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Alley Cat Allies Reaction: Cats Get Their Day in Court in Endangered Species Act Case in New York

February 6, 2017

Statement on Jones Beach Ruling

NEW YORK—Alley Cat Allies has offered its reaction to today’s decision by Judge Arthur D. Spatt to go forward with the case in *American Bird Conservancy v. Harvey*. In this federal court case in the Eastern District of New York, the American Bird Conservancy argues that New York is in violation of the Endangered Species Act (ESA) simply because it is allowing sterilized feral cats to continue living in Jones Beach State Park, a park in which piping plover birds—designated as threatened under the ESA—also live. New York State had requested that the case be dismissed; Judge Spatt said that the Plaintiff had met the pleading standard necessary to have their day in court. He made no ruling on the actual substance of the case, merely granting permission for the case to move forward.

“There is no evidence of cats harming birds in this case,” said Becky Robinson, president and founder of Alley Cat Allies. “The best possible means of controlling and reducing the cat population is through sterilization and vaccination, and has been in place at Jones Beach for years. We believe the current cat control program should be kept in place. Alley Cat Allies, like most Americans, strongly believes that compassionate conservation, with which New York State is succeeding in Jones Beach, is the best approach for cats, birds and all animals.

“This lawsuit appears to be part of a larger pattern by the American Bird Conservancy to advocate for its vision of an American landscape in which all cats have been eradicated, and it is inappropriately trying to use the Endangered Species Act as a tool to further this dark agenda,” she continued. “We are confident that New York State will prevail, and look forward to the issue having its day in court.”

Background

Today Judge Arthur Spatt issued a ruling in *American Bird Conservancy v. Harvey*, a federal court case in the Eastern District of New York in which the American Bird Conservancy argued that New York is in violation of the Endangered Species Act simply because it allows sterilized feral cats to live—as they have for many years—in Jones Beach State Park, a park in which piping plover birds—designated as threatened under the ESA—also live.

The cats who live in Jones Beach State Park have resided there throughout the period of time during which—thanks to extensive effective conservation work by New York—the piping plover population doubled. The American Bird Conservancy has offered no evidence that New York has failed in its obligations under the ESA, nor any that cats are impeding the recovery of piping plovers.

This case is a baseless attack on cats that is misdirecting critical time, money and attention away from true conservation efforts. Alley Cat Allies looks forward to a satisfactory resolution of this issue in court and are confident that New York, the cats, and conservation will all emerge victorious. Alley Cat Allies will continue to fight tirelessly on behalf of cats.

About Alley Cat Allies

Alley Cat Allies, headquartered in Bethesda, Md., is the only national advocacy organization dedicated to the protection and humane treatment of cats. Founded in 1990, today Alley Cat Allies has more than 600,000 supporters and helps tens of thousands of individuals, communities and organizations save and improve the lives of millions of cats and kittens nationwide. Its website is www.alleycat.org, and Alley Cat Allies is active on Facebook, Twitter, Instagram, Google+ and YouTube.

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