

ALDF *update*

Volume II, Number 6

September 1998

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RESEARCH

LANDMARK DECISION - ANIMAL ADVOCATES HAVE STANDING UNDER AWA

In 1985, Congress amended the Animal Welfare Act and ordered the USDA to develop stricter standards, including physical environments adequate to promote the psychological well-being of primates. The agency required that regulated entities (research labs, zoos, circuses, and animal dealers) set those standards themselves. In 1996, the U.S. District Court for the District of Columbia held that the USDA's regulations addressing the psychological well-being of primates violated the Act and must be rewritten. That decision was appealed and reversed in 1997, the appellate court finding that plaintiffs lacked standing to challenge the USDA's failure to issue those standards. In 1998, in a rare action, the U.S. Court of Appeals, D.C. Cir., granted a rehearing in banc.

In its decision of September 1, 1998, the court ruled that an individual who repeatedly visits an animal exhibition where he observes primates kept in inhumane conditions, has standing to sue. Circuit Judge Wald wrote the opinion on behalf of seven members of the eleven member Court. "(T)he Supreme Court has repeatedly made clear that injury to an aesthetic interest in

A QUARTERLY NEWS SHEET FOR ATTORNEY MEMBERS OF THE ANIMAL LEGAL DEFENSE FUND

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SETTLEMENT REACHED FOR BIRD FEEDING DEFENDANTS (MI)

In August, 1997, Nickelson and Vicki Paske were convicted by a Michigan municipal court of violating the City of Eastpointe's ordinance 1860.03(c), which prohibits leaving "materials that might provide harborage and/or a food supply for rats." Defendants had hung a bird feeder in their back yard and were feeding the birds. The city was concerned that the feeder was attracting pigeons that were messing the neighborhood and that the defendants' conduct also might attract rats. However, rats were never witnessed near or on the defendants' property. The defendants were ordered to pay \$500 or spend 30 days in jail.

After the trial, the defendants retained Stuart Collis to file an appeal on their behalf. An appeal from municipal court in Michigan is a trial de novo. Before the new trial commenced, a settlement was reached whereby the Paskes agreed to use a city approved bird feeder and delay feeding when a code officer observes quantities of pigeons deemed detrimental to the public health or property. In return, the case would be dismissed with prejudice and all bonds and fines would be returned to the Paskes. On June 30, 1998, the court vacated the defendants' conviction and the appeal was dismissed. (*City of Eastpointe v. Paske*, PF 512.20)

ANNOUNCEMENTS

STUDENT ANIMAL LEGAL DEFENSE FUND (OR) TO HOLD CONFERENCE OCTOBER 10, 1998

The Student Animal Legal Defense Fund (SALDF) of Northwestern School of Law, Lewis and Clark College, Portland, OR will hold its 6th annual Animal Law Symposium on October 10, 1998. This year's conference entitled "Animals in the Global Marketplace: Science, Society and Industry," includes panels on feeding the world, agribusiness and domestics, subsistence hunting, the impact of industry on wildlife, animals in research and technology (including cloning) and the place for animals in society. Partial list of speakers: Pamela Frasch, Director of ALDF's Anti-Cruelty Division, Steve Ann Chambers, ALDF President, Paul Waldau, Great Ape Project, and tentative keynote speaker, Peter DeFazio (D-OR). For information and registration, call (503) 768-6798, e-mail: SALDF@lclark.edu or write: SALDF, Northwestern School of Law, Lewis & Clark College, 10015 S.W. Terwilliger Blvd., Portland, OR 97219.

ASSOCIATION OF THE BAR OF THE CITY OF NY - COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS TO HOST "FUTURE OF ZOOS" CONFERENCE - SEPTEMBER 26, 1998

The Association of the Bar of the City of New York's Committee on Legal Issues Pertaining to Animals will hold its fourth annual conference on animals and the law on Saturday, September 26, 1998, 9 a.m. - 5:30 p.m. The conference is entitled, "Is There a Future for Zoos?" Topics include the ethical implications of the human domination of wild animals, the adequacy of current law, including the role of the USDA, in protecting zoo animals and eradicating substandard zoos and the legal and ethical obligations of zoos regarding wild habitat and species preservation. For more information, call (212) 382-6600 x6613.