



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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Egg producers balance hen health and food safety to bring low-cost protein to consumers

The “incredible edible egg” is a staple in home refrigerators, in restaurants and institutions, and in packaged foods. Known for its high protein, low calorie nutritional value and versatility, the egg is a low-cost bonanza, especially in hard economic times.

In 2008, US egg production farms produced more than 209 million cases of eggs, each case with 30 dozen cartons of eggs. About 95 percent of egg farms have more than 75,000 hens, and some have more than one million hens.¹ Most of the hens are kept in cages in large houses to provide protection from adverse weather and predators and allow workers to monitor and adjust temperature and humidity, handle manure disposal, supervise feeding, and prevent pecking order harassment in the flocks.

Like those involved in other businesses, egg producers work to upgrade their practices

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Leghorn chickens are one of two major breeds used to produce eggs in the US.

Court says ASPCA, others paid chief witness Judge finds witness not credible, tosses anti-circus suit

After nine years of court filings and six weeks of testimony, a federal court judge dismissed charges that Ringling Bros. and Barnum & Bailey Circus and parent company Feld Entertainment Inc. violated the US Endangered Species Act in its treatment of elephants.

The ruling released on December 30, 2009, left no room for doubt: the court found the plaintiff and chief witness failed to prove injury, lacked credibility, and was paid by organizational plaintiffs to remain in the case.

The charges were ironic; Ringling Bros. is known worldwide for its dedication to elephant

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Radical groups use hyperbole, defamation to raise money

A pernicious movement of local and national activist organizations is taking advantage of American concern for animal welfare and American abhorrence of animal abuse. These groups make a comfortable living by expanding the definition of cruelty, defaming animal owners and

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NAIA Animal Policy Review

Norma Bennett Woolf, editor

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Egg producers balance hen health and food safety to bring low-cost protein to consumers

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through trade associations and in concert with university researchers and customers. Because their business includes livestock, many of their efforts are directed towards better conditions for the hens out of humane concerns for their welfare and for food safety and a healthy financial bottom line.

“United Egg Producers mission has been to improve the health and welfare of the egg-laying hens in our care and therefore establish animal husbandry guidelines based upon science that can be implemented voluntarily by all egg producers regardless of the system of egg production,” said Gene Gregory, president of UEP, the industry trade association and cooperative.

To this end, UEP appointed a scientific advisory committee² in 1999 to develop a set of animal welfare guidelines that address housing construction, beak trimming, molting, and transportation and handling of chickens. Producers who adhere to the guidelines are allowed to use the UEP animal welfare seal on their egg cartons.

Most of these welfare improvements have been made without fanfare as science and economic realities made them practical to embrace. Regardless of the steady progress within the agricultural industry, however, egg producers and other agricultural businesses have come under attack by activist groups that oppose livestock farming and promote a vegetarian or vegan lifestyle. These groups are media savvy: they engage human emotion through campaigns that target particular practices and distort their impact on animal welfare, thereby gaining dollars and support from a public that no longer has deep roots in agriculture.

Types of housing for egg-laying hens

Housing for hens is a major issue in activist campaigns.

There are three basic types of housing for egg-laying hens: cages, cage-free, and free-range. Scientists are also looking at an enriched cage system that provides larger cages that allow birds to roost and scratch.

Farmers determine which systems meet their needs and keep the hens healthy. The decision is based on economics, hen health and safety, consideration of natural behaviors such as cannibalism and pecking order activities, feeding and manure management, and egg collection.

Cage systems have many advantages. They keep hens safe from predators and adverse weather; allow farmers to

monitor feeding and facility temperature, humidity, and light level; keep eggs out of manure and make collection easier; and reduce disease and parasites.

The disadvantages include potential crowding of hens in small spaces that don't allow them to indulge in natural behaviors of scratching or roosting. Hens in cages can stretch their wings but not extend them without touching another bird or the sides of the cage. Caged hens are also subject to brittle bone problems, but hens in cage-free environments have a higher incidence of bone fractures during laying cycles.³

About 98 percent of large-scale egg producers use cages, and a few use a cage-free system or a combination of the two.

Cage free and free-range systems allow hens to scratch, dust-bathe, stretch their wings without touching another bird, and roost. Disadvantages include difficulty in controlling disease and parasites, potential contamination of eggs laid on the floor of the enclosure, difficulty in disposing of manure, increased feather pecking and cannibalism, smaller eggs, and higher mortality.

The science of cage size

While it is obvious that larger flocks produce more eggs than smaller flocks, other variables enter the equation. For example, maximum production is achieved when hens are mentally and physically healthy, and producers rely on university studies and their own expertise to balance hen health with their economic needs.

The review conducted by the UEP Scientific Advisory Committee determined that cages should provide a range of 67-86 square inches of space per bird (depending on breed) for hen health and egg production. Cages average about 625 square inches (approx 25 inches square) and can accommodate up to nine birds depending on bird size. In addition to floor space, hens must be able to stand comfortably upright in the cage.

The UEP housing guidelines also address feeding and watering systems, air quality, temperature and humidity ranges, light levels, visitors, noise disturbances, and use of emergency generators.

Egg producers depend on the best science available. Several studies are now underway to determine best prac-



In November 2009, US egg farms produced 6.52 billion eggs, up slightly from November 2008.

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Judge says witness not credible, tosses anti-circus suit

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conservation. Along with its performing elephants, the circus company has the largest herd of Asian elephants outside of Southeast Asia and has operated the Ringling Bros. Center for Elephant Conservation for the past 15 years. The Center, which holds a permit from the federal government, supports the company's research, reproduction and retirement programs. All the elephants are open to inspection by the US Department of Agriculture under the Animal Welfare Act and the Ringling Bros. Center is under the aegis of the US Fish & Wildlife Department, which has responsibility for implementation of the Endangered Species Act. The Ringling Bros. circuses units have a staff of veterinarians that travel among the units and on-call veterinarians in each city where Ringling Bros. performs. In addition to being inspected at the federal level, all of the animals are also inspected by authorized local and state agencies, including the ASPCA, in the cities where they perform.

The 200-acre Ringling Bros. Center for Elephant Conservation not only provides a home for retired circus elephants, it houses the most successful breeding program for Asian elephants in the Western Hemisphere. Twenty-two elephant calves have been born into the Ringling Bros. herd, the latest in January 2009 conceived by artificial insemination. Along with its work in increasing species' numbers, Ringling Bros. donates to research into tuberculosis in elephants, works with zoos on perfecting the use of artificial insemination as an adjunct to natural breeding, and provides opportunities for elephant scientists from around the world to study their herd.

The suit

US District Court Judge Emmet G. Sullivan of the District of Columbia presided over the trial. The case is *ASPCA, et al., v. Feld Entertainment, Inc., No. 03-2006 (DDC)*.

Originally filed in 2000 by former Ringling employee Tom Rider, the American Society for the Prevention of Cruelty to Animals, the Fund for Animals (a division of the Humane Society of the US) and several other animal activist organizations and individuals, the suit alleged that *Ringling* and parent company Feld mistreated elephants by using guides* in training and performances and by chaining the elephants when they were not performing. During the process several of the plaintiffs were removed from the suit and a claim alleging that Feld weaned baby elephants

too early was dropped by the plaintiffs.

Rider worked as a barn man with the elephants in the Ringling Bros. Blue Unit for 29 months from 2007-09 and claimed that he was aesthetically and emotionally injured by use of the chains and bullhooks during that time. The court denied Rider the standing to sue, writing that "... the Court does not find Mr. Rider's testimony to be credible. ... Mr. Rider was repeatedly impeached, and indeed was 'pulverized' on cross-examination. The Court finds that Mr. Rider is essentially a paid plaintiff and fact witness who is not credible, .."

The court found that Rider received at least \$190,000 directly from the organizational plaintiffs in the suit or from the attorneys representing the plaintiffs or from a non-profit organization set up by attorneys in the plaintiffs' law firm. Those payments included \$13,000 raised in a 2005 fundraising event in California billed as a "benefit to rescue Asian elephants from abuse by Ringling Bros. Barnum & Bailey, ..."

"We are gratified with today's decision because it is a victory for elephants over those whose radical agenda, if adopted, could lead to the extinction of the species," said Kenneth Feld, chief executive of Feld Entertainment, in a press release on December 30, 2009. "We look forward to focusing on what we do best – providing quality care to our elephants and delivering unique family entertainment options to the public."

The battle between Feld and activists is not over. There's still another lawsuit brought by the circus company against the activists in 2007 over the payments to Rider and the potential for activist groups to appeal the decision. Meanwhile, about a month before the court decision, radical People for the Ethical Treatment of Animals filed a complaint against Feld Entertainment with the USDA for alleged cruelty at the elephant conservation center.

* The guide is a shaft made of fiberglass, wood, lexon, or nylon with a tapered metal hook, preferably of stainless steel, mounted on one end. The guide is a training tool used to cue the elephant to perform a particular behavior such as to lift a leg or to move forward, sideways, or backwards. The end of the hook should catch the skin but not penetrate or tear it. Activists call the guide a bullhook and claim that it injures the elephants.



Visit NAIA Trust at www.naiatrust.org for more information about state and national legislation affecting animals, animal owners, and animal enterprises.

Radical groups use hyperbole, defamation to raise money

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industries, misrepresenting animal husbandry practices, and keeping the focus only on the black sheep of an industry. They use these tactics to change public opinion and funnel millions of dollars into their treasuries.

These groups are cynically focused on the bottom line and have countless affiliates that they float money in and out of in a constant, hard to follow dance. Few of them actually conduct hands-on animal rescue or work with industry experts to improve conditions for animals on farms, in breeding programs, in laboratories, or in the wild. Instead they deftly use hyperbole and character assassination as fund-raising gimmicks that encourage people to send money and set the stage for future campaigns against animal owners, animal ownership, and animal use. They use these donated dollars to lobby for laws, regulations, and policies intended to pressure animal owners and animal-related businesses and pastimes to the point of collapse. They also donate and lobby through a long list of affiliated non-profit groups that are not required to report fund disbursements.¹

Tactics used by these groups include unauthorized undercover investigations to spy on animal-related businesses and research laboratories, distillation of hours of videotape to a few seconds or minutes of footage depicting alleged cruel behavior, and release of the condensed and damning tape to the media. These agenda-driven investigations trample the rules of evidence gathering and the requirement for court orders to enter private property, rules set up to protect the innocent and assure that laws are evenly enforced.

Many of these groups are tax exempt under IRS section 501 (c3), yet they seem to spend a lot of money stumping for new laws and regulations. For example, the Humane Society of the US has spent millions of dollars advocating for legislation and ballot initiatives that restrict animal ownership but only a fraction of that amount on direct care for animals in shelters. They use pictures of sad-eyed puppies and kittens to get donations yet do not run a single shelter

for dogs and cats. They collect donations in a campaign against “puppy mills” and use the money to lobby for laws that strangle legitimate hobby and commercial breeders with heavy-handed laws and regulations. When faced with opposition to their attempted conquests, they accuse opponents of supporting cruelty and neglect out of greed.



Creating conflict about farm animal welfare is a cash cow for animal rights groups.

Natural disasters

These groups don't allow a natural disaster to go to waste. When Hurricane Katrina hit the Gulf Coast in 2005, HSUS collected \$34 million for animal relief but spent less than \$10 million until the Louisiana Attorney General investigated.²

The January 12 earthquake in Haiti brought the expected HSUS plea for funds regardless of the lack of information about conditions for animals in the poorest country in the Western Hemisphere. However, the news began to trickle out: there's no need for dollars or volunteers for animal relief as a result of the earthquake.

Citing inflated figures and the realities of a population living in horrendous poverty, animal and human rights advocate Ani Rhoads wrote: “Being an animal and human rights advocate for the last 17 years, I can tell you that supporting orgs which only focus on one or the other in times like this, should not be supported. Especially ones that toy with our emotions through misleading campaigns with ex-

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NAIA Board member Thomas L. Albert, Attorney at Law

Tom Albert is Vice President of Government Relations for Feld Entertainment, Inc., parent company of *Ringling Bros. and Barnum & Bailey Circus*® and the *Ringling Bros. Center for Elephant Conservation* (CEC) a state-of-the-art breeding and conservation center in Florida. The Center is recognized and respected worldwide for its Asian elephant breeding program, the most successful program outside of Asia. Twenty Asian elephant calves have been born here, adding to the numbers of this endangered species.

Before joining Feld, Albert was in private practice in Washington, DC, where he represented wildlife, natural resource, public lands and conservation issues before Congress and various federal and local regulatory bodies. Albert received his Juris Doctor cum laude from The American University - Washington College of Law.

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tices for hen housing and care while maintaining economic viability and assuring food safety. A USDA-funded study at Clemson University compares hen behavior in cage and cage-free systems. Another, funded by the American Egg Board and coordinated by Michigan State University and the University of California at Davis, examines the welfare of caged chickens and their impact on the environment, human health and food quality and safety. Partners in this effort include McDonald's Corporation, the American Veterinary Medical Association, egg-supplier Cargill Inc., the US Department of Agriculture, the American Humane Association and the Center for Food Integrity.

Notes

1. United Egg Producers website: http://www.unitedegg.org/useggindustry_generalstats.aspx

2. The committee included USDA officials, academicians, scientists and humane association members who reviewed the scientific research literature on specific topics relevant to the well being of laying hens and identified areas where further research was needed.

3. Production: Egg labelling and hen welfare by Kimberly Sheppard, *Canadian Poultry Magazine*, <http://www.canadianpoultrymag.com/content/view/837/>

Sidebar: The activist campaigns against egg production

The campaigns against egg producers take several forms: unauthorized undercover videos that don't meet standards for evidence-gathering and are often distilled for maximum impact; complaints about pollution to state and federal agencies; lobbying for laws to limit the types of housing and management practices that farmers can use; and ballot initiatives that harness public emotion to vote against particular practices or establish standards that have little to do with science, effective management, or economic realities. Fundraising, promotion of a meatless diet, and demonization of large livestock businesses are hallmarks of these campaigns.

In 2008, the Humane Society of the United States and several allied organizations used the initiative process in California to ban certain livestock housing practices. Proponents of the ban spent more than \$4 million to gather signatures and conduct their campaign, and they won.¹ As a result, the egg industry is under a mandate to increase cage sizes by 2015, a command that will require millions of dollars in new investment and has caused confusion among producers who must wait until the state legislature clarifies provisions of the ballot measure.

Promar International, an agricultural economic consulting firm, estimated that conversion to a cage-free system for egg production would raise prices, drive some farmers out of business, decrease consumption, and increase imports of eggs from countries that do not have such laws.²

The Associated Press reported that the state's egg producers "say they don't know how to comply with the vague language of the Prevention of Farm Animal Cruelty Act short of allowing hens to range free."³

But the initiative was written to make it difficult to keep laying hens in cages. The same article quoted HSUS state director Jennifer Fearing: "Cage-free was what we were talking about."³

One result: lawmakers and others in Idaho and Nevada are making overtures to lure egg farmers to their states where laws are more amenable to science and industry driven progress in humane hen care.⁴



Notes

1. See related story in this issue: "Radical groups create conflict for dollars and laws"
2. *Impacts of Banning Cage Egg Production in the United States*, A report prepared for United Egg Producers, August 2009 by Promar International, Alexandria, Virginia, http://www.unitedegg.org/pdf/Promar_Study.pdf
3. "California egg farmers vexed over law on chicken welfare" by Tracie Cone, Associated Press, June 20, 2009
4. "Poachers Arrive at Egg Farms: Other States Hope to Lure California Poultry Producers Unhappy About a New Law," by Lauren Etter, WSJ.com, January 13, 2010

Update:**Ohio farmers win big; livestock board, not HSUS, will decide animal care**

Last November, Ohio voters approved a constitutional amendment that authorized creation of a Livestock Care Board to write standards of care for farm animals in the state. Approval was overwhelming with more than 60 percent of voters supporting the amendment.

Robert J. Boggs, director of the state department of agriculture, is board chairman. Boggs has been meeting with environmental and farm groups to draft a budget for the first year of board operation and plans to present that document to the legislature by the end of January. Simultaneously, lawmakers are considering enabling legislation for the plan.

The livestock care board will also include three family farmers, two veterinarians, a food safety expert, a representative of a local humane society, two members from statewide farm organizations, the dean of an Ohio agriculture college, and two members representing Ohio consumers.

The Humane Society of the US and other activist groups lobby state governments to phase out confinement systems for pregnant pigs, egg-laying hens, and veal calves. To this end, HSUS is backing a ballot initiative in Ohio that would



Ohio's Issue 2 allows farmers, not HSUS, to decide how to house and care for their animals.

force the Livestock Care Board to adopt the activists' rules for housing pigs, hens, and veal calves. Voters in California, Arizona, and Florida have approved HSUS proposals and Michigan lawmakers adopted phase-out plans, leaving farmers in those states with few options. However, a growing number of states, including Idaho, Nevada, Kentucky, and Missouri want to follow Ohio's example and develop their own plans based on local conditions, economic realities, science, food safety, and the skill of farmers who raise livestock.

Update**Animal scientists back AVMA assessment of Pew report**

The Autumn 2009 issue of *NAIA Animal Policy Review** highlighted the American Veterinary Medical Association rebuttal to the Pew Commission report on Industrial Farm Animal Production. Following review of the Pew report and the AVMA response, the Federation of Animal Science Societies agreed with AVMA that the Pew Report has serious flaws.

"As pointed out by the AVMA, the process for gaining scientific expertise in the technical reports was biased and did not incorporate the findings and suggestions of a significant number of participating scientists. This represents a fundamental problem in the way the report was constructed," FASS noted in a January 6, 2010, release.

The organization noted that the Pew report called for bans on the use of antibiotics in food animals even though research and risk assessments to determine the impact of such use on human health have not been done.

In addition, FASS said, "In the area of animal welfare, the Pew report seems to assume that all intensive farming



operations are inherently inhumane. It is possible to have good animal welfare in both small and large scale production systems and there are positive and negative trade-offs when choosing among different production systems. FASS also believes that housing type cannot

be considered in isolation from other important factors that influence animal welfare, including management, feeding systems, environmental features, and animal type."

FASS was formed in 1998 by the American Dairy Science Association, the American Society of Animal Science, and the Poultry Science Association. For more information, see www.fass.org

* See "AVMA stands strong for livestock welfare, fires back at Pew report, HSUS slurs" in the autumn 2009 issue of *NAIA Animal Policy Review* on the NAIA website, <http://www.naiaonline.org>.

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aggerated figures.”³

Nonetheless, HSUS and Humane Society International sent a team into Haiti in late January. On January 26, Lloyd Brown from Wildlife Rescue of Dade County deployed with HSI to Haiti, said that nothing can be done now to help the island nation’s animals: “Our team has been doing assessments for several days now and it is our professional opinion that no animal issues are here that are related to the event of the earthquake,” Brown told *The Horse* magazine. “There are a lot of animal issues here, but after speaking with a local American expatriate veterinarian here (who is very well connected in this country) we must agree with her that now is not the time to deal with them.”⁴

Brown continued: “Let me give you an example: If we were to set up a spay/neuter clinic while so many people are displaced and homeless, it could be disastrous – they don’t understand neutering here. People are hungry, they have no homes, they have no shelter, they are sleeping in the streets. They don’t understand the concept of a pet, they are an agricultural community – animals are for work or to sell food or to help them feed their families.”

Initiative campaigns

In its 2008 tax return, HSUS reported \$4.2 million in lobbying expenses,⁵ much of it spent on a California initiative campaign against particular livestock housing practices. As a result, California egg producers face three choices: invest millions of dollars in new hen housing, leave the state, or go out of business. Any of these alternatives will hit the state hard during its current budget and employment emergencies and will result in an increase in the cost of eggs for consumers.

Another chunk of HSUS money went to pass an initiative to ban greyhound racing in Massachusetts, leading to a loss of about 1000 jobs and an increase in dogs entering rescue facilities.

In 2009, HSUS threatened the states of Ohio and Michigan with their anti-farming campaign. Ohio farmers stood their ground, but Michigan’s legislature responded with a law that phases out cages for laying hens and gestation stalls for pregnant sows in 10 years and bans the use of stalls for veal calves in three years. Ohio lawmakers asked voters to approve formation of a Livestock Care Board that keeps animal welfare recommendations in the hands of farmers, veterinarians, and food safety experts. HSUS and radical group Farm Sanctuary recently submitted ballot language to force the Ohio Livestock Care Board to adopt HSUS-approved housing for breeding pigs, veal calves, and egg-

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HSUS affiliates include the following non-profit organizations

- Alice Morgan Wright-Edith Goode Fund (DC);
- Animal Channel (DC);
- Association Humanataria De Costa Rica;
- Center for the Respect of Life and Environment (DC);
- Charlotte and William Parks Foundation for Animal Welfare (DC);
- Conservation Endowment Fund (see ICEC) (CA);
- Earth Restoration Corps. (DC);
- Earthkind Inc. (DC);
- Earthkind International Inc. (DC);
- Earthkind USA (DC, MT);
- Earthkind UK [also affiliated with the International Fund for Animal Welfare];
- Earthvoice (DC);
- Earthvoice International (DC);
- Eating with a Conscience Campaign (DC);
- HSUS Hollywood Office (formerly The Ark Trust Inc.) (CA);
- Humane Society International (DC), which also operates the International Center for Earth Concerns in Ojai, California, the Center for Earth Concerns in Costa Rica, the Conservation Endowment Fund in California;
- Humane Society International offices in Latin America and Australia;
- HSUS state offices in DE, MD, MT, PA, VT and branch offices in CA, NJ, and UT;
- Humane Society University (DC);
- Institute for the Study of Animal Problems (DC);
- Interfaith Council for the Protection of Animals and Nature (GA);
- International Society for the Protection of Animals (UK);
- Kindness Club International Inc. (DC);
- Meadowcreek Project Inc. and Meadocreek Inc in Arkansas;
- National Association for Humane and Environmental Education (DC);
- National Humane Education Center (VA);
- Species Survival Network (MI);
- Valerie Sheppard Humane Society University (DC);
- Wildlife Rehabilitation Training Center (MA);
- World Federation for the Protection of Animals Inc. (DC);
- World Society for the Protection of Animals (DC and IA, ND, VtCanada, and Deutschland);
- World Society for the Protection of Animals International (UK);
- Worldwide Network Inc. (DC).

HSUS also has several for-profit affiliates.

Decades-old property rights case decided in favor of ranchers in landmark decision

A federal court judge has determined that the government owes more than \$4 million to the estate of a Nevada ranch family for illegal confiscation of water rights and of fences and irrigation lines and ditches built on federal lands.¹

This is the first case in which a court has sided with ranchers who built permanent structures on federal land in compliance with grazing permit rules.²

The case dates back to 1978 shortly after Wayne and Jean Hage purchased a 7000-acre ranch in central Nevada and extended their grazing land with permits to run cattle on 750,000 acres of adjoining federal land. Granted by the Bureau of Land Management and the US Forest Service, those permits required the Hages to make certain improvements to the land such as grass reseeding, erosion control, and water management.

Problems began when the Forest Service allowed the State of Nevada to release elk onto part of the Hage's allotment. The Hages complained that the elk ate the grass and that elk hunters damaged the fences and scattered the cattle. The federal government responded by erecting electric fences to keep cattle off the elk range in spite of the Hages' permits, and those fences cut the cattle from their water supply.

The Hages stopped ranching in 1990 and filed suit in 1991, seeking damages for the Forest Service's alleged taking of their property rights, including cattle, water, grazing permits, rights-of-way to certain ditches on the land and range improvements. Over the next 18 years, US Court of Federal Claims Judge Loren A. Smith decided some issues in favor of the US Forest Service and others in favor of the Hages. He ruled that the cancellation of the grazing rights and impoundment of the cattle was not improper but found that the agency erred by causing the Hages to lose access to water on the land they owned.

In 2008, the judge ruled that the Forest Service improperly built fences around streams while the Hages still had a grazing permit and allowed the fenced-off waterways to get blocked by overgrowth and beaver dams. He also wrote that the government showed hostility to the Hages by such actions as restricting them to maintaining their ditches with hand tools.³

"The court finds that the government's actions had a severe economic impact on the plaintiffs, and the government's actions rose to the level of a taking," the judge wrote.

Last November, the judge affirmed his original award



Ranchers throughout the west can purchase grazing permits to run cattle or sheep on public lands. Permits may include responsibilities for controlling erosion, protecting waterways, and reseeding forage grasses to maintain the land.

of \$2.9 million for their water rights and nearly \$1.4 million for lost ranch improvements and added \$152 thousand for the ditches and pipelines that the Hages had built on the federal property.

Notes

1. "Hage estate wins again: Settlement increased for case from 1970s' 'Sagebrush Rebellion'" by Mateusz Perkowski, *Capital Press*, November 21, 2009, <http://tinyurl.com/ycy668x>
2. "Two decades of legal wrangling: Lawyer's \$4.4 million win for ranchers is felt nationwide" by Jason W. Armstrong, *The Daily Journal (Law blog, CA)*, December 3, 2009, <http://www.dailyjournal.com/>
3. *The estate of E. Wayne Hage and the estate of Jean N. Hage, plaintiffs v the US Government*, Case Number 91-1470L filed June 6, 2008.



Check out the NAIA position statements on agriculture, animal husbandry and other subjects at <http://www.naiaonline.org/about/positions.htm>

Update

Judge again dismisses charges against Hunte Corporation, Petland

A federal court judge has dismissed all charges against Hunte Corporation and most of the charges against Petland in a lawsuit charging the companies with violations of federal racketeering law and consumer protection laws in some states.

The Humane Society of the US backed the suit. Plaintiffs were puppy buyers who alleged that Hunte and Petland conspired to sell sick puppies and committed fraud by alleging that the puppies were healthy.

On January 26, US District Court Judge David Campbell

dismissed all claims against Hunte with prejudice, precluding any future filing of the same claims. However, he allowed charges against two Petland franchise stores, one in Maine and one in New Hampshire, to proceed.

The judge originally decided that the plaintiffs had failed to meet the burden of proof required by law in a decision handed down in August 2009. Plaintiffs re-filed with additional information, and the judge again sided with the defendants on complaints made by 29 of 31 plaintiffs.

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laying hens. They have formed a political action committee and will begin collecting the 400,000 signatures needed to get the language on the November ballot.

Missouri

HSUS is promoting and helping to fund a ballot proposal to limit the number of dogs in commercial kennels in Missouri, a state that has licensed and inspected these kennels for more than a decade. The Secretary of State approved the ballot language, giving activists permission to collect the 100,000 signatures needed to put the initiative before the voters in November.

The Missouri Pet Breeders Association and the Missouri

Federation of Animal Owners are fighting back. In December 2009, Frank Losey, a lobbyist for MPBA, launched a campaign for an IRS investigation of HSUS charity status in light of the dollars the organization spends on lobbying. That effort has resulted in more than 3000 letters sent to IRS and additional requests for an investigation sent to federal lawmakers. In January, MOFED joined that effort with a lawsuit challenging the ballot language approved by the Secretary of State and the state auditor's fiscal note summary for that petition language.⁶

Notes

1. Non-profit organizations that gross less than \$25,000 per year are not required to itemize disbursements, leaving them carte blanche to donate on behalf of causes and campaigns initiated by their founding or parent organizations. See box for list of HSUS affiliates that also donate time and money to achieve their goals..

2. "Louisiana attorney general launches HSUS investigation," *JAVMA*, June 1, 2006; <http://www.avma.org/onlnews/javma/jun06/060601j.asp>. The investigation was dropped 18 months later after HSUS promised to build an animal shelter in the state.

3. "HSUS IFAW ASPCA Mislead Members," January 19, 2010, <http://www.anairhoads.org/animal/ASPCAlied.shtml>

4. "Haiti veterinary and animal outreach update," by Rebecca Gimenez PhD, *The Horse Magazine*, January 27, 2010, Article #15711.

5. HSUS 2008 tax return, page 18, lobbying expenses, <http://www.naiaonline.org/pdfs/HSUS990.pdf>

6. Karen Strange v Missouri Secretary of State Robin Carnahan and Missouri State Auditor Susan Montee, http://www.mofed.org/forms/Strange%27s_Petition_for_judgment.pdf



**If you missed the first 2 issues
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NAIA Animal Policy Review,
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NAIA Shelter Project compiles critical shelter data to help define problems, reduce shelter deaths

NAIA Model Law requires uniform reporting of animals handled by shelters

Over the past several decades the number of dogs euthanized in animal shelters has decreased dramatically as spay and neuter campaigns and aggressive redemption and adoption policies have taken effect.

At the same time, NAIA notes that the growth in responsible pet ownership has led to an increase in the number of pets in homes. Public education and spay/neuter programs, improved pet confinement practices, dog training, permanent pet identification, the formation of dog and cat rescue groups, feral cat organizations and a host of other developments have combined with improved shelter practices and reasonable pet laws to create a better world for dogs and cats in the US.

In spite of this progress, however, healthy dogs and cats are still dying in shelters in many parts of the country. Studies have been done to determine why owners relinquish their dogs, but little is still known about the actual numbers of dogs and cats entering and leaving these facilities. Virtually unknown before the mid-1990s, dog relocation programs have emerged that complicate efforts to understand shelter population trends. Dogs and cats in a community shelter may come from local streets or homes or from other communities, states, or even foreign countries.¹ Without accurate data about these and other sources, communities cannot define and solve the problems that remain.

To help remedy this situation, NAIA began the Shelter Project² to collect data that can be used by local governments and community groups to develop cost-effective policies and programs that present a clearer picture of local animal control and shelter needs and help decrease the number of shelter deaths. The Shelter Project has now been joined by NAIA's US Pet Census, a new group whose mission is to report on pet population trends, predict the future source of dogs in the US and encourage the breeding of healthy dogs that can meet the demand.



An increase in responsible dog ownership has contributed to the decline in shelter intakes and euthanasia, but more needs to be done.

Data collection help

Shelter data collection in many areas is weak, incomplete, or even non-existent, making it difficult to do the basic research necessary to provide accurate information for policy makers. To help solve this problem, NAIA has drafted a model law that requires releasing agencies to keep and publish uniform data about animals entering and leaving their facilities. The bill (<http://www.naiaonline.org/pdfs/NAIAShelterReportingAct.pdf>) requires public and private animal shelters to keep the following records: Total number of animals brought in divided into the following categories by species: surrendered by owner, stray, impounds, confiscations; feral cats, imports. It also mandates information about the disposition of all animals brought in, including adoption, reclaim by owner, died in kennel, euthanized at owner request, and transferred to another agency, and the total number euthanized. If the agency routinely euthanizes dogs by breed or size, it must provide a copy of its policy and record those deaths as part of the total. The bill contains comprehensive provisions, which can be modified selectively to serve the needs of diverse locales dealing with pet population issues.

Notes

1. NAIA was the first organization to expose the importing of stray dogs from foreign and offshore sources to fill empty runs in US shelters. For more information, see "Redefining pet overpopulation: The no-kill movement and the new jet-setters," *NAIA News*, July 2000; "Humane or Insane: Importation of foreign stray animals into US shelters threatens health, sustains 'overpopulation'," *NAIA News*, Summer 2002; "Massachusetts Department of Agricultural Resources issues emergency order to strengthen animal import laws," *NAIA News*, May 2005; and "Major advancements in regulating shelter imports," *NAIA News*, May 2005. All articles can be found in the archives at www.naiaonline.org.

2. Visit the NAIA Shelter Project at <http://www.naiashelterproject.org/about.cfm>



[Http://www.naiaonline.org](http://www.naiaonline.org)



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