

Ferret supporters sue New York City

On October 28, New York City ferret owners and the Humane Society of New York filed a lawsuit against Mayor Rudolph W. Giuliani and the N.Y.C. Department of Health to prevent the enforcement of the Department's June decision to ban ownership of ferrets in the City. The City has filed a motion to dismiss the case.

The first hearing in the lawsuit was an order to show cause on December 2. Both sides submitted written evidence, and from this evidence, the judge will determine whether the case goes to trial.

According to Gary Kaskel, plaintiff in the case, ferret owner, and N.Y.C. animal shelter reform advocate, the City's December 2 statement claims that the Department of Health "is given wide latitude to promulgate rules to protect the public health and that ferrets have been illegal since 1933 under the health code prohibition of wild and dangerous animals."

In their written complaint, the plaintiffs made several arguments, including

- The ban on ferrets is unconstitutional and beyond the scope of authority delegated to the Board of Health.
- The ban on ferrets is illegal because it prohibits conduct expressly permitted by state law.
- The enforcement of the ban on ferrets could require the City to seize and destroy pet ferrets. The destruction of friendly and loveable pets is against public policy and would be an objectionable and distasteful burden that should not be imposed upon the plaintiffs and the City's other residents and institutions.

• The enforcement of the ban will subject persons owning ferrets in the City to criminal and civil penalties, which could cause many ferret owners to abandon their pets in the City's streets and public parks.

• Persons that acquired ferrets before the declaration of the ban have been deprived of their property and legal rights without due process.

N.Y.C. Mayor Rudolph Giuliani told a ferret supporter to seek counseling for his "excessive concern" about "weasels."

• There is no rational basis for the Board of Health to treat owners of domesticated ferrets differently than owners of domesticated dogs and cats, and the regulation contains no explanation for the disparate treatment of owners of domesticated animals. (The administrative bias against ferrets was most publicly aired when on his radio show, Giuliani stated to a ferret advocate from Oceanside, N.Y., that he "should go consult a psychologist or a psychiatrist with this excessive concern [about ferrets]—how you are devoting your life to weasels." Giuliani also said that the caller was "deranged.")

Written affidavits in support of pet ferrets were submitted by Kaskel; James K. Morrissey, D.V.M., a practitioner at the Animal Medical Center in N.Y.C.; Katherine Quesenberry, D.V.M., head of the Avian and Exotic Pet Service at the Animal Medical Center and coeditor of *Ferrets, Rabbits, and Rodents, Clinical Medicine and Surgery*; and Charles William Schaubhut, D.V.M., a private practitioner in N.Y.C.

Ferret supporters are encouraged to write to the judge to describe their positive experiences with ferrets. Writers should not attempt to argue legal theory or factual information. Letters should be sent to Judge Richard Braun, 80 Centre Street, Room 320, New York, N.Y. 10013. The judge is expected to decide soon whether this case will go to trial.

The plaintiffs' lawyer, Irving Heisler, estimates that the total cost of this lawsuit could reach \$10,000. Corporate donations are being sought, but more money is needed. Checks should be made payable directly to Irving Heisler Esq. and mailed to New York City Friends Of Ferrets, P.O. Box 268, New York, N.Y. 10028.

In addition to supporting the lawsuit against the city of New York, ferret owners should push for a hearing for the proposed legislative remedy to the ban (Intro 627: The Ferret Regulation Bill), which would legalize ownership of vaccinated and spayed or neutered ferrets in N.Y.C.

New York State residents should write Peter F. Vallone, Speaker for the City Council, 22-45 31st Street, Astoria, NY 11105 and Victor L. Robles, Chair, City Council Health Committee, 815 Broadway (Room 515), Brooklyn, NY 11206.

Copies of these letters can be sent to Mayor Rudolph W. Giuliani, City Hall, New York, N.Y. 10007 and Neal L. Cohen, M.D., Commissioner of Health, The Department of Health, 125 Worth Street, New York, N.Y. 10013.

Up-to-date information about the situation in N.Y.C. can be found at <http://members.aol.com/NYCFerrets>.