



January 14, 2010

Edwin J. Sayres  
President, ASPCA  
424 E. 92nd St  
New York, NY 10128

Re: "Oreo's Law" Proposed Offer

Dear Ed,

I am writing directly to reiterate an offer we made through Best Friends Animal Society working as an intermediary. Oreo's Law, regardless of whether it passes or you are successful in killing it, will define your presidency at the ASPCA. It is also a seminal event in the ASPCA's history: the notion that an Assembly Member in the ASPCA's district, which represents the ASPCA, has to pass legislation to protect animals from your animal protection organization (and others) is astounding. But, tragically, it is necessary.

As a former California shelter director, you know full well how important this legislation is to save the lives of thousands of animals across the state, and to establish and sustain a No Kill New York. The ASPCA should be at the forefront of it, not attempting to kill it. Richard Avanzino calls right of shelter access key to a No Kill nation. And not only have thousands of animal lovers contacted the legislative sponsors thanking them for introducing Oreo's Law, but the leaders of the No Kill movement have unanimously embraced it as well, including:

- Michael Mountain, founder of Best Friends, and Louise Holton, Trap-Neuter-Release (TNR) pioneer, Alley Cat Allies co-founder, and head of a national cat rescue group;
- The most successful shelter directors in the country including Abigail Smith, the Executive Director of the Tompkins County NY SPCA, Bonney Brown, the Director of the Nevada Humane Society, and Susanne Kogut of the Charlottesville SPCA;
- The nation's top animal law professors including Taimie Bryant, UCLA Law Professor and author of California's Hayden Law, Rebecca Huss, the court appointed guardian of the Michael Vick dogs, and Joan Schaffner, co-host of the No Kill Conference and editor of a textbook on litigating animal disputes;
- Rescue groups throughout New York State including Pets Alive, the shelter and sanctuary which offered to save Oreo, Empty Cages Collective, a rescue group in New York City; and,
- Animal advocates across the country.

As it now stands, only one organization has publicly come out in opposition to Oreo's Law—and that is the ASPCA. While the animal loving people of New York State flood the legislature with

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calls of support, while the most progressive voices in the companion animal movement have embraced and endorsed Oreó's Law, and while rescuers anxiously await legislation that will empower them to save the lives of thousands of animals every year, the leader of the nation's wealthiest SPCA stands alone in defiant opposition, thumbing his nose at them all. That person is you.

As you are aware, the bill will be amended to include additional, though unnecessary safeguards against hoarders and dog fighters, it will include liability protection for shelters (once again unnecessary as this is already part of NYS law), and it will clarify the definition of irremediable physical suffering. But for the ASPCA's face-saving purposes, we propose:

- Reintroducing the bill without reference to Oreó as "The Animal Shelter Lifesaving & Fiscal Responsibility Act," since the bill would not only save the lives of animals, but would save taxpayers from paying to hold, kill, and discard the bodies of the animals shelters kill, by giving the animals—and the costs—to rescue groups;
- Ceasing all reference to Oreó as it relates to this bill;
- Offering to allow the ASPCA to take credit for the law; and,
- If the ASPCA does not want our support for the newly introduced bill, we offer not to be publicly involved.

This week, through Best Friends, you rejected this offer. I am making a final personal plea to you for the last time. While I would hope that saving thousands of animals every year would be motivation enough, please consider that if you are successful in killing Oreó's Law this year, we will be back next year, the year after that, and the year after that, until such a law is passed in New York and every other state in the country. You alone have the power to end this fight. We should be on the same team as it relates to a right of access for rescue groups.

Please do not sacrifice the animals to a personal vendetta against those who were distraught over the ASPCA's killing of Oreó and then Max. The lives of thousands of animals across NYS being killed despite rescue groups offering to help should not be pawns in your calculations. You have the power to help this bill succeed—to save the lives of thousands upon thousands of animals in New York State, to lead the effort for a No Kill New York, and to establish a precedent for other states to follow. This offer also comes with the power to end discussion of Oreó as it relates to this law once and for all. For the animals, Ed, please take it.

Very truly yours,

A handwritten signature in black ink, reading "Nathan J. Winograd". The signature is written in a cursive, flowing style with a prominent flourish at the end.

Nathan J. Winograd