



DOUBLE ISSUE

ANIMAL LAW EDITION

Protection of Polar Bears Inspires Lawsuits

by Phyllis Raybin Emert

On May 14, 2008, after legal action by environmental groups and years of delay, the federal government listed the polar bear as threatened. This marks the first time that the Endangered Species Act (ESA) was used to protect an animal from global warming.

The Interior Department's decision was in response to a petition filed with the U.S. Fish and Wildlife Service by the Center for Biological Diversity in February 2005. Two additional organizations, Natural Resources Defense Council and Greenpeace, joined the petition in July 2005. After repeated delays, the U.S. District Court for the

Northern District of California ordered the Department of Interior and the Fish and Wildlife Service to make a final determination about the polar bear.

At a press conference announcing the decision, Interior Secretary Dirk Kempthorne acknowledged that polar bears could become an endangered species in 45 years. As reasons for the decision, Kempthorne noted the polar bear's sea ice habitat, which is vital to its



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Race is on to Stop Steroid Abuse in Horse Racing

by Barbara Sheehan

It has happened in baseball, football—even the Olympics. Allegations of illegal steroid use by athletes left fans disillusioned and left a black eye on some of America's most beloved sports.

Now, as those athletes work to regain the public's confidence, the controversy has moved to the racetrack. As public pressure to stop reported steroid abuse in race horses mounts, those in the industry are bracing for a fast but probably bumpy ride.

Enhancing performance or hurting the horse?

A June 2008 editorial in *The New York Times* pointed out that while human athletes know and accept the risks that taking steroids can present, racehorses have “no say in the matter.” Unlike in human athletes, steroid use has been legal in most horse racing states across the country with the exception of Iowa, which banned steroids in 2007. Whether steroids enhance a horse's performance as they do in human athletes, however, is unsettled.



In an Associated Press article, the executive director of the Racing Medication and Testing Consortium Dr. Scot Waterman said, “It is an impossible question for us to even answer. A .01 percent change in performance would alter the outcome of a one-mile race 50 percent of the time. That is an impossible change to measure with scientific study.”

The answer is more cut and dried for horse trainer Graham Motion who told *The New York Times*, “Isn't that why all athletes use [them]? They build up a horse's muscle tissue and make the animal stronger. To me, that's performance-enhancing.”

While horse racing insiders claim that steroids have been used on racehorses for years, that is quickly changing as the public begins to take a hard look at whether the horses they are rooting for—and betting on—are competing on a level playing field; and why so many of their favorite racehorses are getting seriously injured and even dying on the tracks.

According to the Association of Racing Commissioners International (RCI), 3,035 horses have died at racing facilities over the last five years. While that statistic seems high, when compared with the 2,427,561 starters over that same period, the number is a small percentage (.125 percent).

“When you look at the numbers, what they show is that 99.875 percent of the time when a horse starts a

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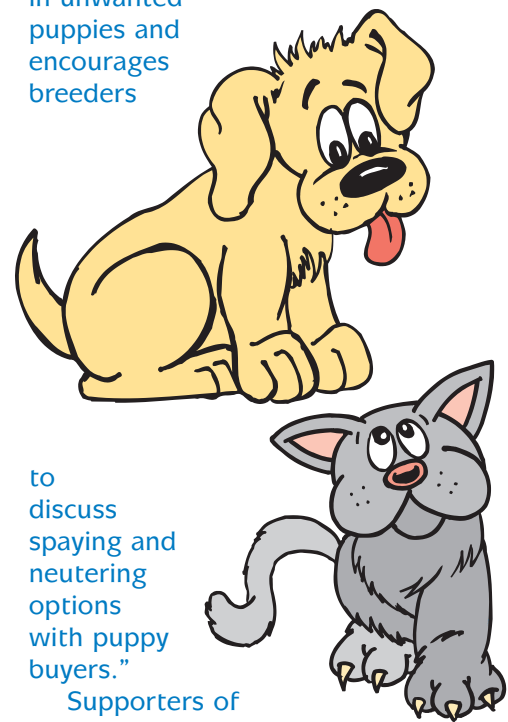
Too Many Puppies and Kittens?

by Cheryl Baisden

Few could argue with the fact that puppies and kittens are cute, cuddly and deserve a good home. What happens, however, when there aren't enough homes to go around?

Animal lovers have been arguing for years over whether to require that dogs and cats sold by shelters, breeders and pet shops undergo surgery so they cannot reproduce. Called spaying for females and neutering for males, this surgery would be a means to control animal overpopulation. Animal shelters and rescue agencies, along with some pet owners, believe adopting mandatory spaying and neutering laws is essential to control the rising population of homeless cats and dogs. Breeders, organizations like the American Kennel Club (AKC) and other pet owners feel such a law would violate their constitutional rights.

The AKC strongly opposes laws that would force shelters, breeders and pet shop owners to spay or neuter most animals before selling them, calling the idea a violation of individuals' rights to raise their pets as they wish. Instead, it supports educating the public about the importance of *planned* breeding. The organization's website “encourages pet owners to spay or neuter their dogs as a responsible means to prevent accidental breedings resulting in unwanted puppies and encourages breeders



to discuss spaying and neutering options with puppy buyers.”

Supporters of mandatory spaying/neutering laws say that is not enough, pointing to the large population of stray dogs and cats in some communities that clog shelters as proof that legal intervention is needed. The American Society for the Prevention of Cruelty to Animals (ASPCA) notes that dogs are able to reproduce twice a year and cats up to five times a year. So, in just seven years, according to the ASPCA, one female cat and her unaltered offspring can potentially produce 420,000 kittens, while a dog can produce up to 67,000 puppies in that time period. To put it in another perspective, the Louisiana SPCA states that the birth ratio for animals to humans is seven to one. That means that in order for every animal to have a home and eliminate animal overpopulation, everyone would need to own seven animals. Even if that scenario were

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Unleashing the Debate on Live Animal School Mascots

by Barbara Sheehan

When the Bengal tiger that served as the mascot for the University of Memphis passed away almost two decades ago, Bobby Wharton, a class of 1975 alumnus, feared the tradition might die with him. So, in 1991, after talking it over with some other people from the school who shared his concerns, Wharton acquired an 18-pound tiger cub to carry on the legacy.

Today, Wharton continues to take 17-year-old TOM II, who he affectionately calls his “400-pound pussycat,” to seven or eight University of Memphis events each year as the school’s official mascot. As the proud owner of TOM II, Wharton spends thousands of dollars each year on the tiger’s upkeep and care at a four-plus acre property in neighboring Mississippi, where TOM II lives. Wharton calls it a “labor of love,” something he does for his alma mater and for his love of animals.

“That tiger means so much to the fans,” says Wharton, who graduated from the University (which was then called Memphis State) with a degree in engineering and is still active with the football booster group. “They line up to see him come in,” Wharton said. “They line up to see him go out.”

Is it fair to animals?

Often, live mascots represent a longstanding tradition; and proponents say they create a sense of pride that rallies school spirit and even inspire alumni donations. Some animal rights groups, however, have challenged the practice. Groups like People for the Ethical Treatment of Animals (PETA) have argued that a human mascot dressed in an animal costume can have the same crowd-pleasing effect without the negative impact on the animal.

“Big cats, bears, and other live animal mascots don’t belong at athletic events,” PETA said in a campaign against the practice. “The bright lights, loud noises and screaming fans are terrifying for an animal, who can’t possibly understand what’s going on and will become defensive at the drop of a hat.”

Nicole G. Paquette, senior vice president and general counsel for Born Free USA United with Animal Protection Institute, echoes PETA’s position. Paquette said that in addition to concerns about the treatment of live mascots while they are associated with the school, there are questions about where the mascots are acquired and what happens to them when they retire from their role.

Sometimes, Paquette said, animals are thrust into the mascot role for just a couple of years at a time. After that, some may be sent to a nice home, she contends, but some aren’t. Then there are the laws to contend with. When it comes to exotic or potentially dangerous animals like large cats and bears (as well as primates, alligators and venomous snakes), she said there is a “patchwork of state laws” to navigate.

Currently, 28 states prohibit people from owning these kinds of animals and 22 states legally allow them. Exactly which animals are included and how they are regulated varies from state to state and even sometimes by city and county, Paquette noted.

In New Jersey, it is unlawful to possess a potentially dangerous species like the ones mentioned above as a pet. Citing an overabundance of homeless animals and not enough sanctuaries to take them in, Paquette stated that her organization is working to pass legislation banning these exotic species as pets.

How many schools have live animal mascots?

TOM II, who is named after his predecessor and whose initials stand for Tigers of Memphis, is one of a sizable but declining number of live animal mascots representing U.S. colleges and universities.

According to a 2007 Associated Press article, more than two dozen universities keep live animal mascots. “Mostly in the football-crazed Big 12 and Southeastern Conference,” the article reported. In addition, *USA Today* reported in 2007 that at least 33 Division I-A colleges and universities have live animal mascots, declining from about 40 in the 1980s.

The mascots range in species and stature. For example, Louisiana State University (LSU), like the University of Memphis, keeps a Bengal tiger named Mike. Baylor University in Waco, Texas, houses two North American Black Bears named Joy and Lady. At



the University of North Alabama, two lions named Leo III and Una represent the school. Even one Ohio high school reportedly leases tiger cubs for use as mascots.

Then there are the more domesticated variety of live animal mascot, like Bully, the English Bulldog mascot that represents Mississippi State University; Bevo, the longhorn steer mascot for the University of Texas; and Bill the Goat, the longtime mascot of the United States Naval Academy.

How are animals regulated and cared for?

In places where exotic animals are allowed, their licensing and regulation falls under the domain of the United States Department of Agriculture (USDA), which Wharton said “makes sure everything is up to snuff and safe.”

While his TOM II lives off-site and is transported to the school for specific games and events, some other mascots live on campus. In contrast with years past, when some animal mascots reportedly lived in shoddy, almost cage-like conditions, many of them today are faring quite well, an Associated Press article noted.

“In recent years, universities and alumni groups have been furiously raising money to shelter their mascots in increasing luxury,” the article reported. “Motivated by obsessive collegiate loyalty, rivalries with other schools’ mascots and in some cases criticism from animal-rights groups, they are building complexes with watering holes, native flora and chew toys modeled on rival mascots.”

Two mascots who are enjoying the results of a home makeover are Joy and Lady, the two sister bears at Baylor, who several years ago moved into the Bill and Eva Williams Bear Habitat Complex, a \$1 million, 3,600-square foot expanded and renovated home.

“The Williams Bear Habitat is the number one most visited site on the Baylor campus and also provides an educational experience for area schoolchildren, students, alumni and others about North American Black Bears,” Lori Fogleman, a representative of the school, stated.

Animal protection concerns

While the habitat and educational efforts at places like Baylor may be laudable, some people, like Paquette, frown upon animal mascots like tigers and bears in any context.


Paquette said that having mascots like these sends a “sad message” to kids who view them and say, “Wow, wouldn’t that be cool to own one,” when so many of these animals are being over bred in captivity and left in “horrible situations.”

People who really want to help these animals, Paquette said, would better serve them by trying to protect them in the wild, for instance by writing a letter to a country of origin for an endangered species, or by joining a nonprofit organization.

Dr. Stephen Zawistowski, executive vice president and national programs and science advisor for the American Society for the Prevention of Cruelty to Animals (ASPCA), said the debate about live animal mascots varies dramatically depending on whether the animals are wild or domestically bred. Clearly, it’s less controversial to keep domestic animals like the Navy goat or the longhorn steer, which have been developed over centuries to be comfortable with people.

The “trickier” situations, Dr. Zawistowski said, occur when you have wildlife. Then you need to ask questions like, “What is appropriate housing?” and “How can you care for that animal appropriately?”

Researchers at Oxford University conducted a three-year study of 35 different species of **carnivores**, including lions, bears and tigers. The study concluded that those animals whose natural habitats are large home ranges, in other words those that would normally have whole jungles or forests in which to roam, react badly to being caged. The stress can lead to serious health problems such as repetitive pacing and infant death.

On a more philosophical level, Dr. Zawistowski questions the logic of having an animal like a large cat as a mascot when it cannot really show its most impressive qualities—the very ones that made it a mascot to begin with—from the confines of a cage or a leash. He also questions whether some universities are holding on to old traditions because of pressure from alumni, even though they may no longer serve a school’s best interests. 

Bill Threatens to Shut Down NYC Carriage Horse Industry

by Barbara Sheehan

If you've ever visited New York City, you've probably seen the carriage horses making their rounds in and around Central Park. Since the mid-1800s they have clip-clopped through Manhattan, earning a reputation as one of the oldest and most endearing tourist attractions. Critics of the industry, however, say it is unfair to the horses and no longer has a place in modern-day New York.

"It's quaint, but the truth is something else," New York City Councilman Tony Avella told *The New York Times* in December 2007. "It's very poor treatment for the animals," he said.

It was around that time that Avella, now a candidate for mayor in New York City, proposed a bill to ban carriage horses in the city. The bill has focused increased attention on the horses and fueled an already ongoing debate.

No more 'status quo'

Avella's proposal has won support from a variety of sources, ranging from movie stars and musicians like Alec Baldwin and Pink, to animal rights groups like People for the Ethical Treatment of Animals (PETA) and the Humane Society of the United States (HSUS).

One of the most notable groups to get on board is the American Society for the Prevention of Cruelty to Animals (ASPCA), which for years has overseen the treatment of carriage horses on a voluntary basis. Up until December 2007, the ASPCA supported New York City's carriage horse industry but recognized that more needed to be done to ensure the safety and well being of the horses. In a press statement, the ASPCA expressed frustration with the way the city has handled the matter and agreed with Avella that it is time to take the horses out of the city altogether.

"As the primary enforcer of New York City's carriage horse industry, the ASPCA can no longer accept the status quo," ASPCA President and CEO Ed Sayres said in the statement. "Increased accidents, the recent death of a carriage horse and the city comptroller's report all underscore the urgency to get these horses off the streets."

Dangerous or time-honored tradition?

In a *Newsweek* article, HSUS president Wayne Pacelle stated that horses are "flight animals," meaning that their instincts are to bolt when they are startled or frightened.

"In an urban environment like New York," Pacelle said, "you have thousands of potential sources of commotion that can trigger that flight response. And the idea that you can cut down on the noise is laughable."

Elizabeth Forel, from the Coalition to Ban Horse Drawn Carriages, said in a September 2008 press release, "Horses do not belong on the streets of New York City. Because they scare easily, at 2,000 pounds, they are unwitting but terrifying weapons as they run amok after being spooked. It is only a matter of time before someone is killed as has happened in other cities."

In fact, the industry has suffered a number of tragedies in recent years as a result of horses being "spooked." In September 2007, a carriage horse named Smoothie was spooked by a loud noise from a snare drum in Central Park South. According to an article in *The New York Times*, Smoothie "darted between two trees about two feet apart, and collapsed and died on the scene when the carriage it was hauling got stuck." At the same time, another horse ran into traffic, leaping onto the hood of a passing car, carriage and all. The horse and the passengers in the car were not hurt in that incident.

Another incident in 2006 involved a horse named Spotty, who was on his way back to his stable on Ninth Avenue when he collided with a station wagon. His driver was thrown from the carriage and Spotty was pinned under the car. The horse had to be **euthanized**. Most recently, in late August 2008, a wedding in Brooklyn was derailed when the horses pulling the carriage

set to pick up the bride got spooked, dragging the driver down 12th Avenue and jumping on a car stopped at a traffic light. In that incident most of the damage was to the carriage and the car, with the driver and the horses sustaining minor injuries.

In spite of stories like these, members of the carriage horse community insist that carriage rides do not pose a safety concern and that there is no reason to shut down the industry.

Carriage industry speaks out

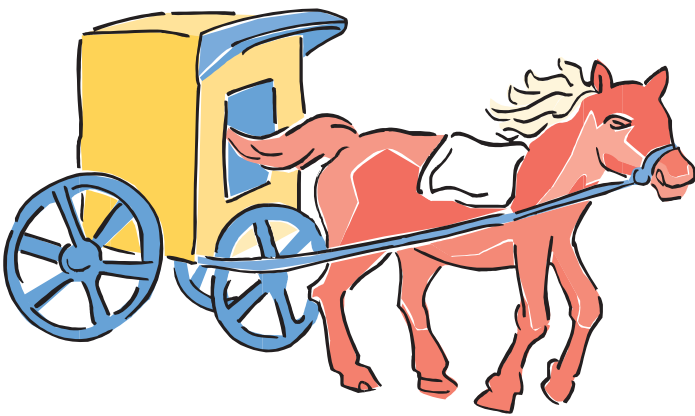
According to the New York Horse and Carriage Association, there are 68 carriages, 293 licensed carriage drivers and 220 horses, which are all privately owned, operating in New York City. Industry veteran Ian McKeever, who has emerged as an outspoken proponent for carriage horse owners and operators, said the recent accidents did not represent the norm and the industry's safety record on whole over the last 20 years has been "exemplary." McKeever, who comes from three generations of horse farmers and has more than 20 years in the carriage horse business, also adamantly denied allegations that the horses are suffering in any way.

"All you have to do is come to our stables and look," said McKeever, who is co-owner of Shamrock Stables on Manhattan's 45th Street. "They're the healthiest horses in America. We've opened up our business like we never have before," he continued. "We're not trying to hide anything."

Veterinarian Jay Baldwin, a certified **equine** cruelty investigator, would back up McKeever's statement. Baldwin, who conducts inspections for the city, told *Newsweek* that while there is always room for improvement, he has found that working conditions for carriage horses are "better today than they've ever been," a fact he credits to public scrutiny and care from the carriage drivers.

McKeever says that all his horses are kept in box stalls where they are able to lie down and turn a complete 360 degrees. About 98 percent of them are turned out to a farm for several months during the year, McKeever says.

Speaking in an unmistakable Irish accent, McKeever describes his horses as "intelligent, beautiful animals" and calls the carriage horse industry "the gateway to New York," giving tourists an opportunity to see a friendly face and get a personalized tour of the city that they can't get anywhere else.



McKeever says that when his horses are on duty, they work about seven hours a day, five days a week. Most of that time, he says, is spent in Central Park, except for about 30 minutes of travel time to and from the stable. McKeever says he buys horses from the Amish in Pennsylvania where they would otherwise spend 12 hours a day pulling a plow in a field.

Putting on Blinders

Despite reassurances from the carriage industry, concerns about the well being of carriage horses abound. Holly Cheever, an equine veterinarian who is an adviser for the city of New York, told *Newsweek* that horses in an environment such as New York face challenges with the city's pollution and notes that studies have shown these horses typically have shorter life spans.

"With their nostrils only about three feet above street level, they truly live a nose-to-tailpipe existence," Cheever said.

A documentary by independent filmmaker Donny Moss called *Blinders*, which premiered in April 2008 at the USA Film Festival in Dallas, addressed the plight of the urban horse and was critical of the carriage horse industry. A trailer of the film, which can be seen on YouTube, contrasts tourists' sunny perception of the industry with darker images revealed in live footage. It shows horses pulling carriages down busy city streets among honking taxi cabs; reveals images of broken carriages and injured horses lying on the street; and depicts horses looking through the bars of dark stalls and multiple-story city warehouses.

Sherry Ramsey, HSUS Manager of Animal Cruelty Prosecutions and chair of the New Jersey State Bar Association's Animal Law Committee, was among the individuals interviewed in *Blinders*. She noted that in addition to concerns about the well being of the animals, carriage horses pose a safety threat to pedestrians and others who travel in their path.

Horses are not like cars, or cabs, Ramsey said. They are unpredictable and may react to loud sounds and other things happening around them. She also points out that carriage horses have already been banned in tourist destinations like London, Paris, Toronto and Beijing, as well as in a number of U.S. cities, including Camden.

Audit finds shortfalls

Not long before *Blinders* premiered, another glimpse into New York City's horse carriage industry came from a report issued in September 2007 by New York City Comptroller William Thompson. The report audited the city Department of Consumer Affairs (DCA), which handles licensing, and the Department of Health and Mental Hygiene (DOHMH), which regulates the horses and the stables.

Among other things, the comptroller's report cited shortfalls in carriage horse inspections, veterinary examinations and other aspects of the agencies' monitoring and overseeing responsibilities. The report further indicated that while auditors found no serious violations regarding the health and safety of the horses at the stables, there were some problems in the areas where the horses work. These included an absence of water spigots where carriages wait to pick up passengers, as well as inadequate drainage in these places, hot asphalt where the horses often stand, and insufficient shade. Current regulations prohibit horse-drawn carriages from operating when the temperature is over 90 degrees or below 18 degrees.

What will happen next?

If the ban proposed by Avella is passed, it will signify a change of heart by the New York City Council, which rejected an earlier legislative proposal by Avella to limit carriage horses to Central Park. While horses are currently restricted to the park area during the busiest hours of the work week (10 a.m.– 9 p.m. Monday through Friday), restrictions are looser after 9 p.m. on weekdays as well as on weekends and holidays.

At the same time as Avella tries to shut down the New York City carriage industry, another city Councilman, James Gennaro, is advocating what his spokesman, Shams Tarek, describes as a more moderate approach. The proposal has been put forth in two pending but related bills.

The first bill would increase a carriage ride's fee (from \$34 in the first half-hour to \$54 and from \$10 to \$20 for each additional 15 minutes); and the other, Tarek said, would allow the extra revenue to be used for the care of the horses. The goal of the legislation, Tarek said, is to collect more money at the retail level and then put the money toward the protection and care of the animals. Ultimately, what happens with the carriage horse industry seems to rest largely in the hands of the city council.

As both sides continue to debate the issue, the steady clip-clopping that once echoed unchallenged on the streets of Manhattan will for now be accompanied by the determined voice of protest. 🗣️

Arrest of NFL Star Shines Spotlight on Savage Bloodsport

by Phyllis Raybin Emert

When the story of Atlanta Falcons quarterback Michael Vick being involved in dog fighting broke, the media attention shone a much-needed light on the issue, making the public aware of the brutality of the sport. The Humane Society of the United States (HSUS) estimates there are 40,000 people involved in the multibillion-dollar dog fighting industry and that number does not include spectators at dog fighting matches.

History of dog fighting

According to the American Society for the Prevention of Cruelty to Animals (ASPCA), dog fighting dates back to the Roman Empire when military dogs were first used on the battlefield. For entertainment the dogs were often matched against other animals, such as elephants and bears in the Roman Coliseum. In medieval times, bear baiting where a chained bear defended itself against a number of attacking dogs, became popular and acceptable in England. The bear was often killed and eaten and many dogs died or were injured in the course of the fight.

By the early 19th century, people became concerned about animal cruelty. In 1835, the English Parliament passed the Humane Act, which banned the baiting of animals. Around this time, the Staffordshire Bull Terrier was bred for its fighting abilities and dog versus dog fighting became a popular form of entertainment. The Bull Terriers were eventually brought to the American colonies and crossbreeding resulted in the American Pit Bull Terrier. Although other breeds are used in dog fighting, the American Pit Bull Terrier remains the most popular, contributing to its reputation as a dangerous breed.

According to the ASPCA, dog fighting was “common entertainment for police officers and firemen, and the ‘Police Gazette’ served as a major source of information on dog fighting for many years.” Despite many states outlawing dog fights, the industry continued to flourish secretly in the U.S. Today, the ASPCA conducts animal cruelty training programs in police academies throughout the country.

Dog fighting laws around the country

Dog fighting is against the law in all 50 states. According to HSUS, New Jersey has the toughest and most comprehensive laws protecting animals involved in blood sports and is one of only eight states that require mandatory jail time for an animal fighting conviction. In New Jersey, dog fighting carries a maximum penalty of up to a \$15,000 fine and/or five years in prison. In addition, laws passed in the Garden State 20 years ago by then Governor Thomas Kean made the offense of witnessing the fighting of animals a third degree crime, increasing the fine to a maximum of \$7,500 and the jail term to between three and five years.

The laws on dog fighting in other states are not as thorough as the Garden State’s. In Hawaii or Montana, for instance, it is a **felony** to organize a dog fight or possess a dog for fighting, but it’s legal to be a spectator. In New York, Texas and West Virginia, it’s a felony to organize dog fights, but only a **misdemeanor** to own a dog for fighting or watch a dog fight.

Georgia’s dog fighting laws were among the most lenient. However, since the Michael Vick case, in May 2008, Georgia’s governor passed a law making it a felony “to train, transport, sell or own a fighting dog, or to advertise, promote or bet on fights.” Attending a dog fight in Georgia is

now an aggravated misdemeanor on the first offense and a felony for more than one.

The Animal Fighting Prohibition Enforcement Act, which was signed into federal law in May 2007, makes it a felony to take dogs across state lines to engage in fighting. Each violation may be penalized by up to three years in jail and up to \$250,000 in fines. Several other bills at the federal level that involve dog fighting are now in committee in the U.S. House of Representatives.

The Jersey connection

In the investigation of Michael Vick, it was reported that a fighting dog from Bad Newz Kennels, established and owned by the football star, traveled from Virginia to New Jersey for a fight in 2003, and another Vick dog was matched in Virginia with a pit bull that had come from New Jersey in 2004. New Jersey Assemblyman Jeff Van Drew supports greater fines and jail time for those who are involved in animal fighting in New Jersey and advocates increasing jail time to 20 years for the worst animal cruelty cases and increasing fines up to \$200,000.

Assemblyman Van Drew told the Home News Tribune, “The Michael Vick debacle is shining a stark light on the underground network of animal cruelty that many would like to think does not exist in New Jersey.”

Violence against animals—violence against people

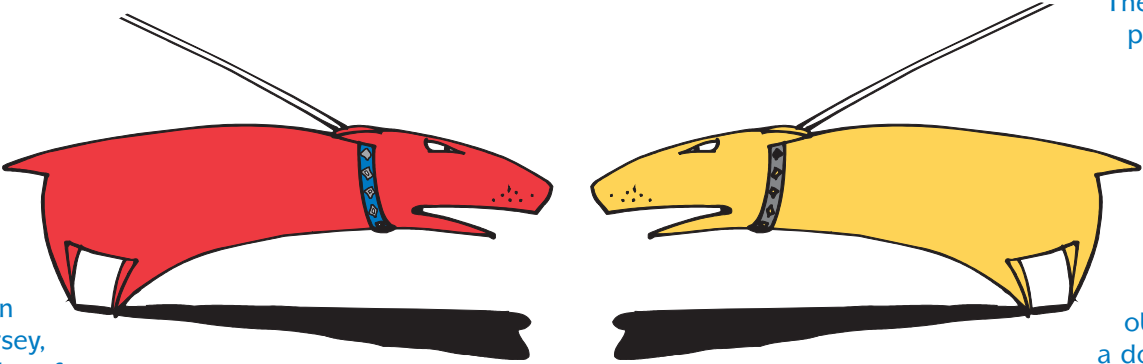
Many experts believe there are correlations between cruelty to animals and domestic violence and bullying. The American Humane Association (AHA), founded in 1877 and dedicated to protecting both children and animals, refers to “the link” in its literature. That link is that “children who harm animals become desensitized to violence and go on to commit antisocial acts against other people.” According to the AHA, violence against pets is an indicator of abuse and violence in the home. The organization states on its website, “Acts or threats of animal abuse may be used to coerce, control and intimidate women, children and elders to be silent about their abusive situations.

These threats to pets often prevent women and children from leaving situations of domestic violence and sexual abuse.”

Clinical psychologist Eliot Garson, of Princeton Junction, explained that there is a difference between observing violence in a dog fight and personally participating in acts of animal cruelty

and abuse. When kids are involved in torturing animals, Dr. Garson said, “They’ve already crossed over from observing to doing. Somebody who is cruel to animals is more likely to be cruel to people.”

Dr. Garson stated that the data from the few scientific studies that have been done “does not show a definite connection” between observing and then committing violence. “Some kids can become sensitized, not desensitized ...With exposure to violence some people go the other direction,” he said. In regard to children being spectators at dog fights, he noted, “They’re taken by their parents and I’m not sure that those kids enjoy it...I don’t think it’s good to expose children to violence...One of my concerns very often is that these kids are traumatized by it, not the other way around [and it can result in] all kinds of anxiety disorders.” Dr. Garson concluded by saying, “Brutality to animals is appalling...I think that people who have animals and treat them well and respect them are likely to treat humans with respect.”



What About the Dogs?

In 2007, Michael Vick was found guilty of dog fighting and sentenced to 23 months in prison. As the case progressed, it was revealed that Vick bred and trained American Pit Bull Terriers for the purpose of fighting and promoted and sponsored fighting matches both in his home state of Virginia, and other states, including New Jersey. Vick and two others admitted to killing more than half a dozen dogs simply because they weren’t good fighters.

According to a *Sports Illustrated* article, 51 dogs were seized from Vick’s Virginia property. Two dogs had to be euthanized immediately—one because it was particularly vicious, and the other because it was ill and in pain. It was expected that the remaining 47 animals would be put down when the case ended and they were no longer needed as evidence. That’s when the ASPCA and BAD RAP (Bay Area Doglovers Responsible About Pitbulls) stepped in to save as many of the Vick dogs as possible despite objections from some animal groups such as People for the Ethical Treatment of Animals (PETA).

Dan Shannon, a PETA spokesman, told *Sports Illustrated*, “The cruelty they’ve suffered is such that they can’t lead what anyone who loves dogs would consider a normal life. We feel it is better that they have their suffering ended once and for all.”

Law Professor Rebecca Huss, an animal law expert, was appointed by the court to determine the future of the Vick dogs. U.S. District Judge Henry Hudson ordered each dog evaluated on a case-by-case basis, and Vick was required to pay nearly \$1 million for lifelong care of those dogs that could be saved. Members of the ASPCA and BAD RAP conducted evaluations on 47 dogs (two dogs died while still in shelters) and separated them into four categories—those that could not be saved and would require

euthanization, those that could live out their lives under the care of trained professionals in an animal sanctuary, those that needed a controlled environment but posed the possibility of adoption and those that could be fostered for possible adoption at a later date.

Placing former fighting pit bulls for adoption might seem like a tall order, but Dr. Frank McMillan, director of well-being studies at Best Friends Animal Society, an animal sanctuary located in Utah that took 22 of the Vick dogs, told *Sports Illustrated*, “Of all dogs, pit bulls possess the single greatest ability to bond with people.”

Of the 22 dogs placed with Best Friends, Dr. McMillan believes that 17 will eventually be adopted. The other 25 Vick dogs are either in permanent homes or in foster care. None of the 47 evaluated dogs were euthanized.

Second chances

While some Vick dogs will never leave the sanctuary for permanent homes, a number of the former fighters are thriving. A Vick dog named Leo has left his fighting days behind. After weeks of training and instruction, Leo is now a certified therapy dog who wears a clown collar and comforts and cheers cancer patients. He also visits young juveniles on court probation.

After displaying an affinity for children, another dog named Jonny Justice became certified in the Paws for Tales Program, which helps children with their reading skills. To build their confidence, children practice reading out loud to dogs. Once a month, Jonny now listens patiently to the children’s stories, giving him a purpose and the kids the confidence they need.

— Phyllis Raybin Emert

race, they walk off safely afterwards,” Ed Martin, president of the RCI, told *The New York Times*.

Kentucky Derby winner given steroids

Concerns about drug use in horse racing peaked last summer when the trainer of Big Brown, winner of the 2008 Kentucky Derby and Preakness Stakes, acknowledged he had injected the horse with steroids. With media focus on drug use running high, Big Brown was reportedly taken off the drugs before the Belmont Stakes, where the horse placed last, losing his bid for the Triple Crown. Big Brown’s poor showing in the highly anticipated Belmont Stakes furthered speculation about the role drugs may have played in his performance.

Adding to the tension, race fans were still recovering from the death of Eight Belles, the second-place winner in the 2008 Derby, who collapsed after the race and had to be euthanized on the track. Subsequent reports indicated that Eight Belles did not test positive for any steroids.

Still, Eight Belles’ death left the public uneasy about safety issues in horse racing. How many other horses were running on steroids in the 2008 Kentucky Derby or in other races in the United States? Nobody knows for sure since testing is rarely done and is said to be challenging and costly.

A 2003 study conducted at Pennsylvania racetracks showed that 60 percent of horses

tested were on steroids, sometimes more than one. It is a statistic that few, if any, in the industry deny.

Bigger, stronger but breakable

When it comes to steroid use in racehorses, much of the focus has been on anabolic



steroids, which were the culprit in the human scandals and essentially are the equivalent of male hormones. Basically, these drugs promote muscle growth and make horses more aggressive, among other things. But perhaps more than enhancing a horse’s performance it is the animal’s health that is at issue.

“Steroids have done a great deal of harm to this industry,” Hall of Fame horse trainer John Nerud told *The New York Times*. “They give them to all these young horses at the sales and they develop muscle while they don’t develop their bones. Look at these baseball players, how they have so much muscle and how many of them are always getting hurt,” said Nerud. “It’s the same thing with horses. They don’t let them develop naturally anymore. You see these yearlings come through the ring and they look like two-year olds. Absolutely, this is one of the reasons all these horses are getting hurt and breaking down.”

John Kimmel, a veterinarian and horse trainer in New York, does not believe in using steroids in horses. He told *The New York Times* that steroids may create bigger and stronger horses, but they “break down more frequently.”

“It’s been proven in humans that [steroids] lead to soft-tissue injuries,” Kimmel said. “You can have big, strong horses with muscular skeletal systems that can’t handle the load.”

Congress enters the race

In June 2008, the House of Representatives held congressional hearings to evaluate safety in horse racing and possible government oversight of the sport. Titled, *Breeding, Drugs and Breakdowns: The State of Thoroughbred Horse Racing and the Welfare of the Thoroughbred Racehorse*, the hearings were conducted by the House’s Subcommittee on Commerce, Trade and Consumer Protection.

Representative Ed Whitfield of Kentucky, who has expressed an interest in seeing the industry create a central governing body to oversee horse racing like England’s British Horse Racing Authority, told *The New York Times*, “I believe greed has trumped the health of the horse, health of the jockey, strength of the breed and integrity of the sport.”

Arthur Hancock, who owns a horse farm in Kentucky that has produced three Kentucky Derby winners, voiced his concerns about the viability of U.S. racehorses at the hearings, saying that the thoroughbred breed of horse “is becoming softer and weaker.” He further noted, “Performance-enhancing drugs must be banned if we are going to survive as an industry and if thoroughbreds are going to survive as a robust breed.”

One ace up Congress’s sleeve is repealing the Interstate Horse Racing Act, which it has threatened to do if the racing industry does not clean up its act. The Interstate Horse Racing Act legalized the simulcasting of races to off-track betting locations. According to a report in *The New York Times*, of the \$15.4 billion bet on horse racing in 2007, 90 percent of the money was from off-track betting.

Why use steroids at all?

The U.S. and Canada are the only countries that allow steroids in horse racing. Given reported problems associated with steroids, why use them at all? In defense of the controversial drugs, some trainers and veterinarians contend that, if used properly, steroids can provide important therapeutic benefits to horses. For instance, steroids can help an injured horse recover faster and can put weight on a horse that will not eat.

“Steroids do have some benefits,” Dr. Gregory Bennett, the veterinarian who treats Big Brown, told *The New York Times*. “We’re always under pressure to keep these horses going and to try and make races. Without steroids, they’d lose some horses that can’t keep up the pace and race every three weeks or every month. You have horses, particularly fillies, who won’t eat for three, four days and they’ll start to lose weight. If used judiciously, it

Aftermath of Pet Food Recall

In February 2007, you may remember that the evening news and newspapers reported more and more stories of beloved pets dying from eating contaminated pet food. The pet food had been tainted with a chemical called melamine. Every day more pet food brands were added to the recall list, resulting in the largest pet food recall in history.

At the time, the U.S. Food and Drug Administration reported that it had received complaints regarding the deaths of 1,950 cats and 2,200 dogs. While the U.S. Attorney’s Office was not able to confirm those numbers, it believes that pet deaths due to tainted pet food reached the thousands.

Criminal charges

A year later, in February 2008, ChemNutra, Inc., based in Las Vegas, and two Chinese companies were indicted in connection with the tainted pet food scandal. Xuzhou Anying Biologic Technology Development Co. and Suzhou Textiles, Silk, Light Industrial Products, Arts and Crafts I/E Co. were charged with 13 felony counts of introduction of adulterated food into interstate commerce and 13 felony counts of introduction of misbranded food into interstate commerce. The owners of ChemNutra were charged with 13 misdemeanor counts of introduction of adulterated food into interstate commerce, 13 misdemeanor counts of introduction of misbranded food into interstate commerce and one felony count of conspiracy to commit wire fraud.

According to the indictment, Suzhou Textiles, which deals in exports, intentionally mislabeled 800 metric tons of tainted wheat gluten that was manufactured by Xuzhou in order to avoid inspection in China. In addition, the company did not properly mark the shipment as intended for use in food, further avoiding inspection. The indictment allows that ChemNutra did not know the product was tainted; however, it does allege that they were aware the product was shipped to the U.S. under false pretenses and did not notify consumers.

The U.S. has no extradition treaty with China so, while U.S. authorities alerted Interpol, an international police organization, should the owners of the two Chinese companies leave the country, it is unlikely they will stand trial in an American court. As a result of the pet food scandal, Chinese officials signed an agreement to increase inspections of many products, including pet food ingredients. This fall, however, more failed inspections were brought to light with the deaths of several Chinese infants who ingested baby formula tainted with melamine.

What about the pets?

The contaminated wheat gluten ultimately affected more than 150 brands of cat and dog food. Menu Foods produced many of the brands affected and set up the Menu Foods Income Fund to handle the more than 100 lawsuits filed in U.S. and Canadian courts.

In May 2008, the U.S. District Court for the District of New Jersey approved a settlement agreement of \$24 million, pending approval by a Canadian court. In December 2008, the Canadian courts gave its approval to the settlement.

Under the agreement, pet owners can seek compensation for all “reasonable expenditures” connected to the loss or sickness of their pet. Those expenditures could include veterinary bills, burial costs, cost of replacement food, carpet replacement due to a sick animal and time lost from work to care for a sick animal. In addition, pet owners could seek fair market value of a deceased pet if that cost is higher than the other expenses incurred. If an owner does not have adequate documentation of his or her expenses, the maximum amount he or she could recover is \$900.

While the settlement allows for economic damages, it does not compensate pet owners for the emotional distress of losing their pet.

— Jodi L. Miller

survival, has dramatically melted in recent decades and computer models suggest sea ice is likely to further recede in the future.

The Interior Secretary made it clear that the listing should not be used to regulate greenhouse gas emissions and stated that the ESA should not be “misused to regulate global climate change.” Kempthorne stated at the press conference, “The loss of sea ice, not oil and gas development...are the reason the polar bear is threatened.” He referred to Section 4(d) of the ESA, which states that action allowed under the Marine Mammal Protection Act (MMPA) is also allowed under the ESA with regard to the polar bear. “This rule...will ensure the protection of the bear while allowing us to continue to develop our natural resources in the arctic region in an environmentally sound way.”

The listing of the polar bear as threatened requires the development and implementation of a specific recovery plan, and a proposal by the Interior Department for designation of the area as a critical habitat.

Polar Bear Seas Protection Act

On the same day the polar bear decision was announced, the Polar Bear Seas Protection Act (H.R. 6057) was introduced in the U.S. House of Representatives by New York Congressman Maurice Hinchey and Washington Congressman Jay Inslee. A similar bill (S. 2568) was introduced in the Senate by Massachusetts Senator John Kerry.

In a press release, Congressman Hinchey stated, “While listing the polar bear as a threatened species is better than nothing, it is far too little and comes far too late...I am convinced that the Interior Department will in fact use the loophole it established [rule 4(d)] to exempt oil development from the list of prohibited activities.” He noted that “things won’t get better for the bear or for that matter humans, until we stop leasing off acres of polar bear habitat for drilling and finally shift our emphasis away from oil and other fossil fuels and toward solar and other forms of renewable power.”

If passed, the Polar Bear Seas Protection Act would prohibit pre-leasing, leasing and related activities (dealing with the drilling and development of oil and gas) in the Beaufort and Chukchi Sea areas unless certain conditions are met. These sea areas are the main habitat of arctic polar bears as well as bowhead whales, beluga whales, walrus, seals and assorted fish and birds. The additional conditions include more detailed information “on the composition, distribution, status and ecology of the living marine resources in the Beaufort and Chukchi Sea marine and coastal **ecosystems**, the designation of this area as a critical habitat for the polar bear, and the assurance in case of an oil spill of the recovery and removal of at least 85 percent of the oil spilled.”

The Mineral Management Service (MMS) has already opened areas for oil and gas development in the Chukchi Sea. In a joint statement, Hinchey and Inslee said, “It makes no sense to add to the threat global warming poses to polar bears with massive oil and gas development in their habitat, development which will put the species at further risk from potential spills, onshore infrastructure and further disturbance from major industrial activities. Ironically...the oil and gas produced from these leases will increase the very emissions of greenhouse gases responsible for melting the Arctic sea ice into the future, further jeopardizing polar bear habitats.” The bill is being considered by the House Committee on Natural Resources.

Opposition to listing

The Pacific Legal Foundation (PLF), a California-based public interest organization that advocates for a balanced approach to environmental protection, is against the polar bear listing. In a press statement, PLF’s principal attorney Reed Hopper said, “This listing decision is unwarranted and ill-advised. Credible estimates put the number of polar bears as high as 25,000—five times as many as

50 years ago. The Endangered Species Act was not intended, nor does it allow, the listing of a thriving species,” Hopper declared. “This listing could have the effect of imposing severe restrictions on land use, job creation, and normal economic activity, not merely in Alaska but also—if global warming factors are cited in lawsuits based on the listing—throughout the lower 48 states.” PLF vice president Dave Stirling claimed in the statement that environmental groups sought the listing for polar bears to “expand regulatory control over economic activity throughout the country,” not because the bears were in danger.

Hopper added, “The listing of the polar bear really isn’t about the polar bear. This is a political ploy on the part of activist groups to try to hijack global warming policy from the hands of Congress and to put it into the hands of the courts.”

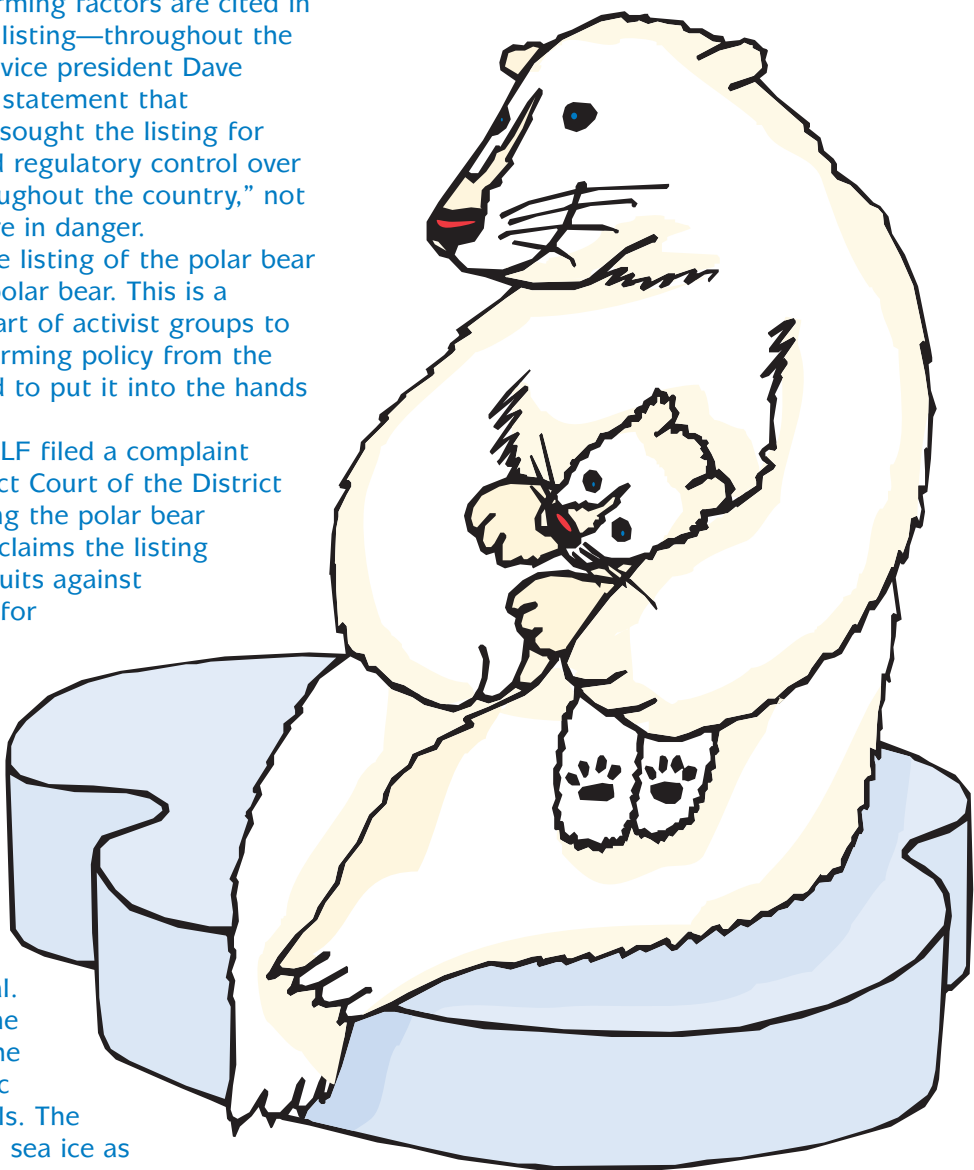
In October 2008, PLF filed a complaint with the federal District Court of the District of Columbia challenging the polar bear listing. The complaint claims the listing would encourage lawsuits against industries responsible for large amounts of carbon emissions that are related to global warming and the melting of the arctic ice.

It’s not just about the bears

The primary food source for polar bears is the ringed seal. Polar bears eat only the skin and fat, leaving the leftover meat for arctic foxes and other animals. The polar bears depend on sea ice as

a platform for hunting ringed seals. The seals gather at the ice to eat fish, and the fish congregate there to eat their food source. Sea ice is an important part of maintaining the arctic food chain. When the ice melts and breaks up, it

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Protecting Endangered Species in New Jersey and the U.S.

The U.S. Fish and Wildlife Service, within the U.S. Department of the Interior and the National Oceanic and Atmospheric Administration, within the U.S. Department of Commerce, oversee the administration of the federal Endangered Species Act, which was passed in December 1973. Whether a species is listed as endangered or threatened under the ESA depends on the degree of the threat to that species. The U.S. Fish and Wildlife Service’s website states, “an ‘endangered’ species is one that is in danger of **extinction** throughout all or a significant portion of its range. A ‘threatened’ species is one that is likely to become endangered in the foreseeable future.”

Before the act was passed, 77 species were threatened with extinction. Today, the U.S. Fish and Wildlife Service lists more than 1,200 animals in the U.S. as threatened or endangered. There are also 46 species that the agency has “delisted” or taken off its Threatened and Endangered Species List. Of those, 20 species, including the American alligator, the grizzly bear and the gray whale, are now listed as recovered. Other species have not been so lucky, with nine currently listed as extinct.

In New Jersey, the Endangered Species Conservation Act of 1973 was passed two weeks before the federal act. The New Jersey Division of Fish and Wildlife created the Endangered and Nongame Species Program with the goal of restoring and maintaining species in New Jersey that are threatened with extinction.

The New Jersey Division of Fish and Wildlife states that while some species can become extinct naturally, society should be concerned when a species’ extinction comes at the hands of humans. Why should we, as humans, care about the extinction of a species? The agency states on its website, “the decline or disappearance of one species may signal the deterioration of a habitat. Other species, and human health and welfare, may soon follow. By preserving the future of endangered and threatened species, we help preserve our own.”

While the New Jersey Division of Fish and Wildlife lists more than 35 species as endangered in the Garden State and more than 25 species as threatened, below are the 18 endangered or threatened animals on the U.S. Fish and Wildlife Service’s federal list that are native to New Jersey.

Indian Bat	Status: Endangered	Date listed: March 11, 1967
American Burying Beetle	Status: Endangered	Date listed: July 13, 1989
Mitchell’s Satyr Butterfly	Status: Endangered	Date listed: June 25, 1991
Eskimo Curlew	Status: Endangered	Date listed: March 11, 1967
Piping Plover	Status: Threatened	Date listed: December 11, 1985
Puma (cougar)	Status: Endangered	Date listed: June 4, 1973
Hawksbill Sea Turtle	Status: Endangered	Date listed: June 2, 1970
Kemp’s Ridley Sea Turtle	Status: Endangered	Date listed: December 2, 1970
Leatherback Sea Turtle	Status: Endangered	Date listed: June 2, 1970
Loggerhead Sea Turtle	Status: Threatened	Date listed: July 28, 1978
Shortnose Sturgeon	Status: Endangered	Date listed: March 11, 1967
Northeast Roseate Tern	Status: Endangered	Date listed: November 2, 1987
Northeastern Beach Tiger Beetle	Status: Threatened	Date listed: August 7, 1990
Bog Turtle	Status: Threatened	Date listed: November 4, 1997
Dwarf Wedgemussel	Status: Endangered	Date listed: March 14, 1990
Finback Whale	Status: Endangered	Date listed: June 2, 1970
Humpback Whale	Status: Endangered	Date listed: June 2, 1970
Right Whale	Status: Endangered	Date listed: June 2, 1970

Too Many Puppies and Kittens? CONTINUED FROM PAGE 1

likely, all of those animals would need to be spayed or neutered so that their offspring do not become homeless.

“As it stands, there aren’t enough homes for all of the dogs and cats out there now, so a lot of them end up in shelters, and when they are not adopted they are **euthanized**,” said Freehold attorney Sherry Ramsey, the animal cruelty prosecutions manager for the Humane Society of the United States (HSUS).

“By not requiring mandatory sterilization, with certain exceptions, we continue to make the problem worse. It’s not fair to the innocent animals who die and it’s not really healthy for animals to have litter after litter.”

While the HSUS supports mandatory measures for the sterilization of dogs and cats, the ASPCA does not. In a position statement on its website, the ASPCA stated that it recognizes the “only method of population control that has demonstrated long-term efficiency in significantly reducing the number of animals entering animal shelters is the voluntary sterilization of owned pets.” However, the statement also asserts that the ASPCA “is not aware of any credible evidence demonstrating a statistically significant enhancement in the reduction of shelter intake or euthanasia as a result of the implementation of mandatory spay/neuter laws.”

The ASPCA cites economic concerns and claims that one of the major barriers to the spaying and neutering of family pets is the lack of “accessibility of services, which is not addressed simply by making spaying and neutering mandatory.” The organization advocates that communities create safe, voluntary spay/neuter programs available to those that need it.

New Jersey cats

Some New Jersey communities are addressing the rising number of **feral** cats roaming their neighborhoods with a TNR (trap-neuter-return) program. In towns like Cape May, Atlantic City, Phillipsburg, Bloomberg and Montclair, municipally-funded or nonprofit programs have trapped feral cats, had them neutered or spayed and vaccinated against rabies, given an indentifying mark, and then released them back into the community.

In Cape May, which started its municipally-supported TNR program in 1997, the feral cat population was reduced by 50 percent in 2003. In Montclair, where a nonprofit group was formed in 2004 to address the feral cat problem, 440 cats had been processed by April 2008. In addition to preventing thousands of births, the organization managed to place many of the younger cats in homes.

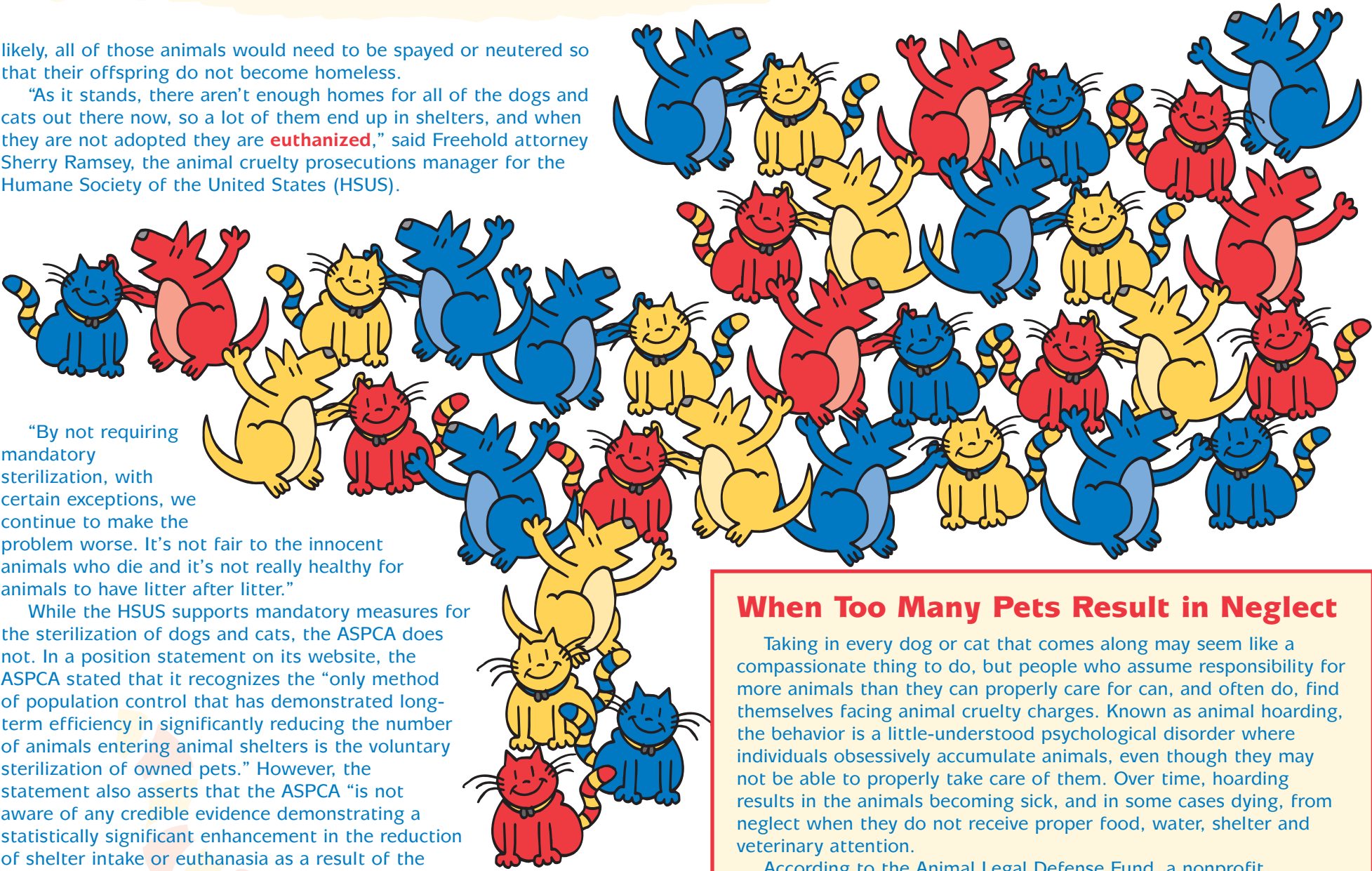
New Jersey’s position

According to a 2004 report completed by New Jersey’s Animal Welfare Task Force, which was created by the state to review animal-related issues, in 2003 more than 126,000 animals ended up in the state’s shelters, and over 50,000, or 40 percent, of them were euthanized. The large number of procedures, explained Ramsey, who served on the task force, takes an emotional toll on shelter workers, in addition to diverting money that could be spent in more productive ways. In 2003, for example, the task force reported that more than \$2.5 million was spent in New Jersey for euthanasia.

The AKC and organizations like the American Dog Owners Association (ADOA) disagree with arguments that mandatory programs will reduce the cost of dealing with cat and dog overpopulation problems, and argue that people who are irresponsible pet owners will just ignore the law.

The ADOA opposes mandatory spay/neuter programs, which “...disproportionately affect the most responsible pet owners and ethical breeders, without impacting irresponsible breeders,” the association explained in a Sept. 6, 2008, letter to the Chicago City Council, which was considering legislation.

Hoping to resolve the growing overpopulation reported by the state task force in 2004, the New Jersey Senate introduced a mandatory spaying and neutering bill in 2006. Although the legislation was never voted on, Senator Jeff Van Drew reintroduced the bill in 2008. If passed by the Legislature, the law would require that all cats and dogs be sterilized before being released from a shelter unless the owner who reclaims the animal can prove that it is a registered show animal and has been shown in the past year, the owner is a registered breeder, or a veterinarian says the animal is too young to undergo surgery or has health problems that would make the procedure dangerous. The legislation was referred to the Senate Economic Growth Committee and is still awaiting action. 🛠️



When Too Many Pets Result in Neglect

Taking in every dog or cat that comes along may seem like a compassionate thing to do, but people who assume responsibility for more animals than they can properly care for can, and often do, find themselves facing animal cruelty charges. Known as animal hoarding, the behavior is a little-understood psychological disorder where individuals obsessively accumulate animals, even though they may not be able to properly take care of them. Over time, hoarding results in the animals becoming sick, and in some cases dying, from neglect when they do not receive proper food, water, shelter and veterinary attention.

According to the Animal Legal Defense Fund, a nonprofit organization that focuses on protecting the rights of animals, as many as 250,000 animals, mostly cats and dogs, are the victims of hoarders each year. In New Jersey, the Society for the Prevention of Cruelty to Animals (SPCA) reports investigating about 5,000 complaints of animal hoarding annually.

Hoarding cases are usually reported by neighbors, who often notice a foul smell of animal excrement or decaying animals and/or sounds of distress coming from the property. Animals rescued from these situations are taken in by area shelters, which then face the financial burden of treating, housing, and, when possible, finding new homes for them.

“In addition to the horrific animal cruelty involved, hoarding creates such highly unsanitary conditions that the properties of hoarders, contaminated with fecal matter and urine, are often condemned. What’s more, a single hoarding case involving dozens, if not hundreds of animals, can easily bankrupt a local humane society and severely strain volunteer resources,” the Animal Legal Defense Fund noted on its website.

Animal cruelty cases of this kind can be found in any community. In August 2007, a Saddle River couple with a long history of caring for sick and abandoned animals in their \$2.4 million, 20-room mansion was charged with animal cruelty in a hoarding case involving more than 150 cats and dogs, 23 of whom died. Nearly a year later, in April 2008, a couple in the beach community of Barnegat was charged with the death of dozens of pets when the remains of 64 dogs, ferrets, gerbils, guinea pigs and turtles were discovered in their townhouse. Both couples could face years in jail and hefty fines if found guilty.

Hoarders appear to be motivated by a belief that they are acting in the best interest of the animals, but end up becoming overwhelmed by the financial and physical responsibility involved in caring for these pets.

“The sad part is this didn’t need to happen,” Matt Stanton, of the New Jersey SPCA, told *The Philadelphia Inquirer* in connection with the Barnegat incident, which involved a man who was a licensed hedgehog breeder and a respected member of the local first aid squad. “My gut feeling is that they got overwhelmed. Then it [got] out of control...[Like other hoarders, they] end up in a position where they don’t know what to do and bad things happen.”

New Jersey’s present laws require that local or county prosecutors must file civil charges against hoarders under the existing animal cruelty laws, which do not specifically mention animal hoarding. Under legislation proposed by Senator Jeff Van Drew in June 2008, animal hoarding would be considered an actual offense, and local SPCAs would be authorized to file charges against individuals. If passed, the bill would make hoarding both a civil and a criminal animal cruelty offense, meaning a person found guilty of the crime would not only be penalized with up to \$13,000 in fines, but could also face a maximum of 18 months in jail and fines.

New Jersey’s proposed legislation does not spell out how many animals a person must have to be considered a hoarder. Instead, it says that hoarding is taking place if a person has too many animals to properly care for them.

— Cheryl Baisden

Polar Bears

CONTINUED FROM PAGE 7

is difficult for polar bears to swim between ice floes and there has been evidence of polar bears drowning in attempts to travel between them.

According to *Audubon Magazine*, a publication devoted to nature and the environment, “a polar bear decline could trigger what biologists call a ‘trophic cascade,’ which, in its simplest terms, means a complete uncoupling of the Arctic food chain, with wildly unpredictable consequences.”

In a scientific report released in September 2007 by the U. S. Geological Survey (USGS), part of the Interior Department, scientists concluded, “future reduction of sea ice in the Arctic could result in a loss of two-thirds of the world’s polar bear population within 50 years.” There are about 25,000 polar bears in the world, which can be found in Canada, Russia, Norway and Denmark. In the U.S. they are only found in Alaska and number about 4,000. The USGS projects polar bears could disappear from Alaska by the middle of this century.

“As the sea ice goes, so goes the polar bear,” stated USGS scientist Steven Amstrup in news reports. Scientists have little hope that the greenhouse effect, which is the buildup of carbon dioxide and other industrial gases that heat up the atmosphere and melt the arctic ice, can be changed in time to help the polar bears.

Kassie Siegel of the Center for Biological Diversity declared, “This grim news about polar bears and sea ice decline is horrifying, but it is a call to action, not despair. Our hope lies in a rapid response, including both deep and immediate carbon dioxide reductions.”

The Chukchi Sea and energy development

The Chukchi Sea is the stretch of water that lies north and west of Point Barrow, Alaska and is home to half of America’s polar bear population. Offshore drilling and other energy development in this area could compound the problem of dwindling sea ice. Lori Quakenbush of the Alaska Department of Fish and Game explained to *Audubon Magazine* that environmental risks include “the potential for catastrophic oil spills, the harassment of animals through seismic exploration and floating industrial activities, [and] the increase in boat traffic along the same small areas of open water...that many animals use.”

The rise in gasoline costs and increased oil prices have led to a decision by the Bush administration to make oil and gas leases available in the Chukchi Sea. They believe that drilling for oil at home would reduce the country’s dependence on foreign oil from the Middle East. In February 2008, the MMS held the first oil and gas lease sale, in which nearly 10

percent of the 30 million acres of the Chukchi Sea were sold for \$2.5 billion. Many native communities fear that offshore drilling will drive away animals that they depend on for their survival.

Earthjustice, an environmental law firm in Juneau, Alaska, filed suit in federal district court on behalf of a number of Alaska native organizations and environmental groups challenging the decision to open millions of acres of the Chukchi for oil and gas leasing. They claim that the effect of exploration and drilling on area wildlife, including the polar bear, and its impact on local native populations has not been properly studied and analyzed.

“Oil spills, in particular, would cause a slew of devastating effects that would ripple through the food chain,” according to *Audubon Magazine*, which reported that offshore oil activity has resulted in 117 spills since 2000.

In a press statement, Brendan Cummings of the Center for Biological Diversity stated, “For polar bears to survive global warming, we need to protect the remote and fragile places where they live, not auction them off to oil companies.”

Endangered Species Act weakened

In August 2008, Interior Secretary Kempthorne proposed new regulations to the Endangered Species Act that do not require congressional approval. These new rules would remove or reduce independent reviews by government scientists of any project that could harm endangered species of plants or animals on federal land. Federal agencies could decide on their own if a threat exists. Presently, agencies submit plans for projects to the Fish and Wildlife Service or the National Marine Fisheries Service and scientists decide whether to approve, reject, or change the project if it threatens an endangered species.

A *New York Times* editorial declared, “The dangers of such ‘self-consultation’ should be obvious. The Bureau of Reclamation likes to build dams; the Department of Transportation likes to build highways. Protecting endangered species is not their priority.”

Senator Barbara Boxer of California, chair of the Environment and Public Works Committee in the U.S. Senate, has stated, “If this proposed regulation had been in place, it would have undermined our ability to protect the bald eagle, the grizzly bear and the gray whale.”

The struggle between industrialists and environmentalists has been going on for decades and will continue. The difficulty is in finding a compromise satisfactory to both sides. If no agreement can be reached it will likely be the judicial system that determines the final outcome. 🛠️

The greatness of a nation and its moral progress can be judged by the way its animals are treated

– Mahatma Ghandi, spiritual leader of India

Stop Steroid Abuse

CONTINUED FROM PAGE 5

helps keep a horse up to the training standards we set for them.”

But what is proper use? And how can it be regulated? The answer to at least that last question is “not easily.” Part of the problem is that each state is responsible for regulating itself; so there is no uniform standard in the industry, a fact brought out during the congressional hearings. Therefore, if one state or jurisdiction decides to crack down on steroids but another does not, the playing field is pushed off-kilter.

Then there is the physiology of the horse to consider. Unlike in humans, some steroids occur naturally in a horse’s body. This, some say, makes testing more difficult and complicated to regulate.

Steroid free in 2009

Perhaps because of the congressional hearings and threat of government intervention, the racing industry itself is already out of the gate, implementing steroid regulations on its own. There are currently 38 horse racing states and at press time 16 of those states have banned steroids.

As for the states with Triple Crown races, Kentucky, once the most lenient jurisdiction, now has the toughest regulations, which went into effect in September 2008. Kentucky’s



ban outlaws the administration of steroids 60 days before a race with a first offense violation resulting in a 60-day suspension. Maryland, which hosts the Preakness Stakes and New York, home of the Belmont Stakes, both instituted steroid bans this fall, which took effect January 1, 2009.

As for the Garden State, the New Jersey Racing Commission at press time reported that a regulation had been proposed but was stalled by a court injunction sought by the New Jersey Thoroughbred Horsemen’s Association. Frank Zanzuccki, the Commission’s executive director, said the Commission was working to overturn the injunction.

Zanzuccki said the regulation that New Jersey will likely pass will allow for one of the four **equine**

steroids that were approved by the Food and Drug Administration to be in the system of a horse on race day under a certain level.

Given the fast action on the part of the states to get some regulations enacted, it’s safe to say that the race is on to bring the problem under control. At least one track veterinarian has already called the outcome. According to ESPN, acclaimed horse doctor Larry Bramlage predicted last June that all steroids would become illegal nationwide by 2009.

"It's difficult to know when it's use and when it's abuse," Bramlage said, "so we'll ban them all." 🛠️

GLOSSARY

- adulterated** — corrupted or made substandard by adding inferior ingredients.
- carnivore** — a flesh-eating mammal.
- ecosystem** — a natural unit consisting of all plants, animals and micro-organisms in an area functioning together with all of the non-living physical factors of the environment.
- equine** — pertaining to horses.
- euthanized** — put to death painlessly.
- extinction** — dying out or the state of being destroyed.
- extradition** — the surrender of an accused person by one government to another.
- felony** — a serious criminal offense usually punished by imprisonment of more than one year.
- feral** — untamed, wild.
- indicted** — to be charged with a criminal act by a grand jury.
- misdemeanor** — a lesser crime, usually punishable by a fine or short jail term.