

Last week KUNM (89.9 FM) contacted me regarding a story about the Albuquerque HEART animal control ordinance. The radio station had learned that I am working to rescind the ordinance. KUNM is public-radio run by the University of New Mexico (for Regent's policy see: <http://www.kunm.org/community/messages/2/33.shtml>). I researched the KUNM website and found a story (see link below) about a recent (August 28) State Humane Conference on Animal Issues. APNM-APV was reported to have designed that August 28 conference. Animal Protection New Mexico (APNM)-Animal Protection Voters of New Mexico (APV) is the state's largest Animal Rights organization. APV is the political action committee of the combined APNM-APV organization.

APNM-APV played a significant role in HEART, it promotes the Animal Rights agenda throughout New Mexico, and it has strong connections with Albuquerque City government. That is illustrated by the extreme measures of the Animal Rights ideology that have been incorporated into the Albuquerque HEART ordinance. Councilor Mayer sponsored HEART and apparently spent about three years working with Animal Rights activists on the ordinance. Since she does not understand many of the provisions within HEART, it is unclear as to the extent of her involvement in drafting the ordinance. APNM-APV certainly has the financial resources to pay for political influence and appears to have done so. APV provided about \$7,000 in campaign contributions to last fall's District 7, City Council race. Others aligned with APNM-APV also made substantial donations during that campaign. Note that Councilor Mayer, sponsor of HEART and a friend of APNM-APV, was re-elected in District 7.

Previous research indicates the APNM-APV may have total yearly revenue in excess of \$700,000. As a special interest group with sizeable financial resources, APNM-APV exercises considerable influence in promoting the Animal Rights political ideology. That influence may also have contributed to the Albuquerque City Council decision to limit public input during hearings on HEART.

Please listen to the first 90 seconds of the news story about the August 28, Humane Conference (KUNM link below). Albuquerque Mayor Chavez is the opening speaker. He once again states his desire for mandatory, statewide spay/neuter and microchipping. He will lobby for such measures during the next New Mexico legislative session that starts in January. That has been a consistent theme that I have heard him make at other events. For example, he made similar statements at the New Mexico State Bar, Animal Interests in the Law seminar (May 12, 2006), and at the Animal Protection Voters fund raiser (May 19, 2006). Mandatory measures promoted by the Animal Rights agenda do not work, and carry a high financial and emotional cost that is unnecessary. Grants, competent leadership, and sound public policy can stop the useless killing at Albuquerque's shelters and at shelters elsewhere in the state. Also note that in the KUNM news story, Mayor Chavez states that there is a large influx of pets into the Albuquerque Animal Care Center (city shelters) from outside Albuquerque. Information available from the Albuquerque website shows that the Mayor's statement is false.

Unfortunately, similar false statements are made by the city and the media about animals killed at Albuquerque's shelters. These are what I refer to as part of the "BIG LIE", which is used to promote extreme aspects of the Animal Rights political ideology in Albuquerque.

We will certainly see "HEART-like" legislation introduced during the 2007 New Mexico legislative session (January 16 - March 17, 2007). Mayor Chavez will actively lobby for the legislation. If passed, it will affect the entire state and our work to rescind HEART and to pursue a Maddie's Fund No-Kill grant program (<http://www.maddiesfund.org/>) would become irrelevant.

Communities that have mandatory spay/neuter laws are ineligible for Maddie's Fund grants, so state legislation for mandatory spay/neuter would make any community in New Mexico ineligible for a grant. Maddie's Fund has been applied statewide in Utah with excellent results in reducing unnecessary killing at animal shelters. Unfortunately, programs such as Maddie's Fund are opposed by the Animal Rights ideology. That ideology is more set on obtaining legal control to

promote animal rights than on achieving meaningful results. Mayor Chavez's recent statements about mandatory, statewide spay/neuter just reemphasize the need to grow our base to fight for rational public policy. Mayor Chavez has demonstrated that he is firmly in the camp supporting the Animal Rights extreme political ideology. We must expand our coalition to rescind HEART and to stop poor legislation during the upcoming New Mexico legislative session.

HEART is turning into a statewide political fight and our interests in animal welfare and in the continued ownership of animals should be an important factor in the November state elections. Legislators who support extreme measures of the Animal Rights agenda do not deserve our vote. Take the time to understand the position of those running for the state legislature, and vote accordingly.

Just so no one overlooks the absurdities of HEART and the extent to which the extreme ideology of the Animal Rights agenda are now part of Albuquerque's public policy, I have included a partial list of issues and absurdities at the end of this email. It is unclear how any governmental body could adopt such an ordinance. HEART has been referred to as the worst animal control ordinance in the nation. The City Council intentionally limited public input during the ONLY meeting at which it accepted statements from the public. At that meeting those who spoke were given just 90 seconds to present issues to the City Council. Look at the list below - it is impossible to touch on the issues with HEART in a mere 90 seconds.

Furthermore, HEART was not referred to committee to resolve the overwhelming number of controversial issues. HEART was pushed through the legislative process to the detriment of the people. Albuquerque's governmental processes are broken. That is why a restructured petition drive is being organized. Without credible representation by the City Council and Mayor, the people of Albuquerque deserve the opportunity to vote on HEART.

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PARTIAL LIST OF ISSUES/ABSURDITIES WITH HEART - Humane and Ethical Animal Rules and Treatment (HEART) Ordinance

1. HEART trivializes animal cruelty - animal cruelty becomes meaningless under HEART (mutilating an animal is the same as a tipped-over water bowl)
2. HEART so loosely defines Animal Cruelty that all responsible animal owners in Albuquerque will at some time be guilty of animal cruelty
3. Under HEART, ANY person can file a criminal complaint of animal cruelty (substantiated or not) against another person - opens door for harassment
4. HEART's overly broad definition of Animal Cruelty provides an excuse for entering property and seizing an animal without a warrant
5. HEART discriminates against the ownership of animals by low-income persons (fees of up to \$150 per cat or dog, inspection fees, mandatory spay/neuter, mandatory microchipping, mandatory fencing, limit laws)
6. HEART establishes permit fees that are lower limits and can be raised administratively by the mayor at any time
7. Under HEART, "safe haven" does not recognize the need of a family to exceed limit laws to provide for its own "safe haven" - a "safe haven" can only be provided by the government
8. HEART repeals provisions for Dog Parks - those parks are a huge success and the government has now chosen to repeal provisions that were in the previous ordinance
9. HEART commits Albuquerque to providing up to \$12 million in free spay/neuter and microchip services to low and moderate income families
10. Under HEART, retail pet stores cannot sell cats or dogs - but the government monopoly on the sale of cats and dogs can operate "commercial" pet sales at shopping malls
11. Under HEART, rescue groups, authorized by the government monopoly, can sell cats and dogs (whereas retail stores cannot)
12. HEART establishes the means for total government pet population control of cats and dogs
13. HEART requires government records for every cat and dog, including personal information about the owner - records open to access by anyone
14. Under HEART, government, at any time, can impose a moratorium on intact companion animal permits - animals of record could then be seized and neutered
15. Contrary to New Mexico State law, HEART does NOT view animals as personal property (referred to in HEART as chattel) - this reflects the Animal Rights ideology that pet ownership is comparable to slavery and that extreme idea is now in Albuquerque public policy - does the public realize what city government has done???
16. HEART grossly misrepresents the situation at the shelters (this is an attempt to justify the extreme measures imposed by HEART) - this is part of the city's BIG LIE
17. HEART falsely states there is "pet overpopulation" that results in an overwhelming supply of animals - another part of the BIG LIE (the only "pet overpopulation" is at the city's shelters and that is due to mismanagement)

18. HEART says there is a connection between animal cruelty and domestic abuse, but HEART also says a tipped-over water bowl is animal cruelty – does anyone believe that a tipped-over water bowl, or other trivialized acts of supposed animal cruelty (no permit, improper perch diameter, no dog toy, etc), are an indicator of domestic abuse?
19. HEART establishes arbitrary government care standards that reflect an amateurish attempt to impose government control - shows a lack of real experience and understanding of animal care
20. HEART government care standards do NOT recognize the need to tailor care to individual circumstances - such standards are detrimental to good care
21. HEART falsely states that chained animals are more likely to run loose (illogical - a chained animal can't run loose)
22. HEART falsely states that chained or unaltered animals are more aggressive (the lack of statistical significance of studies supporting such statements has been conveniently ignored to support the Animal Rights political agenda) - public policy needs to be based on reality
23. HEART falsely states that stricter laws will result in a more compassionate attitude toward animals - strict laws have been demonstrated to fail and are counterproductive
24. HEART unnecessarily imposes huge emotional and financial costs on Albuquerque residents - grant programs, such as Maddie's fund, work and do NOT require the extreme measures and financial burden imposed by HEART
25. HEART falsely states that Albuquerque does not show compassion to its animals - what a terrible lie
26. Under HEART, you are guilty of animal cruelty if a microchip is not compatible with the microchip readers used at the Albuquerque shelters
27. Under HEART, you are guilty of animal cruelty if the dog crate used at home (temporary housing) does not exceed size requirements of a commercial kennel (permanent housing)
28. Under HEART, you are guilty of animal cruelty if your dog crate (for temporary use at home for a medium-sized dog) does not exceed 24 square feet - such a crate is not available at any local pet supply stores
29. Under HEART, you are guilty of animal cruelty if the water bowl is tipped over 30. Under HEART, you are guilty of animal cruelty if your dog or cat is overweight
31. Under HEART, you are guilty of animal cruelty if you own more than the allowed number of cats or dogs
32. Under HEART, you are guilty of animal cruelty if you have taken no steps to minimize your cat or dog's exposure to mosquitoes
33. Under HEART, you are guilty of animal cruelty if you do not replace bedding at least weekly
34. Under HEART, you are guilty of animal cruelty if you chain an animal more than 1 hour per day (note that under USDA regulations, which are based on providing proper care, an animal can be chained continuously)
35. Under HEART, you are guilty of animal cruelty if you use a trolley for your dog, but there is no fence around the trolley

36. Under HEART, you are guilty of animal cruelty if you use a trolley for a dog that has not been spayed or neutered
37. Under HEART, you are guilty of animal cruelty if your bird cage does not have 2 perches of different diameters
38. Under HEART, you are guilty of animal cruelty if you do not have a "secure" fence
39. Under HEART, you are guilty of animal cruelty if an unaltered dog or cat does not have a permit
40. Under HEART, you are guilty of animal cruelty if a dog is allowed access to an open window while riding in a car
41. Under HEART, you are guilty of animal cruelty if wood on your property could expose an animal to splinters
42. Under HEART, you are guilty of animal cruelty if you run over a lizard while driving and do not call 311
43. Under HEART, anyone guilty of animal cruelty (e.g., tipped over water bowl) cannot qualify for any animal permits
44. Under HEART, it is animal cruelty if the shelter of a surrounding county (outside the jurisdiction of Albuquerque - Valencia County, Sandoval County, Tarrant County, etc) does not neuter an animal before it is released by that shelter - you read this correctly, Albuquerque expects its laws to apply to jurisdictions outside of Albuquerque
45. Under HEART, cats and dogs must be restrained on a leash no longer than 8 feet, otherwise you have committed a misdemeanor (\$500 fine and/or 90 days in jail)
46. Under HEART, use of extendable leashes is a misdemeanor (\$500 fine and/or 90 days in jail), yet sales are not restricted
47. Under HEART, records for an intact animal must be maintained for 3 years after death (otherwise a misdemeanor - \$500 fine and/or 90 days in jail)
48. Under HEART, sales of dog crates that do not meet standards are not restricted - law is inconsistent
49. Under HEART, CONSTANT access to water required (however, allows exception by veterinarian) - tipped-over water bowl is cruelty or letting a dog run in the backyard for even a short time, without a water bowl, is animal cruelty
50. Under HEART, owner of animal is anyone left in charge (can change hour to hour - house sitter can be the owner)
51. Under HEART, animal cruelty includes emotional harm (no access to a toy is cruelty, if deemed to cause emotional distress)
52. Under HEART, no access to a toy (regardless of emotional distress) is a misdemeanor (\$500 fine and/or 90 days in jail)
53. The provisions of HEART are so absurd and expensive that Mayor Chavez said he will "selectively" enforce HEART - it is inherently wrong to "selectively" enforce any law (who will be targeted by city government?)