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Anti-Cruelty Laws Protect all Cats

Fact Sheet | Anti-Cruelty, Cats and Wildlife, Cats and the Law

In November 2007, a deadlocked jury led to a mistrial in the case of the Galveston birder charged with felony cruelty for intentionally shooting and killing a cat with a .22-caliber

rifle. The man's lawyer reported that his client went to the San Luis Pass Bridge with "an intent to kill" and admits to shooting the cat, but that he claims he did so to protect piping plovers, an endangered species of bird that winters in Galveston. The national media reported that the case hinged on proving the cat was "owned" by John Newland, a man who had put out food, blankets, and toys for this and other cats living under the bridge.

Let's set the record straight: Intentionally killing a cat is a criminal offense in all 50 states and the District of Columbia, regardless of ownership. Anti-cruelty laws apply to all cats—companion, abandoned, lost, and feral—and there is no such thing as a "piping plover defense."

Anti-cruelty laws are among many types of laws designed to protect society from violent people. In fact, anti-cruelty laws, first enacted in the late 1800s, were established to protect animals from human violence, irrespective of ownership. These laws led to the creation of child abuse laws and then, in the 20th century, elder abuse laws. The common denominator in all of these laws is protection from a violent person. Scientific research now provides a nuanced understanding of the link between different types of violence. An aggressive individual who lashes out in response to conflict is a threat to society, whether the victim is a child, a spouse, or an animal. Intentionally shooting a cat is a violent act. That fact doesn't change because the animal isn't wearing a collar.

Like the laws against homicide, anti-cruelty laws excuse intentional killing in the rare cases when harm is imminent and serious, making lethal force necessary. Although anti-cruelty laws include other defenses, they do not recognize a bird-protection defense. Indeed, the piping plovers at issue in the Galveston case are already protected by federal laws, as are hundreds of other bird species.

Those laws reflect decisions made by elected officials, informed by scientific evidence, on the best measures to protect and recover endangered species. In fact, scientific research shows that humans, not cats, are the overwhelming cause of declining bird populations. No individual is entitled to act contrary to the law simply because that person's opinion differs from the collective judgment of the legislature.

Anti-cruelty laws protect all cats. That protection is not—and as a practical matter, cannot be—based on ownership status. We wouldn't want such distinctions to be made anyway, because like many criminal laws, these laws exist to protect all of us from aggressive individuals. We are a nation of laws, not of violence. For this to hold true, we must remain vigilant against every act of violence, inflicted on any victim—even when the victim is a cat.

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