



NAIA Animal Policy Review

A publication of the National Animal Interest Alliance dedicated to analysis of legislation, regulations, and policies that affect animals and animal owners

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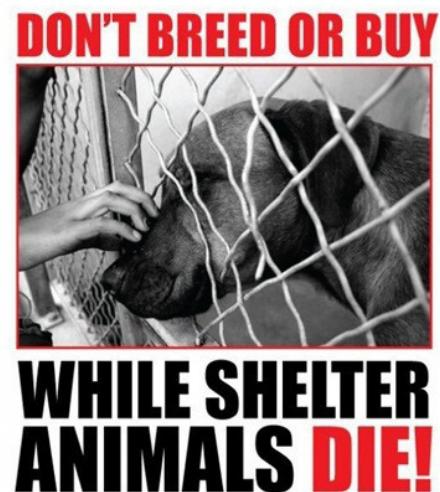
Disparage – regulate – prohibit – monopolize: Animal mobsters collaborate to eradicate purebreds and take over the pet marketplace

By Patti Strand

Thirty years ago, animal welfare groups joined forces to wipe out ‘pet overpopulation’ and the resulting shelter deaths caused by indiscriminate breeding. At the time, puppies flooded shelters and animal control agencies, adoption programs were almost nonexistent, and massive sterilization campaigns were a thing of the future.

Today, all that has changed. The vast majority of pet owners and virtually all shelters and rescues neuter their dogs and dog population is under control in most areas of the

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Emotional appeals used by retail shelters and rescues serve a dual purpose: they make the cash registers ring and disparage legitimate, caring breeders of purebred dogs and the organizations that support them.

Message to activists: stop trespassing, lying, and distorting animal care practices with staged videos

Dishonest undercover videos engineered by agenda-driven activists and edited for maximum public impact have become *de rigueur* in campaigns against people who own and use animals. From the faked video depicting horrific phony

images of seal hunting in 1964 through the 1981 campaign that trashed the research and career of Dr. Edward Taub to the 2010 activist-directed case of staged cruelty on an Ohio dairy farm, these groups use altered, spliced, murky recordings tailored to mislead the public, the media, and lawmakers about the character and practices of American farmers, hunters, researchers, and breeders.(1)

Here's how it works: Like wolves in sheep's clothing, activ-



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Did IRS division chief block HSUS tax status probe?
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NAIA Animal Policy Review

Norma Bennett Woolf, editor

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US. However, despite regional differences showing massive improvement in actual shelter numbers, the entire country remains convinced that a huge pet overpopulation problem exists, and that helpful hands, sympathetic supporters and Herculean efforts are joining forces to “eliminate the problem and to save lives.”

But appearances are deceiving. In many parts of the country, imposters who care less about dogs than about their own political agenda have hijacked the volunteer-based, grassroots rescue movement. In their hands, the movement has become a full-time propaganda machine aimed at eliminating competition and controlling the pet marketplace. It disparages purebred dogs and all breeders, promotes laws that restrict consumer pet choice, micro-manage pet ownership, injure historic dog breeds, and endorses shelters as the prime source for a pet.

Digging for the truth

Save dogs. What could possibly be wrong with such a noble pursuit? People and organizations have been striving to solve that problem since the 1800's.

But the world has become a more complex place since then. In our brave new world of hi tech 24/7 communication and mass marketing, things aren't always what they appear to be.

To see what's actually happening when a story doesn't ring true, astute news reporters look past the words and focus on actions and outcomes. What are the players actually doing and why, and what is the result of their activities? When this technique is applied to the subject of pet overpopulation (and a host of other animal welfare problems for that matter), it becomes clear that not everyone who is talking about ending dog overpopulation is on the same team. And notably, not everyone is working to solve the problem.

The players in this Orwellian drama include the good, the bad and the truly ugly. The field runs the gamut from actual stakeholders, such as people, businesses and organizations whose work revolves around animals to individuals and groups that seldom work with animals but connect with animal

issues in the public's eye through emotional media and fundraising campaigns. Many stakeholder groups view these latter players as opportunists or parasites because of their propensity to turn troubles and tragedies into fundraising opportunities instead of rolling up their sleeves and helping to solve problems.

The entities in the middle of this continuum are hybrids, neither stakeholder groups nor pure fundraising fronts, but a combination of the two. They are businesses that gain a marketplace advantage by pretending to be one thing while operating as another. They are not what they seem to be.

For responsible stakeholder groups like the American Kennel Club (AKC) - a perfect example for this article - this is a huge problem. While AKC uses its resources to improve the lives of dogs, provide dog lovers with venues where they can enjoy their dogs, promote responsible dog ownership and solve canine health and welfare problems, an expanding predatory fundraising enterprise uses its resources to identify dog welfare problems it can exploit for profit.

Operating as animal protection groups armed with emotional fundraising appeals and staffed with lawyers and slick cause marketers, these opportunists work constantly, converting animal welfare problems into cash.

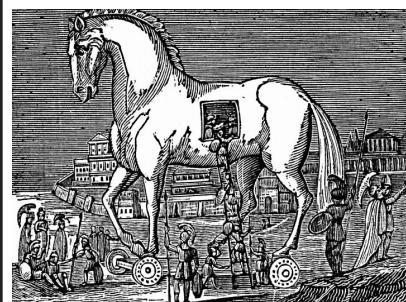
In order to squeeze every dollar possible out of their campaigns, the animal fundraising groups have discovered that giving the public someone or something to blame for the problems of the day is the ingredient that makes the cash register ring.

Conflict fundraising

The technique used by these fundraising groups to generate public scorn against a chosen target actually has a name. It's called conflict fundraising and it requires only three things:

1. an apparent victim of animal abuse that can be used to

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Like soldiers inside the Trojan horse, promoters of retail shelters and rescue operations infiltrate and saturate the marketplace, replacing carefully-bred purebred puppies with unwarranted dogs of unknown origin, heritage and temperament.



A masked protester hides his identity as he harasses and defames a San Diego pet store owner.

Stop trespassing, lying, and distorting animal care practices with staged videos

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ists gain access to target operations by lying on job applications, and once hired, ignore company mandates to report suspected cruelty or deviations from humane handling standards. Over a period of weeks or months, they record hours of animal handling activities they can sensationalize to convince the public that a broad spectrum of livestock farmers and animal handlers commonly commit or condone cruelty as a mode of operation.

The activists want digital images they can manipulate to support a clearly political strategy that fosters condemnation of livestock farming and other animal enterprises. When they don't find actions they can use to denounce animal handling practices, they may cause or encourage abusive behaviors that their organizations can cut to a few seconds or minutes of derogatory video, add incriminating voice-overs, and deliver the end products to local and national media outlets.

In many cases, the edited versions hit the airwaves and the Internet weeks or months after the recordings, often at times when groups such as the Humane Society of the US or People for the Ethical Treatment of Animals are pursuing new laws to control or prohibit some animal uses by denouncing scientifically sound, appropriate, and humane procedures. They complete the package with a plea for funds to save the animals and exhortations to deluge lawmakers with demands for action.

Supporters of these undercover videos claim the spies with cameras are nothing more than whistleblowers exercising their rights of free speech. But farmers and others who raise animals are fighting back with support for laws that expose the corrupt recording methods and their radical backers. If stopping or preventing animal abuse is the goal, they reason, videos that actually document cruelty should be turned over to authorities immediately for official investigation, not hoarded for weeks or months and rolled out in edited snippets when politically expedient.

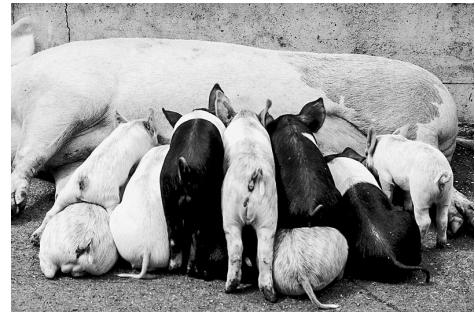
Chain of evidence

The chain of evidence that law enforcement must follow does not bind the activists, so they are free to edit the videos to put the worst possible light on the subject. The organizations that manipulate and disseminate the videos to the media and the Internet oppose the use of animals for food and in research and entertainment and count on deceptive depictions of apparent cruelty to further their objectives. By the time law enforcement agencies receive them, the public has already seen the pictures, prejudged the farm or business, and perhaps even sent money to the organization that "exposed" the unproven abuse.

The activists' end-run around official channels also

denies farmers the right to due process guaranteed by the US Constitution. Instead of requiring authorities to prove that abuse has taken place, the public airing of the videos with commentary from activist groups is tantamount to conviction.

In the past, those falsely accused of abusive behavior have had little recourse: They could pursue expensive litigation against their accusers, deny that the recordings illustrated cruel treatment, promise to tighten oversight, and fire and perhaps prosecute the handlers revealed on the brief broadcast versions of the video. However, the tide



may be turning with passage of laws that require immediate reporting of video evidence or criminalize lying on employment applications.

Far from banning the undercover activity, these bills simply require that the subversives give the raw recordings to local authorities within 24-48 hours and provide consequences for those who trespass or lie to get jobs that give them access to animals. The mandate to report does not prohibit continued recording or prevent public dissemination of edited versions, but it does give local authorities the opportunity to review the evidence, conduct an official investigation that safeguards the rights of the animal owners, and if necessary, allows removal of animals or other speedy steps to stop any actual abuse.

Crying foul

Groups such as the Humane Society of the US and Farm Sanctuary attack these bills as violations of the Constitutional guarantee of free speech and claim they will inhibit the ability of whistleblowers to expose animal cruelty.

A report from the Tennessee attorney general's office gives some support for their claims. "Constitutionality of Requirement to Produce Evidence in Animal Cruelty Case" released May 9, 2013(2), outlines the potential that the bill passed by that state's legislature could violate the Constitution by interfering with news gathering and requiring the spy to incriminate himself by giving the video to the law enforcement authorities. The report was enough to convince

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- evoke sympathy from the public;
2. someone or some recognizable target that can be vilified as being responsible for the abuse; and
 3. a vehicle (media outlet) the fundraising group can use to promote itself as the one capable of saving the victims ... *if the money arrives in time.*

The bad news for those who appreciate and keep purebred dogs is that AKC with its high profile and recognizable brand has proven to be a very lucrative target for these predatory tactics. Simply put, attacking AKC and its constituency generates more media attention and fundraising dollars than attacking any lesser known or truly negligent organization, so they are targeted continuously.

The bonus for the predatory fundraisers using AKC in this way is that the sheer number of AKC registrations nationwide assures that no matter how diligently it performs its mission, there will always be shocking or appalling situations to blame on the organization. If only one tenth of one percent of individual dog owners and breeders associated with AKC develop problems annually, it is more than enough to keep the sensational media coverage going year round. Jackpot! Thinking people understand that within any group there will always be a small number of bad actors or unfortunate life experiences that lead to or cause poor decisions, but with the aid of unethical fundraising tactics and friends in the media, the exploiters have been able to make this small percentage of bad actors and scenes appear to be representative of AKC and its constituency.

Activists and shelters reap the profits

In the end, and because AKC puts its money (literally millions) into pro-canine programs instead of public relations, these activist campaigns have had an unimpeded path to falsely define AKC to the American public. As a result, public opinion of AKC, purebred dogs and their breeders has shifted over the last two decades. Proof of that shift is

"The activists have achieved this revolution in consumer perceptions and legal preferences using pitches that simultaneously disparage existing sources of dogs – purebreds and breeders – while positioning rescues and shelters as the only humane alternative. It's a brilliant marketing strategy, but it is lethal to the future of dogs and widespread dog ownership."



the avalanche of poorly drafted anti-breeder legislation that is now introduced every year.

The activists have achieved this revolution in consumer perceptions and legal preferences using pitches that simultaneously disparage existing sources of dogs – in particular purebreds and breeders – while positioning rescues and shelters as the only humane alternative. It's a brilliant marketing strategy, but it is lethal to the future of dogs and widespread dog ownership.

Working alongside the rescue and shelter groups that benefit from this shift, activists have convinced lawmakers that breeding is inherently, or at least usually, abusive, and that deliberately bred puppies displace strays and are therefore responsible for pet overpopulation and euthanasia. It's in the public interest, they argue, for policy makers to tighten controls on private in-home breeders, close down regulated pet shops and replace them with dogs from rescues and shelters, which typically are unregulated. Several jurisdictions have already voted to limit the sources of dogs available to their citizens. (1)(2)

In one of the most creative scams ever perpetrated on the American public, many of these largely unregulated, retail-style rescues and shelters have managed to gain a competitive market advantage over well-bred and socialized dogs and regulated breeders as well as many traditional shelters and animal control agencies by trading in dogs whose health, temperament and origin are often unknown and whose prior treatment and ultimate sale are neither regulated nor warranted. Unlike their now-dislodged predecessors, today's dominant pet providers, retail rescues and shelters:

- are exempt from most animal welfare laws;

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Tax exempt retail shelters and rescues imply that "adoption" of a stray or seized dog is morally superior to purchase of a puppy.

Stop trespassing, lying, and distorting animal care practices with staged videos

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the governor to veto the bill with a suggestion that lawmakers take a new look at the issue.(3)

Kansas, North Dakota, and Montana passed such laws two decades ago. Iowa, Utah, Nebraska, Minnesota, Missouri, Illinois, Indiana, Florida, New Hampshire, North Carolina, and New York all introduced agricultural protection bills to manage undercover access to animal operations in recent legislative sessions. The Utah bill became law in 2012. Governor Branstad signed the Iowa bill, which criminalizes access to facilities by fraudulent means, earlier this year. Both legislative chambers in Missouri passed a bill in

mid-May. The North Carolina bill is under discussion. The others have failed.

Notes

1. NAIA's compilation of stories about the use of deception in the name of animal rights, <http://www.naiaonline.org/articles/article/deception-in-the-name-of-animal-rights>

2. Tennessee Attorney General opinion issued May 9, <http://www.tn.gov/attorneygeneral/op/2013/op13-39.pdf>

3. Governor Haslam's veto message, May 13, 2013, <https://news.tn.gov/node/10688>

Do you miss me yet?



If the anti-breeders have their way,
many of the breeds we love will cease to exist.

For more than a decade, NAIA and NAIA Trust have played the leadership role in developing & disseminating information about dog population trends and humane relocation. Now we're asking for your active involvement. Please sign up at <http://capwiz.com/naiatrust/mlm/signup/> to receive our campaign messages & alerts

Be sure to visit our website at www.naiaonline.org and join us on Facebook at <https://www.facebook.com/NationalAnimalInterestAlliance> and follow us on Twitter at <https://twitter.com/TheNAIA>

'Humane education': Why it is *not* the right thing to do

A presentation by Dennis Foster, Executive Director, Masters of Foxhounds Association, to the United Horsemen Association

Animal Rights (AR) groups led by the Humane Society of the United States (HSUS), PeTA and the Institute of Humane Education (IHE) are campaigning across the US to implement what they refer to as "humane education," a program of extreme ideological material they aspire to teach in our school systems. They have been successful in a few cities, but up to now have not been successful at the state or federal levels, despite repeated efforts to introduce legislation.

One such effort briefly succeeded in a California school system and some of this "education" did take place. The approach was to show a movie involving animals, such as *Finding Nemo*, immediately followed by a discussion focused on how cruel it is to eat fish. Parents were angered when their children came home declaring they could no longer eat meat or fish.

While it is important that future generations are taught the importance of respecting and caring for animals, both wild and domesticated, we should not allow extremist animal rights groups to dictate information children will be exposed to. Emotional, subliminal vegan messages replacing animal care based on accepted, proven animal husbandry practices is not education, but indoctrination. As our world has become more urbanized and families further removed from the farm and the land, people are more disconnected – and less knowledgeable – about what is considered the proper care of animals by humans.

As animal owners, farmers and horse and dog breeders, we are the targets of animal rights legislation that would criminalize our traditional relationship with animals. We must become pro-active. This must be a concerted effort to expose the hypocrisy, lies and misinformation the animal rights activists preach. We are joining with a number of other animal rights targets to mount a nationwide campaign to educate our legislators and the public on the dangers of what appears on the surface as harmless legislation. It must be stopped before it becomes embedded in our schools. This is a call to action to stay vigilant and not allow vegan biased "humane education" into our schools.

We believe in **animal welfare**, not animal rights. There's a big difference: Animal welfare concerns the prevention of suffering and cruelty to animals whereas animal rights philosophy advocates an end to all "human use of animals, considering such use "exploitation" of animals. Animal rights activists have gone so far as trying to equate what they call speciesism ("a prejudice or bias in favor of the interests of members of one's own species and against those



"We believe decisions about the use of animals should be made with respect for the dignity of human and animal life, and where appropriate, by applying science, rather than emotion to decision-making about our society's treatment of animals. So-called "humane education" represents an effort to indoctrinate youth in the ideology of animal extremism and should be rejected."

of members of other species. ") with racism.

We are dedicated to the care and well-being of animals and believe in their humane and respectful treatment; however we are opposed to the concept of animal rights. We believe human societies require and accept the use of animals as sources of food and fiber, as well as for scientific research, sport, entertainment and clothing. We live with and love animals while we also eat and wear animal products. We believe animals are good for humans both physically and mentally, and that we need not be ashamed of, nor have to justify human use of animals.

The education-related web pages of the American Society for the Prevention of Cruelty to Animals (ASPCA) (<http://www.aspca.org/service-learning.php>), the Humane Society of the United States (HSUS) (<http://www.humanesocietyyouth.org/>) and the Institute for Humane Education (IHE) (<http://humaneeducation.org/home/how-ihe-helps-educators/>) reveal opposition to many lawful human activities involving animals: animal agriculture; biomedical research; the use of animals for entertainment or sport including circuses, dog and horse shows and racing, mushing, rodeos, fishing, and hunting; wearing leather and generally any activity that uses animals to benefit humans. All these websites project the message that eating meat, dairy products and fish is cruel and a vegan lifestyle is the answer to ending the suffering of billions of farm animals.

Whatever one's personal beliefs regarding the roles of animals in human society, they are views best developed through assimilation of family and community values

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'Humane Education': Why it is *not* the right thing to do

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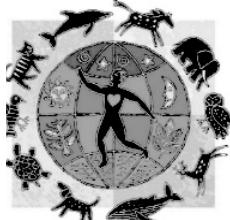
and adult life experience. Politically charged philosophies regarding the use of animals should not be involuntarily forced upon children and families through indoctrination by organizations with extreme agendas that are incompatible with mainstream American values. These organizations should not have unfettered access to impressionable children.

Further, we should not permit our youth to be indoctrinated with a negative view of ethnic or regional cultures. For example, the indigenous peoples of Alaska and other Native Americans hunt and trap animals for food. We should not foster intolerance of their cultures on the part of impressionable youth. Instead our children should be taught to understand and respect fully the diversity of the American experience, its history and its mix of highly varied cultures across the full spectrum of our society. "Humane Education" as its protagonists would teach it would do just the opposite.

Though it may seem unlikely that we as animal lovers and

welfare advocates would oppose proposals to teach "humane education" to children, when the intentions of animal rights organizations are revealed, it's clear why we are taking this stand. We believe decisions about the use of animals should be made with respect for the dignity of human and animal life, and where appropriate, by applying science, rather than emotion to decision-making about our society's treatment of animals. So-called "humane education" represents an effort to indoctrinate youth in the ideology of animal extremism and should be rejected.

We need your help. As extremist animal rights activist organizations ramp up their campaign for "humane education," please notify us if you see this legislation surface in your community or state. And please help us educate legislators and school boards about the underlying messages and intent. Let them know that you support the humane treatment of animals, but not the animal rights extremism embodied in "humane education."



NAIA 2013 Conference

"The Conversation Begins with You"

November 2-3, Orlando, Florida

If your life revolves around animals, the NAIA 2013 conference will show you what we, the hands-on professional and hobbyist experts, are doing to insure our freedom to responsibly own and care for our animals! You are an integral part of the solution, so join us as we help bring animal welfare interests of all kinds together to confront the concerns that affect all of us.

Let's begin to take back the conversation at this provocative, informative, and useful gathering where nationally acclaimed attorneys will present overviews, updates on litigation, and strategic advice for future legal challenges; top media relations and social media experts will provide tools you can use; legislators and lobbyists will weigh in with their views, and panels of experts will consider key issues, answer questions, and interact with conference participants.

Register for the conference at <http://naiaonline.org/dohnations/#AnnualConference>

Get your hotel room in the NAIA block at the Orlando Doubletree by Hilton for \$79 per night at <http://tinyurl.com/nf78x5e>

(Yes, \$79 per night!!)



Did IRS division chief block HSUS tax status probe?

Lois Lerner, the IRS division head under review for targeting conservative groups applying for tax-exempt status, may also face scrutiny for foot-dragging on an investigation of the Humane Society of the US.

In May 2010, Missouri Representative Blaine Luetkemeyer told Lerner⁽¹⁾ that his constituents had compiled documents indicating that HSUS “... invests a substantial amount of time and money in political campaigns and attempts to influence specific legislation, a clear and direct violation of section 501(c)(3) of the Internal Revenue Code.

In October 2010, Lerner’s biography noted that she is “... an active member of the Humane Society of the United States where her efforts in performing pet rescues necessitated by the 2005 Gulf Coast hurricanes were widely acknowledged.”⁽²⁾

In April 2011, Luetkemeyer and five other lawmakers asked the US Inspector General to look into complaints alleging that HSUS was abusing its 501(c)(3) tax exempt status. The letter⁽³⁾ referenced contact with then-IRS Commissioner Douglas Shulman and Lerner and said in part: “We believe that HSUS’s own public documents show beyond question that lobbying is a ‘substantial part’ of its activities and feel that IRS’ failure to act is attributable to the politically sensitive nature of HSUS’s activity. Due to this we write to request investigations by the Inspector General into HSUS’s apparent improper activities and its tax-exempt status.”

In May 2013, as more information began to surface about possible political targeting of conservative groups by Lerner’s division, Luetkemeyer wrote⁽⁴⁾: “Fed up with the state of affairs, I have sent a letter to U.S. Treasury Secretary Jacob Lew and U.S. Attorney General Eric Holder calling for an investigation into the handling of my request first made to then-IRS Commissioner Douglas Shulman in March, 2010. I also have sent a similar letter to Inspector General for Tax Administration J. Russell George requesting that he also perform an investigation into the matter.”

HSUS raises more than \$100 million each year, much of it through solicitation ads featuring sad dogs and cats even though less than one percent of the money goes to direct shelter support. They also raise millions after natural disasters and in campaigns that vilify farmers, hunters, and pet breeders. They spend large chunks of these funds in support of initiative petitions and laws that restrict animal handling and housing practices and file lawsuits against the federal government for allegedly failing to enforce the Endangered Species Act and other laws.

In 2006, the Louisiana Attorney General began an investigation of the organization after complaints that less than one-third of the \$34 million it raised to help pets made homeless by Hurricane Katrina actually made it to the storm-ravaged area. The investigation ended 18 months later after the organization pledged to rebuild a shelter near

New Orleans.⁽⁵⁾

In 2008, HSUS was a prime mover in passing Proposition 2, a California initiative petition to change housing practices for egg-laying hens. The campaign spent more than \$4 million to gather signatures and win the vote.

In 2009, HSUS spent more than \$2 million on a Missouri initiative to place severe restrictions on commercial dog breeders, an effort that squeaked through. Lawmakers then overturned the initiative with more reasonable regulations in the next legislative session.

In 2012, HSUS campaigned heavily against Iowa Representative Steven King through its Humane Society Legislative Fund run by HSUS vice president Michael Markarian. King is a Republican who opposes the organization’s attempts to pass federal and state regulations governing livestock care. HSLF dubbed its \$500,000 campaign “Stop the King of Cruelty.”⁽⁶⁾

In addition to these stark examples, HSUS has bragged about hundreds of lobbying efforts in direct violation of its own charter and potential violation of the “substantial lobbying” restriction allowed under its 501(c)(3) charitable status with the IRS.

Notes

1. Letter from Representative Blaine Luetkemeyer to Lois Lerner, director of the exempt organizations division of the IRS, <http://tinyurl.com/k4uem77>

2. A biography submitted for an IRS workshop on tax exempt organizations, *Philanthropy Journal*, June 2, 2013, <http://www.philanthropyjournal.org/irsworkshop>

3. Letter dated April 18, 2011, to the IRS Inspector General from Representatives Don Young (R-AK), Vicky Hartzler (R-MO), Blaine Luetkemeyer (R-MO), Jo Ann Emerson (R-MO), Sam Graves (R-MO), and Billy Long (R-MO).

4. Holding the IRS accountable, a column on Representative Leutkemeyer’s website at <http://tinyurl.com/moo926h>

5. “Louisiana attorney general launches HSUS investigation,” *JAVMA*, June 1, 2006; <http://tinyurl.com/6z45uv>.

6. “Radical anti-farmer animal rights group spends \$500,000 to destroy Iowa critic-Rep Steve King,” Breitbart Big Government website, <http://tinyurl.com/c7c7dbn>, October 24, 2012.

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Federal judge stops new horse processing plants in New Mexico and Iowa

US District Court Judge Christina Armijo issued a temporary restraining order against two new horse processing plants pending hearings on a lawsuit brought by the Humane Society of the US and several horse rescue organizations.⁽¹⁾

The lawsuit claims that the US Department of Agriculture issued operating permits to Valley Meat of Roswell, New Mexico, and Responsible Transportation LLC of Sigourney, Iowa, without environmental impact reports and that operation of the plants would cause plaintiffs aesthetic and recreational harm.

In its July 19 answer, the federal government said that they are not required to conduct an environmental review and that the plaintiffs' claimed fear of environmental damage from plant waste and potential emotional damage from seeing horses delivered to the plants is not sufficient to harm the companies' legitimate business interests. The answer further stated "While Plaintiffs may legitimately oppose and seek to end the slaughter of horses in the United States for human consumption, their remedy lies in the political arena, not a court of law."⁽²⁾

The court decision is not the only obstacle for Valley Meat; the plant was the target of a July 27 fire labeled suspicious by authorities, and the New Mexico Environment Department declined to renew the company's wastewater discharge permit without a public hearing. The fire damaged a refrigeration unit and burned the outside of the building.

Unintended consequences

In 2006, Congress denied funding for inspectors at horse processing plants, effectively shutting down the US industry. Meanwhile, economic conditions and a prolonged drought led to abandonment or neglect of tens of thousands of horses that owners could no longer care for and left other owners with a declining market for horses they no longer wanted. Horse cruelty and neglect cases increased, shipments to plants in Canada and Mexico expanded dramatically, and abandoned horses began to overwhelm some fragile environments and decimate grazing lands leased by cattlemen. In 2010, 138 thousand horses went to Mexican and Canadian plants to provide meat for human consumption overseas and for zoo carnivores.

In 2011, the Government Accountability Office released a study on the unintended consequences of stopping horse processing.⁽³⁾ GAO analyzed horse price and shipping data; interviewed officials from USDA, state and local governments, tribes, the livestock industry, and animal welfare organizations; and reviewed documents these agencies and individuals provided. Findings included:

- An increase in reports of cruelty and neglect. For ex-

ample, in the four years from 2005-2009, reports in Colorado increased by 60 percent

- Transporting horses to foreign plants led to less USDA oversight and less attention to horse welfare.
- Abandonment of horses has strained local, state, and tribal resources.

New Mexico's current and former governors, the state's attorney general, and actor and activist Robert Redford join HSUS and other groups in opposition to horse processing, and the Obama administration proposed renewal of the inspection funding.

However, many horse organizations support resumption of the industry to provide a market for unwanted horses, reduce cruelty and neglect of horses that owners can no longer afford, alleviate the responsibility of caring for abandoned horses, and reduce environmental damage on lands where large numbers of abandoned horses roam free. These defenders include the American Veterinary Medical Association, American Association of Equine Practitioners, the American Farm Bureau, American Quarter Horse Association, the Navajo Nation⁽⁴⁾, many state Farm Bureau organizations, and other farm groups.

HSUS attempted to derail the plants' permits with a petition to the federal Food Safety Inspection Service, but FSIS found the organization's arguments to be without merit.⁽⁵⁾ The petition claimed that horsemeat is unsafe for human consumption because it may contain residue from drugs given to horses, that waste from the processing plants is hazardous to the environment and requires that FSIS complete an environmental impact assessment, and that transporting horses to processing plants and killing them for meat are inhumane.

Notes

1. "Judge blocks planned horse slaughter at 2 plants," by Jeri Clausing, August 2, 2013, Associated Press, Albuquerque, New Mexico

2. Federal Defendants' Opposition To Plaintiffs' July 2, 2013 Motion For Preliminary Injunction, <http://ieqbassn.com/wp-content/uploads/2013/08/FRER-v-Vilsack-USDA-Motion-Opposing-TRO.pdf>

3. Horse Welfare: Action Needed to Address Unintended Consequences from Cessation of Domestic Slaughter, GAO-11-228, June 22, 2011, summary at <http://www.gao.gov/products/GAO-11-228>

4. "But Erny Zah, spokesman for Navajo President Ben Shelly, said Wednesday that the nation's largest Indian reservation can no longer support the estimated 75,000 feral horses that are drinking wells dry and causing ecological damage to the drought-stricken range." Quoted in "Navajo Nation supports NM horse slaughterhouse" by Jeri Clausing, July 31, 2013, Associated Press, Albuquerque, New Mexico

5. Food Safety Inspection Service letter to attorney Bruce Wagman in re HSUS petition, <http://ieqbassn.com/wp-content/uploads/2013/08/PetitionFSISResponseShiffHardin06282013.pdf>

Farm bill proceeds without compromise egg bill

Proponents of the stand-alone egg bills introduced in Congress didn't see much chance of passage, so they lobbied to get the language attached to the omnibus farm bill. The effort failed.

HB 1731, introduced by Representative Kurt Schrader (D, OR) and S 820, introduced by Senator Diane Feinstein (D, CA), reflects an agreement by United Egg Producers and the Humane Society of the US to codify the use of cages for hen housing and specify acceptable practices throughout the industry.

"Including the HSUS/UEP legislation in the farm bill would have created a potential slippery slope to allow the federal government to mandate on-farm production practices for all sectors of the agriculture. Cattlemen and women have worked closely with the committee and leadership over these past years and we are very pleased the Senate used commonsense judgment and decided to not include this proposal in the bill," said Scott George, president of the National Cattlemen's Beef Association in *Drover's Cattle Network*.(1)

The egg bill bargain

Opponents of the bills are as disparate as the partnership between the United Egg Producers and the Humane Society of the US that created them. Many animal rights groups call them a sell-out by HSUS, and some agricultural groups oppose them as a foot in the door to similar bills affecting other types of livestock housing.

The bills are the result of a Chinese water torture set of individual state regulations forcing the egg industry into a corner. HSUS started the torment in 2008 when it spent more than \$4 million on a successful California initiative petition that contained ambiguous language about the space allotted to each hen and hampered egg producers' efforts to comply. Several other states have passed various regulations to force housing changes, and HSUS promised crippling initiatives in additional states as well.

HSUS' stated goal was the abolition of cages, but the federal bill simply changes cage size and requires environmental enhancements such as nest boxes, roosts, and scratching areas. The Egg Products Inspection Act Amendments of 2013 would:

- replace conventional cages during an ample phase-in period with new, enriched colony housing systems that provide each egg-laying hen nearly double the amount of current space;
- mandate perches, nesting boxes and scratching areas that allow hens to express natural behaviors;
- require labeling on all egg cartons nationwide to inform consumers of the method used to produce the eggs: "eggs from caged hens," "eggs from hens in enriched cages," "eggs from cage-free hens;" and "eggs

from free-range hens";

- prohibit feed- or water-withdrawal molting to extend the laying cycle, a practice already banned by the United Egg Producers Certified program;
- require the use of standards approved by the American Veterinary Medical Association for euthanasia of egg-laying hens;
- prohibit excessive ammonia levels in henhouses except during short periods of adverse weather conditions; and
- ban the transport and sale of eggs and egg products nationwide that don't meet these requirements.

Egg producers have been improving hen conditions and food safety policies for more than a decade, but HSUS and other animal rights groups weren't satisfied with the industry's progress. Working through state legislatures and the voter initiative process, they harried the industry. With the victory in California, they succeeded in not only forcing farmers to invest millions of dollars in changes, they also backed a law to ban the sale of eggs from other states unless they meet the California standards that go into effect in 2015.

Opposition

Egg producers aren't the only livestock farmers plagued by HSUS efforts to change housing practices. Pork producers have been hard hit, and dairymen and beef cattle ranchers believe they will be next. Even though these livestock farmers and ranchers base animal housing and handling practices on proven scientific research and years of experience and are willing to make necessary changes supported by science and the market, they face emotion-laden campaigns that accuse them of cruelty and greed for choices that fail to meet the goals of radical vegetarian and vegan organizations.

Using tactics that include conducting surreptitious and biased investigations and publicizing edited videos, accusing restaurants and supermarkets of supporting cruelty, filing lawsuits, lobbying lawmakers, and spending millions of dollars on state initiative campaigns, the activists pummel the producers with bad publicity.

These factors and the belief that the federal government should not impose one-size-fits-all housing and care standards for livestock led the National Pork Producers Council, the National Cattlemen's Beef Association, and the American Farm Bureau Federation to oppose the egg bills.

The King amendment

Both the Senate and House agriculture committees passed versions of the Farm bills in mid-May without the egg housing language but did include an amendment from Representative Steven King of Iowa that would prevent laws

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Farm bill proceeds without compromise egg bill

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like the California statute that bans the sale of eggs from outside the state unless the producers meet California hen housing mandates.

"I am pleased that the Committee passed my amendment, the Protect Interstate Commerce Act (PICA) because states are entering into trade protectionism by requiring cost prohibitive production methods in other states," said King. "PICA blocks states from requiring 'free range' eggs or 'free range' pork but covers all agriculture products listed in section 206 of the Agriculture Marketing Act of 1946. By 2014 California will require only 'free range' eggs be sold and the impact of their large market would compel producers in every other state to invest billions to meet the California standard of "means of production." PICA will ensure that radical organizations like the Humane Society of the United States (HSUS) and PETA are prohibited from establishing a patchwork of restrictive state laws aimed at slowly suffocating production agriculture out of existence."(2)

HSUS targeted Representative King for defeat in the 2012 election, but the Congressman handily won re-election in his district. The organization continues its hyperbolic rhetoric against King for his firm commitment to reasonable laws and regulations that protect farmers and other responsible animal owners.

Notes

1. National Cattlemen's Beef Association President Scott George in re Senate version of agriculture bill without the egg amendment, *Drover's Cattle Network*, May 15, 2013, <http://tinyurl.com/kfdom3v>
2. Rep King's statement is at <http://tinyurl.com/dylcht4>

Update: The full House rejected the farm bill and then passed a version that split food stamps from the rest of the farm legislation. That version is expected to be dead on arrival in the Senate.

Circus wins attorney fees in 13-year-old lawsuit

US District Court Judge Emmitt Sullivan awarded attorney fees to Feld Entertainment Inc., owner of Ringling Bros and Barnum & Bailey Circus®, for the 13-year-old lawsuit filed against FEI by animal rights activists. The April 1 ruling follows his 2009 decision dismissing the suit because the plaintiffs lacked standing to bring the action against the circus.(1)

Plaintiffs filed their lawsuit in July 2000 under the US Endangered Species Act, alleging that the use of guides to move circus elephants and chains to keep them in place violated the "takings" portion of the ESA. Chief witness was a circus barn man named Tom Rider, who claimed that he was harmed by seeing the elephants managed with these tools. In the non-jury trial, Sullivan determined that Rider's testimony was unbelievable, that the organizational plaintiffs paid him \$190,000 from 2000-2008, and that none of the plaintiffs had standing to sue under the citizen suit provisions of the ESA.

FEI sued for repayment of legal fees in the case. The American Society for the Prevention of Cruelty to Animals settled with FEI in December 2012 with an agreement to pay \$9.3 million. The judge hasn't set the amount that other plaintiffs must pay.

Feld still may collect damages beyond attorney fees. In February 2010, FEI filed a lawsuit under the Racketeering Influence and Corrupt Organizations Act(2) against the organizations that initiated the ESA suit, including the ASPCA, the Animal Welfare Institute, the Animal Protection Institute, the Wildlife Advocacy Project, and HSUS through its relationship with affiliate the Fund For Animals. They also named Rider and attorney Katherine Meyer as defendants.

In its filing, FEI alleged that the named groups and individuals conspired to commit fraud against the company by paying the chief witness in the dismissed ESA case, hiding the payments by passing the funds through the Wildlife Advocacy Project, raising money under false pretenses, and obstruction of justice. Sullivan ruled in July 2012 that the racketeering suit can go forward.

Notes

1. Judge's opinion in re attorney's fees: <http://tinyurl.com/bo4rrp9>
2. RICO lawsuit: <http://tinyurl.com/bry3ep>

Disparage – regulate – prohibit – monopolize: Animal mobsters collaborate to eradicate purebreds and take over the pet marketplace

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- are exempt from consumer protection laws;
- are exempt from taxes;
- are not required to document the source of their dogs;
- are not held responsible for the health or temperament problems of the dogs they place;
- market their sales as adoptions, making their motivations appear loftier than other pet sellers;
- market their dogs' shortcomings, disabilities and diseases as selling points, even when they will cause their new owners great hardship and expense ;
- fraudulently advertise their mixes and mutts as breeds to get the public in the door;
- engage in, or are the beneficiaries of, the mass transport of dogs from other parts of the US or from foreign countries;
- saturate the marketplace with dogs from undisclosed origins including foreign countries, creating a black market in dogs;
- introduce diseases and parasites to US regions where they never existed or were formerly eradicated;
- maintain the façade of a traditional animal shelter dedicated to helping local animals in need while often closing their doors to most local animals and importing more attractive ones from great distances - even foreign countries - in order to have a constant inventory of saleable pets; and
- diminish the production and availability of long-standing breeds through legislation and media campaigns, and by saturating the dog marketplace with out of state and foreign dogs.

The impact on purebreds and consumer choice

Decades of activist campaigns against breeding dogs and against purebreds have taken a toll. Purebred registries show an enormous decline (more than 50 percent over the last 20 years) and the AVMA's *2012 US Pet Ownership and Demographics Sourcebook*(3) shows a decline in overall US dog ownership as well.

Without question Americans now have fewer and poorer choices of dogs available to them than just a couple decades ago, but the problem is much worse than it appears on the surface. After 20 years of propaganda, social engineering and a mountain of laws favoring their interests, animal protection groups are in the driver's seat, and many of them



Tipping point: Cocker spaniels will be a thing of the past if the anti-purebred, anti-breeder crowd is successful in its attempts to replace well-bred puppies with dogs of unknown origin, temperament, and health history.

are misusing their newfound power to monopolize the dog marketplace for their own benefit.

The turning point occurred as dog overpopulation ended in some parts of the US. For a century the primary mission of animal shelters had revolved around sheltering and rehabilitating unwanted pets. But with the success and the emergence of empty runs, many shelters quietly altered their missions.

Some shelters turned to conflict fundraising to keep their doors open by identifying and exploiting sensational animal welfare issues and launching outrageous legislative campaigns to arouse media attention. Others tried to get into the animal cop business, a role that is fraught with conflict of interest for shelters that profit from the adoption of seized animals, especially when they use high-profile animal raids as fundraisers, thereby prejudicing future lawsuits.

Private animal shelters successfully lobbied for laws granting themselves police powers and sought laws allowing adoption or euthanasia of seized animals prior to a guilty verdict unless the accused paid exorbitant fees in advance. They created laws limiting the number of animals kennels can keep and made themselves the approved repository for the excess, thereby creating a pipeline for animals bred in failing large-scale kennels. Amazingly, once confiscated and in the hands of humane societies and rescues, these same animals become healthy within 72 hours and worthy of adoption into the very homes that had been warned against taking such animals when in the hands of breeders. Once inside a shelter, the health problems and alleged lack of

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socialization become a badge of honor.

The transition from traditional animal sheltering to retail sheltering

In the late 1990's as the number of dogs entering public shelters decreased, local shelters started working together more cooperatively. Shelters with space began accepting dogs from nearby facilities that were temporarily overloaded with animals. It made no sense for one shelter to euthanize dogs for lack of room while another had the space and resources to help get them adopted. But as the number of dogs in some cities plummeted, many shelters began importing dogs from distant locations and today, humane relocation, or dog trafficking as the critics call it,(4) has morphed into a huge enterprise, moving tens of thousands of dogs each year from areas of high supply to areas of low supply.

For some shelters, having inventory began to matter more than helping local animals in need. Some became limited admission shelters, turning away all but the most adoptable pets and importing more attractive dogs from distant areas. New shelters sprang up to get into the lucrative import business.

Using marketing tactics that would be considered predatory if they were associated with a for-profit business rather than a nonprofit animal protection organization and with the help of confiscatory laws on the books, the activist-rescue-shelter complex is using its newfound power to monopolize the pet market place. For example:

- Today, Northern shelters routinely import dogs from distant states and many work with rescue groups and shelters in border cities and states to import dogs from foreign countries. (5)(6)

Tipping point:
Pet buyers will
be stymied when
looking for a
purebred dog
to compete in
obedience, agility
and other sports if
retail shelters and
rescues saturate the
marketplace.



- Stop by the rescues at big box pet super stores in Southern California virtually any weekend and you'll find dogs openly advertised as rescued from Mexico or even Taiwan.

- Rescues and shelters in the state of Colorado, one of a handful of states that require its shelters and rescues to report the source of their animals, imported 13,531 dogs from out of state in 2011. (7)

Numbers like these saturate the market for dogs and eliminate other suppliers. Although this practice keeps household dog ownership rates stable in the short run, over the long haul it systematically eradicates traditional sources of locally bred dogs. Without major consumer education campaigns and appropriate policy changes, this operation assures severe shortages in American-sourced dogs in the future.

Do you miss me yet?

So what happens to the health and welfare of dogs if the anti-purebred, anti-breeding activists succeed in convincing Americans that the most constructive stakeholder organization for dogs in the world and the responsible breeders associated with it are the source of all the problems? What choices will be available to Americans wanting to add a dog to their family? Will they be able to find the breeds they grew up with or will their choices be limited to ones approved by the activists? Will shelter and rescue dogs imported from distant states and foreign countries be the only choices available for all but the wealthy few? Will many Americans have the opportunity to raise a dog from puppyhood or will their choice be limited to adopting an older one that was relinquished to a shelter or a street dog imported from Mexico, Puerto Rico, or Taiwan?

The truth is, American dog ownership is at a tipping point and the future availability of many historical breeds is threatened.

Perhaps some Americans would be willing to trade the breeds they've grown up with for a feral dog from Taiwan, Puerto Rico, Mexico or India, but a public awareness campaign is surely needed to awaken those who haven't knowingly signed on to this transaction. Otherwise they may only learn of these under-the-radar trends as a *fait accompli* when the damage has become irreversible.

A call to action

NAIA and NAIA Trust have played the leadership role in developing and disseminating these issues for more than a

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decade. We have written countless articles (go to the www.naiaonline.org website and put in key words), collected and published vitally important shelter data(8), studied and reported pet ownership trends, drafted and promoted model legislation to prohibit irresponsible importation and improve consumer protection laws(9,10), supported and opposed numerous pieces of animal legislation(11) and filed comment letters on proposed rules(12,13)

After years of work, we can take comfort knowing that stakeholder awareness is very high. This is a huge accomplishment when you consider that twenty years ago many stakeholders naively supported the fraudulent groups. Also on the good side of the ledger, our legislative successes increase each year as lawmakers, policy experts, and regulators slowly become aware that these groups are using emotion and isolated incidents to raise money, harm legitimate animal interests and take over the marketplace.

But at the same time, and this is critically important problem for us, news media continue to report and promote animal activists' stories as fact instead of doing their homework. Until we fix that situation, we will remain on the losing end of a propaganda war that threatens purebred dogs and dog ownership in the US.

But progress is too slow to keep pace with the activist juggernaut. To turn the tide and actually start winning this battle, we need to revitalize and redouble our efforts – and we are asking for your help to help us raise the profile of this issue in the media, legislatively and in the courts.

We need your support! Please sign up at [http://capwiz.com/naiatrust/mlm/sign up/](http://capwiz.com/naiatrust/mlm/sign%20up/) to receive our campaign messages and alerts and email us at support@naiaonline.org and put "Save our dogs" in the subject line.

Notes

1. "San Diego approves store pet sale ban" by Clay Jackson, *Veterinary Practice News*, July 11, 2013, <http://tinyurl.com/lgxolzc>
2. "LA bans the sale of puppy & kitten mill pets," *Dogster*,



"For some shelters, having inventory began to matter more than helping local animals in need. Some became limited admission shelters, turning away all but the most adoptable pets and importing more attractive dogs from distant areas. New shelters sprang up to get into the lucrative import business."

November 12, 2012, <http://tinyurl.com/k6qbjdh>

3. *U.S. Pet Ownership & Demographics Sourcebook* (2012), American Veterinary Medical Association, <http://tinyurl.com/a64l2mz>

4. "Humane or Insane? Importation of foreign stray animals into US shelters threatens health, sustains 'overpopulation'" by Patti Strand January 30, 2003

5. "Life-lift for dogs is fatal, 100+ die," *Puerto Rico Daily Sun*, March 14, 2011, <http://www.naiaonline.org/uploads/WhitePapers/PuertoRicanImportTragedy.pdf>

6. "The good, the bad, and the biters," by Kim Kavin, *Boston Globe Magazine*, May 12, 2013; <http://tinyurl.com/oumwcfj5>

7. Colorado report, NAIA Shelter Project, <http://tinyurl.com/nxvb5ph>

8. NAIA Shelter Project, <http://www.shelterproject.naiaonline.org>

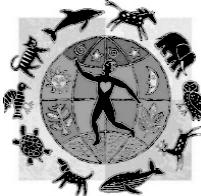
9. NAIA Shelter Import and Reporting Act Model Law, <http://tinyurl.com/lzxrm5j>

10. NAIA Dog Buyer's Protection Act Model Law, <http://tinyurl.com/mv52hv4>

11. NAIA letter in opposition to HR 835 and S 707, the PUPS bill as currently drafted, <http://tinyurl.com/m4xgn5a>

12. NAIA comments on USDA retail pet stores and licensing exemptions rules proposal, <http://tinyurl.com/alzefgy>

13. NAIA comments on CDC advance notice of proposed rulemaking for animal importations, <http://tinyurl.com/lg5qfch>



We need your support!

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to receive our campaign messages and alerts and email us at support@naiaonline.org and put "Save our dogs" in the subject line.



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