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Your Whole Pet - Christie Keith

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Do animals need laws protecting them from shelters?

By Christie Keith, Special to SF Gate
Tuesday, January 26, 2010

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She was a seven-month-old pit bull mix, chocolate brown with a white stripe running down her face. And in June of last year, she was lying on the New York City pavement with broken legs and ribs because the guy who owned her had just thrown her off the roof of his apartment building, six stories up.

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Micah Kellner

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anyone who's ever had orthopedic surgery understands, the whole process hurts, and it hurts for months. What did she really know, at that point, except her early life with her abuser and what must have felt a lot like torture ever since?

When the ASPCA didn't respond to its offer, Pets Alive went to the media, hoping public pressure would get the shelter, dependent on donations, to relent. It didn't.

Oreo was killed on Nov. 13. Since then, Pets Alive has been leading a drive to force

She didn't die that day. A surprising number of neighbors and bystanders called the police, and she was taken in by the American Society for Prevention of Cruelty for Animals, a large private shelter in New York City that also does animal cruelty investigations for the city -- they're the "Animal Cops" of Animal Planet fame.

The folks at the ASPCA named her "Oreo," and they performed orthopedic surgery to repair her broken bones and treated her other serious injuries. She was dubbed "the miracle dog" by the New York media, and for a while it looked like that's what she was.

She spent around five months in the ASPCA hospital and shelter, undergoing further treatment and rehabilitation. Then in November, the APSCA issued a statement that she was reacting aggressively to people and other dogs and was going to be killed.

At least one organization, the Pets Alive animal sanctuary in Middletown, N.Y., offered to take her in. They hoped that once out of the shelter environment, Oreo's behavior would change.

It wasn't an unreasonable hope. Dogs can become "kennel crazy," a reaction to the confinement, lack of exercise and stress of a shelter or hospital. And Oreo's physical condition might have been a factor, too. As

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ASPCA director Ed Sayres to resign. The sanctuary's **considerable dirty laundry** has gotten well aired. Individuals have threatened to stop donating to the ASPCA, and even spoken out against the organization on its own **online community**.

Most importantly, New York State Sen. Thomas Duane and Assembly Member **Micah Kellner** have introduced "Oreo's Law," a statewide bill to prevent shelters from killing dogs and cats if a qualified 501(c)3 animal rescue group is willing to take them.

Now, I have no idea whether the ASPCA was right or wrong in its evaluation of Oreo's behavioral and health problems. I don't know if Pets Alive is a good or a bad place. And Oreo's gone now, and nothing anyone can do will change that.

But I do know that I support Oreo's Law, and this is why: All over New York, indeed, all over the United States, there are shelters right now killing dogs and cats who could be saved if only they'd let qualified local rescue groups and foster volunteers take animals out of their facilities.

That's true in Toledo, Ohio, where animal control warden Tom Skeldon was recently forced to resign over his **unwillingness to let even puppies go** to another humane society or rescue group, and insisted on killing them instead.

It's true in Dallas, N.C., where rescuers **begged and pleaded fruitlessly** to be allowed to take sick dogs for veterinary care and potential adoption, instead of seeing them killed in the animal control facility's antiquated gas chamber.

It's true in Rochester, N.Y., where Kellner told me that qualified rescue groups are prevented from taking pit bulls out of the city shelter, because **the agency doesn't allow pit bulls**, not even puppies, to leave its facility alive.

It's true in a thousand places, where volunteers keep silent about abuses out of fear of being prevented from transferring animals to rescue groups or even providing **basic care to animals**.

Oreo's Law is not for Oreo, and it's not aimed at the ASPCA. It's for the animals in every shelter and animal control facility in New York state.

"I have a rescue dog myself," Kellner told me. "The ASPCA is in my district, and I've gotten hundreds of letters, e-mails and calls about Oreo. Before the bill even had a number, other legislators were coming to me, saying they were getting letters and e-mails from constituents about Oreo's Law, and they wanted to sign on."

Kellner said that support has become overwhelming. "After I introduced the bill, the number of people following me on Twitter and Facebook exploded. I've been hearing from shelters and rescuers from all over the state and the country, showing support."

One group that isn't showing support is, unsurprisingly, the ASPCA, which has **defended** not only its decision to kill Oreo, but its right to make that decision.

On the other hand, maybe it is surprising. Oreo's Law is modeled on California's **Hayden Law**, passed in 1998. When current ASPCA director Ed Sayres was at the San Francisco SPCA, he went **on record** in defense of the California law he is now opposing in New York. (All SPCAs are independent organizations, and there is no relationship between the SF/SPCA and the ASPCA in New York City.)

"Part of the ASPCA's opposition is that they are embarrassed," Kellner said. "And they also probably feel that no one should dare question them."

Kellner said he's reached out to the ASPCA and is making **amendments** to the bill that should address concerns it might have. For example, shelters will be able to refuse to release an animal to any group, as long as they themselves find a home for that animal instead of killing him.

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Kellner's also tightening language to clarify that a shelter can put a dog or cat to sleep who is irredeemably suffering or dangerous. He's adding provisions that would prevent organizations that have staff or volunteers with animal cruelty convictions from obtaining animals, and suspending that right when anyone associated with an organization is charged with the crime.

He's even indicated he's willing to change the name of the proposed legislation and remove all mention of Oreo.

"This bill could do a lot for the state of New York in terms of animal policy, especially animals who may be less adoptable," he said. "Like cats who are not the prettiest cat in all the world, or the large number of pit bulls we have in New York."

He said the law will save money, too. "It costs money to house and even euthanize an animal, but if an outside organization will feed and house and care for that animal, that's a good thing."

I can understand it's hard for any organization committed to saving animal lives to have its judgment questioned or its right to make decisions about the animals in its care challenged. I certainly don't want to be challenged on how I care for my own dogs and cats.

But the ASPCA runs ads with a heart-wrenching Sarah MacLachlan soundtrack, asking people to donate in the name of all the animals like Oreo who fill its kennels and adoption rooms. People who give money to help those animals feel a special sense of connection to them.

After all, when the ASPCA scraped Oreo's broken body off the sidewalk that day in June, it was as part of their law enforcement mission for the city of New York. When they took her in and treated her injuries, it was on behalf of the community -- the people who witnessed and reported her horrible fall, those who donated to the ASPCA in her name, and those who cared about what happened to her.

Is it any surprise that, seven months after she was thrown off the roof, almost three months after her death, the furor over her fate hasn't subsided?

Oreo may have been just a beat-up pit bull pup with a world of strikes against her, but in a way, she became everyone's dog.

That's why not just the state of New York but every state should pass a law like the one she inspired. Because just as Oreo was everyone's dog, her law is for every dog, and every cat, in every shelter across America.

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