Miami Seaquarium, where an orca named Lolita is kept in the smallest orca tank in North America.

➤ The Indiana Dept. of Natural Resources agreed with ALDF that the annual exploitation of turtles at “Snapperfest” was subject to cruelty laws and announced the cancellation of the cruel event.

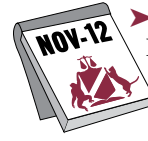


➤ ALDF sued the New York Dept. of Agriculture and Markets for allowing the sale of foie gras—a diseased product—for consumption by the public.

➤ With ALDF's support, New York City Council Member Peter Vallone, Jr. proposed a bill that would implement a mandatory registry for convicted animal abusers.



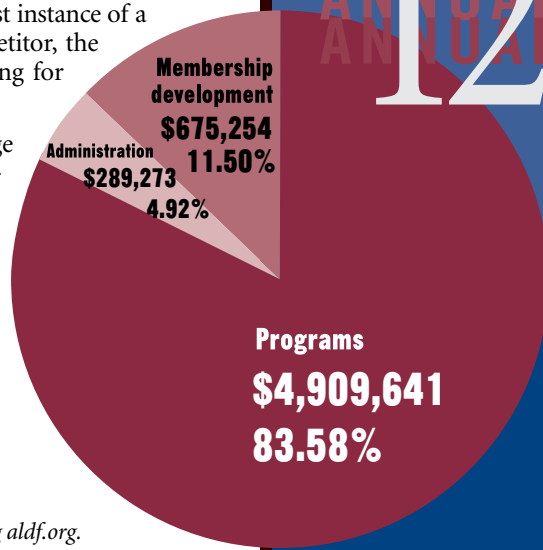
➤ ALDF filed a class-action false-advertising lawsuit against a Northern California factory egg-producer who implied its eggs came from free-roaming hens rather than the reality of large-scale industrial sheds.



➤ ALDF's lawsuit against Hudson Valley Foie Gras is the first instance of a “humane” competitor, the Regal Vegan, suing for false advertising.



➤ A Colorado judge sentenced an animal abuser to nine and a half years in prison for poisoning two dogs laced meatballs. ALDF assisted the prosecution.



FINANCIAL REPORT – 2012

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

CURRENT ASSETS

Cash and cash equivalents	\$1,675,314
Investments	3,264,436
Accounts, grants, and pledges receivable, net	368,749
Prepaid expenses and other current assets	9,830
Total Current Assets	\$5,318,329

NONCURRENT ASSETS

Property and Equipment, net	\$841,020
Grants and pledges receivable, long-term portion	676,429
Total Noncurrent Assets	\$1,517,449
	\$6,835,778

LIABILITIES AND NET ASSETS

Current liabilities:

Accounts payable and accrued liabilities	\$149,186
Accrued payroll liabilities	107,203
Mortgage payable—current portion	12,253
Total Current Liabilities	\$268,642

Long-Term Liabilities:

Mortgage payable—noncurrent portion	590,987
Total Liabilities	\$859,629

Net assets:

Unrestricted	4,880,435
Temporarily restricted	1,095,714
Total Net Assets	\$5,976,149
	\$6,835,778

REVENUE AND SUPPORT

Donations (individuals/foundations/corporations)	\$2,866,051
Donations from estates	1,464,991
In-kind contributions	1,344,987
Interest and dividends	106,442
Net assets released from restriction	906,800
Other	71,044
Total Revenue and Support	\$6,760,315

EXPENSES

Programs:	
Legal	\$4,014,047
Public Education	895,594
Administration	289,273
Membership development	675,254
Total Expenses	\$5,874,168

Increase in net assets from operating activities	886,147
(Decrease) in temporarily restricted net assets	(800,838)
Unrealized gains on investments, net	118,857
Increase in net assets	204,166
Net assets at beginning of year	5,771,983
Net assets at end of year	\$5,976,149

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INSIDE

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6 NYC Considers Abuser Registry

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7 ALDF's 2012 Annual Report

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