

## ACTIVIST'S IDEAS ABOUT ANIMAL RIGHTS COULD CHANGE YOUR THINKING; NO PLACE TO HIDE

**Brendan Harahan. Special to the Tribune.**

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Animals can't stick up for themselves when they get in jams with humans. One person they can count on is Professor Gary Francione, who founded the Animal Rights Law Center at Rutgers University. Gary has fought for 10 years to change laws that he says are unjust to animals. We caught up with Gary recently and asked him his views on animal rights. You may not agree with Gary's ideas, but they'll make you stop and think.

**KidNews:** Why do we need an animal rights law center?

**Gary Francione:** Everyone agrees we ought to treat animals humanely, but all sorts of horrible things still go on. We kill 8 billion animals a year for food, subject them to horrifying experiments and use them for pleasure. The reason it happens is that animals have no rights under the law. They're things. They're the property of people, the way slaves were once the property of owners.

We need a clinic like ours to raise the issue of animal rights in our legal system and educate about animal rights.

**KN:** Do animals suffer because they can't speak for themselves?

**GF:** Of course. The only people our legal system recognizes as able to speak for animals are owners; unfortunately they're often the same people inflicting harm on them.

For example, animal rights groups have tried to stop a pigeon hunt in Pennsylvania for years. Courts denied them the right to speak for animals, saying only people who own animals can speak for them. Well, the people who own them are the people who shoot them!

**KN:** What would it mean for animals to be given rights?

**GF:** At a minimum it should mean they could not be exploited by institutions for food, experimentation or clothing. Their lives could not be taken simply for human convenience.

**KN:** Should zoos, aquariums, circuses or rodeos be given an animal bill of rights?

**GF:** They should be shut down. My orientation is not to go for new laws to make circuses or zoos better. I don't believe you can make them better. If what we're doing with these animals is wrong, we ought to stop.

**KN:** Is it OK to use animals in research into diseases like AIDS?

**GF:** No, absolutely not. Would it be all right to pick 10 people and use them to try and find a cure? Most people agree that would be wrong. Why is it OK to use chimpanzees, who are 99 percent the same as humans genetically?

People ask me, "Wouldn't you kill a dog to save your child?" I tell them, "I'd kill you to save my child, but that wouldn't make it right."

**KN:** What about keeping animals as pets?

**GF:** I don't believe animals should be bred as pets, but the reality is there are zillions in shelters. I have four dogs that would have been killed if I didn't take them in. I regard them as refugees, not pets or property.

**KN:** What has to happen for animals to be given rights?

**GF:** We can't talk about animals' rights while we eat them. Rights are meaningless if you can deprive animals of life because they taste good. It's bizarre to hug one animal and stick a fork in another.

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Correction Appended

## **Four-Footed Clients and Futile Cases; A Rutgers Law Professor Fights to Expand the Animal Kingdom's Rights**

**By NEIL MacFARQUHAR**

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The manager of a New York City animal shelter calls, seeking to explain why the shelter accidentally executed a pit bull. Another man frets that new rules in his Manhattan co-op will force him to part with some of his dogs. Other callers question the legality of ceremonial sacrifices.

Almost 200 plaintive calls a week are logged on the answering machines at Rutgers University's Animal Rights Law Center, the only one of its kind in the United States. Law schools have long used legal clinics to give their students practical experience and to provide free counsel to those typically underserved by the legal profession: immigrants, homeless people, prisoners. The Rutgers clinic, however, takes this concept several steps further. It represents animals, and considers their abuse akin to enslavement.

The clinic's founder, Gary L. Francione -- a Rutgers professor who was a Supreme Court clerk and a lawyer at a blue-chip firm -- is unwavering in his belief that humans can live not only without animal products but also without subjecting animals to testing. He belittles the advertising campaign that features celebrities saying, "I'd rather go naked than wear fur," viewing it as trivializing animal rights.

And he refuses to take cases that he sees as compromising animals' rights. He would not, for instance, take a case seeking larger laboratory cages, because that would mean accepting the use of animals in laboratories and negotiating for a kinder, gentler exploitation.

Mr. Francione is so orthodox, in fact, that he loses well over half the lawsuits the clinic brings because they are fought on principle that is ahead of the law. His orthodoxy in the courts and on the issue has alienated others who care deeply about animals, making him a kind of enfant terrible within the animal rights movement. But at the same time, his provocativeness has impressed Rutgers administrators and

students, who welcome the debates he stimulates.

"This is part of the ideas that flourish within a university," said Roger I. Abrams, dean of the Rutgers Law School. "Just because we maintain the clinic does not mean that we take sides in any issues."

The incessant ferment at the clinic attracts a dedicated student following. Some, sharing Mr. Francione's passion, entered Rutgers Law School specifically to attend. Some were persuaded by his argument that the fight for animal rights parallels the fight for civil rights.

And some are like Sgt. William L. Tomaszewski, a Jersey City police officer who was drawn to the clinic because he enjoyed wrangling with Mr. Francione in other law classes. He emerged from the clinic converted to the cause in at least one way: he's now a vegetarian.

"The other cops order out lunch of like steak and hamburgers, so they look at my rice and beans or tofu and say, 'Ewwww, how can you eat that disgusting stuff?' " he said.

Cases come in many forms. The defense of Taro, the New Jersey death-row dog pardoned by Gov. Christine Todd Whitman in 1994, was in part fashioned here.

"Sometimes," he said, "my phone at home rings at 3:30 A.M. and it's some guy in North Dakota saying his neighbor is beating the dog and what can he do to stop the guy?"

He selects cases in consultation with his wife, Anna E. Charlton, the clinic's staff attorney and co-director. These three pending cases are typical of the clinic's caseload:

- A convicted South Carolina murderer, newly converted to a faith that condemns killing, wants to sue the prison system so he can have a meatless diet.
- A Pennsylvania clinic hopes to block a hunt to thin the deer population in Philadelphia's affluent western suburbs.
- And a New Jersey clinic plans to challenge the 1993 Hunter Harassment Law, which makes verbal abuse of hunters a crime.

In addition, the clinic regularly fails to keep the Bureau of Land Management from rounding up wild horses on Federal lands. The agency thins the horse population by offering those rounded up for adoption. After a year, the new owners can dispose of the horses as they wish.

The kind of case in which the clinic usually succeeds, however, is defending student veterinarians who boycott surgical workshops using healthy animals. "We've done it so many times that courts don't think it's so weird anymore," Ms. Charlton said.

The demand for their intervention in those cases prompted Mr. Francione, 41, and Ms. Charlton, 39, to write a do-it-yourself legal reference book. Mr. Francione also wrote [Animals, Property and the Law](#), published by Temple University Press in June, which argues that laws treating animals as property must be changed before the rights movement can succeed.

The couple raise hackles within the movement as often as outside. Other groups accuse their clinic of taking too scattered an approach, and when they are being polite they call Mr. Francione elitist, intimidating and polarizing.

Don Barnes, director of education for the National Anti-Vivisection Society, said that Mr. Francione engaged in a constant "vitriolic brouhaha" on the Internet and elsewhere.

Mr. Barnes has also been critical of vegans, who shun animal products in their food and in everything from shoes to shampoo. Both Mr. Francione and Ms. Charlton follow vegan rules, which they call basic tenets of their fight.

In the spring issue of *The Animals' Agenda*, an animal rights periodical, Mr. Barnes wrote:

The Vegan Police working out of the animal rights division wear their arrest records for civil disobedience on behalf of animals like medals of honor and condemn those who continue to wear leather or consume animal products -- how arrogant! The Vegan Police do more harm than good, for they seek to shame rather than inspire.

Catherine Barcomb, executive director of Nevada's Wild Horse Commission, said horse advocates had been disappointed that the clinic's lawsuit failed to change Federal policies favoring grazing of ranch animals on public land. She criticized the clinic's research for a lack of thoroughness.

"There are issues that need a real good fight and we felt they could do it," Ms. Barcomb said. "But instead they sent out this cheap letter that asked for money because horses were being taken off the land by truck and being sent to slaughter. It is not happening that directly, but they wanted to sensationalize, to get the public upset."

Mr. Francione believes critics forget that the clinic is first an academic institution. "It is not my function to be a lawyer for the movement," he said. Both he and Ms. Charlton point out that they expect to lose most cases because United States laws treat animals as property.

The two are resigned to the fact that the clinic engenders a certain bemused curiosity -- especially in legal circles, given that Mr. Francione once clerked at the Supreme Court for Justice Sandra Day O'Connor and worked at the firm of Cravath, Swaine & Moore. But they do not want to be considered wacky.

"You go through life having to deal with this onslaught every day of 'Doesn't lettuce have feelings? How about cockroaches, do cockroaches have rights? Do you brush your teeth? There are organisms on your teeth,' " Mr. Francione said. "I don't mind people disagreeing with me. I don't mind people asking questions. But I don't particularly care to hear people make screaming noises whenever they cut into their lettuce."

### **Coming to the Defense of Animals**

The Animal Rights Law Center, a Rutgers clinic founded by Prof. Gary L. Francione, has had mixed success in the courtroom.

#### **Victory**

Mr. Francione's clinic helped fashion the defense of Taro, the New Jersey Akita that was pronounced vicious in 1991 after injuring a 10-year-old girl. The dog's life was spared by Gov. Christine Todd Whitman in 1994. The clinic argued that the Governor's right to grant clemency to those convicted of crimes extended to dogs.

#### **Defeat**

The center's efforts to stop the Bureau of Land Management's removal of wild horses from Federal lands have failed.

#### **Pending**

CASE 1 -- The center is seeking to block a hunt planned to thin the deer population in suburban Philadelphia.

CASE 2 -- The clinic is mounting a free-speech challenge to the 1993 Hunter Harassment Law, which makes verbal abuse of hunters a crime.

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**CORRECTION-DATE: November 18, 1995, Saturday**  
**CORRECTION:**

A picture caption on Nov. 11 about the Animal Rights Law Center at Rutgers University misstated the basis for the release of Taro, the Akita that was ordered killed after it injured a 10-year-old girl. The rights center argued that Gov. Christine Todd Whitman could spare the dog under a provision in the state constitution giving her the power to return confiscated property to its owners -- not that the Governor's clemency power extended to dogs.

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*Student Lawyer,*  
December 1994

## **In their crusade against cruelty, students at Rutgers Animal Rights Law Clinic break ground in a new field**

**by Holly Metz**

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Maureen Hall, a 1994-graduate of Rutgers Law School in Newark, New Jersey, says she really "didn't have a clear sense of all the issues involved with animal rights" when she signed up for the Rutgers Animal Rights Law Clinic.

The four-year-old clinic is the first of its kind at an American law school and part of a larger Animal Rights Law Center that includes education of the general public in its mission. The clinic provides hands-on litigation experience to about a dozen second- and third-year law students each semester, through cases involving animals and their advocates.

Though she'd always liked animals, Hall says the clinic's strongest draw had been the prospect of working with its founder and co-director, law professor Gary Francione. Francione, she remarks, "is pretty well known at Rutgers as one of the top lawyers, with respect to litigating and writing."

Most Rutgers students know that the 40-year-old professor's resume includes a clerkship for Supreme Court Justice Sandra Day O'Connor and a stint practicing law at New York's Cravath, Swaine & Moore. Some know, too, that Francione left the firm in 1984 to become an academic--first at the University of Pennsylvania Law School and now at Rutgers--and to devote himself fully to pro bono animal rights cases. "I couldn't do animal rights stuff there," he says of his decision to leave Cravath. "They represented just about every drug company in New Jersey." The threat of a conflict was always present, he says, considering the industry's involvement in animal experimentation.

According to Francione, he'd always wanted to get some law firm experience and then leave to do public interest work--he jokes that "like many highly competitive white males I had my life sketched out for me by the time I was four"--but the area of public interest law he would engage in was decided by a chance occurrence in 1979: A friend, a fellow University of Virginia law student, took him to a veal slaughterhouse.

The visit, he recalls, was precipitated by an argument they'd had over the effectiveness of federal legislation mandating humane animal slaughter. Francione admits with some embarrassment that he'd insisted that he "had no reason to believe anything was wrong." But when his friend arranged for them to go to a nearby Richmond abattoir, he saw procedures, he says, that "totally freaked me out." Lane

veal calves were dragged across the slaughterhouse floor and stunned with probes to temporarily "keep them quiet while they were shackled and hoisted," he recalls. And when the time came to butcher them, "about 50 percent" of the animals he watched were still conscious "when they were ripping into them with the knives." Francione immediately "went home and threw out every piece of meat in the house," he says, and he hasn't eaten meat since.

"From the time I visited the slaughterhouse to the time I finished my clerkship with Justice O'Connor," he says, he realized "that the abuse of animals is just a symptom of a larger problem: the acceptance of violence as a way of solving disputes. That convinced me that the animal rights movement was the place to be, because it was the lowest common denominator." After all, he argues, "How could you be a vegetarian and be in favor of animal rights and be a sexist, and a racist, and a homophobe, or be in favor of wars or capital punishment?" (In keeping with this perspective, Francione helped coordinate an Animal Rights Law Center conference on "Animal Rights and Social Justice" last summer, inviting speakers from progressive causes to discuss the relationship between animal rights activism and other movements for social change.)

In the years since he left Wall Street, Francione has gained a reputation as a vigorous and resourceful litigator of animal rights cases, including as general counsel to People for the Ethical Treatment of Animals (PETA), a well-publicized legal challenge to federally-funded head-injury experiments on monkeys. Since founding the center, however, Francione has become a free agent, creating a hub for national animal rights litigation, advocacy, and education independent of animal rights organizations and their politics. "I wanted to bring cases irrespective of whether there was someone to pay the fees, and irrespective of how upset it was going to make people to bring those cases--in terms of the institutional restraints," he says. The clinic does not charge for professional services, and only a few thousand dollars of its \$125,000 annual budget comes from animal rights groups such as PETA or the New England Anti-Vivisection Society, says Francione. Private donations make up the balance.

Despite its modest budget, the clinic has routinely faced down opponents with far greater resources and personnel, including high-powered firms for colleges involved in vivisection and government lawyers of all stripes. This past year, clinic cases included an effort to stop the Bureau of Land Management's removal of federally-protected wild horses from public land; the defense of animal activists' right to criticize perceived animal cruelty; and the filing of an amicus brief in the U.S. Supreme Court in support of the City of Hialeah's ordinances prohibiting animal sacrifice within its borders. Though the Court ultimately struck down the Hialeah ordinances this past June, citing an unconstitutional targeting of religion, the animal advocates in Newark have rebounded. Writing in the clinic's annual report, Francione notes that the ruling did not prohibit state regulation of ritual sacrifice, "as long as that regulation was pursuant to a neutral, generally-applicable statute, such as the state anticruelty statutes [municipalities] had the power to enforce." Clinic students are now drafting an educational pamphlet for distribution to interested parties, advising on statutes that will pass constitutional muster.

Francione is the first to admit that the students face a tough, though invigorating, battle to bring animal issues before the bench. The rights of animals cannot be vindicated in court, he says bluntly, because "animals *have no rights*." Under the law, "animals are no different from light bulbs," he says. "They're property." Understanding this, he works with students to "try to find loopholes in the system. A lot of what we do is try to figure out legal theories to use. We have to figure out: How do we deal with particular issues? Is there a cause of action?" To Francione, "one of the tests of whether you really understand the law is whether you can get into an area like animal rights, which is sort of an amalgam of constitutional law, administrative law, tort law, criminal law, and everything else, and make some sense out of it all."

Co-directing the center with Francione and serving as assistant clinical director is English-born attorney Anna Charlton. Before joining the center, she clerked for federal circuit judge Leonard Garth

and practiced law at Simpson, Thacher & Bartlett in New York. Now she administers the day-to-day operation of the clinic, helping students' projects take shape, and conducting a weekly seminar with Francione on philosophical underpinnings of the animal rights movement and on the development of innovative legal approaches to the plight of animals.

Clinic students' involvement in a project is "limited only by the bar association rules of the state in which we're doing it," says Francione. Students do it all--from client intake to interviewing; from answering phones to assessing cases for winnability; from research to drafting complaints, memoranda, and interrogatory outlines; from attending depositions with their supervisor to negotiation on behalf of a client. Clinic enrollees earn six academic credits per semester, with a maximum potential of 28 credits.

In her first semester at the clinic, Maureen Hall worked on four different projects. One case she helped to prepare was a First Amendment challenge to New Jersey's 1993 hunter harassment statute prohibiting "interference" with hunting. The statute, versions of which have been passed in 45 other states, is not content-neutral, says Hall. It basically "makes it illegal for animal activists to express their disdain for hunting [anywhere] near a hunter." She also wrote memos to enjoin pigeon shoots in Pennsylvania, one of several states that permits gun clubs to shoot live pigeons, often leaving wounded birds to die. That's when Hall discovered how the clinic was helping her to develop lawyering skills. "You have to cull your arguments from very little law," she notes, adding that local humane society cruelty officers have the power to enforce the state's anticruelty statute, but have been unwilling to exercise that authority. Because of the dearth of precedent, she says, students are compelled to work harder on developing arguments and advocacy.

"I take cases based on a couple of things," says Francione. "One of them is: Will this be a good teaching tool?" The Animal Rights Law Clinic is gaining a reputation as a good place for students to acquire practical experience, adds Charlton. Several students have transferred from other schools to attend the one-of-a-kind clinic because of their interest in animal advocacy.

Yet even those students who consider themselves activists know that graduating to a full-time animal rights legal practice is financially unrealistic. Only a handful of smaller firms do regular animal advocacy work, says Francione, including some West Coast firms involved in hunting issues, and the Washington, D.C.-based Meyer & Glitzenstein, which mixes work for PETA with clean air and water cases. Most of the clinic's students, he says, will continue their animal advocacy through pro bono work--usually at smaller firms that allow some latitude with pro bono choices.

Hall, who went to New York's Dewey, Ballantine after graduation, says she wants to incorporate some animal rights cases into her pro bono work. She still considers herself in "a beginning stage" concerning animal rights advocacy, but since enrolling in the clinic, she says she has developed a strong sense of the need for such work. "Your level of compassion rises," she says, when asked about the effect the clinic has had on her. "It really does enlighten as to the condition of animals. Most people really don't think about it and are not aware of how bad it is, just for common animals that people keep in their homes, [and] about how the laws don't protect even them from cruelty." Hall says she's also learned about events like pigeon shoots, which she never knew existed until she took the clinic.

Clinic students engage in "some very intense conversations, which I think, in some ways, have been life transformative," says Francione. About a dozen former students have written to tell him how the program has changed their lives, "and how they look at the world differently." The founder of the Animal Rights Law Clinic knows how that is--to have a chance encounter, a conversation change one's whole outlook. And now, he hopes, the law.

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## Vegetarian Visionary: A Modern Day Dr. Doolittle

**He's brash, outspoken and highly controversial,  
but activist lawyer Gary Francione is also a dog's best friend.**

**By Cristin Marandino**

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Twenty years ago, if you had asked law student Gary Francione his position on animal rights, he probably would have shrugged his shoulders and replied, "They don't have rights." Ask him that same question today, and the answer would be different. Very different.

These days the fast-talking, opinionated vegan --that's right vegan -- attorney spends his time racing between the courtroom, classroom and his office at the Rutgers University Animal Rights Law Center in Newark, N.J. Co-founded in 1990 with his wife Anna Charlton, the Rutgers center is the only program in the country where law students receive credit for championing animal-rights causes through the U.S. legal system. Each semester, 10 to 12 Rutgers law students are accepted into the program, which involves a weekly seminar that explores the application of civil rights law to groundbreaking animal-rights cases. Students also are required to devote 18 to 20 hours a week to real cases wending their way through the courts. It's good practice, for most of the students carry on similar pro bono work long after graduation. Francione, often passing the overflow over his staggering caseload to former students, is essentially staffing up the animal-rights movement with his own team of legal eagles.

Francione's conversion dates back to 1978. With his naivete well intact, he began arguing with a classmate that slaughterhouse animals were not inhumanely treated. His adversary challenged him to visit a slaughterhouse; Francione accepted -- it changed him forever. "I went home and threw out every last piece of meat," he recalls. "And I haven't eaten it since." He became a vegan a few years later after learning that dairy cows suffer the same cruelties --dehorning and branding without anesthesia, for example --as beef cattle, and they often end up in the same slaughterhouses. "I realized there's even more suffering in a glass of milk than in a pound of meat," he says.

Backing up that conviction is an impressive legal career: University of Virginia Law School, a clerkship for Supreme Court Justice Sandra Day O'Connor and a position with the blue-chip Manhattan law firm Cravath, Swaine and Moore. But when it became clear that this firm, which represented several major pharmaceutical companies, would not support the animal-rights law he was driven to practice, he quit. The next six years were spent taking on pro bono cases and building a career as a professor of law. Both, eventually afforded him the opportunity to open The Animal Rights Law Center in 1990.

Now, eight years and more than 100 graduates later, the center is thriving, taking on cases that range from students opposing animal dissection requirements and prisoners fighting for a vegan diet to grassroots organizations being strong-armed to abandon hunting protests.

If these don't sound like clear-cut animal rights cases, that's because, strictly speaking, there's no such thing. The problem with fighting for the rights of animals is that, legally, they have none. The center, therefore, must fight its battles within the confines of existing law, drawing specifically on human civil rights precedents to champion animal issues in the courtroom. Although fighting on principle is often

an uphill battle, the center has a nearly 100 percent success rate in its student and prisoner issues.

"They are First Amendment cases," explains Francione. "You are vindicating the civil rights of people. Animals are regarded as property, and all you can do is find the loophole in the system ... to educate society about the injustices that we visit upon nonhumans."

You will not, however, find Francione cooing over kittens. He is logical and matter of fact. "What we do has nothing to do with loving animals; it has to do with respecting them" he says. While the passionate idealist in him may abhor the law's position on animals, the seasoned attorney that he is views cases with a healthy degree of realism. "Some years ago, the Animal Legal Defense Fund wanted to bring a lawsuit to stop the patenting of genetically altered animals," he recalls. While he supported the case, he knew it was futile. "They consulted me, and I told them that they didn't have a snowball's chance in hell, and the case would get thrown out. And that's exactly what happened."

But question the right of prisoners to have vegan food and out comes the idealist. "We tell these prison officials that the whole point of their jail is to turn prisoners into nonviolent people. But when they occasionally succeed and a prisoner wants to be nonviolent and not eat meat, the first thing they say is, "Oh no, you have to be violent and eat meat."" For many, this is a hot topic -- too hot, in fact, to touch. "We got into the issue because prisoners are not going to get help from animal rights groups. [They] can't do fund-raising off first-degree murderers."

It's precisely that sort of exclusionary attitude that Francione has no patience for. He believes that People for the Ethical Treatment of Animals (PETA), where he served as pro bono counsel, is missing the big picture. "I disagreed very strongly with PETA's fur campaign," he says referring to the ads that depicted naked female models with the tag line I'D RATHER GO NAKED THAN WEAR FUR. "We will never see a significant change in the way society treats animals as long as society continues to treat women and children as commodities." he says. "I see these things as interconnected."

Perhaps his biggest ax to grind is with those who say eating meat is a matter of choice. "We must start with the proposition that if X has any moral status at all, you cannot eat X simply because X tastes good," he insists. "One of the really troubling things about the animal-rights movement is that it's never embraced veganism as a baseline. As long as we don't see it as a baseline, it's hard for me to believe we're going to make much progress."

His passionate distaste for the status quo won't make him popular in many circles, but Gary Francione is not out to win any popularity contests. He's too busy jump-starting a movement that, in his eyes, has fizzled. "Whether it's the animal-rights movement, the environmental front [or] the social-justice front, the bottom line is that vegetarianism is the only answer, and the sooner we see that, the better off we'll be."

And so Francione makes it clearer still: In the court of his opinion, the appellate process does not exist.

Cristin Marandino is news editor of VEGETARIAN TIMES.

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## About Wild Horse Roundups:

Reno Gazette-Journal  
Aug. 19, 1993

### **Wild horse adoption program suspended: animal rights activists cheer move.**

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The U.S. Bureau of Land Management suspended its national horse adoption program in the eastern United States on Wednesday, days after four wild mustangs from Nevada died at a horse park in New Jersey.

"It's pretty obvious we need to look at the overall program," said BLM spokesman Jim Boylan from the agency's Milwaukee office. "We want to thoroughly investigate to find out what really caused these horses to become ill."

Officials with the agency's wild horse program are attending their annual meeting in Baltimore until Friday and are expected to address the issue there, Boylan said.

The suspension will affect auctions in September and October in St. Louis, Mich., Windom, Minn., Carrollton, Ga., and Tallahassee, Fla., Boylan said. The program was suspended in 31 states, from Minnesota south to Louisiana and east to the Atlantic.

Animal rights activists cheered the move.

"I don't think there are regulations that could make the transportation of wild mustangs from Nevada to the East Coast humane," said Anna Charlton of the Rutgers Law School's Animal Rights Law Clinic.

In April, the clinic filed a federal lawsuit in Washington opposing a decision allowing regional roundups authorized by local officials. The lawsuit is pending.

The BLM's Adopt-A-Horse program, aimed at controlling the size of herds on public lands, places wild mustangs taken from 11 Western states with owners around the country.

The four horses that died were among 97 captured in Nevada and taken to California for vaccinations and blood tests before being trucked to the New Jersey Horse Park in Allentown, where horse shows are held.

One of the horses was found dead as the animals were being transferred into pens at the state-run park on Aug. 13. The other three died during the last two days.

The four all died of salmonella poisoning, as did five other that perished in New York earlier this year.

Ernest Zirkle, a state veterinarian, said the stress the horses endured may have weakened their ability to withstand salmonella, a bacteria that healthy horses often carry with no ill effects.

"In an animal that is stressed, resistance is lowered. That - - coupled with fatigue from the trip and change of life experience -- makes the horse more susceptible to salmonella," Zirkle said.

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Star-Ledger  
Aug. 6, 1993

## Rutgers Law School butts heads with U.S. over wild horse roundup.

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The Rutgers University School of Law in the urban environs of Newark is locked in a bitter battle with the federal Bureau of Land Management (BLM) in Reno, Nev., over the roundup of wild horses in rural areas of the American West.

Representatives of the law school's Animal Rights Law Clinic said they are livid over the BLM's policy of removing thousands of wild mustangs and burros from public land, taking them to a holding facility in Reno, then putting them up for adoption.

The clinic, headed by professors Gary Francione and Anna Charlton, filed a federal lawsuit in April in Washington, D.C., opposing a decision allowing regional roundups authorized by local officials. The case has not yet been heard in court.

But BLM spokesperson Michelle Barret said that the program, which has removed more than 133,000 animals since it began in 1973, is necessary to control herd size.

There are approximately 54,000 wild mustangs and burros in 11 western states, with 70 percent of the animals in Nevada.

"We cannot let the population go unchecked, and the tool we use is adoption," she said.

Barret also voiced her displeasure with the Rutgers clinic.

"To the best of my knowledge, nobody from Rutgers has been out to talk to us or to take a look around," she said. "I feel like there are lots of legitimate groups that have legitimate issues with the BLM ... and the cause of the animal rights clinic is not one of them. Unfortunately, I think they're a bit misguided."

Francione, co-director of the Rutgers clinic, disagreed with the BLM's figures for Nevada, saying an independent survey came up with a figure closer to 8,400.

Numbers notwithstanding, offering the animals for adoption is one thing -- what happens to them afterwards is another, said Francione.

"They (the BLM) put the animals in the adoption program, but they don't know where they go from there," he said. "It's our contention that many of these animals end up in the slaughterhouse."

Once the animals are corralled, they are shipped to different areas of the country, and offered up as part of an Adopt-A-Horse program, said Charlton.

The BLM is scheduled to hold one of the adoption programs on August 14, in Allentown, Monmouth County, when 125 mustangs will be put on the block.

"All you need to adopt a horse is \$125, a halter, and the right kind of truck," Charlton said. "You're supposed to hold the animal for a year, and if after a year there's no indication that the animal is being abused, then the title is turned over to the owner."

"But lots of them don't make the transition to domestication. If they don't, they often end up as dog food or as plate food in places like Japan and Europe."

Barret vehemently denied claims the animals end up in slaughterhouses, saying that the program's domestication rate is highly successful and many of the animals are employed as pets or police and show horses.

But Barret admitted the bureau does not track the final fate of most of the horses after the year waiting period.

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**The Home News**  
**Aug. 5, 1993**

## **War of Words: Rutgers enmeshed in mustang debate**

### **Law clinic fights western roundups**

**By Raymond Fazzi**

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A battle over the nation's treatment of wild horses is being waged by an odd mix of combatants who now include Western ranchers, federal bureaucrats, a Hollywood screenwriter and -- most recently -- lawyers from Rutgers University.

The Animal Rights Law Clinic of Rutgers University Law School -Newark, in fact, has become enmeshed in the mustang debate, and has been going head to head with the federal Bureau of Land Management.

In a March letter, the clinic asked supporters to contribute to a legal battle that is being waged against the BLM and its policy of removing thousands of horses from the wild every year.

"The last remaining wild horses in Nevada -- symbols of our free American spirit -- will be rounded up by helicopter and trucked to a slaughterhouse before the end of this year," the letter stated.

"Something must be done now before its too late."

BLM officials call the letter a bunch of horse bunk. They assert that all captured horses are put into an Adopt-A-Horse program that treats the animals much like orphaned puppies, and that the roundups are for population control, not population eradication.

They say they were riled enough by the letter to have drafted a letter of their own that soon will be landing on the desk of Rutgers University President Francis Lawrence.

"First of all, we were appalled that it was filled with lies about what we do, and second, that they're actually soliciting money based on these lies," said BLM spokeswoman Michelle Barret in Reno, Nev., the state where 70 percent of the nation's mustangs live.

"Number three, they're doing it under the auspices of a distinguished university like Rutgers University."

The war of words between the BLM and the Animal Rights Law Clinic reflects an emotional debate that has been going on out West for years -- one that centers on the wild horses that have been roaming free on the region's arid plains for hundreds of years.

Under federal law established in 1971, wild horses and burros are protected on public lands. The act is administered and enforced by the BLM.

At the center of the debate is the BLM's policy of annually rounding up thousands of horses and burros, relocating them to a central holding center in Reno and offering them up for adoption throughout the country.

More than 133,000 horses and burros have been removed from the wild since 1973 -- a program that BLM says is necessary to control the size of the mustang herds. The BLM says that there are 54,800 wild horses and burros in the nation, 70 percent of them in Nevada. Opponents contend that the number is far less, and the Animal Rights Law Clinic maintains in its letter that the mustang and burros population in Nevada is about 8,300.

On Saturday, Aug. 14, the BLM will be offering 125 captured mustangs for adoption in Horse park in Allentown, N.J. Like all of its Adopt-A-Horse events, members of the public can adopt a wild horse as long as they pay \$125, provide their own harness, and show that they can adequately transport and shelter the horse.

The program was instituted in 1973 because of allegations about the animals being abused and sent to slaughterhouses, but opponents of the program say the adoption program remains inhumane and is done to cater to the interest of cattle ranchers who do not want mustangs infringing on their grazing areas.

One prominent critic is Michael Blake, an Arizona resident who wrote the novel "Dances with Wolves" and later wrote the screenplay for the Academy-award winning motion picture of the same name.

Blake has enlisted the services of the Animal Rights Law Clinic in a dozen unsuccessful attempts to stop the roundups since last year. The clinic has also filed suit in federal District Court in Washington, D.C. to challenge a decision by the Department of the Interior last year to allow local officials to authorize regional roundups.

Before publicly condemning the Adopt-A-Horse program last summer, Blake spent a year doing volunteer work for the BLM. He said that this experience has made him come to abhor the removal of the horses from their natural environment.

"In a nutshell, the conclusion I came to is that the BLM's whole policy and Adopt-A-Horse program is not really doing any good for the animals at all," Blake said yesterday.

"It removes them from the range, destroys their lives and dumps them on the taxpayer. It's a technique the government uses to get the animals off the land."

Blake, and Gary Francione, director of the Animal Rights Law Clinic, defended their allegations about the horses going to a slaughterhouse by citing a 1990 U.S. General Accounting Office (GAO) report that found that thousands of horses were sold to slaughter after adopted from the BLM in the 1980s.

Bruce Dawson, the BLM's director of the national horse and burros program, vehemently denied that this still the case, saying that anyone who adopts a horse for commercial purposes is subject to federal prosecution.

"There have been significant changes in the program since then," Dawson said of his bureau's reaction to the GAO report. "We've got a long-term strategic plan."

The new regulations included a limit of four horse adoptions a year for any one member of the public, which put an end to mass adoptions that were found to be undertaken for the selling of horses to slaughterhouses.

"The changes are the result of concerns raised by the report," he said.

Francione said the Animal Rights Law Clinic stands by its March letter and will continue to fight the roundups until the BLM implements a more humane form of population control.

"Whenever you take controversial positions, the people who have an interest in these positions will make histrionic statements, like the ones contained in the letter," Francione said.

"It remains my position that the BLM is nothing more than an appendage of the cattle raisers and that their ultimate goal is to eradicate or to remove as many horses as they can."

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**Law Vegas Review-Journal**  
**April 16, 1993**

## **FEDERAL SUIT CHALLENGES BLM ROUNDUP REGULATION**

**By Keith Rogers**

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"Dances with Wolves" author Michael Blake and Nevadan Tim Wilson have filed a lawsuit in a Washington D.C. federal court challenging a regulation that allows the Bureau of Land Management to round up wild horses without public intervention.

A statement Thursday by Blake's public relations firm says he, Wilson, and a watchdog group, Public Land Resource Council, are seeking an injunction against the bureau's "full force and effect" rule. That rule, they contend, allows the BLM to implement round-up orders immediately, "even if the decision to remove the horses is appealed."

"The full force and effect regulation effectively robs a person challenging a roundup decision of any meaningful remedy. The horses may have been removed and killed before the public even receives notification that the roundup is to be implemented," according to the plaintiffs' attorney, Gary Francione.

The lawsuit, filed April 8, seeks judgment against the Department of the Interior for having a regulation that contradicts a federal law that protects free-roaming horses and burros.

According to Blake's statement, the lawsuit cites two instances in Nevada when the Bureau of Land Management used the full force and effect rule to remove wild horses from two different herd management areas.

"I do not believe the executive branch of my government has intended in the past nor does it intend today to give America's wild horses the protection guaranteed them by federal law," Blake said in a statement prepared at his ranch in Arizona.

"Federal court is one of the last hopes for the horses. Without quick, sure action another hallmark of the American spirit will be gone this year or the next," according to Blake.

The lawsuit names Interior Secretary Bruce Babbitt and Carson Culp, acting director of the Bureau of Land Management, as defendants.

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Los Angeles Times  
Feb. 8, 1993

## **THIS IS EXTERMINATION, NOT A RESCUE;**

### **WILD HORSES: THE GOVERNMENT IS ROUNDING UP 'EXCESS' ANIMALS, CONDEMNING MANY TO SLAUGHTER DESPITE A LAW PROTECTING THEM.**

**By MICHAEL BLAKE**

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It is raining today in Las Vegas and I am thinking again of the horses. Now they are trying something new to get rid of them. They have 50 of them in a pen between two, large casino-hotels near the fabled Strip. As a new Administration begins its work, these horses stand as a testament to 20 years of failed governmental policy.

They are being hawked like bags of peanuts at a ballgame. If you have \$125 and some space in the back yard, come on down and pick yourself up a piece of American heritage. Come down and get yourself an American wild horse.

I know what the people who drift past that pen are seeing. They are viewing animals that have been humiliated and defeated. Most have lost weight since they were captured. Dehydration is a common condition at this stage. Some of them are still in shock. All of them are terrified.

What the people looking through the pipe corral don't know is that the horses inside are not just a few excess animals rounded up for humane adoption. They and thousands like them are victims of a vicious, long-running campaign of annihilation that has recently accelerated into what is the final phase.

There has been great controversy over the number of wild horses in Nevada. Estimates for 1992 ran as high as 75,000, but the government agency directly responsible, the Bureau of Land Management, has most often estimated 30,000 to 35,000. The government has said it will forcibly remove 14,000 "excess" wild horses from public lands this year.

Last August, I helped commission the first comprehensive aerial census of wild horses in Nevada. In almost every herd area, the horses were far less numerous than BLM estimates. The final count in our survey was 8,324.

The horses will be gone this year or next if something isn't done to protect them.

In 1971, Congress passed a law giving the horses federal protection. This came about as a result of the second-largest write-in campaign in American history. The law states that the horses are not to be hunted with aircraft, harassed or rounded up for slaughter. But since 1971, the horses have been given no protection. They have been shot, poisoned and rustled for slaughter in huge numbers by people who have gone unpunished.

And they have been captured and removed in the thousands by the same government charged with protecting them.

Each cycle of the adopt-a-horse program is the same. Once certain herds are targeted for elimination, the cycle begins with the horror of horses being herded many miles by helicopter. Foals or fetuses are

often lost during the forced march and any ailing animals are dead in days. The horses are stuffed into holding pens, where many become sick from the constant dust of close confinement. All the horses must be inoculated against common domestic diseases, which they have never known.

While waiting their turn in the squeeze chute, families are broken up. The wild horses are then jammed into trucks and hauled to large centers. All stallions are castrated upon arrival. The prettiest horses are adopted quickly, but most languish in the concentration centers before finally ending up in a place they are expressly forbidden by law -- the slaughterhouse.

The adopt-a-horse program is effectively eliminating wild horses from the American scene and every dime of its support comes from tax dollars. After paying for this destruction, the taxpayer is asked to come down and buy a horse and take it home. But not very many taxpayers are equipped to take the government up on its offer; most of America's wild horses end up as meat, sliding over the palates of Europeans and Asians who have acquired a fondness for the flesh of our horses.

I have seen wild horses in their natural state and I have spoken to many other people who have seen them. All agree that it is a sight that cannot be adequately described.

What I remember is being awed by the power of their unity. The family units, both large and small, are run with a precision and intelligence that is somehow beyond what we know. It may be a cliché, but it is certainly true that wild horses possess a certain pride in freedom. They are models for the world, living symbols of freedom.

Along with millions of other Americans, I want wild horses to stay, to remain a permanent part of the national landscape, protected and managed, not only in accordance with our laws but in the spirit of our laws as well.

The new Administration must stop these captures and start doing something positive for wild horses and for the public lands upon which they run. Nothing can be done for the 50 horses standing in the rain this day in Las Vegas. I hope that a few of them will find loving homes. For the others, the ones still out and running free, there can be great opportunities. But the hour is late.

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