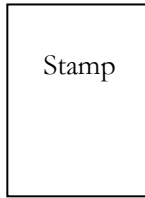
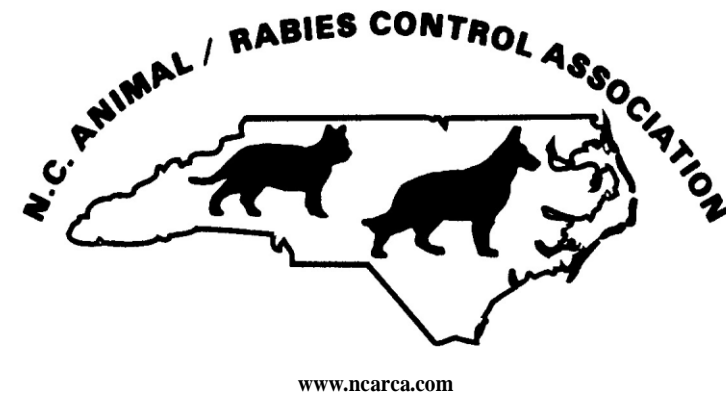


**NCARCA**  
Michele Whaley  
Secretary  
4550 County Home Road  
Greenville, NC 27858



## DID YOU KNOW

- A cat has 32 muscles in each ear.
- Skunks are more prevalent during the springtime.
- Cats sleep 16-18 hours a day.
- The hoof of a horse is 20 times stronger than bone.
- Polar Bears are left-handed.
- A cat has 12 whiskers on each side of his nose.
- The sound of running water makes beavers nervous. They want to dam it, evidently. Farm beavers start projects around drainpipes, leaking faucets, old culverts.
- 8 million to 12 million animals enter shelters each year.
- If dogs eat raw chicken bones, they do not splinter. Cooked ones will.
- The average life span of the cat used to be about 12-14 years, but thanks to advances in veterinary medicine, today's cats, if properly cared for, have an average life expectancy of about 17 years.
- In a gallop, seven out of ten horses lead with the left foreleg.
- Ancient Egyptians shaved off their eyebrows to mourn pet cats that died.
- Cats seem to shun many of the same odors that humans dislike, but oddly enough, they also appear to enjoy many of the sweet smells that humans favor.
- Cats plan and calculate every jump before they try it. That's why they can land with such precision.



NCARCA's mission is to provide for the development of its members through the efficient dissemination of animal-related information and effective training.

Spring 2010

www.ncarca.com

## Dog that bit police car must attend classes

**Tenn. pit bull mix must get instruction in obedience, canine good citizenship**

CHATTANOOGA, Tenn. - A pit bull mix in Tennessee has been sentenced to obedience training after his dogged attack on a local police car. Winston didn't bite anybody, but he mauled a Chattanooga police car in what might have been a confused attempt to take a bite out of crime. The persistent pooch managed to tear off a section of the front bumper cover and damage the tires.

The Chattanooga Times Free Press reported that a judge ruled that Winston had been a very bad dog. He was sentenced to obedience and canine good citizen classes, and he'll have to wear a tag that says he is "potentially dangerous."

Charges against his owner will be dismissed if the classes are completed successfully.

Owner Nancy Emerling said Winston got out of a fenced-in area at a welding shop March 14.

*AP updated 11:20 p.m. ET, Sun., March. 28, 2010*

### President's Message

Hello and welcome to the latest edition of the NCARCA newsletter. Your patience and understanding as we strive to make the newsletter (and website!) more interactive and helpful to you, our members, is greatly appreciated.

With draft bills currently being deliberated in Raleigh allowing animal shelters to purchase and possess controlled substances, as well as S 460 or the Puppy Mill Bill, all indications are the latest legislative sessions will again be chock-full of animal-related items, directly impacting our organizations and operations. As such, I will repeat my belief open communication being the key to better awareness and understanding and, in turn, enabling each of us to provide objective insight in helping our elected officials make informed decisions. Should you have questions or concerns about any related item, please consider your NCARCA representative as a potential point of contact. Together, we will work to identify and (hopefully) meet the challenges of new legislative initiatives, changing community expectations and training requirements.

Also, I'll mention to interested persons, the NCARCA website at [www.ncarca.com](http://www.ncarca.com) for additional animal-related information. As always, please feel free to submit to our Secretary, any agency information you would like to share and help us promote your hard work.

Take care and thank you for your continued support of the NCARCA,

Reggie  
Reggie Horton, President  
North Carolina Animal & Rabies Control Association

### JUSTICES REJECT BAN ON VIDEOS OF ANIMAL CRUELTY

By ADAM LIPTAK, New York Times

Published: April 20, 2010

WASHINGTON — In a major First Amendment ruling, the Supreme Court on Tuesday struck down a federal law that made it a crime to create or sell dogfight videos and other depictions of animal cruelty.

Chief Justice John G. Roberts Jr., writing for the majority in the 8-to-1 decision, said that the law had created "a criminal prohibition of alarming breadth" and that the government's aggressive defense of the law was "startling and dangerous."

The decision left open the possibility that Congress could enact a narrower law that would pass constitutional muster. But the existing law, Chief Justice Roberts wrote, covered too much speech protected by the First Amendment.

It has been more than a quarter-century since the Supreme Court placed a category of speech outside the protection of the First Amendment.

Tuesday's resounding and lopsided rejection of a request that it do so, along with its decision in Citizens United in January — concluding that corporations may spend freely in candidate elections — suggest that the Roberts Court is prepared to adopt a robustly libertarian view of the constitutional protection of free speech.

And in the next couple of months, the court is set to decide several other important First Amendment cases about anonymous speech, the right of free association and a federal law that limits speech supporting terrorist organizations.

<Continued inside>

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## JUSTICES REJECT BAN ON VIDEOS OF ANIMAL CRUELTY (CONT 2)

Tuesday's decision arose from the prosecution of Robert J. Stevens, an author and small-time film producer who presented himself as an authority on pit bulls. He did not participate in dogfights, but he did compile and sell videotapes showing the fights, and he received a 37-month sentence under a 1999 federal law that banned trafficking in "depictions of animal cruelty."

Dogfighting and other forms of animal cruelty have long been illegal in all 50 states. The 1999 law addressed not the underlying activity but rather trafficking in recordings of "conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded or killed."

It did not matter whether the conduct was legal when and where it occurred so long as it would have been illegal where the recording was sold. Some of Mr. Stevens's videos, for instance, showed dogfighting in Japan, where the practice is legal.

The government argued that depictions showing harm to animals were of such minimal social worth that they should receive no First Amendment protection at all. Chief Justice Roberts roundly rejected that assertion. "The First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter or its content," he wrote.

The chief justice acknowledged that some kinds of speech — including obscenity, defamation, fraud, incitement and speech integral to criminal conduct — have historically been granted no constitutional protection. But he said the Supreme Court had no "freewheeling authority to declare new categories of speech outside the scope of the First Amendment."

Chief Justice Roberts rejected the government's analogy to a more recent category of unprotected speech, child pornography, which the court in 1982 said deserved no First Amendment protection. Child pornography, the chief justice said, is "a special case" because the market for it is "intrinsically related to the underlying abuse."

Having concluded that the First Amendment had a role to play in the analysis, Chief Justice Roberts next considered whether the 1999 law swept too broadly. The law was enacted mainly to address what a House report called "a very specific sexual fetish" — so-called crush videos.

"Much of the material featured women inflicting the torture with their bare feet or while wearing high-heeled shoes," according to the report. "In some video depictions, the woman's voice can be heard talking to the animals in a kind of dominatrix patter."

When President Bill Clinton signed the bill, he expressed reservations, prompted by the First Amendment, and instructed the Justice Department to limit prosecutions to "wanton cruelty to animals designed to appeal to a prurient interest in sex."

The law, said Wayne Pacelle, the president of the Humane Society of the United States, "almost immediately dried up the crush video industry."

But prosecutions under the law appear to have been pursued only against people accused of trafficking in dogfighting videos.

The federal appeals court in Philadelphia struck down the law in 2008 in Mr. Stevens's case, overturning his conviction. Tuesday's decision in *United States v. Stevens*, No. 08-769, affirmed the appeals court's ruling.

In it, Chief Justice Roberts said the law was written too broadly. Since all hunting is illegal in the District of Columbia, for instance, he said, the law makes the sale of magazines or videos showing hunting a crime here.

"The demand for hunting depictions exceeds the estimated demand for crush videos or animal fighting depictions by several orders of magnitude," he wrote.

<continued>

## Man in South Carolina motel 'assaulted with python'

Police in South Carolina have arrested a man who allegedly assaulted another guest at a motel with a four-ft python after a row over loud music.

The alleged victim, who was not badly injured, told police he had complained about music coming from the other man's room and they had had a row.

Hours later, the man came up to him from behind, tapped his shoulder and thrust the snake in his face, he said. He was so shaken, he added, that he had to take a three-hour shower afterwards.

Tony Smith, 29, was charged with assault and battery after the altercation, police in Rock Hill said.

The Rock Hill police incident report lists the type of weapon used in the alleged assault on Jeffery Culp, 47, as "other".

Mr. Culp was quoted by the local Herald newspaper as saying he had a fear of snakes and had told his attacker about it earlier in his stay at the motel, where he has been awaiting housing.

"He was out there running up and down the sidewalk with it," Mr. Culp said.

"I told him I don't do snakes. I'm deathly afraid of them."

He said he had asked Mr. Smith to turn his music down about nine in the evening as he had to get up for work the next day.

Mr. Smith was, at the time, "with others racing down the hallway in chairs", Mr. Culp added.

A couple of hours after the two exchanged words, Mr. Culp went outside for a smoke with his wife and a neighbour when, he says, Mr. Smith tapped him on the shoulder.

"And he said, 'Here look at this!'," Mr. Culp said.

"He had the snake's head squeezed so its mouth was open. He ran it across my face and it tried to crawl in my mouth."

The snake grabbed him on the upper lip, and he has a few scratches from the encounter but Mr. Culp said he did not need medical treatment.

Mr. Smith was arrested and charged with assault and battery.

He handed over his snake to family members before his arrest.

*BBC News Page last updated at 00:23 GMT, Thursday, 15 April 2010 01:23 UK*

## JUSTICES REJECT BAN ON VIDEOS OF ANIMAL CRUELTY (CONT 3)

The law contains an exception for materials with "serious religious, political, scientific, educational, journalistic, historical or artistic value." Those exceptions were insufficient to save the statute, the chief justice wrote.

"Most hunting videos, for example, are not obviously instructional in nature," he said, "except in the sense that all life is a lesson."

Justice Samuel A. Alito Jr. dissented, saying the majority's analysis was built on "fanciful hypotheticals" and would serve to protect "depraved entertainment." He said it was implausible to suggest that Congress meant to ban depictions of hunting or that the practice amounted to animal cruelty.

Chief Justice Roberts replied that Justice Alito "contends that hunting depictions must have serious value because hunting has serious value, in a way that dogfights presumably do not. "But, he went on, the 1999 law "addresses the value of the depictions, not of the underlying activity."

The exchange was unusual, as Chief Justice Roberts and Justice Alito are almost always on the same side. In the last term, the two justices, both appointed by President George W. Bush, agreed 92 percent of the time, more than any other pair of justices.

Justice Alito said the analogy to child pornography was a strong one. The activity underlying both kinds of depictions are crimes, he wrote. Those crimes are difficult to combat without drying up the marketplace for depictions of them and both kinds of depictions contribute at most minimally to public discourse, he added.

A number of news organizations, including The New York Times Company, filed a brief urging the court to rule in favor of Mr. Stevens.

Chief Justice Roberts concluded his majority opinion by suggesting that a more focused law "limited to crush videos and other depictions of extreme animal cruelty" might survive First Amendment scrutiny.

Mr. Pacelle, of the Humane Society, called for a legislative response to Tuesday's ruling. "Congress should within a week introduce narrowly crafted legislation," he said, "to deal with animal crush videos and illegal animal fighting activities."

## Neuter/return requires impact study, says Los Angeles judge

LOS ANGELES—California municipal governments may not assist or promote neuter/return of feral cats without first completing an environmental impact report, ruled Los Angeles Superior Court Judge Thomas McKnew on December 4, 2009.

McKnew ruled on behalf of five organizations representing birders that the Los Angeles Department of Animal Services was in violation of the California Environmental Quality Act for issuing \$30 sterilization vouchers to neuter/return practitioners and for referring people who call to complain about feral cats to charities that do neuter/return.

“Despite official denial, the implementation of the program is pervasive, albeit informal and unspoken,” McKnew wrote.

McKnew did not address the value of neuter/return as a feral cat control method, or the virtues of neuter/return as public policy. The McKnew verdict lacks precedential weight until and unless affirmed by appellate courts.

But the McKnew verdict appears to point the way for birding groups to block neuter/return programs in any state with legislation similar to the California Environmental Quality Act. “The City must now implement the CEQA process, which includes full scientific review, assessment of alternatives, and potential mitigation measures,” exulted the American Bird Conservancy. “The public will have the opportunity to engage in the process and ensure an open, science-based approach to the issue of free-roaming cats in Los Angeles.”

The cost of performing an impact study specific to each feral cat habitat, and the time required to do it, are expected to significantly inhibit neuter/return programs throughout California, and perhaps beyond, wherever lawsuits are anticipated.

Some California communities have helped neuter/return practitioners with vouchers for discount sterilization surgery for 15 years or longer—and these communities saw the fastest drops in their feral cat populations during the early years of the programs.

After the numbers of feral cats dropped, leaving feral cats in less accessible locations, progress slowed, while the continued presence of some cats has inflamed birder opposition.

“Some animals are dying in this equation. There is no no-kill.” Urban Wildlands Group science director Travis Longcore told *Torrance Daily Breeze* staff writer Melissa Pamer. “Our position is that we shouldn’t be balancing the no-kill policy on the backs of wildlife.”

The Urban Wildlands Group brought the case against the City of Los Angeles in June 2008, with coplaintiffs including the American Bird Conservancy, the Endangered Habitats League, the Los Angeles Audubon Society, the Palos Verdes/South Bay Audubon Society, and the Santa Monica Bay Audubon Society. “This lawsuit was filed because the city didn’t follow the rules,” South Bay Audubon Society board member Martin Byhower told Pamer.

“Byhower and Longcore both emphasized the importance of location in placing or moving cat colonies,” wrote Pamer. “The way TNR was being unofficially deployed by the city didn’t take into account or try to control the establishment of colonies in sensitive ecosystems or public open space, they complained.”

“Without total effectiveness in neutering the colony, cats continue to breed. Additionally the colony acts as a dumping ground for unwanted pets, often actually growing over time,” said American Bird Conservancy vice president for conservation advocacy Darin Schroeder.

&lt;Spay/neuter requires impact study, continued&gt;

Responded attorney Mark S. Dodge, founder of the Los Angeles cat and dog sterilization program Fix Nation, "The simple fact is that neuter/return does not produce more cats by returning them after surgery, as the wild bird advocates claim. It merely transforms cats already in the environment from being the prolific breeders they are, thereby reducing their numbers over time. The consequence is clearly not adverse to the environment. Without neuter/return, we would see more and more cats killed in shelters," as occurred year after year in Los Angeles for four decades before neuter/return was introduced, "while at the same time the homeless cat population would simply continue to expand."

Added Dodge in a separate statement to Pamer of the *Daily Breeze*, "I am not afraid of the environmental study issue one bit. I'm ready to take it on."

Dodge at the Fix Nation web site urged neuter/return practitioners and other feral cat advocates to encourage the City of Los Angeles to appeal the McKnew verdict.

Seconded Alley Cat Allies president Becky Robinson, "We are calling on the city to appeal this terrible decision. The California Environmental Quality Act was intended to apply to activities like highway construction, not neuter/return."

"We are certainly disappointed with the recent ruling, and will be going back to advise our client of the situation, and will be moving forward at their direction," Los Angeles city attorney's office spokesperson Frank Mateljan told Pamer.

Both Dodge and Robinson emphasized that neuter/return practitioners may continue to trap, sterilize, and vaccinate feral cats, with the support of non-profit organizations. But South Bay Cats founder Teri Harrington, of San Pedro, acknowledged to Pamer that "With the voucher program being eliminated, it's going to be very, very tough."

Los Angeles Department of Animal Services interim general manager Kathy Davis on December 18, 2009 warned staff, partner veterinarians, and rescue groups that sterilization vouchers may now be issued only for use with personal pets. Rental fees for use of humane traps will no longer be waived for recognized neuter/return practitioners.

"It is very short-sighted to stop a long standing program, rather than simply and responsibly cease any expansion of the program until after a study," former Los Angeles Department of Animal Services general manager Ed Boks told **ANIMAL PEOPLE**. "Also, California Environmental Quality Act studies are designed to evaluate the impact of development on a specific piece of property. Neuter/return does not fit that model. The California Environmental Quality Act is being used by misguided birders to shut down a program that saves the lives of cats and birds," Boks continued. "Some locations may not be appropriate for neuter/return, such as locations with endangered birds. However, if fewer feral cats is the goal of the petitioners, then neuter/return is the only methodology that will guarantee that end."

Boks was not the first Los Angeles animal control chief to encourage neuter/return, but he was the first to promote it in a personal blog at the Los Angeles Department of Animal Services web site. Boks commented on the McKnew verdict while designing a new nonprofit neuter/return program to assist neuter/return practitioners in South Los Angeles.



www.ncarca.com

**35th Annual Training Conference**  
 (Concord, NC October 17-20, 2010)

**REGISTRATION FORM**

**Please Print**

Name/Title: \_\_\_\_\_

Agency/Mailing Address: \_\_\_\_\_

Work Phone #: \_\_\_\_\_

Email Address: \_\_\_\_\_

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*\*Single Class Registration / Compassion Fatigue: 4 hours Monday, October 18<sup>th</sup>, 2010 (Compassion Fatigue is included in Conference registration. This registration is for this class ONLY!)\**

*\*\* The Business/Awards Dinner and Social will be on Tuesday, October 19<sup>th</sup>, 2010. One (1) ticket is included in Conference registration. Additional dinner tickets may be purchased.\*\**

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- # \_\_\_\_\_ Conference Registrations @ \$150.00
- # \_\_\_\_\_ Compassion Fatigue Class Only @ \$50.00\*
- # \_\_\_\_\_ Additional Business /Awards Dinner Tickets @ \$20.00\*\*
- \$ \_\_\_\_\_ Total Submitted.

**Conference Registration Fee must be received by October 2, 2010.**

Note: If you cancel before October 9, 2010 you will receive 80% of your registration fee back. **No refunds will be given after Oct. 9, 2010.**

**Please mail Registration Form and Payment to:**

**James Greene, Treasurer**

NCARCA

187 South Church Street

Forest City, N.C. 28043

828-748-8996 Office

828-248-5206 Fax

**NOMINATIONS FOR NCARCA ANNUAL AWARDS**

**Animal Control Officer of the Year:** An officer that has exhibited outstanding field performance and has gone beyond the call of duty. This officer has promoted the animal care profession.

**Nominee** \_\_\_\_\_ **Agency** \_\_\_\_\_

Why should this person be considered? Give specific examples, action taken, attitude exhibited, etc.

**Support Personnel of the Year:** This person has shown outstanding service and has promoted the health and welfare of animals. They have a positive attitude and make things run more smoothly.

**Nominee** \_\_\_\_\_ **Agency** \_\_\_\_\_

Describe the qualifications that make this person the best nominee for this award.

**Fun Award:** Describe the funniest, most unusual or most outrageous event for the year 2010.

**Nominee** \_\_\_\_\_ **Agency** \_\_\_\_\_

**Media Award:** This award goes to the reporter, journalist, publication or station, which has done the most to promote the goals of animal care and control or the health and welfare of animals.

**Nominee** \_\_\_\_\_ **Business** \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Attach articles; send copies of clips, etc.

**Name of person submitting nomination:** \_\_\_\_\_

Address \_\_\_\_\_

Telephone Day ( ) \_\_\_\_\_ Evening ( ) \_\_\_\_\_

Please use extra pages as needed, but specify to which award the attached information applies.

**Please send nominations by 9/30/10:**

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