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**Our tale begins in January, when volunteers at the Ingham County Animal Shelter in Mason learned that two stray cats were going to be sold to a dealer who in turn would resell the animals for research. Shelter volunteers placed a classified ad about their impending fate. The Ionia Humane Society offered to adopt them. But the dealer, R&R Research in Howard City (Montcalm County), had already filled out the paperwork.**

In a final rescue attempt, one volunteer, who asked not to be identified, pretended to be the original owner of one of the cats and retrieved the feline from the shelter for a redemption fee. The shelter's director, Roger Fleming, followed the woman to her Jackson County home and confronted her with the rescued cat in the parking lot. Fleming flashed his Animal Control badge, telling her she'd committed a felony, for which she could go to jail.

On Feb. 7, Fleming ended the special access that a volunteer organization, Friends of the Ingham County Animal Shelter, had at the shelter. FICAS' founder, Allie Phillips, was soon after suspended from her post as an Ingham County assistant prosecutor for allegedly advising a private citizen on how to make a false sworn affidavit to the county for the purpose of obtaining a cat. Her boss, Ingham County Prosecutor Stuart Dunning III, fired her when she refused to apologize for what he called an ethical breach.

Since the incident, animal protection activists throughout Michigan have been rocking the boat with a campaign to ban Ingham County's practice of selling lost pets for scientific research. Most counties in Michigan do not permit the sale of animals for research. State records indicate that around 10 counties allow it.

Since the campaign began, Ingham County commissioners have received thousands of e-mails and postcards. Although Ingham County has decreased the number of pets sold to research labs over the years (from 89 dogs and 39 cats in 1998 to 26 dogs and 21 cats in 2002), due to increased public pressure, there is still no board majority to ban the practice entirely.

Responding to the anger of its pet-loving constituency, county commissioners are considering an increase in the sale price to dealers, such as R&R Research, from \$10 to \$25. This would be the same rate that nonprofit groups pay to adopt animals. Commissioners believe the amended rates may create more equity. "This way we can prevent the outrage, and some people might even stop sending us these angry e-mails," said Ingham County Commissioner Mark Grebner. The proposed resolution would still not affect the higher adoption fee private citizens must pay, which is \$30 per cat, and \$48 per dog.

But to Linda Fausey, FICAS' attorney, price is not the central issue. She calls the proposal just a "smoke screen" to evade dealing with poor policies at the shelter. Selling animals for research is the primary issue, but another is whether the animals are always made available for adoption as soon as it is legally permitted, which is usually seven days. Fausey claims they are not.

Fleming denies Fausey's claim. But Fleming says that sometimes he has to make room at the shelter through euthanasia and sales soon after animals have been put up for adoption.

When Fleming sells, some animals go to Class B dealers. The U.S. Department of Agriculture, which regulates the sale of animals for research, defines a Class B dealer as one who may resell animals to research institutions, such as Michigan State University. The only other kind of dealers are Class A, who breed animals specifically for laboratory research. When an animal shelter sells to a Class B dealer, former pets may end up in research labs. The sale of shelter animals to Class B dealers is one of the central debates surrounding the Ingham County Animal Shelter.

Fausey cites the language of a state statute in arguing that the shelter must sell directly to research institutions and may not sell to dealers, such as R&R Research. The law says that an "animal shelter may sell for an amount not to exceed \$10.00 per animal ... to a Michigan research facility."

R&R, says Fausey, does not do research: "They don't use animals in research, but sell cats and dogs for profit to research laboratories." Fausey said Michigan law was designed to stop the inclination to profit through the sale of animals to the highest bidder and to ensure animals would not be sold for dog fighting, torture or other unregulated or unlawful activities.

Fleming responds that selling to dealers is legal, an argument he bases on former Attorney General Frank Kelley's interpretation of the law in 1978: "It is my opinion that Michigan law presently permits a dog pound or animal shelter to sell unclaimed or unwanted dogs to a licensed dealer, who resells such animals for research purposes."

Furthermore, Fleming said he has conducted four random checks in the past five years to make sure that dogs and cats were sold only to research institutions. In October 2001, Ingham County passed a resolution allowing the sale of animals to research to continue but excluding their use in product testing. Most county commissioners are of the opinion that animals that would otherwise be put to sleep might as well be used in research projects that might

contribute to scientific advancement.

### The Sale of Animals for Research – A Dying Business

The largest facility purchasing animals for research in the area is Michigan State University. MSU employs two Michigan Class B dealers, R&R Research and Hodgins Kennel Inc. in Howell, and pays \$300 for every “conditioned” dog and \$200 for every “conditioned” cat, meaning the animals are free from worms, parasites and fleas. Karen Hudson, an assistant director of MSU’s Laboratory Animal Resources, said less healthy animals were used in short-term projects at a purchase price of \$130 for dogs and \$110 for cats.

Hudson said MSU purchased 382 dogs and cats from pounds and Class B dealers in its 2001 fiscal year. Animals were used for neurological research training purposes at the veterinarian school’s Junior Surgery Center, and in other medical research. Hudson said MSU purchased 39 dogs from Class B dealers in 2002 mainly because “we don’t always have the room or the veterinary time to dedicate to the conditioning process.” She also said MSU orthopedic researchers needed older animals, which they can’t get from Class A dealers. Hudson also pointed out it was also more cost efficient to buy from Class B dealers. Class A dealers usually charge an average of \$700 per animal.

Attorney Fausey said rhetorically: “Our land-grant university can’t condition? That’s a joke. It’s a teaching facility, so why don’t the veterinary students do this?”

And some opponents of selling shelter animals for research are dubious that Class B dealers even condition the dogs.

But R&R owner James Woudenberg said he predominantly sells “conditioned” animals, which requires keeping animals for a minimum of 30 days. Fewer animals would be sold for “acute” studies, meaning studies in which the animals would not need to be healthy, or “conditioned,” from the onset, he said.

Animal rights groups criticize the sale of animal shelter pets to Class B dealers, who they claim also purchase animals from unlicensed sellers. Legally, Class B dealers must buy from sellers who can prove that animals were raised on their own premises. Although federal law specifically prohibits the sale of stolen dogs, the USDA has taken little effective action, as book author Judith Reitman points out. Reitman lists several cases of “lost” pets who were stolen specifically for resale to Class B dealers.

In light of acknowledged shortcomings in the USDA’s ability to regulate animal trade, the universities of Texas and Illinois no longer acquire animals from Class B dealers. Instead, they only purchase dogs through Class A dealers. In 2002, MSU purchased 39 cats and dogs from Class B dealers and 155 dogs and cats from pounds and shelters. Sixty three came from Eaton County, 90 from Jackson County and two from Ingham County. They received another 188 pets through donations (from other colleges or from private industry). Last year, MSU bought 38 animals from Class A dealers.

The sale of animals for medical research is a dying business in the United States. This is in large part due to the successful public awareness campaigns of animal rights organizations. The nation’s medical schools now increasingly use bloodless instructional methods over animals for classroom training. And, according to a recent study published in *Academic Medicine*, only 32 percent of medical schools reported using dogs or other live animals in laboratory training in 2001, down from 62 percent in 1994, and 73 percent in 1985. From 1991 to 2001 the number of dogs and cats bought for the purpose of research in the United States dropped 35 percent.

In Great Britain, it is against the law for medical students to practice surgery on animals, and in many of the leading U.S. medical schools, including Harvard, Yale, and Stanford, innovative, clinical teaching methods have replaced old-fashioned animal laboratories. Harvard, for instance, offers a Cardiac Anesthesia Practicum, where students observe human-heart bypass operations instead of participating in “dog labs.”

Pound seizure, or the selling of pound animals for research, is illegal in England, Denmark, Sweden and Holland. In the United States there is no federal law regarding the practice, but 14 states forbid it: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, West Virginia, South Carolina, and Hawaii. Many other states have no law and leave it to county and town governments to decide. However, Iowa, Minnesota, Oklahoma, South Dakota, and Utah require pound seizures for government research facilities.

Ingham County is one of a few Michigan counties that sell animals for research. Due to public pressure, Shiawassee County, Clinton County, Barry County, and the City of Detroit recently abandoned the practice, and Clare County stopped selling to Class B dealers back in the 1980s, during the height of national awareness for animal rights. Other counties, like Oakland, never allowed shelter animals to be sold for research.

County Commissioner Grebner said the fact that other municipalities have backed down under pressure was no good reason for Ingham County to do so. "If [Ingham] did, this would be much like saying 'if other abortion providers back down, why don't you back down too?'"

Grebner's frustration about the constant public pressure was directed especially toward the May 17 rally in East Lansing, when protesters carried signs with his photograph, which read: "Mark Grebner voted to sell our shelter pets for research." Grebner said he perceived the recent campaign largely as an attempt to intimidate him politically. He blamed his opponents for not acknowledging the Ingham County Animal Shelter's real policy, which he said was to favor returning lost pets to their original owners, trying to find adoptive homes, and offering "rescue" animals (those which are not readily adoptable) at a discounted price. Grebner maintains that only if these steps fail, or the shelter runs out of space, would animals be sold for research or euthanized.

Robert Silva, an MSU professor who works for the USDA's Avian Disease Oncology Laboratory, testified before the Ingham County Board of Commissioners in 2001. "Using animals for research is poor science," he said, pointing out that fewer and fewer research facilities engage in the practice. Medical research institutions increasingly use computers that allow researchers to test new treatments electronically, before using them on humans. Computerized "virtual organs" predict how drugs will be absorbed and metabolized. Hence, drug companies can now test the effects of substances electronically, decreasing the need for laboratory animals.

The world's largest sponsor of animal experiments, the National Institutes of Health, which dispenses several billion tax dollars in grants annually, advises researchers not to use animals taken from pounds or shelters. Due to these animals' unknown histories, the results of experiments can be questionable. And the National Animal Control Association states that the decision to use animals in research should be made "without involvement of animal shelters."

Animal welfare organizations object strongly to selling shelter animals for research, because animals that were pets suffer the double blow of confinement to laboratory cages and the loss of human companionship. The critics also point out that animals may suffer horribly before they die. People for the Ethical Treatment of Animals (PETA), an international animal rights organization with more than 750,000 members, once sent an undercover investigator to Wright State University in Dayton, Ohio, to witness the use of dogs seized from the local pound in painful experiments.

The dogs were infected with scabies, a skin disease caused by microscopic mites that spread over their entire bodies. WSU was later charged with violating the Animal Welfare Act and fined \$20,000. "But the local pound continues to release animals to the university," concluded PETA in a report published on its Web site. And back at home, in Mid-Michigan, a recent leafleting campaign launched by a Detroit-area animal rights group, A Voice for Animals, has encouraged Lansing-area residents to send postcards to the Ingham County Board of Commissioners, asking them to ban the sale of shelter animals for research. To date, county records show it has received 604 postcards.

#### Local Animal Rights Activists Labeled "Fanatics"

Despite the impressive list of arguments that speak against the sale of lost pets, County Commissioner Grebner only has one word for people opposing the county's practice: "fanatics." Grebner remains firm in his opinion that the entire issue is "a waste of time and energy." Grebner added at the Board's Law Enforcement Committee meeting May 15: "We've discussed this for the fourth time in 20 years now. It's a total distraction from the core task of this board."

Grebner claims FICAS shares a common agenda with PETA. He blames local activists for having the wrong agenda, explaining: "They dedicate their lives to animals. They're similar to the right-to-life extremists, who occasionally assassinate a doctor who conducts abortions." Grebner believes Ingham County's animal control director is doing an excellent job and has no reason to be "on top of the PETA hit list." He claims to feel threatened by local activists and has asked for an extra police officer on duty to ensure public safety at the board meetings.

But Ingham County doesn't appear to be a large object on PETA's radar screen. Kate Turlington, PETA's special assistant for research and investigations, said PETA sent out letters to county commissioners in 2002 but wasn't currently engaged in the Lansing campaign.

Moreover, FICAS' director, Phillips, said that PETA has never contacted her. "If they'd contact me, I'd say 'Thank you for your offer, but this is our fight.'" Phillips, who started her nonprofit group in September 2000, said that she too feels "scared" by the extreme tactics of PETA campaigns. She thinks a new PETA billboard is clearly "over the top" and that the Lansing-area outdoor advertisers were right to turn it down. The billboard shows Col. Sanders spattered in blood and clutching a terrified chicken in one hand and a bloody butcher knife in the other, bearing the tagline: "Kentucky Fried Cruelty ... We Do Chickens Wrong."

Phillips said that, contrary to PETA, FICAS doesn't condemn raising animals for stock. "There's a clear difference: You don't bond with stock animals," she said. In line with many humane societies' mission statements, Phillips suggests that if research facilities can't entirely switch to humane alternatives, they should at least buy animals from Class A dealers. Purpose-bred animals had a lower mortality rate in laboratories, perhaps because they haven't been sensitized to human social environments. Phillips also doubts the argument that Class A animals are more expensive. Initially, they may cost more, but lost pets from pounds or Class B dealers must go through an expensive period of "conditioning" before becoming part of an experiment, making them more expensive than purpose-bred animals.

The turmoil between FICAS and the Ingham County Shelter began on January 27, when the weekly advertising publication "Wheeler Dealer" published a "Save-A-Pet Page," alerting the public that former pets were being sold to Class B dealers by Ingham County Animal Control.

"We didn't place that ad," said Phillips. The shelter volunteers placing the ad acted individually, Phillips said. But shelter Director Fleming still suspected the group, and ordered FICAS to stop placing Save-A-Pet ads. FICAS volunteers were banned from rescuing abandoned pets on site, after which they reported several instances where animals were sold for research the very day they were made available for adoption. "Fleming suspended us because he believed we placed the ad. He wanted to punish us. It was retaliation," Phillips said.

Fleming told City Pulse that due to potential legal ramifications, he couldn't tell the entire story but said that FICAS has destroyed a "relationship of trust."

Animal protection groups have lost their trust, too, says Amber Sitko, a member of A Voice for Animals, who distrusts Fleming. She said Fleming told her that he'd "never allow an animal to go to research unless it would otherwise be euthanized." Sitko showed pictures of a yellow lab, Kingston, and offered a copy of shelter acquisitions paperwork indicating the dog was bought and sold on the same day it was made available for adoption. The Microsoft consultant believes animals at the Ingham County shelter are sometimes not kept long enough before being put to sleep or sold. Why not allow more time for potential owners to view them?

Before being placed for adoption or sold, animals must be held at the shelter for a minimum of four business days if they are strays and seven business days if found with a collar, according to the Ingham County Animal Control Ordinance.

### Fighting Like Cats and Dogs

Before becoming the animal control shelter director, Fleming was Mason's police chief. In January 1998, he resigned from the position, following a disclosure that he was secretly married to a woman who held a local liquor license. For a police officer, this was a violation of the state liquor law. Prior to his resignation, Fleming told the Detroit Free Press: "There is no way I can continue as a police chief after being a party to breaking the law."

Mike Severino, one of the few county commissioners opposing the sale of pets for research, commented: "You'd have to wonder how truthful Fleming has been to this board in this recent controversy, when he's shown in the past how he's lied in his own controversy." Severino said the board hired Fleming five years ago, prior to his own term as commissioner. "I would have looked more closely into his history, which wasn't a secret. He obviously wasn't good enough for the police, but he was good enough for Animal Control."

In a letter postmarked May 12, FICAS attorney Fausey put more pressure on county commissioners to deal with the "unlawful actions" carried out at the shelter. On March 14, the Attorney General's Office informed Dunning, the

county prosecutor, that it wasn't going to authorize any criminal charges against the volunteers who were involved in rescuing a cat. Drawing from the documentation of Phillips' lawyer, the attorney general's letter agreed that the entire case raises questions "regarding the legal authority and propriety of the sale to R&R Research." Phillips' lawyer, Guy L. Sweet, had documented that R&R Research was in fact a Class B dealer and not a research facility. Fausey also blamed commissioners for having turned a blind eye to a conflict of interest. FICAS director Phillips alleged she had heard Fleming discuss plans to take shelter staff on hunting trips to a cabin owned by Woudenberg, who operates R&R Research.

Woudenberg denies this allegation. "We have a straight and professional relationship," he said. And Fleming added: "That's a preposterous accusation. I have no social relationship with Woudenberg whatsoever."

County Commissioner Lisa Dedden declined to comment on these "personal" issues. However, she criticized "a series of missteps at the shelter, which made the public increasingly frustrated." She specifically referred to the case of Lansing resident, Dameion Pittman, who returned home on the evening of April 13 to find a blood stain on his front porch and a note saying a Lansing police officer had shot his dog.

According to a recent Lansing Board of Police Commissioners' investigative report, Pittman's neighbor, Randy Gilbert, had called Ingham County Animal Control that afternoon to complain that a rottweiler across the street was running at-large. When Ingham County Control officer Yvonne Gaines arrived at the Bradley Avenue home, the 6-year-old rottweiler, Quddus, which had been lying down on Pittman's porch, began to stand up and growl. Officer Walt Kim arrived to backup Gaines, as she attempted to tranquilize the dog. But with Quddus now huddled behind a screen on the porch, she couldn't get a clear shot. When the police officer and animal control officer approached the porch, the dog stood up and began growling and advancing toward them.

Kim shot the dog in the neck with his regular issue firearm. Gaines also fired a tranquilizer dart at the dog. The dog retreated to the back yard, where Gaines shot it with a second dart. After Quddus appeared sluggish enough, they transported the animal to Lansing Veterinary Urgent Care, where it was euthanized.

Pittman said his dog might still be alive, had the officers acted in a professional manner. "A dog is by nature territorial, and if a stranger enters its territory, particularly one with a gun, you should expect illicit aggressive behavior."

Several neighbors testified that the dog had not appeared "vicious" prior to police arrival, and that local children had been petting it earlier. "That incident was the straw that broke the camel's back," Dedden said.

Fleming was grilled by county commissioners at a special hearing April 29 for his handling of the case. They particularly criticized the fact that Fleming told Pittman he might face misdemeanor charges for allowing his dog to run at-large. "I really don't like it when the Animal Control director blames citizens. That's the prosecutor's job," said Commissioner Randy Schafer.

Fleming said Officer Gaines had acted "within the guidelines." He said he was glad Ingham County has chosen not to prosecute. "That's how it's supposed to be."

There's still some blood on the porch of Pittman's home, and he says he isn't satisfied with the investigation's findings. He said he won't remain silent and will hold Animal Control accountable for killing his dog.

After a number of board meetings at which dozens of people spoke up about Ingham County's treatment of animals, commissioners realized something had to be done. They are now considering putting the agency up for bid and hoping a committed non profit organization might want to take it over. In a second resolution, they will also consider reaffirming their policy on the sale of shelter animals for research, but raising the fees for sales. The resolutions will be up for vote on May 27, followed by a public hearing the day after. "It's like you invite people to a party the day after it happened," criticized Severino.

Commissioner Dedden also criticized the lack of public participation. Rather than putting Animal Control out for bid, Dedden suggests establishing an advisory board to handle complaints. "There's been such a large number of complaints that I think we should consider overhauling the department." She argued that it wouldn't be hard to find people to volunteer for the board, since there seemed to be more people interested in animal rights than in most other public issues. Dedden suggests developing a clear mission for the department, and clear services the department will

provide, so the director and employees, commissioners and the public will have accurate expectations.

Currently, animal lovers and Animal Control staff have different views about the Ingham County Animal Control's main purpose. Asked how he'd define the agency's mission, Fleming saw his role "primarily as law enforcement," while shelter volunteers viewed the department primarily as a governmental operation to rescue and adopt animals and to treat animals as humanely as possible.

A few weeks ago, yet another controversial case involved Animal Control. On April 23, Onondaga-resident Ray Brooks took his three aging cats out in his back yard. A few minutes later, he and his housemate witnessed two pit bulls run into their yard, snatch up Pudder and their pregnant cat Miss Kitty and kill both. Animal Control caught one of the dogs, but released it for a redemption fee. The following week, Brooks saw the pit bull running loose in his back yard again and called Animal Control.

"I told them that I'm sure they will be back," Brooks said. On May 12, the pit bulls were back and attacking the only surviving cat, Sammy, but Brooks was able to intervene. Sammy survived the incident with seven stitches. After Brooks filed another complaint, Fleming told county commissioners his hands were tied, because Michigan's Dangerous Animals Act from 1988 protected only humans, livestock, and other dogs. "Cats are not included in that statute," Fleming said.

Five complaints were cited against the pit bulls' owner in 2002, prompting several warnings, a warrant, and a ticket. Brooks now wonders why officers had killed a rottweiler, which hadn't actually done anything wrong, while they were not tranquilizing the pitbulls that had killed two cats and allegedly attacked other neighborhood cats.

"This hypocrisy is unbelievable," Brooks said. Other Onondaga residents have advised Brooks not to bother with Animal Control. "Shoot, shuffle, and do it yourself," he was told. Brooks said he had never thought about buying a gun, but that he was now seriously considering doing exactly that.

These stories of the heartless treatments of mankind's fellow animals recall Mikhail Bulgakov's famous tale "Heart of a Dog." Bulgakov writes of a Moscow doctor who implants human organs into a stray dog for study. The product of his experiment is a man who likes chasing cats. But as the doctor's assistant remarks, "Chasing after cats is the least objectionable thing he does! The whole horror of the situation is that he now has a human heart."

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