

The Same As It Ever Was

A Point-By-Point Analysis of Wayne Pacelle's Nov. 8 Blog

By Nathan J. Winograd, November 19, 2007

Introduction

Between Seattle and Portland, a large billboard off of Interstate 5 reads “In 2008, can I just vote No?” The sentiment is real. It touches a chord in all of us who have watched politicians over the last decade who say one thing, while they believe and act another way, and leave us trusting no one.

What I believe the author of that billboard wants is the same thing we all want. Americans want someone who will speak the truth, who will tell us how they really feel, what they truly believe, and what, if elected, their Administration will stand for, practice, promote and most of all, fight for. In other words, we are dying for authenticity.

Unfortunately, not a single candidate, regardless of the political party, has chosen to speak with integrity for Americans. They speak the language of the common man, but it is bereft of authenticity. Instead, we are given platitudes, clichés, empty phrases, emptier suits, and what the great 19th Century French novelist Alexandre Dumas called “mouths that say one thing, while the heart thinks another.” That is what we have been given for nine years, and that is what the candidates are giving us still.

These last nine years have not been lost on Wayne Pacelle, the head of the Humane Society of the United States (HSUS), the nation’s largest “animal welfare” organization. Speaking with a politician’s desire to avoid the truth, avoid controversy, avoid alienating the animal control bureaucracy to which he is intimately connected, avoid losing revenue from people who are tired of the killing of dogs and cats, avoid HSUS’ own sordid history of opposing progressive programs which have been proven to save animals, avoid the fact that HSUS continues today to legitimize the killing of animals in shelters, Wayne Pacelle posted a blog on November 8 declaring his support for No Kill, claiming HSUS always supported No Kill, and taking credit for the lifesaving gains over the last several decades, which in reality were the result of programs HSUS opposed and fought to prevent.

The blog is written with a politician’s pen and a politician’s goal. In other words, it is filled with platitudes, clichés, empty phrases, desire for money, desire for power, and a mouth that says one thing, while the heart—and HSUS—thinks and does another. It is disingenuous. And it lacks the integrity and authenticity to atone for past mistakes, to change policies in the present, and to move the nation forward with a bold new vision for the future. It is out of touch with how most of us feel about dogs and cats. It continues to hide behind half-truths and outright lies. And it avoids the reality of what HSUS continues to do in practice to thwart lifesaving No Kill initiatives around the country.

Why Does it Matter What HSUS Says and Does?

HSUS has the potential to lead us toward our inevitable No Kill future. We will get there, even if we have to do what we have always done: fight HSUS every step of the way. But by cooperating with us, rather than working against us, we can get there much more quickly. As a result, HSUS could lessen the body count by millions of animals if they supported, rather than thwarted the effort as they have historically done and continue to do. The potential for nearly overnight success under an HSUS which fully and completely embraces the No Kill philosophy is very real. But under Mr. Pacelle's leadership, it is being thwarted; the body count increases. I do not make this claim lightly.

HSUS is the nation's largest and wealthiest humane advocacy organization in the nation. It has assets in the hundreds of millions of dollars, and it has a budget in excess of one hundred million dollars annually. It claims the support of twelve million members and it has a powerful media presence. Their magazine, *Animal Sheltering*, is sent to shelters nationwide. Their animal sheltering conference, HSUS Expo, is the nation's largest, drawing sheltering staff from across the country.

More than that, shelters nationwide defer to them, and look to HSUS for guidance and direction. It is not uncommon for shelters to proclaim that they are run in line with HSUS policies. And when activists in communities working for reform pressure local government to embrace No Kill, HSUS responds by defending the shelter director and their failures and refusal to change, calling No Kill "impossible," "unreasonable," and attempting to sow seeds of doubt among public officials, such as recently occurred in King County, Washington.

Where No Kill is succeeding, such as in Reno, Nevada, HSUS supports the efforts of Dr. Kate Hurley, an anti-No Kill veterinarian, who goes to those communities to intentionally derail their success by arguing that No Kill is a bad idea and equating it with animal hoarding.

It has been over a decade since San Francisco pioneered the lifesaving model of the No Kill Equation to become the first to end the killing of healthy homeless dogs and cats, an achievement HSUS denigrated. It has been five years since No Kill success has been achieved in communities such as Tompkins County, New York from 2002-2007, in Charlottesville, Virginia, since 2006, and increasingly elsewhere, which HSUS ignored. And HSUS has never reported this success to their constituents, shelter directors, or local governments, and has not embraced the only model which has made it possible.

In addition, shelter bureaucrats who aren't told they must change the way they do business (the business of killing) by HSUS, do not feel pressured to do so. They feel vindicated. Shelter bureaucrats who fail to invest in the programs and services of the No Kill Equation are held out as pillars by HSUS despite their regressive practices. Shelter bureaucrats who boldly proclaim that the five million animals being executed every year

are not being “killed” at an HSUS conference, but instead are being given the “gift of euthanasia” as a supporter of the HSUS position on sheltering stated, without being forced to recant, are emboldened to continue. Self-proclaimed experts are hailed by HSUS and lead workshops endorsed by HSUS when they claim that Pit Bulls should not be adopted to families with children and falsely claim that the vast majority are aggressive and should be killed. Communities which are told that No Kill is akin to “warehousing” and are falsely told that saving the lives of the vast majority of shelter animals is “unreasonable” by HSUS fail to demand results in their shelters. Governments which are told by HSUS that “No Kill is a sham,” “feral cat caretakers are closet hoarders,” or that the only way to achieve No Kill is to “adopt Pit Bulls to dogfighters,” stop before they start paving the road to building truly humane societies. And health departments which are told that killing 22,000 of the 25,000 dogs and cats a year are within the “norms” of U.S. shelters can boldly proclaim that they are doing a “good job.”

This is what has occurred or continues to occur without so much as a whimper of protest from Wayne Pacelle, often with the blessing of HSUS or, just as often, done by HSUS itself. These are not examples of a bygone era. The vast majority have occurred under Mr. Pacelle’s leadership of HSUS. They occur still. There is no new HSUS position. And, as a result, the business of killing will continue in most of our nation’s shelters.

Because rather than direct HSUS’ enormous influence toward comprehensive national reform and true No Kill advocacy, Mr. Pacelle and his staff continue to provide the political cover for the status quo and to those directors determined to maintain it. Just a few months ago, HSUS sought to prevent the King County, WA, Council from embracing a mandate to achieve an 85% save rate of dogs and cats in its shelters, citing opposition to No Kill, calling the request “unreasonable,” and siding with a regressive administration which oversaw a shelter where “the animals suffer from high rates of disease, improper housing, inadequate exercise and social contact, a lack of basic comforts, and high levels of stress.” (King County Animal Care & Control Citizens Advisory Committee, September 24, 2007.)

Wayne Pacelle says in his blog that HSUS is and has always been committed to No Kill and the lifesaving programs it entails, but this is patently false. It was HSUS’ Jim Tedford who called TNR “inhumane” and “abhorrent.” It was HSUS’ Phyllis Wright who said that killing animals was kindness and that she never worried about the 70,000 dogs and cats she herself put to death. It was HSUS’ Roger Kindler who argued that caring for feral cats was illegal under North Carolina’s statutes against abandonment, which carried a jail term. It was HSUS which:

- Opposed plans to establish a TNR program on the Georgetown University campus;
- Endorsed the round up and killing of feral cats at Riverside Park in Virginia;
- Unfairly inflated the death rate for dogs and cats killed in San Francisco shelters to downplay the success of No Kill efforts;

- Opposed maintaining the integrity of the 1998 Animal Shelter Law in California which required shelters to work with rescue groups and added protections for feral cats and other sheltered animals;
- Opposed shelters working with rescue groups to place animals who would otherwise be killed;
- Rallied around the New York City animal control shelter even after the comptroller's audit found "a number of allegations of animal neglect and abuse." The report found that not only were animals wrongly killed, but "many animals didn't have regular access to water and were often left in dirty cages";
- Supported an animal control shelter at a time when a No Kill agency was poised to take over sheltering operations in Rockland County, New York, even after an auditor substantiated allegations of high rates of shelter killing and other deficiencies that were not corrected after a year;
- Opposed a rescue group's efforts to get pre-killing notification from animal control in Page County, Virginia, so that they could save the dogs, calling the request unreasonable;
- Said No Kill was impossible in Philadelphia unless Pit Bulls were given to dogfighters and labeled feral cat caretakers as "closet hoarders";
- Claimed at a hearing in Eugene, OR that No Kill was a sham and that killing was necessary.

Unequivocally, HSUS has been obstinate in the past when it came to ending the needless killing of savable animals in shelters. The changes in some of these policies did not come easily. They were made only when their positions threatened either their fundraising or leadership position, or when they became politically and publicly untenable. Granted, they are no longer arguing that sending animals to rescue groups rather than killing them is a bad idea because transfer to rescue group would "stress" the animals the way they have done in the past. But they have not truly embraced the No Kill philosophy. For example,

- HSUS recently opposed an ordinance in King County, WA which would have required county shelters to work diligently to save 85% of all incoming animals calling the request "unreasonable;"
- HSUS participated in a No Kill hit piece on the front page of USA Today claiming that No Kill was essentially warehousing animals;
- HSUS pressured the National Animal Law Center at Lewis & Clark Law School in Portland to withdraw sponsorship of a No Kill seminar there;
- HSUS supports the efforts of Kate Hurley (more on her in a later blog), a veterinarian, who is going to communities such as King County, WA, and Reno, NV, to oppose No Kill efforts occurring there;
- HSUS fundraised claiming it needed money to help the dog victims rescued from dog fighter Michael Vick, but added very fine print saying the money might not be used for the Vick dogs. HSUS then publicly stated that the Vick dogs should be killed. (All but one of the dogs passed a test for aggression and were being saved as of this blog);

- HSUS supported Austin, TX animal control's desire to move the shelter from the vibrant community of downtown Austin which is the daily destination for thousands of Austinites to a more remote, industrial location where it would have led to decreased adoptions, but would have meant bigger offices for shelter bureaucrats;
- HSUS raised tens of millions of dollars ostensibly to help animals impacted by the Hurricane Katrina disaster, but spent only a fraction of it. Tens of millions are still in HSUS bank accounts—money that could and should have been used for the donors' intent: to save lives in the Gulf States. (HSUS announced 'Mission Accomplished' and left, even while animals were still suffering in the aftermath of the destruction).

One of the most unfortunate aspects of continued opposition or failure to fully embrace the No Kill philosophy by national organizations like the Humane Society of the United States is the lost opportunity to profoundly influence animal shelters in a life-affirming way. We can imagine, for a moment, what the future would look like if HSUS embraced the notion that animals in shelters have a right to live, No Kill philosophies should be implemented everywhere, and used its vast wealth to provide shelters with the training and tools they need to succeed in those endeavors. No other agency has the ability, resources, and influence to bring about a No Kill nation faster.

Every day that HSUS denigrates or fails to fully and unequivocally embrace No Kill, delays that potential future. Instead, animal lovers have to fight pet limit laws, mandatory registration laws, and other destructive policies promoted by these organizations. Instead of turning to these organizations for support and guidance, No Kill groups have to spend time trying to overcome the obstacles they lay in the path to lifesaving. As a result, *and because of the cost in animal lives that this potentially entails*, HSUS continues to fail miserably in terms of moving this country away from traditional, reactionary, "adopt some and kill the rest" sheltering practices, despite Mr. Pacelle's facile claims to the contrary.

Failure to Lead

In feeling the groundswell of grassroots pressure for change that is occurring, Mr. Pacelle could have chosen to lead us going forward. He could have chosen to champion the animals, rather than the entrenched animal control bureaucracy he currently represents. He could have taken a real, honest, principled stand that put No Kill on the agenda of every community, every shelter nationwide. He could have insisted on it, and then told his employees at HSUS to follow through to make it happen. I would have been the first to stand up and cheer. I would have gladly stood *behind* Wayne Pacelle.

Instead, he gives us platitudes and thinly veiled attacks on those who can envision a new and better and life-affirming future. And he gives the five million animals scheduled to be slaughtered in shelters next year insult above the injury they already face. It is a slap in the face to animal activists all over the country who know full well that the animal control shelter and just as often, the large private shelter is not doing a good job, is

regressive in its policies, and continues to kill in the face of alternatives. It is business as usual. And nothing in Mr. Pacelle's blog fundamentally and unequivocally changes that.

The conclusion becomes inescapable. As a movement and as a nation, our values relating to companion animals are far more progressive and humane than the nation's largest animal protection organization. It is up to us to lead the country into a more humane future by rejecting the 19th Century model of animal sheltering (adopt some and kill the rest) HSUS so tenaciously and tragically clings to. It is irresponsible for HSUS and staff to be offering themselves as "experts" or "leaders" to the media, to the public, to city governments and to the movement, especially in light of the evidence that No Kill is a concept to which staff at HSUS has been historically opposed and that HSUS staff have, at best, only a superficial understanding (and an erroneous one at that) of the dynamic and exciting changes occurring in the field of animal sheltering as a result of the No Kill movement. In the end, it is far better to disband the Department of Companion Animal at HSUS, than maintain it in its current reactionary form. Because without true reform, the time has come when Americans in general, the humane community and city governments more specifically, must cease relying on the advice of Mr. Pacelle and his staff.

We have learned what we can expect under Mr. Pacelle's tenure: platitudes, clichés, rhetoric, pretty words. But we cannot expect solutions. We cannot expect a vision for the future, the roadmap for saving lives. So we must provide it for him.

Where Do We Go From Here?

We are a nation of dog and cat lovers, and we demand that the killing to be brought to an end. We are 150 million Americans strong. Right now, there are only a few thousand shelter directors killing 4.5 million savable dogs and cats each year, who are standing in the way of a No Kill nation and have historically been doing so with the blessing and assistance of the nation's most powerful and influential so-called "humane" organization—HSUS.

Mr. Pacelle's blog makes clear that he has no idea how to lead the humane movement. It is clear he cannot see the future for himself. At the same time, we need to send a very strong message to Mr. Pacelle that we can see through his thinly veiled comments, his insincerity on the issue, his failure to truly challenge the status quo, to fight for the rights of shelter animals to their very lives, and to truly reform what has been a long sordid history of draconian HSUS policies as it relates to dogs and cats in shelters.

And so Mr. Pacelle, I say to you:

We reject your obfuscation, we reject your dishonesty, and we reject the killing your agency continues to legitimize. As Americans who want to end the killing today—not at some mythical indeterminate future time, which appears to have no end—we demand that HSUS change in earnest, and that you demonstrate that change by signing—and promoting—the *U.S. No Kill Declaration*.

The *Declaration* calls upon shelters to implement all the programs and services of the No Kill Equation, and for shelters to open their doors to the light of public scrutiny. It calls for shelters to bring about an end to the killing without delay. The *Declaration* proves the irreconcilability between the No Kill philosophy on the one hand and, on the other, the archaic voices of tradition. Unlike HSUS' *Asilomar Accords*, which allow shelters to ignore the programs and services of the No Kill Equation (leaving these pivotal programs to "local decision-making"), the *Declaration* calls for comprehensive and rigorous implementation of all of them. Sadly, not one of the signatories of the *Asilomar Accords* has endorsed the *Declaration*; and, to this day, you continue to refuse to sign it.

I am sending you a gift, Mr. Pacelle. In the mail, you will receive from me a pen. I ask you to use it to sign the *U.S. No Kill Declaration*. For—as 10,000 signatories have already attested to—it is the No Kill philosophy and its implementation alone which holds the key to a more noble future—a future where animals will find in shelters a new beginning, instead of what HSUS holds out for them today, which is the end of the line.

Sign the *U.S. No Kill Declaration* and call off your employees, such as those in Seattle and Eugene, who are working to hinder and undermine No Kill efforts throughout the United States. For the first time ever, you now claim to support No Kill. I ask you to prove it. The remaining chapters of the No Kill movement's history have yet to be written, Mr. Pacelle. How will you be remembered?

Carefully Crafted Statements That Obscure Rather Than Illuminate

In his blog, Mr. Pacelle writes that,

America views those of us in the animal protection movement as being against the needless killing of animals. America happens to be correct. Everyone sincerely committed to the cause of animal protection embraces the concept of animals living complete and quality lives—uninterrupted by torment or cruelty.

Are we talking about ending the needless shelter killing of dogs and cats? Or are we talking about prosecuting cases of cruelty? We are talking about ending the killing of animals in shelters. Yet, Mr. Pacelle says that he is against cruelty and torment. Mr. Pacelle won't say that shelter killing is needless and wrong because to do so would impact HSUS' relationships with animal control and groups like the National Animal Control Association, anti-No Kill apologists for shelter killing. So Mr. Pacelle offers a *non-sequitur*: Americans want to end shelter killing so HSUS is against animal cruelty.

No one supports “torment or cruelty.” That is not controversial. That is a distraction. What we are talking about, what we have been fighting for (and fighting HSUS who has opposed us virtually every step of the way) is ending the killing of approximately 4.5 million savable dogs and cats in shelters every year. We have been fighting for the programs and services which would allow it to happen. Programs like transferring animals from death row in pounds to rescue groups, which HSUS has historically opposed. Programs like offsite adoptions, which HSUS has historically opposed. Programs like TNR, which HSUS historically called “inhumane” and “abhorrent,” which HSUS' general counsel (whose name appears on HSUS' letterhead *to this very day*) once argued to a prosecutor that it amounted to animal abandonment in violation of state anti-cruelty laws—laws which would have meant the arrest and jailing of feral cat caretakers!

But let's give Mr. Pacelle the benefit of the doubt. I do not wish to be accused of splitting hairs the way Mr. Pacelle does with his meaningless nonsense about trying to differentiate “no kill” with lower case letters and “No Kill” with capitalized ones. Let's assume that Mr. Pacelle is simply inarticulate. Let's say for the sake of argument that what Mr. Pacelle really meant to write was this:

America views those of us in the animal protection movement as being against the needless killing of animals. America happens to be correct. Everyone sincerely committed to the cause of animal protection—and that includes HSUS—embraces the concept of animals being saved, rather than killed by shelters.

He didn't say that, mind you, and if that is what he meant, he should have said so. But let's assume this is what he meant. Is it true? Sadly, it is not.

His own Louisiana market analysis showed a real disconnect between how people felt about their dogs and cats, and the regressive practices in local shelters. In addition, a national study showed that over 90% of people surveyed do not want cats (and therefore, one can assume dogs and other animals) killed in shelters. And it is contradicted by the experience of all of us who have learned the hard way that animal control in our communities, and just as often, the large private shelter is not doing a good job, is regressive in its policies, and continues to kill in the face of alternatives.

Still, some people believe that if there were alternatives, shelters would not kill because shelters are staffed with benevolent animal lovers trying their best against overwhelming odds and offering a humane death only when necessary. This is a point of view that HSUS would like animal lovers and the public at large to believe. Accordingly, they claim that leadership and staff at every one of these shelters “have a passion for and are dedicated to the mutual goal of saving animals’ lives.” (HSUS’ *Asilomar Accords*, 2004.)

It is this portrayal that has historically silenced criticism of shelters, the vast majority of which, in reality, have a paltry number of adoptions and staggeringly high rates of killing. The public—particularly activists fighting to better the plight of animals in society—is told that “we are all on the same side,” “we all want the same thing,” “we are all animal lovers,” and that any criticism of shelters and their staff is unfair, and callous because “no one wants to kill.” That is why a large national agency can boldly proclaim, without the slightest hint of sarcasm or irony, as a caption below a picture of a puppy—a young, healthy, perfectly adoptable puppy—being put to death, that “This dog was one of the lucky ones who died in a humane shelter... Here caring shelter workers administer a fatal injection...”

While HSUS tells us time and again that our nation’s animal shelters are staffed by caring and compassionate animal lovers who hate to kill and would do anything in their power to protect animals and save their lives—the facts, tragically and frequently, tell a very different story.

Why are some shelters still killing in the face of proven lifesaving alternatives, while other shelters are saving the vast majority of animals? Why does one shelter send thousands of animals every year into foster care to help save lives, while the vast majority do not? Indeed, one such shelter director even fired staff and volunteers when she found out they took motherless kittens home and bottle-fed them around the clock until they were old enough to eat on their own and be adopted. This shelter’s director has long opposed fostering animals, choosing instead to kill them, but nonetheless she is considered an “expert” by HSUS to promote standards in the pages of *Animal Sheltering*, its flagship magazine for the sheltering establishment. Why does one shelter open its doors to rescue groups, while the vast majority kill animals these groups are willing to save? Why does one shelter neuter and release feral cats, while the vast majority of others not only oppose such efforts, but some even send officers out to write citations to those who do? And, why does HSUS continue to legitimize this by saying in its *Asilomar Accords* that the question of whether these programs should be implemented

should be left to each shelter and each community to decide, rather than demanding that all communities implement them since lifesaving is simply impossible without them?

The answer is simple: the single most important factor which determines whether shelters succeed or fail at saving lives is the person who runs the animal control and/or large private shelter in a community, and whether they are committed to lifesaving and therefore implement the needed lifesaving programs, while holding their staff accountable to results. In other words, the difference between shelters which are saving the vast majority of animals in their care compared to those which are killing comes down to the choices made by the people who are running them. And when it comes to the shelters whose directors are killing large numbers of animals, those choices and priorities manifest themselves not only in their appalling kill rates, but also in their poor and oftentimes cruel treatment the animals in their facilities must endure. (For an audio and visual tour of U.S. shelters, go to nokilladvocacycenter.org and click on “A Tour of U.S. Animal Shelters.”)

It has been over a decade since communities with compassionate animal directors have achieved success at saving lives. Most shelter directors have chosen to ignore that success, while digging in their heels and disparaging the No Kill philosophy. In others, they have responded to public pressure by putting forth bold claims and promising success in five years in order to silence their critics, yet failing to implement the programs to make such promises a reality, while the business of killing in their shelters continues as usual. Animal control directors have already had more than enough time to embrace No Kill and make it a reality. And too many have refused to do so.

In fact, HSUS' own expert denies that shelters are even killing animals. At HSUS' national animal sheltering conference in 2006, HSUS held a workshop on killing in which the “expert” stated:

We are not killing them, we are taking their lives, we are ending their lives, we are giving them a good death, we are humanely destroy-, whatever, but we are not killing. And that is why I can't stand the term No Kill shelters.

What is more disturbing than the fact that animal control staff from across the nation responded with a thunderous applause (undermining their claim that they are committed to saving lives), what is more troubling than the fact that HSUS is advancing the Orwellian notion that killing is not killing, that killing is, in fact, an act of kindness, is that when you deny that what you are doing is exactly what you are doing, when you disparage a movement founded to save the lives of animals, when you refuse to take responsibility for the killing, the impetus to change your own behavior that might negate the perceived “need” to kill disappears. The end result is the status quo: more animals going out the back door in a body bag than out the front door in the loving arms of families.

HSUS has never rejected and condemned this, even though most Americans would. The reality is that the average U.S. dog and cat lover is more progressive, more humane,

more committed to ending the killing of sheltered animals than the nation's largest animal protection group. HSUS is supposed to advance the cause of animals and increase the status of animals in society, but instead, under his watch, at a conference he held, without so much as a whimper of disagreement, Mr. Pacelle hides behind someone who says "we're not killing" even when that is exactly what they are doing.

As author and filmmaker Bonnie Silva writes in her new book about animal rescue, *Fifteen Legs* (2007: Riverbank Press),

Some people take issue with the term "kill shelter"—asserting that this terminology unfairly indicts individuals who participate in the grim task... But even a softer term like "euthanizing-shelter," if it were to be used, cannot provide a thick enough gloss to conceal the disturbing, awful truth.

Nor does another HSUS-inspired favorite: Putting animals "to sleep." Silva writes what is obvious to us, but does not seem to be to HSUS:

[The animals] do not wake up, ever... they are no longer with us... They cease to eat, drink, cry, bark, meow, play and feel. They are gone.

If Mr. Pacelle is sincere, he must reject and condemn this point of view—that killing is not killing—openly. He must reject the term "euthanasia," which is a euphemism that obscures the reality of what we are doing to animals as a society and makes the task of killing easier. He must hold all shelters accountable by openly and unequivocally demanding true reform and true change. We are tired of carefully crafted statements devoid of meaning, which are intended to diffuse criticism and maintain "leadership" positions geared toward fundraising, while maintaining the status quo.

Rewriting the Past, Present, and Future

In his blog, Mr. Pacelle further writes that,

The organization I lead has been committed to the principle of protecting life since its inception, more than a half-century ago, and so are our members and staff... It's the foundation of everything we do and of every aspiration we hold.

Pretty words, but the sentiment is a lie—at least as it relates to HSUS and its staff. (I have no doubt that HSUS members hold these values and falsely believe they are funding progressive policies when they donate to HSUS.) It was HSUS' Jim Tedford who called TNR "inhumane" and "abhorrent." It was HSUS' Phyllis Wright who said that killing animals was kindness and that she never worried about the 70,000 dogs and cats she herself put to death. It was HSUS' Roger Kindler who argued that caring for feral cats illegal under North Carolina's statutes against abandonment, which carried a jail term. It was HSUS which:

- Opposed plans to establish a TNR program on the Georgetown University campus;
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- Said No Kill was impossible in Philadelphia unless Pit Bulls were given to dogfighters and labeled feral cat caretakers as "closet hoarders";
- Claimed at a hearing in Eugene, OR that No Kill was a sham and that killing was necessary.

But let's give Mr. Pacelle the benefit of the doubt. Let's say for the sake of argument that what Mr. Pacelle really meant to say was that the past is not indicative of the present and future and that *now and going forward*, HSUS will be committed to protecting animal life. Let's assume that what he wanted to say was this:

The organization I lead *is now and going forward will* be committed to the principle of protecting life ... It will be the foundation of everything we do and of every aspiration we hold.

Unequivocally, HSUS has been obstinate in the past when it came to ending the needless killing of savable animals in shelters. The changes in some of these policies did not come easily. They were made only when their positions threatened either their fundraising or leadership position, or when they became politically and publicly untenable. Granted, they are no longer arguing that sending animals to rescue groups rather than killing them is a bad idea because transfer to rescue group would "stress" the animals the way they have done in the past. But they have not truly embraced the No Kill philosophy. For example,

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- HSUS supported Austin, TX animal control’s desire to move the shelter from the vibrant community of downtown Austin which is the daily destination for thousands of Austinites to a more remote, industrial location where it would have led to decreased adoptions, but would have meant bigger offices for shelter bureaucrats;
- HSUS raised tens of millions of dollars ostensibly to help animals impacted by the Hurricane Katrina disaster, but spent only a fraction of it. Tens of millions are still in HSUS bank accounts—money that could and should have been used for the donors’ intent: to save lives in the Gulf States. (HSUS announced ‘Mission Accomplished’ and left, even while animals were still suffering in the aftermath of the destruction).

Is Mr. Pacelle truly in favor of No Kill as he claims ‘he is, has been and always will be.’? Is HSUS in favor of No Kill as he claims ‘it is, has been and always will be.’? The facts appear to tell a very different story. If Mr. Pacelle is sincere, all of this misinformation and thwarting of No Kill efforts must stop. HSUS must condemn Dr. Hurley’s anti-No Kill rhetoric, not support it. HSUS must give every dollar raised (tens of millions of dollars) to the rescue groups doing the day-to-day work of saving the animals in the Gulf States, not just the four or so million HSUS has spent. HSUS must return all the money raised ostensibly to help Michael Vick’s dogs which did not go to caring for Michael Vick’s victims and rescind its earlier claim that the dogs should be killed. And HSUS must terminate each and every one of its staff members who does not embrace the No Kill philosophy, including its representatives in Seattle, WA and Eugene, OR who have openly opposed it. But alas, Mr. Pacelle is not sincere. And so none of this will happen. Instead, Mr. Pacelle continues to cling to the defunct notion that he can claim to agree with the No Kill message, while HSUS continues doing what it always has.

Denigrating the Opposition

In his blog, Mr. Pacelle further writes about “responsible voices” who favor No Kill, about No Kill’s “conscientious backers.” His blog—and his insinuation that most No Kill

supporters are not responsible or lack conscience—is a thinly veiled attempt to attack me personally, true No Kill supporters generally, and an attempt to respond to the success of *Redemption*, the book that exposes HSUS sordid history of thwarting the noble movement to end the killing of savable dogs and cats in U.S. shelters. According to petconnection.com, Mr. Pacelle’s November blog:

is a sweet bit of face-saving BS, and a pretty broad slap at Nathan Winograd’s book, “Redemption: The Myth of Pet Overpopulation and the No Kill Revolution in America,” which we’ve written about here more than any other topic outside of the pet-food recall. But then, it’s perhaps understandable that the HSUS would be a tad defensive, since much of “Redemption” is a pretty strong slam on the HSUS itself, Mr. Pacelle’s “we’re above the fray” phrasing notwithstanding.

When someone objects to the needless killing of animals in shelters given that the key to ending the killing has been known for over a decade, what are the criteria Mr. Pacelle would use to determine if they are “responsible” or “conscientious”? Is it not enough that you love dogs or cats, your fellow Americans spend a whopping \$40 billion dollars a year on their pets, that giving to animal related causes is the fastest growing segment of American philanthropy, that entire industries are catering to pet owners, that No Kill is on the agenda of local governments nationwide, that pet books dominate bestseller lists, and that as a citizen you want your tax dollars used in ways that reflect these values?

Don’t we have a right to say “HSUS, we donate to you to the tune of hundreds of millions of dollars annually and we expect you to use that money to promote lifesaving?” Don’t we have a right to say “My tax dollars fund animal control and I want that money used to save animals, not needlessly kill them?” Isn’t that the fundamental basis of democracy?

Since we are paying for the killing of animals (through our tax and philanthropic dollars), since the killing is being done in our name (as citizens who elect leaders that appoint animal control directors), since we are being blamed for the killing (as the “public” who is allegedly to blame) shouldn’t our views be heard? And, most importantly, since we are not paying the ultimate price (that is being paid by the animals who are not fortunate enough to enter a shelter which has embraced a culture of lifesaving) and they have no voice, aren’t we ethically obligated to speak for them? Or is Mr. Pacelle suggesting that only he and his colleagues (colleagues like Ed Sayres at the ASPCA who argued that “there is no room for No Kill as morally superior” to killing) will decide what is best for animals?

If it is not enough that Americans—as animal lovers—want the killing to stop and are demanding that it does, what is the criterion that makes a proponent of No Kill a “responsible critic” or “conscientious backer”?

As to myself, I have run an open admission animal control shelter. I have run a private SPCA. I have done feral cat work. I have served on the Board of Directors of a humane society. I was a criminal prosecutor who enforced laws and prosecuted people who

committed cruelty to animals. I am an attorney. I've lectured at universities nationwide, including law and veterinary colleges. I'm a published author on sheltering. I was the chief enforcement officer in animal control. I've written state legislation. I've written federal legislation. I've spoken nationally and internationally on animal sheltering issues. I've consulted with private and municipal shelters that take in tens of thousands of animals every year and helped turn them around. Under my leadership, Tompkins County (NY) became the nation's first No Kill community. And I am the Director of the national No Kill Advocacy Center. I am not patting myself on the back here. If someone who has been there and walked the walk isn't "responsible" or "conscientious" in Mr. Pacelle's eyes, who qualifies to challenge the status quo?

There can be only one conclusion. What Mr. Pacelle appears to mean by these terms is that you are "responsible" or "conscientious" only when you do not disagree with him publicly or try to hold HSUS accountable in the court of public opinion. In Mr. Pacelle's humane movement, it's his way, or the highway.

Saying One Thing, But Doing Another

In his blog, Mr. Pacelle writes that No Kill "as a philosophy is noble; No Kill as an objective or aspiration is essential. Really nothing else can be our goal." But (and as Mr. Pacelle writes: "But... and naturally, there is a 'but' here...") "If euthanasia [sic: killing] is not occurring... then overcrowding and warehousing—and the attendant suffering—are the undesirable and also unacceptable outcomes." He further writes that those shelters which refuse to take in only to kill animals are derelict because killing "is just being pushed off to someone or someplace else..."

The "but" is neither "natural" as he claims, nor essential as he implies, no matter how nonchalantly Mr. Pacelle tries to claim that it is. And here we see that nothing has changed. This is nothing more than parroting the two misleading arguments shelters mired in killing have long used to disparage the No Kill movement. The first argument is that No Kill means nothing more than keeping animals in cramped cages until they go crazy because no one will adopt all of them. This is the "animal hoarding" myth or what Mr. Pacelle calls "overcrowding and warehousing."

The success of the No Kill movement has led to defensiveness and outright maliciousness on the part of the architects of the status quo to deflect blame for their own failures and/or continued killing. In response, they perpetuate the myth that No Kill means nothing more than warehousing animals in filthy conditions because they claim some dogs and cats are too ugly, unlovable, or "unadoptable" to ever find homes, and as a result they will deteriorate in shelters until they go crazy or succumb to disease. In a 1997 article entitled "I Used to Work at a 'No Kill' Shelter," a program coordinator for HSUS wrote that she quit because she "wanted to be a shelter worker again, not a glorified collector."

In fact, No Kill is the opposite of hoarding, filth, and lack of veterinary care. In 1998, for example, No Kill advocates in California pushed a major animal shelter reform package

through the legislature. One aspect of the reform was the requirement that shelters had to be open when working people could visit, work with rescue groups to place animals, and provide care to impounded animals, including socialization, nutrition and veterinary care. The law was uniformly supported by No Kill shelters and rescue groups around the state. It was not, however, supported by HSUS, who vilified it.

To imply that No Kill can mean filth and hoarding, therefore, is a cynicism which has only one purpose: to defend those who are failing at saving lives from public criticism and public accountability by painting a picture of the alternative as even darker. The philosophical underpinning of the No Kill movement is to put actions behind the words of every shelter's mission statement: "All life is precious." No Kill is about valuing animals, which not only means saving their lives, but means good quality care.

The second argument Mr. Pacelle parrots is that shelters who refuse to kill animals are merely passing the buck. This is the myth that says "open door" shelters—shelters who take in all animals without restriction—are more ethical. Richard Avanzino once lamented that "Many times I've heard the statement made that No Kill shelters can exist only because someone else down the street is doing the killing. The implication is that No Kill shelters are derelict because they refuse to kill animals." Ironically, these shelters blame No Kill shelters for not killing.

The irony of the "open door" shelter crowd is that many of their facilities are little more than open doors to the killing of homeless animals. They are often so enmeshed in their philosophy that they are blind to any proactive steps that might limit the numbers of animals coming in through their doors or increase the numbers of animals adopted. In fact, when California and New York passed legislation to require shelters to spay/neuter all animals before adoption, some "open door" shelters did not respond by honoring the intent of the law or the lives of the animals in their care, but by killing animals rather than having to spay/neuter them. In the final analysis, "open door" does not mean "more humane" when the end result is death.

But more than that, what we have long argued for in this movement is not merely No Kill *shelters*, but No Kill *communities*. We have proved that open admission shelters can be No Kill. And we have achieved it in a few progressive communities that have rejected the historical HSUS position on sheltering.

Avoiding Responsibility

Mr. Pacelle is correct that we must not accept killing as a social norm. He does not go nearly far enough, but he does correctly though indirectly claim that shelters must implement the programs and services of the No Kill Equation with "urgency, diligence, volunteerism, and creativity." Mr. Pacelle finally admits that "the problem is not unsolvable." Given this claim, we would expect that he will condemn and remove the long standing HSUS policy (still on their website) that calls killing of healthy animals in shelters "necessary." Or, as HSUS misleading claims: "The killing of healthy animals... is

a tragic necessity that prevents animal suffering.” This statement is used by shelters nationwide to legitimize their wholesale slaughter of dogs and cats.

But Mr. Pacelle is not correct when he puts the blame on the public. When he blames Pit Bulls. When he argues that TNR cannot be implemented immediately.

Puppy Mills

Mr. Pacelle writes that shelters kill because of the puppy mill industry. This is a distraction. Yes, animals suffer because of puppy mills. Yes, the puppy mill industry is a tragedy that must be ended. Yes, the job would be easier if they were closed down. And yes, yes, yes, they should be closed down. But shelters are killing because they themselves are failing to implement lifesaving programs, not because there are “too many animals and not enough homes.” (For a detailed discussion of this, please see *Redemption: The Myth of Pet Overpopulation and the No Kill Revolution in America* (2007: Almaden Books).)

In the case of a small percentage of animals, the animals may be hopelessly sick or injured, or the dogs are so vicious that placing them would put adoptive families at risk. Aside from this relatively small number of cases, shelters also kill for less merciful reasons. They kill because they make the animals sick through sloppy cleaning and poor handling. They kill because they do not want to care for sick animals. They kill because they do not effectively use the Internet and the media to promote their pets. They kill because they think volunteers are more trouble than they are worth, even though those volunteers would help to eliminate the “need” for killing. They kill because they don’t want a foster care program. They kill because they are only open for adoption when people are at work and families have their children in school. They kill because they discourage visitors with their poor customer service. They kill because they do not help people overcome problems that can lead to increased impounds. They kill because they refuse to work with rescue groups. They kill because they haven’t embraced TNR for feral cats. They kill because they won’t socialize feral kittens. They kill because they don’t walk the dogs, which makes the dogs so highly stressed that they become “cage crazy.” They then kill them for being “cage crazy.” They kill because their shoddy tests allow them to claim the animals are “unadoptable.” They kill because their draconian laws empower them to kill.

Some kill because they are steeped in a culture of defeatism, or because they are under the thumb of regressive health or police department oversight. But they still kill. They never say, “we kill because we have accepted killing in lieu of having to put in place foster care, pet retention, volunteer, TNR, public relations, and other programs.” In short, they kill because they have failed to do what is necessary to stop killing.

Pit Bulls

It was HSUS which called for the killing of the Pit Bull victims of Michael Vick, perpetuating the lie that they were dangerous even as temperament evaluations resulted

in all but one passing. It is Sue Sternberg, the so-called “expert” that HSUS promotes, endorses, and has speak at its conferences who claims that Pit Bulls should not be adopted to families, even if the dogs are friendly; and further claims that most are aggressive to kids, cats and dogs—a claim that it contradicted by the facts. I have written extensively on the plight of Pit Bulls and I won’t reiterate that here, but suffice to say that we cannot and should not continue to blame the victims, even by couching it in benign terms such as that no one will adopt them, when progressive agencies have proved this to be untrue.

Feral Cats

Mr. Pacelle claims feral cats are a challenge to lifesaving, yet HSUS has promoted a vision of animal sheltering under the *Asilomar Accords* that not only fails to mention TNR or require groups to accept TNR, they classify feral cats as “untreatable” or “unhealthy.” According to HSUS’ *Asilomar Accords*, feral cats would fall into the category of those animals who “suffer from a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes them unsuitable for placement as a pet.” (Asilomar Accords, Animal Statistics Table, Glossary of Terms, P.) Under the *Accords*, feral cats share the same category for hopelessly ill or irremediably suffering pets. And the same fate—death.

While it is true that feral cats are not generally suitable for placement as pets, this should not mean that they do not have an equal right to life, or that the humane movement isn’t obligated to put in place non-lethal alternatives. Our commitment to both of these principles requires us to identify feral cats as their own category—as feral cats. And then make an equal commitment to TNR and pro-feral advocacy to bring an end to their killing.

Taking Credit for the Success of Others

Mr. Pacelle writes that HSUS pioneered the concept of legislating to punish the public and to increase the power of animal control, which is true. As a result, we are a nation of pet limit laws, licensing laws, leash laws, feeding bans, and other laws that criminalize compassion and thwart progressive programs like TNR for feral cats. In promoting many of these, HSUS has held two communities up as national models: Fort Wayne, Indiana and King County, Washington.

Fort Wayne, IN, animal control kills over 70% of all impounded domestic animals, the vast majority of which are dogs and cats. Yet, the director of that shelter’s deplorable record of lifesaving is a darling of HSUS, a presenter at HSUS conferences, an HSUS *Asilomar Accords* partner, and one of HSUS’ sheltering “experts.” Let’s hope that killing nearly three out of four animals is not what Mr. Pacelle holds out as a model of success under his vision for “no kill.”

And King County, WA’s shelters were being hailed as a national model by HSUS, with HSUS siding with shelter leadership this year in opposing a No Kill orientation. But far

from a national model, the shelters were found to be abysmal. According to the report of a Citizens' Advisory Commission, "the animals suffer from high rates of disease, improper housing, inadequate exercise and social contact, a lack of basic comforts, and high levels of stress. The outreach programs designed to move these animals out of the shelter are paltry at best..." [King County Animal Care and Control Citizens' Advisory Committee, September 24, 2007].

By contrast, the programs responsible for declining death rates nationwide were almost all implemented in opposition to HSUS' position on the issue. HSUS has historically called TNR programs for feral cats "abhorrent" and "inhumane," calling mass extermination of feral cats in shelters "the only practical and humane solution." By contrast, while cities like San Francisco ignored HSUS and were experiencing substantial declines in the killing of cats because of TNR, cat deaths were rising in other metropolitan areas which adopted the historical HSUS position on feral cats. In fact, a 2006 study of animal shelters in Ohio published in the *Journal of the American Veterinary Medical Association* found that cat deaths in shelters were generally increasing from 1996 to 2004, with the feral cat most at risk for being killed. The researchers found a strong correlation between an agency having a TNR program and a lowering of the kill rate, but reported only one animal control agency having such a program.

HSUS has also historically opposed offsite adoptions, opposed sending animals to rescue groups, even at one time opposed municipally funded or SPCA funded spay/neuter clinics in deference to private veterinary claims that to do so would infringe on their profits. According to *Animal People*, these programs "have dramatically increased neutering, adoptions, and public financial support, reduced pet abandonment, and cut shelter killing from 17.8 million in 1987 to barely four million in 1996." Though HSUS fought their implementation, Mr. Pacelle is now trying to claim credit for their success by citing unrelated ordinances and other efforts of dubious value.

Pacelle's Way or the Highway

Mr. Pacelle finally writes in his blog that we must all work together as a unified movement. He calls disagreement tantamount to supporting "puppy mill operators and the dog fighters" and all the others who abuse animals. This is nothing short of obscene.

To the extent a shelter isn't fully embracing the No Kill philosophy and implementing the No Kill Equation, animals are needlessly being killed. Since No Kill advocates must represent the interests of the animals, they must first demand and then fight for these programs. Throughout the United States right now, however, there is a major roadblock to this occurring: the old guard of shelter directors who will not implement these No Kill solutions because they are content with the status quo. They have accepted killing even in the face of lifesaving alternatives. No list of excuses can change the simple fact that the biggest barrier to No Kill success in any given community is often the individual who runs the local animal control or the large private shelter in a community; this single person can make or break No Kill success.

Indeed, it is a common notion in the animal protection movement that if we could all set our differences aside and “get along,” we would better serve the animals. But how can this be so when there are those staffing humane societies and shelters who hold positions which are the anti-thesis of the very goals—saving lives, doing no harm, and advancing the rights of animals to be free of suffering and to live—that the animal protection movement exists to promote? Why should we remain silent and complacent about their failures simply because they claim to be part of our movement and to care about animals, even when their actions reveal opposing values and priorities? Movement unity and cohesion do not—and should not—supersede our duty to animals and the goals we seek on their behalf.

While it is always more difficult and uncomfortable to stand up to one’s so-called “friends” than it is to stand up to one’s “enemies,” stand up we must. For if we are ever to achieve a No Kill nation—and end the wholly unnecessary killing of millions of animals every year in U.S. shelters—then our actions must be strategic responses to the actual problems that cause animal suffering and prevent greater lifesaving, and not phantoms of our movement’s unfounded dogmas. And the biggest impediment to No Kill is a failure of caring and an eschewal of their duties to animals by a great many of those who currently staff our nation’s animal control shelters. Nationwide lifesaving success will only be achieved when all shelters and all animal protection groups fully embrace the No Kill paradigm which says that the killing of cats and dogs in our nation’s shelters must end—and not when we “respect” opposing views that condone and legitimize the killing. Now that we know the key to ending the killing, the time has come when our silence is betrayal.

What Mr. Pacelle means when he writes that we should all get along is that people who disagree with him should not say so publicly. Meanwhile, we have to accept HSUS’ attempt to mislead the King County council that No Kill should be abandoned, or its attempt to mislead the County Commissioners in Eugene, OR where it slammed the No Kill philosophy and defended the shelter’s “need” to kill animals even as animal control killed 72% of all cats while intentionally keeping most cat cages empty to reduce the amount of cleaning and work staff had to do. (In July, 2006, at the height of the busy summer season, all but six of the cat adoption cages were intentionally kept empty).

Tragically, this is not surprising given HSUS’ long, sordid history. But it is not tolerable. *And tolerate it, we no longer will.*