



Personal PERSPECTIVES

Shelter Sense

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On The Cover:
Cats may look cute in the bird feeder, but the toll they take on songbirds, small mammals, and other wildlife makes this picture anything but cute. For more about the damage cats can do to wildlife, see page 6.

TOUGH CHOICES ABOUT FERAL CATS



It is essential for each of us to keep an open mind: life is for learning, and old problems often demand new solutions. As George Bernard Shaw said, "Progress is impossible without change; and those who cannot change their minds cannot change anything."

With these thoughts, I have been pondering some of the new ideas put forth by individuals and groups concerned about the plight of feral cats. Could the traditional approach of capturing and subsequently euthanizing these animals be unnecessary or wrong? Should we let them live in alleys, fields, or garbage sites, sterilized but homeless, for as long as their wits preserve them? Is it better they live short and desperate lives at the fringe of society rather than die by our hands? My answers to these questions are still, and will always be, the same: no, no, and *absolutely not*.

Neuter-and-release programs are misguided. They don't prevent the suffering of feral cats, but instead extend and perpetuate it. They are half-hearted gestures that ensure, for all feral cats, terrifying lives and tragic deaths—by traffic, exposure, abuse, disease, or dog attacks.

Sure, there are some feral cats who can scrape by for months, or even years, with little or no human intervention. Part of us admires the rough and independent qualities of feral cats, their courage in the face of terrible odds. But if we look a little closer, we will see that for each survivor there are hundreds of small mammals and birds that die in the jaws of these self-sufficient feline predators. Aren't these unnecessary victims just as worthy of our humane consideration?

The solution to the feral cat problem must be approached both realistically and compassionately. Those who have provided care for cats in any situation cannot deny that all cats need more than once-in-a-lifetime veterinary care and sporadic supplemental feeding. They need protection from cruelty, from danger, and from privation. Feral cats should be brought in from the elements, tamed and adopted, if possible, or humanely euthanized if they cannot be placed. For feral cats, this traditional approach remains the only practical and humane solution. In comparison, neuter-and-release programs amount to nothing more than subsidized abandonment.

—Marc Paulhus, HSUS Vice President for Companion Animals

read

#8



March 3, 1994

Ms. Renee Welch
Outer Banks SPCA
P. O. Box 1748
Nags Head, NC 27959

Dear Renee:

Attached are two articles on so-called "neuter & release" programs. As you can see, The Humane Society of the United States (HSUS) does not believe that this approach is the proper one to take in alleviating the pet overpopulation crisis. I have asked our Director of Overpopulation Issues, Ms. Kate Rindy, to more specifically outline our position on this issue. A letter from Kate will be forthcoming.

Allow me to simply say that pet overpopulation is an extremely complex issue -- one that The HSUS has been dealing with throughout our 40 year history. Complex problems, unfortunately, require complex solutions. To capture, neuter and abandon dogs and/or cats is not only a simplistic approach, it is also an inhumane approach. Like it or not, we must face the fact that our ancestors chose to domesticate certain animals and turn them into companions. In so doing, humans also took on the responsibility of keeping those companions safe. Pet overpopulation is the ultimate betrayal of that unwritten contract. I believe that neutering animals and abandoning them to a life of subsistence is equally abhorrent. In North Carolina it is also against the law (Section 14-361-1).

Again, thanks for contacting The HSUS. Stay in touch whenever we can be of assistance.

Sincerely,

Jim Tedford
Regional Director

JT/
Enclosures

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May 11, 1994

H. P. Williams, Jr.,
District Attorney
First Prosecutorial District
202 East Colonial Avenue
Elizabeth City, North Carolina 27909

Dear Mr. Williams:

By way of introduction, I am the General Counsel of The Humane Society of the United States (HSUS). I recently had occasion to read your letter of March 16, 1994, to Karen LeBlanc, co-chair of the Outer Banks Community Spay/Neuter Fund. In that letter, you seemed to opine -- taking into account the text of the letter you were answering (Ms. LeBlanc's letter to you of March 15, 1994) -- that N.C. Gen. Stat. §14-361.1 (1993), which prohibits owners, possessors, or custodians of animals from willfully abandoning them without justifiable excuse, was not intended to apply to situations where feral cats are taken into custody, spayed or neutered, and returned "to the area where [they are] being fed."

While, as a prosecutor, you have the discretion to decline to enforce §14-361.1 in particular circumstances, I have to take issue with your apparent opinion that North Carolina's abandonment statute was not intended to apply to neuter-and-release activities under any circumstances, as long as the released animals have at least an immediate prospect of being fed.

We have found no legislative history or appellate decisions construing §14-361.1. However, it is generally accepted that the purpose of the abandonment statutes, which have been enacted in most of the states, is both to protect animals, particularly domesticated animals, from the multiplicity of harms that can befall them outside of human custody, and to protect the public from problems that can be caused by stray animals. See Favre and Loring, Animal Law §9.21 at 152-154 (1983).

With specific respect to feral cat colonies, providing food is just one dimension of the care needed to maintain cats in safety and good health -- the other aspects of care include annual vaccines and other routine veterinary care; relief from

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parasites such as worms and ear mites; protection from inclement weather, vehicular traffic, stray dogs, and malicious human beings, and timely provision for extraordinary veterinary care in the event of unexpected injury or illness. Moreover, all these dimensions of care need to be provided consistently and over the long term -- cats can live 15 to 20 years. These labor- and cost-intensive measures are necessary to maintain an animal comfortably, and, in our experience, tend to be exceedingly difficult, if not impossible, to effect and maintain with respect to feral cat colonies, particularly over time.

The second, public safety purpose behind the abandonment statutes becomes apparent when one considers the extent to which animals not in immediate human custody can be responsible for traffic accidents, bites, spread of contagion, and enhanced municipal expenditures to retrieve them from public space. Feral cat colonies take their toll upon song birds and other beneficial wildlife. Such colonies' potential for becoming attractive nuisances for children must also be considered. (The first traffic accident caused by a car swerving to avoid a cat near a restaurant or shopping center will illustrate my point, but why wait for the accident to occur?)

The "justifiable excuse" language of §14-361.1 would be applicable to a licensed wildlife rehabilitator or similar person releasing a wild animal into an appropriate habitat, since the continuing human responsibilities toward healthy wild animals are perceived in law to be entirely different than toward genetically domesticated animals.

You assert in your letter that applying the abandonment statute to neuter-and-release activities would suppress otherwise beneficial efforts to neuter the animals. While neutering is in itself an admirable goal, it does not necessarily freeze the population of a feral cat colony because of the immigration, over time, of intact animals into the colony. Moreover, neutering *per se* does not answer the underlying purposes, outlined above, behind the criminal proscriptions against releasing animals, whether such animals are neutered or not. The post-release problems remain. From The HSUS' point of view, capture-and-neutering programs should be accompanied by equally serious efforts to tame, if necessary, and find homes for the animals, or place them in shelters, which function as adoption agencies.

Within the humane community, considerable research, thought, and debate have occurred on the subject of the most humane, responsible way to deal with feral cat colonies. To supplement this letter, I am enclosing for your consideration the May, 1992 issue of The HSUS magazine *Shelter Sense*, which contains an article dealing with this subject in depth, as well as an editorial.

Given the underlying public policies behind the abandonment statutes, I would urge you to reconsider your opinion on the general applicability of §14-361.1 to neuter-and-release activities.

While this letter is not intended to apply to or comment upon any particular set of facts or any particular group or person's activities,

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the details of which we are not privy to, your letter appears to have granted a blanket immunity to neuter-and-release activities within your jurisdiction, a blanket immunity that you may not have intended and which, I would argue, is not justified in view of the public policies behind the abandonment statutes.

Respectfully submitted,



Roger A. Kindler
General Counsel

RAK/ned
enclosure
SUNSHINE REPORT GROUP, DEL.

HSUS: prosecute cat rescuers

because feral dogs are dangerous

According to Humane Society of the U.S. director for overpopulation issues Kate Rindy, in a March 3 letter to Renee Welch of the Outer Banks SPCA in Nag's Head, North Carolina, neuter /release is a bad idea because, "while feral cat colonies often stay within a confined area, feral dogs form packs which roam over large areas and which can pose a threat to humans."

Rindy and HSUS South Central Regional Office director Jim Tedford also told Welch that neuter/release is illegal in North Carolina.

Welch had inquired in reference to monitored neuter/release of vaccinated cats as practiced by the Outer Banks Spay/Neuter Fund in nearby Kitty Hawk, though she may not have given Rindy and Tedford complete context. Using HSUS fact sheets on how neutering can cut animal control costs, Karen LeBlanc of the OBSNF had approached the Dare County Animal Control Advisory Board two weeks earlier to ask that \$5,000 of its annual \$104,227 subsidy to the Outer Banks SPCA be earmarked for neutering assistance. The Outer Banks SPCA objected--even after the OBSNF redrafted the proposal to stipulate that no public funds would be used for neuter/release. Armed with the Rindy and Tedford letters, the Outer Banks SPCA on March 11 faxed a "Statement of Disassociation" to local veterinarians and on March 13 published it as an advertisement in *The Coastland Times*. The statement questioned the nonprofit status of the OBSNF, a chapter of the California-based United Humanitarians, and echoed without citing the source of the opinion that neuter/release is illegal.

Familiar with the work of the OBSNF, district attorney H.P. Williams Jr. opined in writing on March 16 that the anti-abandonment law Rindy, Tedford, and the Outer Banks SPCA all cited "is directed at those people who dump their pets and those individuals who would move from an area and leave their pets behind. If an animal is returned to the area where it is being fed," Williams continued, "it would be a greater injustice to find that these animals had been abandoned so that no action to spay/neuter the animals would be taken by anyone."

That brought HSUS general counsel Roger A. Kindler into the dispute on May 22, urging Williams--at length--to reconsider. Williams stood firm, and there matters stand, except that Rindy's letter continues to circulate through the animal protection community as recipients wonder just who, anywhere, ever in any way advocated neuter/release for dogs.

LOS ANGELES--Hired to revamp the Los Angeles SPCA, executive director Madeleine Bernstein is already dodging backstabs from some of the board, which in April pushed