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Does the Road to No Kill Lead Through Asilomar?

A No Kill Perspective on the Asilomar Accords

The Asilomar Accords, at first glance, seem progressive. They talk about saving lives, reducing secrecy and increasing transparency so that the public can gauge how a shelter is doing, and they even seem to embrace No Kill. They encourage groups not to “denigrate” or “speak ill” of one another, “to work together,” and “to find common ground, put[ting] aside our differences and work[ing] collaboratively to reach the ultimate goal of ending the euthanasia of healthy and treatable companion animals.” (Asilomar Accords, Guiding Principles, Nos. 4, 6.) But a closer look reveals another story.

The Asilomar Accords, in fact, do not present a roadmap for saving lives. Instead, they allow—and even legitimize—rounding up and killing feral cats, refusing rescue groups and No Kill shelters access to animals facing death in their facility, and enforcing draconian animal control laws. The Accords even appear to call for the phase-out of the term “No Kill” or “No Kill Shelter.” In return, traditional shelters promise to provide transparency and openness by providing statistics to the public—based on a reporting model that is neither transparent nor an accurate representation of life and death in a traditional animal shelter. Does the road to No Kill lead through Asilomar? It does not.

“The mission of those involved in creating the Asilomar Accords is to work together to save the lives of all healthy and treatable dogs and cats.” (Asilomar Accords, Guiding Principles, 1.)

How do the Accords propose to do this? We know, for example, that if No Kill is going to be achieved, shelters *must* put in place key programs that have proved successful at saving lives. Chief among these are high volume, low-cost spay and neuter campaigns, a commitment to trap, neuter and return (“TNR”) for feral cats, a foster care program, a comprehensive adoption plan, and working with community groups such as rescue organizations and No Kill shelters. In this regard, “varying philosophies” are irrelevant and play no role. The only philosophy that matters is a commitment to the above lifesaving framework. Without it, shelters will be killing indefinitely and No Kill is simply not achievable. If the Asilomar participants are sincere in their commitment, one would expect them to aggressively embrace these efforts. But do they? In fact, as we will see below, they do not.

*“While we understand that other types of programs and efforts...including ...**enforcement of animal control laws and regulations**...play a critical role in impacting euthanasia figures, for purposes of this nationwide initiative we have elected to leave these programs in the hands of local organizations...” (Asilomar Accords, Guiding Principles, 6, emphasis added.)*

Some animal control laws save lives—such as those that punish animal abusers, dog fighters, and those who neglect their pets. Other animal control laws and regulations, by contrast, are not always good for animals. In the case of pet limit laws, cat confinement laws, laws making it illegal to feed stray cats, and laws that provide arbitrary authority for animal control officers to seize pets they deem a “nuisance,” they often result in an increase in shelter killing. The Accords, unfortunately, do not differentiate between the two even though the latter is contrary to the goal of saving lives.

These laws, moreover, have often been interpreted to mean that anyone who feeds a stray animal—or leaves food out for a hungry cat—is considered the animal’s owner. In towns and communities throughout the United States, well-meaning people have found themselves threatened by animal control authorities for feeding the stray cat who wanders to their backyard in search of food. As an “owner” under these ordinances, they are violating the law for “allowing” the cat outside, a curious twist of facts since these people are not allowing anything, other than allowing the animal to have occasional food.

And just as pets already in homes may be threatened by limit laws, homeless pets awaiting the chance for a loving new home are also at risk as potential adopters who exceed the pet limit laws are prohibited from adopting more animals.

Support for “creating goals focused on significantly reducing the euthanasia of healthy and treatable companion animals in the United States” is simply incompatible with legitimizing the enforcement of animal control laws and regulations that have the opposite effect. (Asilomar Accords, Preface.) Under the Accords, however, a community can choose to round up and kill feral cats, or limit the number of pets in a home, or prohibit the feeding of hungry strays, or allow the impound and killing of animals declared a “nuisance.” As a result, the Accords legitimize these laws, even though they are wholly antithetical to the No Kill paradigm. In the end, if these laws “play a critical role in impacting euthanasia figures,” it is only because such laws increase the death rate.

*“While we understand that other types of programs and efforts...including...**feral cat management**...play a critical role in impacting euthanasia figures, for purposes of this nationwide initiative we have elected to leave these programs in the hands of local organizations...” (Asilomar Accords, Guiding Principles, 6, emphasis added.)*

What do the Accords mean when they refer to “feral cat management”? (Asilomar Accords, Guiding Principles, 6.) If they mean TNR, why don’t they just say TNR? The concern is not theoretical or conspiratorial. Among the participants are some groups with a historical opposition to feral cat trap, neuter, return programs—including the Humane Society of the United States (“HSUS”) which has historically referred to these programs

as “inhumane” and “subsidized abandonment.” At one time, HSUS even endorsed the prosecution of feral cat caretakers who practice TNR as a violation of state anti-cruelty laws for abandonment, a crime which includes a fine and jail term.

Whether any of these groups still adhere to these viewpoints is not altogether clear. What is clear is that they have not publicly renounced them—and that the Accords leave these important issues of life and death to individual interpretation and local decision-making. Given their historical positions—and that not a single feral cat group was represented in the crafting of the Accords—this is a cause for concern. If the Accords are truly a treaty for the future, these issues must be addressed openly and settled once and for all.

Not only do the Accords fail to mention TNR or require groups to accept TNR, they classify feral cats as “untreatable” or “unhealthy.” According to the Accords, feral cats would fall into the category of those animals who “suffer from a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes them unsuitable for placement as a pet.” (Asilomar Accords, Animal Statistics Table, Glossary of Terms, P.) Under the Accords, feral cats share the same category for hopelessly ill or irremediably suffering pets. And the same fate—death.

While it is true that feral cats are not generally suitable for placement as pets, this should not mean that they do not have an equal right to life, or that the humane movement isn’t obligated to put in place non-lethal alternatives. Our commitment to both of these principles requires us to identify feral cats as their own category—as feral cats. And then make an equal commitment to TNR and pro-feral advocacy to bring an end to their killing.

“We believe in the importance of transparency and the open sharing of accurate, complete animal-sheltering data and statistics in a manner which is clear to both the animal welfare community and the public.” (Asilomar Accords, Guidelines, 9.)

Categorizing animals who enter the shelter is important. A dog or cat who enters a shelter can come in healthy, sick, injured, unweaned or traumatized. To address what responses a shelter should undertake, No Kill shelters classify animals into these and perhaps other categories.

Without an understanding of the various categories of shelter animals, it would be difficult to know which programs are needed. Nor would it be clear how many animals would be helped by any particular strategy. A community begins helping its animals by closely analyzing shelter statistics. How many of the dogs and cats killed are healthy? How many are sick or injured but treatable? How many have rehabilitatable behavior problems? The answers to these questions will determine what types of programs and services are needed and how to effectively allocate resources to help the animals in a shelter’s care. But while categories are important to align shelter responses with the needs of animals, categories are not as important for reporting purposes and can actually obscure more than they illuminate.

In tallying final results and for reporting to the public, however, the Asilomar Accords allow shelters to report numbers that do not include entire categories of animals: 1. unhealthy/untreatable owner requested euthanasia; 2. animals who have died in kennel; 3. unhealthy/untreatable pets; and, 4. feral cats. The result is a skewed figure that literally sweeps these animals under the rug. They simply do not count. Their lives erased from public records.

As a result, the Accords are using categories—not to create programs that are most effective at saving lives—but to “spin” the numbers to make it appear a shelter is doing a better job than it actually is. While the Accords claim to seek transparency and “the open sharing of accurate, complete animal-sheltering data and statistics in a manner which is clear to both the animal welfare community and the public,” the model advanced and agreed to for collecting that data is far from “accurate” or “complete.” (Asilomar Accords, Guiding Principles, 9.)

In addition, and perhaps most disturbing of all, these categories are vague in and of themselves, leading to misuse and misapplication—such as calling a kitten with ringworm “untreatable,” or making a decision that a dog who is scared and incredibly shy has a “temperamental characteristic that poses a health or safety risk or otherwise makes them unsuitable for placement.”

At least one participant to the Accords has acknowledged that what constitutes an “adoptable” animal in their shelter depends on how much money and cages they have. Under this reasoning, an animal can be “adoptable” at the beginning of the budget year when there is plenty of money and plenty of cages, but not at the end. For example, a kitten with an upper respiratory infection would be “adoptable” or “treatable” in February when there is plenty of cage space, but not in August when the shelter is full. And if the shelter does not budget any money for medicine, does that mean the community does not have any “treatable” animals? It seems absurd, but it appears so using their logic. By this definition, every shelter in the country is saving 100% of adoptable animals because when they run out of cages or money, the animals killed simply cease being adoptable. We don’t achieve No Kill by re-categorizing animals, we achieve No Kill by saving their lives.

“... [A] group of animal welfare industry leaders from across the nation convened at Asilomar in Pacific Grove, California for the purpose of building bridges across varying philosophies... (Asilomar Accords, Preface).

Twenty-one individuals representing 23 different groups/agencies are signatories to the Accords. Of these, sixteen are either animal control or traditional shelters (70%) if defined narrowly, but 78%—over three out of four—if defined broadly to include historical opposition to No Kill or its programs; and/or support for traditional shelter principles and philosophy. Of the 23, five are No Kill (22%) if defined narrowly, but only four of the 25 (a paltry 13%) can be considered No Kill if defined by the broader category of philosophy and advocacy for No Kill principles and programs. The remainder was industry or other groups (9%).

While No Kill groups represented less than one-fourth of the total agencies, the No Kill groups present were not in and of themselves fully representative of the No Kill movement. The No Kill movement is primarily a grassroots movement. While there are a few national caliber groups, the vast majority of its practitioners and participants are rescue agencies, foster care networks, feral cat caretakers, breed rescues, and some “brick and mortar” shelters. No attempt was made to solicit their input.

While the argument could be made that these small, grassroots groups are not “leaders,” it is difficult to reconcile this with the inclusion of small traditional groups like Spanish Fork Animal Control in Utah, Fort Wayne Animal Control in Indiana, and a humane society on one of the Hawaiian Islands, who are referred to as “leaders” in the Accords and were asked to participate in their drafting.

It is not appropriate to adopt a national model for animal sheltering, or to define standard “definitions”—such as those that will have a major impact on feral cats—and expect nationwide acceptance without seeking fair and balanced input and representation from vast segments of the No Kill movement who care for the affected animals. The lack of diversity of opinion and input is not only a major shortcoming of the Accords, but unfortunately appears to be by design.

In a movement of conscience, promoting unity above spirited—albeit honest—debate about what each group thinks is best for the animals can lead to stagnation, and—as the feral cat example seems to indicate—may even allow animals to continue to suffer. If achieving movement unity is the primary goal that trumps all others, there would be no TNR, nor would there be a No Kill movement, because these efforts were done largely in opposition to and disagreement with the views of traditional shelters. Disagreement in the advancement of saving lives is absolutely crucial to the vitality of No Kill and our great hope for the future of this movement.

“We recognize that all stakeholders in the animal welfare community have a passion for and are dedicated to the mutual goal of saving animals’ lives.” (Asilomar Accords, Guidelines, 1.)

All of us in animal sheltering want to believe this. None of us want to presume that shelters are indifferent to shelter killing. But the reality is probably somewhere in between. A dedication and passion for saving lives demands doing everything one can to humanely and responsibly save lives. And it is indisputable that many shelters are not.

Many traditional shelters are not sterilizing animals before adoption or providing the public with affordable alternatives. Some do not have foster care programs, nor do they work with or socialize dogs with behavior problems. Still others do not take animals offsite for adoption, have not developed partnerships with rescue groups, limit volunteerism, are not practicing TNR, and still retain adoption hours that make it difficult for working people or families to visit the shelter, the very people they should be courting to adopt their animals.

These shelters continue to ignore their own culpability in the slaughter, while professing to lament the continued killing as entirely the fault of the public's failure to spay/neuter or to make lifetime commitments to their animals. And in the face of No Kill successes around the country, their response has been to vilify or ignore these alternatives. Alternatives like the one provided in 2002 and 2003 when the Tompkins County (NY) SPCA maintained its animal control contracts but worked with the health department, rescue groups, and municipal agencies to implement TNR and other progressive programs that allowed it to save 93% of all homeless dogs and cats.

And alternatives like the one provided in 1994, when the San Francisco SPCA announced that a pact with the city pound would guarantee a home to every healthy dog and cat who enters the shelter system in San Francisco—no matter how many there were or how long it took.

When the historic event in San Francisco occurred, grassroots activists, rescue groups, and No Kill shelters throughout the country rejoiced at the news and flocked to San Francisco to learn how the great experiment in compassion was done and, more importantly, to bring the success back to their own hometowns. But the celebration was not universal. Richard Avanzino, who was President of the San Francisco SPCA at time, has recently described it best:

[T]he California Animal Control Directors Association railed against it. And we were vilified by our animal welfare neighbors. Four of the largest bay area shelters asked their Board to write letters of condemnation to our Board. Then they started negative publicity campaigns, both internally to their own membership and externally to the local media. We had obviously touched a raw nerve—and the reaction was strong and swift...

[T]here was the real fear, both stated and implied, that this ... would bring public scrutiny to their own operations, encouraging challenges to the status quo with comments like, "if they can do it in San Francisco, why can't we do it here?" There was also the concern that this ... might surface in their own counties or cities if people believed it was an effective way to stop the killing." (Avanzino, Richard, The SF/SPCA Path to No Kill, www.maddiesfund.org/nokill/sfspca_build_agree.html, last visited January 16, 2005.)

Indeed, Richard Avanzino became the target of a smear campaign to discredit the city's achievements. While both the ASPCA and HSUS misrepresented the results in San Francisco, others condemned the programs as nothing more than encouraging "impulse adoptions," "subsidizing abandonment," and lowering the "quality" of prospective homes.

Said one commentator: "The bottom line is that too many animal control departments and humane societies have a vested interest in doing what they have always done. Going a different and more successful route would mean accepting some of the blame for causing

barrels to fill, day after day, with furry bodies. Complain though many animal control and humane society people might about the stress of killing, they still find killing easier than doing what is necessary to stop it.” (Clifton, Merritt, Ed., *Self-Defeat in L.A.*, Animal People, May, 2000.)

If pet overpopulation exists because of public irresponsibility, it is equally true that a shelter’s very mission is to provide a life-affirming safety net against it, while simultaneously working to provide programs and services that can reduce its impact. Human service agencies, such as orphanages and child protective services, also deal with public irresponsibility, but they do not use it as an excuse to negate their own responsibilities by taking in abused, abandoned and orphaned children—and then killing them.

In the end, animals in shelters are not being killed because there are too many of them, because there are too few homes, or because the public is irresponsible. Animals in shelters are dying for one reason—because people in shelters are killing them.

“We acknowledge that the euthanasia of healthy and treatable animals is the sad responsibility of some animal welfare organizations that neither desired nor sought this task.” (Asilomar Accords, Guidelines, 2.)

The first SPCAs were founded to prevent cruelty and to advocate on behalf of animals. They were not founded to perform dog control and are under no obligation to do so. But early in their history, many SPCAs and humane societies chose to contract with municipalities for two reasons. First, contracting for dog control provided a guaranteed source of income. Second, it was common at the time for “dog catchers” to beat and drown homeless animals and taking over dog control helped ensure that the killing was done more humanely.

In the modern era of laws requiring killing by more “humane” methods such as sodium pentobarbital injection, however, if this is a task that these agencies do not “desire” nor “seek,” they should no longer contract to do them. If they feel they have to do them, then they should demand adequate resources to do the job without killing, at the same time they incorporate the programs and services that have a demonstrated track record of lifesaving—programs and services the Accords neither identify, nor mandate.

“In order to achieve harmony... [we encourage the discussion of] language and terminology which has been historically viewed as hurtful or divisive by some animal welfare stakeholders (whether intentional or inadvertent), identify ‘problem’ language, and reach a consensus to modify or phase-out language and terminology accordingly.” (Asilomar Accords, Guiding Principles, 8.)

At least one participant has openly acknowledged that this principle was meant to call for the phase-out of the term “No Kill” or “No Kill shelter,” for which some traditional shelters take great umbrage. One of the larger participating agencies, the ASPCA, recently published a textbook on shelter medicine which includes the statement that the

term No Kill is “inflammatory and misleading” and suggested that the term be eliminated from the vernacular of animal sheltering.

From a historical perspective, No Kill shelters and rescue groups have been vilified by the proponents of the status quo, their successes misrepresented from coast-to-coast. Attacking No Kill advocates for hurtful language that is supposedly “inflammatory and misleading,” therefore, is a classic case of the pot calling the kettle black. In addition, such a position cannot be reconciled with other misleading terms of which these shelters are fond of. Terms like “euthanasia,” which is a euphemism that obscures the gravity of killing or the term “untreatable” to define healthy feral cats.

“We encourage all communities to embrace the vision and spirit of these Accords, while acknowledging that differences exist between various communities and geographic regions of the country.” (Asilomar Accords, Guiding Principles, 5.)

Before the Accords are accepted by non-participating agencies and No Kill advocates as a roadmap for the future, we should insist that the Accords’ participants spell out, clearly and without reservation:

- Unequivocal support for TNR;
- The right of an animal welfare protection group, rescue group or No Kill shelter to take into their own custody animals on death row of traditional shelters;
- Support for the repeal of draconian animal control ordinances such as cat licensing, pet limit laws, those prohibiting the feeding of stray pets, and those mandating that cats not be allowed to roam outdoors;
- Support for high-volume, low-cost spaying and neutering and a commitment to use their own resources to provide such services;
- An end to the belittling of the achievements of No Kill rescue groups and shelters.

We wrote to fifteen of the Accords’ signatories and asked them if they supported the above. Despite a commitment to the open sharing of information, thirteen of the fifteen refused to respond.

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