

“From the Horse’s Mouth”

# Animal Law Conference Provides Perspective on Animals, Law and Policy

“Normally, when there’s an animal law conference, you get a few lawyers together to talk about their cases,” said Dean Alex Aleinikoff at the start of Georgetown Law’s first-ever conference on animal law. “We’ve broken out of that.” Besides sponsoring a seminar in animal protection litigation, Georgetown Law also offers the only post-graduate animal law fellowship in the country, funding one graduate every year to work on animal protection matters.

At the March 27th conference, Sen. Mary Landrieu, D.-La., Rep. Jim Moran, D.-Va., and Rep. Ed Whitfield, R-Ky., spoke about animal protection legislation and barriers to it. For example, more than 100,000 mostly healthy U.S. horses — many of them stolen or sold unknowingly to people in the business of killing them — are believed to have been slaughtered in 2006 to supply European and Asian markets with food.

The conference also featured current and former officials of executive branch agencies who discussed statutes relating to horses and burros; two federal judges, Gladys Kessler of the District of Columbia and Lawrence Kahn of the Northern District of New York, who spoke of cases involving white-tailed deer and livestock; a retired FBI agent who discussed the practice of cockfighting; and a veterinarian who explored the topic of animal forensics.

In a panel looking at the roles of administrative agencies in animal law, Professor David Vladeck discussed three key cases, one brought by a circus worker alleging mistreatment of elephants, another urging the Department of Agriculture to fully implement the Horse Protection Act (prohibiting the intentional injuring, or soring, of a show horse to give it a high-stepping gait) and still another seeking to enforce the Animal Welfare Act, requiring the Department to set forth requirements for the physical environment and psycho-



Rep. Ed Whitfield, R-Ky., Sen. Mary Landrieu, D-La., and Rep. Jim Moran, D-Va., at Georgetown’s first conference on animal law.

logical well-being of primates. “These three cases encapsulate what has been a long evolution of law, providing courts authority to supervise the treatment of animals,” Vladeck said.

And in case you’ve ever wondered what antitrust law has to do with the price of eggs, the answer is more than you might think. A panel of economists who have evaluated the economic implications of humane public policies discussed an antitrust lawsuit recently filed in federal court in Pennsylvania, alleging that the egg industry engaged in an illegal plan to inflate prices and profits by implementing sham animal welfare guidelines to reduce the supply of eggs. The panel also discussed such matters as cage-free eggs (from chickens allowed to roam free).

“When it comes to protecting animal welfare, what we hear is that if people care about this, then they will buy the products that are made in a less cruel way,” said Matt Newman, an economist with Blue Sky Consulting. Still, he noted that economists don’t have a way of placing a value on an animal that is treated well versus one that isn’t. “A happy cow is worth just as much as an unhappy cow, as long as it’s producing the same profit for the farmer.”

Jonathan Lovvorn, vice president and chief counsel of animal protection litigation and research at the Humane Society of the United States and an adjunct professor at the Law Center, said that the conference was the latest “piece of the puzzle” in raising awareness of these issues. “In actuality, animal law is extremely old,” he said, noting that protections relating to animals can be traced back to the Book of Proverbs and also to the original legal code for the Massachusetts Bay Colony. Recent decades, however, have seen a huge increase in the number of statutes, cases and controversies over animals.

“It’s still one of the least understood areas of law,” Lovvorn said. “Animals are everywhere, from what we wear to what we eat to who greets us when we get home at night. ... Although the use of animals is pervasive in our society, there is also a universal ethic that animals should be protected from cruelty and abuse.”

The conference was a collaboration between the Law Center and the Humane Society of the United States and made possible by contributions from Bob Barker, the Glaser Progress Foundation, and Hayward Richard Pressman (L’66) and his wife, Donna Pressman.