

SPRING 2010



International Society for Animal Rights

Law and Education Serving Animals

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President's Message

Dear Friends,

In July, ISAR will report comprehensively on the progress of our programs and campaigns during the first half of 2010. Here's a brief preview.

ISAR's worldwide "International Homeless Animals' Day 2009" brought thousands of like-minded people together, for the 18th consecutive year, to publicize the pet overpopulation epidemic and the spay/neuter antidote.

On August 15, 2009, ISAR supported animal rights/welfare organizations in 24 states and 6 foreign countries in making their individual events successful. So successful, in fact, that as a direct result of this worldwide effort, countless shelter animals will find permanent and loving homes.

ISAR looks forward to welcoming back all previous vigil coordinators, as well as many new ones, to participate in ISAR's 19th Annual International Homeless Animals' Day on Saturday, August 21, 2010.

To coincide with this year's upcoming Candlelight Vigil events, ISAR is proud to announce our newest billboard design "Shed Light on a Global Tragedy – Pet Overpopulation," which can be seen in full color elsewhere in this Newsletter. Outdoor advertising on billboards has consistently proven to be a relatively inexpensive yet powerfully effective means of communicating the spay/neuter message to large numbers of motorists. Billboards get the message out! As many of our supporters have learned.

In addition to ISAR's Billboard Campaign, to promote our programs and campaigns we provide public service TV and radio announcements and utilize our website, Newsletter, blog, online communities, e-newsletter, and podcasts—all aimed at educating the public about the shameful overpopulation problem and the spay/neuter antidote.

As an adjunct to ISAR's legal activities on behalf of animals, ISAR has instituted a program of *Animal Law Commentary and Interviews* by ISAR Chairman, Professor Henry Mark Holzer. He has begun to conduct interviews on related animal rights/welfare topics which are recorded and available for download (at no charge) from our website.

As previously reported, ISAR's supporters know that we

filed an *amicus curiae* brief (www.isaronline.citymax.com/f/brief.pdf) on behalf of the government in the First Amendment/Animal Rights case of *United States v. Stevens*. ISAR argued that the statute criminalizing creation, possession or sale of material depicting animal cruelty is constitutional, and that the obscene conduct criminalized by the law is not protected by the First Amendment.

While awaiting the Supreme Court's decision, ISAR presented two audio commentaries (www.isaronline.org/commentary_and_interviews.html) about the case—one after our brief was filed, and the other following oral argument.

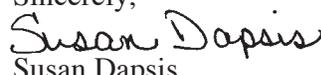
Last month, the Supreme Court has handed down its decision. By an 8-1 vote, the Court ruled that the federal statute criminalizing creation, possession or sale of material depicting cruelty to animals was constitutional. A new statute has already been introduced in Congress, and ISAR will defend it as well.

ISAR dedicates its efforts and resources to improving the lives of animals by being active on the legislative front as well. We provide summaries and critiques of all federal laws affecting animals, draft and disseminate model statutes on a variety of animal-related issues, offer strategic and tactical advice to animal rights activists about how to introduce and enact animal protection statutes and ordinances, and critically evaluate legislation drafted and introduced by federal and state legislators throughout the United States. ISAR's dedication to animals also includes strengthening existing legislation so that animal abusers can be prosecuted to the fullest extent of the law.

It is only because of our supporters' firm commitment to ISAR's goals, and your financial support, that we are able to continue to advance the rights of animals through law and education.

With your future support, we shall continue the all important fight for animal rights.

Sincerely,



Susan Dapsis

President

ANIMAL LAW COMMENTARY AND INTERVIEWS

On March 11, 2010, Professor Holzer interviewed Elizabeth DeCoux of Florida Coastal Law School about her recent article in Volume 16 of the *Animal Law Review* (2009) entitled, “Speaking for the Modern Prometheus: The Significance of Animal Suffering to the Abolition Movement,” which explores the distinction between “Abolitionists” and “Welfarists,” and argues strongly that each movement could benefit from understanding, and even utilizing, techniques employed by the other.

According to Ms. DeCoux, “Neither welfare nor abolition has gotten us very far despite all the good and hard work.” While discussing her article with Professor Holzer, Ms. DeCoux expressed her hope that her article “will shake things loose a little bit and give people some new ideas about directions we should go in.” She goes on to say, “maybe we can take the goals of abolition and pair it with the tools of welfare and see if that can do these animals some good.”

Following ISAR’s interview with Ms. DeCoux, on March 18, 2010, Professor Holzer interviewed Lt. Col. Mark Eichelman about his article in Volume 16 of the

Animal Law Review (2009) entitled “Ringling Brothers on Trial: Circus Elephants and the Endangered Species Act,” which discusses the dismissed case against Ringling Brothers circus for allegedly abusing the elephants it exhibits. Much of the Holzer/Eichelman discussion centers around the legal problem of “standing to sue” – that is, who is entitled to bring a case against humans on behalf of animals.

According to Lt. Col. Eichelman, “organizations almost have to go through gymnastics to try to find someone to meet ‘standing’ requirements where the elephants are the ones being harmed on a daily basis. If we believe the allegations out there it doesn’t matter, you have to find a human being who is suffering as a result to the harm being done to the elephants.”

These interviews are now accessible on ISAR’s website (www.isaronline.org/commentary_and_interviews.html) for download, at no charge. As others become available, announcements will be made in ISAR’s e-newsletter and blog.

UNITED STATES V. STEVENS: A HALF-FULL, NOT HALF-EMPTY DECISION

As we mentioned earlier, the Supreme Court by a vote of 8-1 has held unconstitutional the federal statute criminalizing creation, possession or sale of material depicting cruelty to animals.

Although the case, and the issue which remains unsettled, was of obvious importance to the animal protection movement, so too did it implicate the First Amendment’s guarantee of free speech.

Exceptions to that guarantee—defamation, “fighting words,” hard-core pornography—are rare, yet the Court was being asked to create another one by upholding the suppression of the speech that the challenged statute criminalized: depictions of cruelty to animals.

In declining to create that exception, *the Supreme Court did not rule that government—Congress or the states—lacked a substantial* (the lawyerly term is “compelling”) *interest in illegalizing depictions of animal abuse*. The “compelling interest” issue was raised in the *Stevens* case, and the Court could have decided it—but despite being invited to, it didn’t. (Although in his dissent, Justice Alito

stated unequivocally that the federal government *did* have a compelling interest in preventing the conduct that the statute was aimed at.)

Instead, the Court’s eight member majority ruled that the *statute was “overbroad,”* meaning that the law could be interpreted to suppress speech of activities which, though distasteful to many (like hunting), were perfectly legal. In other words, the Court objected to the potential broad sweep of the statute, not its intention to protect animals from certain forms of unquestionable cruelty by suppressing depictions of that cruelty.

Already legislation has been introduced in Congress to comport with the Court’s invitation that the legislature craft a statute narrowly reflecting its substantial interest in curbing cruelty to animals—a law which is not overbroad and targeted more specifically to the goal that all members of the Court share: ending the scourge of crush videos and dog fighting by suppressing the depiction.

ISAR will stay on top of developments and provide ongoing commentary.

PUTTING ANIMAL OFFENDERS ON A PAR WITH SEX OFFENDERS

California has often led the way in animal protection legislation, although the Golden State's attempt to enact a mandatory spay/neuter law a few legislative sessions ago was unsuccessful (for ISAR's opposition to that bill because of its loopholes, ISAR's monograph *The Policy, Law and Morality of Mandatory Spay/Neuter* can be downloaded from our website here www.isaronline.org/monographs.html.)

Proposition 2 in 2008 mandated more space for confined livestock animals (though the law accepted the premise that some confinement followed by slaughter was acceptable.)

In 2008, California was the first jurisdiction in the United States to prohibit docking of dairy cows' tails, a cruel practice, among others, designed to facilitate milking.

Now, the State Senate's majority leader, Democrat Dean Florez, who also serves as chairman of that body's Food and Agriculture Committee, has introduced legislation providing for an "animal abuser registry" which would mimic the sex offender registry found in California and

elsewhere. Conviction of an animal cruelty felony would result, in addition to other penalties provided by law, in posting of the offender's name, photograph and other information on the Internet.

While ISAR has not seen the current bill, nor can know the actual language which may survive the legislative process and constitute the final draft (and thus reserve our right to oppose it), we support the current proposal in principle for at least two reasons. First, it does not break much new ground because states already maintain various publicly-accessible registries, from lists of nail salon licensees to arsonists and sex offenders nor does it invade the oft-invoked "right" to "privacy." Second, under the Tenth Amendment to the Constitution of the United States each state retains the power to legislate in furtherance of the public health, safety, welfare and morals—and a publicly-accessible felony animal-abuser registry falls squarely within that power.

International Homeless Animals' Day® 2010

Saturday, August 21, 2010 will commemorate ISAR's 19th Annual International Homeless Animals' Day and Candlelight Vigil observance.

In 1992, ISAR introduced National Homeless Animals' Day and Candlelight Vigils as an educational vehicle to raise awareness of the pet overpopulation epidemic and its simple solution to spay/neuter.

Since that time, National Homeless Animals' Day has grown international in scope with every third Saturday in August reserved to commemorate this Day. ISAR's International Homeless Animals' Day 2009 observances brought more than 20 states and 6 foreign countries together to alert communities about pet overpopulation and to promote spay/neuter. The need for companion animal sterilization to end the senseless killing has been revered by dedicated individuals and organizations and captured through events including candlelight vigils, spay/neuter clinics, blessings of the animals, adopt-a-thons, dog walks, open houses, information stalls, heartfelt speeches given by council members, local veterinarians and shelter personnel, and much more.

Individuals and organizations wishing to organize an

International Homeless Animals' Day and Candlelight Vigil observance on August 21, 2010 can contact ISAR by mail, phone, fax or email to receive our 34 page, downloadable candlelight vigil packet. Our vigil packet includes guidelines for organizing a successful vigil event with tips on site selection, suggestions for speakers and vigil events, reaching target audiences, poems, songs, sample press releases and more!

In addition to ISAR's downloadable vigil packet, you will receive through the U.S. Postal Service, our International Homeless Animals' Day posters to advertise your event, Proclamations to be signed by your governor and mayor declaring August 21, 2010 as International Homeless Animals' Day, coloring sheets and more. ISAR will also guarantee advertisement of your organization's event to thousands of people on ISAR's website, www.isaronline.org, as well as promotion on ISAR's online communities including Facebook and Myspace.

Our animal friends need us now more than ever! Please join us in our crusade to stop the killing of our faithful companions.

SHED LIGHT ON A GLOBAL TRAGEDY – PET OVERPOPULATION



SHED LIGHT ON A GLOBAL TRAGEDY
Pet Overpopulation

**SPAY/NEUTER
IT STOPS KILLING**

**Advertise Your International
Homeless Animals' Day
Observance Here!**

ISAR For further information 1-800-543-ISAR

ISAR's striking new 10'5" x 22'8" billboard design is now available to promote International Homeless Animals' Day Candlelight Vigil observances. Displaying the images of a yellow dog and tiger-striped cat with prominently featured slogans "Shed Light on a Global Tragedy – Pet Overpopulation" and "Spay/Neuter It Stops Killing," ISAR's new billboard design will surely attract the attention of large numbers of motorists. ISAR has reserved space on our billboard to include two lines (27 characters per line including spaces) for the printing of individual organizations' name, phone number and/or message.

With ISAR's Billboard Campaign, we'll do all the work.

- We'll contact the outdoor advertising company and find out what space is available in the area you choose and for how long, so that you can decide where you want it installed.
- We'll order the billboard from our vendor, once you give us the name and other information you want to appear.
- We'll have the billboard shipped to the outdoor advertising company in whatever area you've selected within the continental United States.
- We'll make sure the billboard has been installed when and where it's supposed to be.

All you'll have to do is make a **tax-deductible** contribution to ISAR of our \$100.00 cost for the paper poster or \$115.00 for the posterflex material (*some outdoor advertising companies will no longer accept paper posters*) plus the

outdoor advertising company's charge for installation labor and space rental. Because most outdoor advertising companies have a reduced rate for 501(c)(3) organizations such as ISAR, in our experience the total cost of this effective way to spread the spay/neuter message will usually be less than \$500.00.

To order ISAR's International Homeless Animals' Day Billboard in time for your Candlelight Vigil observance or to learn more about ISAR's Billboard Campaign, please contact ISAR by mail, phone, fax or email or visit us on the web (www.isaronline.org/billboard_campaign.html.)

Help Stop the Killing of Dogs and Cats!

1. If you have a dog or cat, have the animal spayed or neutered to prevent reproduction.
2. Don't buy from breeders or pet shops.
3. Adopt from a shelter. Wonderful animals of all kinds, including purebreds, are waiting for caring new custodians.

Millions of animals are killed each year in the nation's shelters because of dog and cat overpopulation. Help stop the killing!

For more information, contact International Society for Animal Rights, Inc. Clarks Summit, PA 18411

Phone: (570) 586-2200 Fax: (570) 586-9580

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