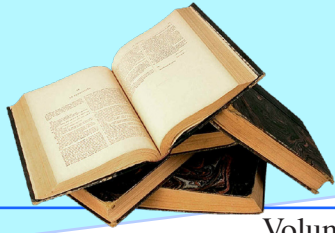


ANIMAL LAW BITES



Volume 1, Issue 1 - Raising the profile of animal law

Carrots and Sticks



The Stick Goes To....

The Ringling Bros. and Barnum & Bailey Circus, showing in Detroit November 18 – 22.

Self described as “an exciting show [that includes] dancing elephants, Taba the Tiger-Tamer, zebras, horses, camels, llamas and even a zebu”; Ringling Bros. doesn’t mention abusive standard practices used to train the animals. Images of handlers beating elephants with sharp implements in sensitive areas hidden from the public behind the ears, and the backs of the legs have been exposed through video footage taken in undercover investigations. [<http://www.ringlingbeatsanimals.com/default.asp>]

Meyer Glitzenstein & Crystal, a Washington, D.C. based public interest law firm is currently representing the American Society for

the Prevention of Cruelty to Animals, and four other animal protection groups in a suit against Ringling Brothers and Barnum & Bailey Circus. The suit alleges that the circus is violating the Endangered Species Act (“ESA”) by abusively training and disciplining elephants with bull hooks (a sharp implement resembling a fire poker), and chaining elephants for unlawfully long periods of time. During the six week trial in February – March of 2009, former employees testified that trainers routinely beat the animals, and keep them tightly chained by one front and hind leg, unable to move freely or turn around for up to 26 hours at a time. The plaintiffs also called leading elephant experts to testify that the routine practices of Ringling Bros. “wound,” “harm,” and “harass” endangered animals contrary to the ESA.

This case marks the first time the ESA has been used by private citizens to influence the care of captive animals. If successful, it will be a major step forward in ending the use of endangered animals in entertainment.

What can you do to help? Speak out against animals used in entertainment, encourage family and friends to attend animal friendly performances such as Circ De Soleil, and if you run into a Ringling’s representative over in Detroit, be sure to congratulate them on winning this esteemed award!

by *Natasha*

CARROTS & STICKS

The Carrot Goes to...

The Ministry of the Environment

After one man’s dogs became ill and passed away after drinking water from a ditch in the county of Essex on 14th Concession Road, the Ministry of Environment began testing the water. After an initial scan of the area by the local OPP, several other animals were discovered dead in the ditch, including a cat and a deer.

It is unknown what is causing the illnesses. The ditch is located between Hyland sideroad and Pinkerton sideroad, an area that is surrounded by farmland.

This situation emphasizes the dynamic rela-

tionship between animals, the environment and humans. Unfortunately, animals are often the victims in changes to the environment. Hopefully, the Ministry will solve this mystery soon so that more deaths can be prevented.

What can you do to help? If you know any information about how the ditch could have become contaminated, please contact the Ministry of Environment at 519-948-3892 or 1-800-265-7672.

by *Anne Louise*

Animal Cruelty Legislation: Ontario

At present, the province of Ontario has the strongest animal cruelty laws in the country; but while such a statement may sound impressive, what does it really mean?

On March 1, 2009, the province passed the Provincial Animal Welfare (“PAW”) Act, an updated version of the original 1919 act. Whereas in the old version of the Act, the only provincial offence was cruelty towards dogs and cats that were being sold, the new legislation deems the causing of distress to any and all animals a provincial offence.

Under the new PAW Act, the OSPCA is allowed to inspect places where animals are kept for “entertainment, exhibition, boarding, sale or hire,” additionally requiring veterinarians to report suspected abuse and neglect. The new act also establishes standards of care for all animals, and introduces penalties for causing harm to any animal including jail terms of up to two years, fines of up to \$60,000 and a potential lifetime ownership ban.

Given the above, it appears that the hallmark of the legislation is its dependence on the public’s vigilance in observing and reporting abuse. As such, the new PAW Act shares the shortcomings of its predecessor legislation, by relying on a “say what you see” methodology of monitoring animals in the community. Such reliance on citizen reporting ultimately weakens the scope of the legislation, particularly in rural areas. Moreover, any system which relies on (A) the ability of individuals to be privy to the actions of strangers and (B) the willingness to report on any questionable behavior is subject to the abuses and errors we see in all protective services, such as those geared towards the protection of children.

This is not to say that the amended PAW Act is without merit. Its intention is noble and its mandate addresses needed changes to the current laws, but there is little force behind the intent. Essentially, this is after-the-fact legislation which depends on reporting abuse after it has occurred, rather than implementing accountability and safeguards in the system so as to preclude abuse and cruelty.

by *Annie*

Featured Case:



On March 10, 2009, only nine days after the amendments to the 89-year old Ontario Society for the Prevention of Cruelty to Animals Act were proclaimed into law, two redbone coonhounds named Stealth and Hooch were seized from a Windsor Ontario home. The two dogs were discovered to be on the brink of death by starvation and suffered from acute dehydration,

malnutrition, open sores, heartworm, hookworm, giardia, and fleas.

The dogs' owner, Orville Harris, was the first person to be charged under the new Provincial Animal Welfare Act, with six counts of animal abuse, including two counts of causing an animal to be in distress, two counts of permitting distress to an animal, and two counts of failing to comply with prescribed standards of care for an animal.

The University of Windsor's own Jeff LaPorte, a third year law student, defended Harris, who was a client at the University's Community Legal Aid Clinic. When asked what he considered to be the biggest challenge when working with in the Act, LaPorte identified one of Ontario's firsts: the OSPCA was able to hold Stealth and Hooch in custody while Harris's case was before the courts. According to LaPorte, "the legislation allows the Society to bill a person for the care of the animal after seizure." "The worry of course," he continues "is that you have a good case but may lose at trial and be on the hook for

thousands of dollars. Now the consideration becomes less about the OSPCA's allegations and more about the costs, which increase everyday." In the instant case, Harris' bill, which included costs for food, boarding, medication, and veterinary care for the two dogs, totalled \$7,190 for the two and a half months that the dogs were in the OSPCA's care, but under Harris' ownership. Those costs would have continued to accrue unless Harris surrendered ownership to the OSPCA, which he did.

Almost six months after the dogs were seized on September 18, 2009, Harris was convicted and ordered to pay \$3,163 in restitution to the Windsor-Essex County Humane Society, which is less than half the cost incurred by the OSPCA, as well as a diminutive \$1,000 fine. Harris will be on probation for two years and will have a lifelong prohibition from owning or living with any animal.

Both dogs have since been adopted to separate homes.

by Helen

Windsor Law Animal Lovers Help Man's Best Friend this Holiday Season!



Rachel Kocsis – Law III

Pet's name: Peanut.

Breed: Chihuahua.

How long have you been together? 5 years.

Favourite shared memory? When we first met and our eyes locked!

Funniest shared memory? When Peanut got out of bed one night and yelped at the sight of a mouse chilling in my living room. That's how I found out I had a little mouse problem....



Caitlin Fell – Law III

Pet's name: Kirby.

Breed: Thoroughbred.

Where did you meet? Off a race track- He was deemed too slow to be a successful racehorse so I retrained him as a jumper.

How long have you been together? 8 years.

Favourite shared memory? Winning his first competition.

Funniest shared memory? When I took him to the forest for a fun fall ride. We were walking under a branch that was too low for the both of us, and in which I ended up hanging off the branch as he walked on without me.

Help Man's Best Friend this Holiday Season!

This holiday season, please help man's best friend. After all, your pets have given you lots of love and support over the years, why not help out some pets who are waiting for their forever home?

In the month of December, ALDF will be collecting donations for the Windsor-Essex Humane Society. We will be collecting rawhide, toys, rabbit pellets, litter pans, cat litter, stainless steel food dishes, towels and blankets to help provide the animals with a comfortable stay. We will also be collecting cleaning supplies, such as laundry soap, Windex and Pledge to help prevent the spread of animal illnesses.

For more information on the Humane Society's wish list, please visit www.windsorhumane.org or call 519-966-5751.

by Anne Louise

The University Of Windsor Student Animal Legal Defense Fund is dedicated to providing a forum for education, advocacy, and scholarship aimed at protecting the lives and advancing the interests of animals through the legal system