

May 8, 2007

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Before the Committee on Agriculture Subcommittee on Livestock,
Dairy, and Poultry

on the Subject of the Welfare of Animals in Agriculture

1300 Longworth House Office Building

Thank you, Mr. Chairman, for the opportunity to testify on the critically important topic of the welfare of animals used in agriculture. I am Wayne Pacelle, president and CEO of The Humane Society of the United States (HSUS), the nation's largest animal protection organization with 10 million members and constituents – one of every 30 Americans.

I wish to thank Committee Chairman Collin Peterson and Subcommittee Chairman Leonard Boswell for convening this hearing and inviting me to testify, and also wish to thank the ranking members, Representative Bob Goodlatte and Representative Robin Hayes, for their help and participation. This hearing is a welcome development, and Chairman Peterson is in particular to be commended, since the Committee has not conducted a serious hearing on an animal welfare issue since 2000, even though animal welfare is clearly within the jurisdiction of this Committee. This Committee in previous years has taken a hostile posture toward animal welfare legislation, and the effects have been obvious. First, we have fallen short as a caring nation in providing the most basic protections to sentient creatures, and we are sorely and embarrassingly lagging behind Europe on animal welfare policy. Second, because of the Committee's hostility under previous leadership to even the most modest animal welfare legislation, advocates of this legislation have sought to redraft and rework the legislation to be handled elsewhere in the Congress, and this has ironically diminished this Committee's influence on animal welfare matters.

But the Committee has gotten off to an admirable start in this Congress by conducting this hearing and also by taking action on H.R. 137, legislation that increases penalties for interstate transport of animals for fighting. The Committee quickly discharged that legislation, expediting House consideration of the measure. The President has signed the animal fighting bill, and this is an important policy advance for animal welfare.

The issue of the inhumane treatment of animals bred and raised for human consumption or for agricultural use has been of serious concern to The HSUS and other animal welfare organizations for decades. Soon after its founding in 1954, The HSUS worked to help enact the Humane Methods of Slaughter Act, and has continued to advocate for more protection for animals during production, transport, and slaughter. Our staff has long included animal scientists and experts in the various fields of animal agriculture, and we have participated in national and international conferences on the issues surrounding farm animal welfare. Our senior scientist with our farm animal welfare staff, Dr. Michael Greger, recently published an acclaimed book, *Bird Flu: A Virus of Our Own Hatching*, on farm animal welfare issues as they relate to avian influenza. Dr. Greger has also met with the U.S. State Department and a number of poultry scientists regarding avian influenza and intensive animal production issues, and he served on an ad hoc committee the USDA convened for the emergency culling of birds. The HSUS is a member of the International Coalition for Farm Animal Welfare which reports to the Permanent Animal Welfare Working Group of the OIE; we advise Whole Foods Market in the development of its multi-tiered welfare standards; and we have recently advised both Oxfam and the World Bank's International Finance Corporation on their farm animal welfare guidelines. In addition, The HSUS conducts ongoing rural veterinary and disaster relief programs that provide assistance to animals in agriculture.

Farm Bill's Role in Animal Welfare Protection

The Farm Bill provides a logical opportunity for Congress to make important advances in animal protection by enacting broadly supported legislation in a number of key areas. Historically, the Farm Bill has served as a vehicle for enactment of some important animal protection legislation.

For example, in 1985, with public interest in the welfare of animals rising, especially in the wake of several scandals involving mistreatment of animals in research laboratories, long-developing proposals for an improved inspection system under the Animal Welfare Act found a natural home in the Farm Bill.

Championed by Senator Robert Dole and Congressman George Brown, the Improved Standards for Laboratory Animals Act was incorporated as part of the Farm Bill on December 12, 1985.

In 2001, the full House and Senate approved a number of animal protection measures with very broad bipartisan support in their respective Farm Bills – provisions dealing with animal fighting, downed animals, humane slaughter, and puppy mills. In a slap at animal welfare groups and the larger Congress, the House Agriculture Committee at that time worked actively to eliminate all of these provisions, with only the loophole-closing provisions on animal fighting retained in the 2002 Farm Bill conference. As a result, several of these issues are still awaiting final action in Congress several years later, and we believe that the 2007 Farm Bill provides an opportunity to finish the job.

Animals in Our Society

Animals play an important role in our society, and the bond we form with them is undeniable. More than 63% of all American households include pets – that is almost 70 million households with animals. In 2006, Americans spent more than \$38 billion on care and food for those animals, demonstrating a high level of devotion and compassion for their pets. Animal welfare has become a priority for Americans both with regard to their pets and for all animals. Consumers are increasingly concerned with ensuring that animals used for food and other products are treated humanely and with concern for their welfare.

All of the public attitude survey work conducted by The HSUS indicates that Americans care not just for the welfare of pets, but for all animals, even animals raised for food. Unfortunately, in the past several decades, agribusiness practices have become increasingly harsh and inhumane. Today's factory farms often treat animals as little more than meat-, milk-, and egg-producing machines – treating them as commodities, rather than sentient creatures.

For example, nearly 300 million U.S. egg-laying hens live in barren, wire battery cages so restrictive that the birds cannot even spread their wings. With no opportunity to engage in many natural behaviors, including nesting, dust bathing, perching and walking, these birds endure lives wrought with suffering.

Dr. Bernard Rollin of the Department of Animal Science at Colorado State University states that “Virtually all aspects of hen behavior are thwarted by battery cages....The most obvious problem is lack of exercise and natural movement....Research has confirmed what common sense already knew – animals built to move must move.”¹

But common sense doesn't always prevail and basic movement is not provided for animals on factory farms. In fact, the United Egg Producers recommends that each caged hen be afforded only 67 square inches of floor space – less space than a letter-sized sheet of paper on which to live for her 18 months before she's spent and slaughtered.

The entire European Union is phasing out barren battery cages by 2012, and European egg producers are already required to disclose on the carton if their eggs were laid by hens confined in cages.

At the same time, millions of breeding pigs in the U.S. are confined in two-foot-wide gestation crates, unable even to turn around. Pigs confined in these crates suffer immensely, unable to exercise or engage in nearly any of their natural behaviors. The forced immobilization takes a serious physical and psychological toll, leading to both leg and joint problems along with psychosis resulting from extreme boredom and frustration.

¹ Rollin BE. 1995. *Farm Animal Welfare: Social, Bioethical, and Research Issues* (Ames, Iowa: Iowa State Press, p. 120.

Numerous animal scientists oppose these cruel crates. Colorado State University animal scientist Dr. Temple Grandin states, "Gestation crates for pigs are a real problem...Basically, you're asking a sow to live in an airline seat...I think it's something that needs to be phased out."²

The entire European Union is phasing out gestation crates by 2013, and Florida and Arizona, thanks to voter-approved ballot initiatives, are phasing out the practice, as well.

Similarly, young male calves raised for veal are tethered inside individual crates or stalls so small the animals can't even turn around during their entire 16- to 18-week lives before slaughter. The cruelty of the veal crate is already well established. It's an issue this committee actually debated 18 years ago as a result of public outcry. During that hearing, Texas A&M animal scientist Dr. Ted Friend testified about a USDA-funded study on veal calf welfare:

Our results show that calves have a very strong drive to move or exercise that is blocked by chronic close confinement. The studies also found that maintaining calves in close confinement causes adverse physiological effects that alter metabolism and reduce the ability of the calf's immune system to respond to disease. All of these are changes in the body that are indicative of chronic stress.

The crated calves required approximately five times more medication than those in the less confining environments.

We also found that all of the symptoms of chronic stress were eliminated after the calves were removed from the crates....

To summarize, our studies found that maintaining calves in crates is physically detrimental to the calf, something that is common knowledge in the industry.³

The Congress should have acted in 1989 on the issue, but it didn't. Since then, the entire European Union has banned veal crates and Arizona voters just made their state the first in the U.S. to do the same.

Another example of egregious cruelty is that of the foie gras industry. Ducks and geese are repeatedly force-fed grossly unnatural amounts of food through pipes thrust down their throats to make their livers fatty and diseased for production of foie gras.

According to the American Veterinary Medical Association, "Birds are force-fed mostly corn to create lipidosis, which expands their livers to several times their normal size."⁴ In fact, the massive intake of this unnatural amount of food can cause the liver to swell up to ten times its normal size. In other words, factory farmers deliberately induce a disease in order to produce this so-called "delicacy."

The Scientific Committee on Animal Health and Animal Welfare (SCAHAW) is the European Union's most authoritative scientific body on farm animal welfare. Members include a dozen professors of veterinary medicine and animal science from across Europe. Not surprisingly, after a thorough

² Comments Temple Grandin made during a Q&A session on January 9, 2006 at Manhattan Columbus Circle, 10 Columbus Circle, New York, NY. They can be heard at:
<http://nycanimalrights.com/Temple%20Grandin%20Animals%20in%20Translation.htm>

³ June 6, 1989 testimony on the Veal Calf Protection Act (H.R. 84) before a joint hearing of the Subcommittee on Livestock and Poultry, and Dairy and the Subcommittee on Department Operations, Research, and Foreign Agriculture. Page 36.

⁴ "Farm visits influence foie gras vote," AVMA News, September 1, 2005. Available at:
<http://www.avma.org/onlnews/javma/sep05/050901q.asp>

investigation, SCAHAW concluded that the force-feeding that is routine in the foie gras industry “is detrimental to the welfare of the birds.”⁵

While the federal government has yet to address the most pressing concerns about the treatment of farm animals, major corporations are responding to consumer demand and implementing reforms that are helping to improve animal welfare.

In just the past month, Burger King announced its commitment to buy 5 percent of all of its eggs from producers who do not confine hens in battery cages and 20 percent of its pork from gestation-crate-free producers by the end of 2007. It has also implemented a purchasing preference for cage-free eggs, gestation-crate-free pork, and chicken meat from plants using Controlled Atmosphere Stunning (CAS). Wendy’s just issued a statement asserting that it would encourage its pork suppliers to move away from gestation crates.

Restaurant chains aren’t the only corporations moving away from the worst animal agribusiness practices. Smithfield Foods and Maple Leaf Farms, the largest pork producers in the United States and Canada respectively, recently announced that they are both phasing out their confinement of breeding pigs in gestation crates. And Cargill, another major pork producer, reports that more than half of its sows are being raised in group pens as opposed to gestation crates.

Two of the largest veal producers in the United States, Strauss Veal and Marcho Farms, are now ending their confinement of calves in veal crates. In a written statement, the CEO of Strauss Veal even went so far as to call veal crates “inhumane and archaic.”⁶

Celebrity chef Wolfgang Puck just implemented a wide-ranging animal welfare plan for all of his restaurants from airport Gourmet Express cafés to Spago, including an end to his use of eggs, pork, and veal from animals confined in tiny cages and crates.

We’ve also seen grocery chains such as Whole Foods Market and Wild Oats Natural Marketplace refuse to sell eggs from caged hens, while AOL and Google refuse to serve these battery-cage eggs in their corporate cafeterias. Ben & Jerry’s has also implemented a phase-out of its use of battery-cage eggs in its ice cream. And more than 150 U.S. schools are now using cage-free eggs in their cafeterias – all of these universities making the switchover within the last three years.

The trend is apparent: Many of the common animal agribusiness practices are completely out of step with the moral sensibilities of most Americans, and corporate America is responding. The Congress should no longer lag behind America’s food retail sector. Corporate reform is no substitute for legislative action. There needs to be a level playing field among all producers, so that some farmers are not allowed to take a moral shortcut and gain an unfair economic advantage. The Farm Bill presents an opportunity to address this issue and provide long overdue standards in American agriculture on animal welfare. It is not acceptable to leave farm animals with virtually no legal protection from even the most egregious cruelty and to subvert animal welfare to efficiency. All animals—even those raised for food—deserve to be provided with care and decency.

⁵ European Commission, Scientific Committee on Animal Health and Animal Welfare (SCAHAW). 1998. Welfare aspects of the production of foie gras in ducks and geese (December 16, p. 65).

⁶ February 6, 2007 email from Randy Strauss to Wolfgang Puck Companies. Also available at http://www.hsus.org/farm/news/ournews/strauss_and_marcho_veal_crates.html

The refrain from apologists for the status quo that productivity is an indicator of welfare sounds logical, but this argument breaks down upon more careful examination. Animals will breed and grow even if they are suffering. With the genetic selection of rapid growth characteristics for almost all breeds of commercially raised animals, it is apparent that animals will reproduce and grow even if they are severely confined and if their welfare is severely compromised. In short, there has been a decoupling of rapid growth of the animals and sensible animal care.

There are two important bills pending that would help address these concerns.

Farm Animal Stewardship Purchasing Act

The Farm Animal Stewardship Purchasing Act (H.R. 1726), introduced by Representatives Peter DeFazio and Christopher Shays, would require that those producers supplying food to the federal government – for the military, federal prisons, school lunches, and other programs – meet a basic set of modest welfare standards for farm animals.

It must be noted that, with more than 10 billion farm animals raised for meat, eggs, and dairy products in the U.S. each year, federal law does not provide *any* protection for these animals while they are on the farm. Congress decided nearly half a century ago, with the Humane Methods of Slaughter Act of 1958, that farm animals must have a decent death, but there is not a single federal law requiring that chickens, pigs, cows, or other farm animals have a decent life.

The Farm Animal Stewardship Purchasing Act is modeled after the original Humane Methods of Slaughter Act, which also began to address a serious problem through government purchases. H.R. 1726 doesn't mandate industry-wide compliance, but instead applies only to those producers who voluntarily choose to do business with the federal government. Based on publicly available data, we estimate that this may involve approximately 1% of total meat, eggs, and dairy products sold in the U.S.

H.R. 1726 enables the federal government to help lead the way by example, rather than by imposing new regulations on industry. The Act will stimulate markets for producers using higher welfare standards and ensure that billions of federal tax dollars are spent in a manner consistent with American values.

This legislation is simple and cost-effective because its provisions are self-executing. The Farm Animal Stewardship Purchasing Act will be enforced via the General Services Administration's existing government procurement procedures, along with other standards such as wage and labor requirements and fuel economy standards for government vehicles. The Act will not require any new USDA regulations or action.

The bill requires producers who supply farm animal-derived products to the federal government to ensure that the animals have space to turn around and extend their limbs, have adequate food and water (no routine force-feeding or starvation), and receive adequate veterinary care, including prompt treatment or humane euthanasia when sick or injured. These extraordinarily modest standards mean that federal suppliers cannot engage in the most inhumane current industrial farming practices – intensive confinement in battery cages, gestation or veal crates, forced molting of laying hens through starvation, forced feeding for foie gras, hauling of downed animals to slaughter or leaving sick or injured animals to languish without treatment or humane euthanasia.

Just as Congress saw fit half a century ago to give farm animals a merciful death, it's time for Congress to begin addressing the most inhumane conditions they face during the longest period of their lives.

Downed Animal and Food Safety Protection Act

The other pending farm animal welfare bill that we urge Congress to enact this year is the Downed Animal and Food Safety Protection Act (H.R. 661), introduced by Representatives Gary Ackerman and Steve LaTourette. "Downed animals" – those too sick or injured to stand and walk on their own – pose serious risks to public health. At least 12 of the 14 cases of BSE (bovine spongiform encephalopathy or "mad cow disease") to date found in North America have reportedly involved downed animals. (The only cases not identified as downers were a Canadian cow exhibiting "abnormal locomotion and posture" who was euthanized and a Canadian cow who was dying.) Just last week another downed cow in Canada was confirmed to be BSE-infected.

Non-ambulatory cattle are not the only downer animals who may jeopardize the health of Americans. Scientific studies have pointed to the possibility that pigs, whose diet can include ground-up cattle remains, may harbor a porcine form of mad cow disease. In addition, downed farm animals in general may pose increased risks of transmitting dangerous infections such as E. coli and Salmonella – which kill thousands of Americans every year – as these animals often lie in bacteria-laden waste and have higher levels of intestinal pathogens due to stress. The USDA does not routinely test downed animals for these illnesses at slaughter plants.

Besides the grave public health risks, many Americans are concerned about the animals' welfare. Downed animals of any species suffer terribly. Often dragged by chains, pushed by bulldozer, or otherwise forcibly moved to slaughter, downers may be left to languish for days without food, water, or veterinary care.

Just two weeks after the first known case of BSE in the U.S. was reported in December 2003, the USDA announced an administrative ban on the use of any downed cattle for human food, providing an important safeguard for consumers and animal welfare. The livestock industry's trumped-up predictions that a downer ban would devastate the industry have proved entirely unfounded, just as we predicted, and we are now three years into the administrative ban.

Nevertheless, some in the industry have been pushing to have this rule weakened. They argue that downers with injuries pose no threat to public health – even though at least three of the identified cases of BSE in North America so far (including the cow in Washington state whose meat went on to markets and consumers in various states in 2003) have involved cows believed by authorities to be downed due to injury. The fact is, it's very difficult for an inspector to properly determine why an animal is down, and injury and illness are often interrelated – a broken leg may simply be the observable result of the weakness, abnormal gait or disorientation associated with an underlying disease. Major consumer groups including Consumers Union and Consumer Federation of America, support groups for victims of food-borne illness such as Safe Tables Our Priority (S.T.O.P.), Creutzfeldt-Jakob Disease Foundation, and CJD Voice, food safety organizations, companies such as McDonald's and Wendy's, and many others have pointed out how reckless it would be to have a system that relied on inspectors attempting to distinguish injured downers from ill downers (see, for example: http://www.hsus.org/web-files/PDF/Letter_opposing_HR4121.pdf).

Moreover, regardless of the reason an animal can't walk, dragging or hauling that animal to slaughter is utterly inhumane. To those who say, "It's just a broken leg so there's no problem," I'd ask, "Have you ever broken your leg?" Treating an animal with a fracture this way is unconscionably cruel. A comprehensive ban on approving meat from any downed animal is also needed to help ensure that producers take extra care to keep animals from becoming downed in the first place. Dr. Temple Grandin – advisor to the American Meat Institute and others in the meat industry – has noted that as many as ninety percent of all downers are preventable. It is precisely the cases that involve broken bones and

other injuries that are the most preventable with improved animal husbandry and handling practices on the farm and during transport. A no-downer policy promotes better husbandry practices, and prevents animals from going down in the first place.

Allowing downers to be slaughtered is not only risky and inhumane, it is also at odds with the larger economic interests of the industry. It makes no sense to increase the degree of economic risk for a multi-billion-dollar livestock industry in order to wring a few dollars from a small number of downers. According to the USDA, even before its administrative ban took effect, downers comprised just 0.4% to 0.8% of all cattle slaughtered annually in this country. Most responsible producers try to keep their animals from getting sick or injured, and euthanize any who do become downers while they're still on the farm. That's what the public wants – even before the first identified mad cow case in this country shined a media spotlight on the issue, a September 2003 Zogby poll revealed that 77% of likely U.S. voters opposed using downers, and 81% were concerned that sending downed animals to slaughterhouses could put consumers at risk.

In fact, if the Congress and the industry had heeded The HSUS's request to impose a downer ban prior to the 2003 finding of a BSE-positive cow, the effect on the industry would not have been as severe. With the BSE-positive finding in Washington state, 44 nations closed their markets to American beef. Secretary Johanns and his staff have spent countless hours attempting to restore international confidence in the American beef supply, and had the United States had a safeguard in place in the form of a no-downer policy – as a firewall against an infected animal being processed for human consumption – that effort would not have had the same degree of difficulty. The United States should have heeded the data from Europe showing a clear correlation between downers and BSE. It was a classic case of the industry, and its allies in Congress, being penny-wise and pound-foolish, in attempting to exact a profit from these abused and suffering animals.

Some industry opponents argue that downed animals must be sent to slaughterhouses in order for the USDA to conduct disease surveillance. But the USDA itself stopped relying on inspections of crippled cows during slaughter, opting instead for surveillance on the farm and at rendering plants. It simply makes no sense to transport live animals at high risk of transmissible diseases to facilities where their meat can be erroneously approved as safe and enter the food supply. While there were as many as 200,000 downed cows a year, there were more than 1 million dead stock on farms – five times the number of downers, yet there was no clamor by industry to test any of these animals.

We commended the USDA for imposing its interim administrative downer ban in January 2004. That ruling was enormously well received by the public. Of approximately 22,000 comments submitted to the agency, more than 99% supported maintaining and strengthening the ban, with most asking that other species be included (for a report on the comments received by the agency, see http://files.hsus.org/web-files/PDF/2004_06_16_rept_USDA_comments.pdf). But the USDA still has not issued a final rule to implement its policy, and a 2006 report by the agency's Office of Inspector General revealed major gaps in enforcement. From a sample of 12 slaughterhouses checked during a 9-month period, the IG found that 29 downer cows had been slaughtered for human food. The IG noted the lack of documentation on the animals' fitness for consumption and observed that the animals had been transported by forklift.

The Downed Animal and Food Safety Protection Act is long-overdue legislation. In 2001, the Senate and the House each approved provisions, as part of their Farm Bills, requiring humane euthanasia of downed animals, but this language was removed in conference. The Senate approved an Akaka amendment to the FY 04 Agriculture Appropriations bill in November 2003 barring USDA approval of meat from downers for human food, but that provision was also dropped in conference. And the Senate approved an identical amendment to the FY 06 Agriculture Appropriations bill in September 2005 that was likewise removed in

conference. It's time to enact a permanent and comprehensive downer ban, for the sake of public health and animal welfare.

Poultry Slaughter

One other key farm animal welfare issue that we hope Congress will address this year is the need for more humane methods of slaughter for poultry. As noted before, federal law dating back to the 1950s has required that animals be rendered "insensible to pain" before the slaughter process begins. This modest requirement reflects society's belief that animals, including those raised for food, should not suffer unnecessarily.

The Humane Methods of Slaughter Act covers cows, pigs, sheep, and other livestock, but the USDA has not interpreted it to cover poultry. This gap in coverage is particularly outrageous because poultry – chickens, turkeys, ducks, and other birds – now make up more than 95% of animals killed for food in the U.S. (a far higher proportion than in the 1950s when the law was originally passed). In other words, 9 billion birds each year are slaughtered without even the most minimal requirement for a merciful end.

Chickens and turkeys at slaughter plants are typically collected manually by workers at an intense pace (up to 180 birds per minute) and shackled upside down by their legs on a fast-moving mechanized line. Still conscious, they are dragged through an electrified vat of water designed to immobilize them, passed over a neck slicer, bled out, and then dropped into scalding water to loosen their feathers. Due to the speed of the assembly line and their own desperate motions, some birds are not immobilized, but aspirate the feces-laden water and drown. Others miss the neck slicer and are literally scalded to death.

While discussing electric immobilization systems, University of Georgia poultry scientist Dr. Bruce Webster stated, "The current dumping-shackling-electrical stunning process is a dinosaur"⁷ and suggested that using gas mixtures that cause less suffering is the future for the poultry industry.

It is not only animal scientists and animal welfare advocates who see the need for change. Even poultry slaughterers are beginning to recognize that the conventional method of poultry slaughter involves needless suffering. In a press release, Nebraska-based MBA Poultry stated, "There have been numerous studies conducted that lead us to believe that the typical electrical stunning systems used in the U.S. can cause severe welfare problems for millions, and possibly billions, of birds each year."⁸

In addition to this systematic suffering, the lack of legal coverage for humane treatment also allows egregious abuse to occur. Horrifying cruelty was exposed in 2004, as workers were captured on film repeatedly, deliberately stomping on chickens, kicking and hurling them against a wall apparently for "fun" at a Pilgrim's Pride facility in West Virginia. Pilgrim's Pride is the second largest poultry processor in the country. While several employees were fired in response to the particular abuses revealed on film and resultant media attention, this case starkly highlights how far matters can go awry without appropriate rules and government oversight. Even in the face of overt cruelty, the USDA claimed that it could not bring any enforcement action against the plant for violations of the federal humane slaughter law. Similar abuses were revealed in undercover footage taken in 2005 at a Tyson Foods chicken plant in Alabama and in 2006 at a Butterball turkey plant in Arkansas.

⁷ "Experts link bird welfare to company culture," Meatingplace.com Daily News, January 28, 2005. <http://meatingplace.com/MembersOnly/webNews/details.aspx?item=13755>

⁸ "MBA Poultry announces installation of CAS system to improve Animal Welfare," MBA Poultry press release, January 3, 2005. Available at <http://www.smartchicken.com/itn.html>

It's time for Congress to amend the Humane Methods of Slaughter Act to explicitly include poultry. In doing so, Congress must not lock in the current technology by designating it "humane" as a matter of law. The promising new approach referenced by Dr. Webster and already in use in a few U.S. facilities and more in Europe, offers "win-win" benefits for industry's bottom line and for animal welfare. With a process called Controlled-Atmosphere Stunning that uses gas, poultry can be killed with dramatically less suffering before they are removed from their transport crates, reducing the handling of live birds and the potential for abuse. When done properly, birds do not detect the gas and are rendered unconscious with minimal suffering. U.S. poultry processors have shown some interest in this approach because of the potential for cost-savings and greater productivity – as fewer birds are lost to bruising and broken bones – as well as for improved worker safety and employee retention.

And Dr. Grandin, widely regarded as a leading authority on the welfare of animal during slaughter, also supports a switch, listing numerous animal welfare benefits and concluding, "The U.S. poultry industry should move toward controlled-atmosphere stunning."⁹

We look forward to working with the Committee to correct this gaping hole in animal welfare protection.

Other Animal Welfare Issues for Consideration

Puppy Mills and Imports

The issue of inhumane treatment of animals kept and bred for sale to the public as pets has long been a concern to The HSUS and other animal welfare organizations. We have conducted investigations and provided support for local communities, prosecutors, law enforcement, and the USDA in order to prevent or remedy the inhumane treatment of dogs and cats in large-scale dog and cat breeding operations. Documented problems at major breeding operations include a lack of veterinary treatment, long-term confinement, unsafe and dilapidated housing, inadequate protection from the elements, excessive breeding, and a lack of basic sanitation.

Two areas of critical importance need to be addressed by legislative action: the importation of puppies to the United States and the lack of oversight of retail sales leading to serious cruelty and consumer concerns.

We are deeply distressed by the problem of importing puppies from other countries to the U.S. for use in the pet trade. Not only are we in no need of puppy imports, with a healthy dog and cat breeding industry in the United States and some 2-3 million dogs and cats euthanized in our shelters annually, but the process of importing these very young animals is inherently and grossly inhumane. A growing number of breeders in China, Eastern Europe, and other countries see the U.S. as a potential market, and are mass producing puppies with no humane regulations or oversight. There is little regulation or oversight of these imports. It is difficult for the USDA to determine the origin of dogs and cats coming into the U.S. and trace their pathway, allowing for better control of disease, behavioral problems and inhumane treatment. One incident reported by CNN last March detailed how puppies had their bellies cut open and heroin was placed inside as a transport method used by a Columbian heroin ring. At least ten puppies were discovered at a Columbian farm raided as part of an enforcement action. The U.S. Drug Enforcement Administration reported that six of the puppies had more than 6.6 pounds of liquid heroin in their stomachs. More commonly, the problems associated with shipping newly born puppies to the U.S. in cargo holds are that many arrive either dead or seriously ill and unable to recover from the rigors of such travel, while others become ill upon arrival. They will often be shipped by rail or truck to the airport

⁹ Temple Grandin, "Hatching innovations in poultry stunning," MEAT&POULTRY, July 1, 2005

in a foreign country and then subjected to long flights in cargo holds, housed as a group. This is inordinately stressful to puppies under 10 weeks old, and it encourages the spread of disease among the litter. One veterinary clinic associated with John F. Kennedy Airport in New York reports as many as 10-15% of puppies are dead on arrival. Some importers hold the puppies for 10 days prior to sales to new homes to ensure that all those puppies who will not survive die before the new owner takes title, masking the level of suffering and death involved in these imports.

It is difficult to obtain detailed information on the import of puppies to the U.S. because of the lack of oversight and documentation, but John Hoffman of the French Bull Dog Rescue Network estimates that at least 5,000 Bulldogs and French Bulldogs are being sold over the Internet and imported into the U.S. annually, and a total of at least 10,000 puppies are imported to the U.S. each year. The Center for Disease Control Office at the Los Angeles International Airport estimates that approximately 600 puppies are received at LAX per month. Most come from former Soviet bloc countries such as Russia, Ukraine, Hungary, Poland, Latvia, and Lithuania.

Our second area of concern regarding dog and cat breeding is the lack of coverage for breeders in the U.S. who sell directly to the public via the Internet or other means. Under the USDA's interpretation of existing federal law, only those breeding operations selling puppies or kittens at wholesale are licensed and inspected. Licensing and inspection not only provides a safeguard for animals to help prevent inhumane treatment, but it also empowers the USDA to take action when animals must be removed from abusive situations. Another critical function of the inspection process is that it provides citizens with basic information regarding cruelty or inhumane treatment at some facilities and patterns of neglect or abuse.

However, under current law, this coverage and protection is denied to the tens of thousands of dogs and cats kept at breeding operations that sell directly to the public. Historically, "retail" operations, those who sell directly to the public with no broker, have been deemed exempt as "pet stores" by the USDA. Ostensibly, the pet store exemption is based on the fact that pet stores aren't breeding animals, so they need not be regulated to ensure humane breeding conditions. Moreover, Congress may have felt that pet stores are open to the public and their conditions are readily apparent to consumers, allowing for informed decision-making, as consumers would notice the effects of chronic abuse and neglect.

Unfortunately, with the advent of the Internet, including its use for commercial purposes, large-scale breeders have taken advantage of this pet store exemption, shifting to a retail-based business using the Internet to sell puppies and kittens and sidestep any federal oversight. As a result, we have witnessed a growing trend in cruelty cases involving breeders who sell their animals over the Internet. Essentially, we have a group of people who are required to play by federal standards when selling animals wholesale, and a growing group of people who play by their own set of rules because of a massive loophole in the law and the regulatory process.

A small sample of these cases reveals a disturbing pattern of neglect and abuse directly traceable to the retail pet store exemption:

- In 2000, a Lyles, Tenn. investigation uncovered 164 dogs kept with no food or water and in squalid conditions at the home of a retail dealer exempt under the pet store provision.
- In Shelby, Mont., a 2002 raid by local officials resulted in the seizure of 171 dogs and 10 cats from an Internet dealer when they were discovered living in four inches of feces, emaciated, dehydrated, and suffering from severe ear infections, intestinal parasites, and malnutrition.
- In 2003, another 250 dogs were discovered in knee-deep feces and crammed together in rabbit hutches at the home of an Internet dog dealer in Union County, N.C.

- In 2004, investigations revealed a retail Internet dealer in Berry, Ky., where 108 dogs were literally covered in feces, had frozen water bowls, and one dog was discovered frozen solid.
- In a 2004 Macomb, Mo. case involving an Internet dealer, 147 live dogs and four dead dogs, all with severely matted fur, were found in dilapidated wire cages, covered in feces, many with eye ailments, hair loss, deafness, blindness, and tumors.
- In 2005, 151 dachshunds and Springer spaniels and one cat were found, many described as “skin and bones” at the home of a retail dealer in Vero Beach, Fl.

None of these operations was subject to the regulatory authority of the USDA under the Animal Welfare Act because these facilities sold their dogs and cats directly to the public, evading coverage through the “retail pet store” exemption. This list will continue to grow until we take action to close this loophole in the Animal Welfare Act. We are deeply disturbed by this new kind of dog breeder – those who breed large numbers of animals and sell them over the Internet.

In most states, there are no laws requiring licensing or inspection of these breeding businesses. Those states that do have laws vary in their coverage and oversight. It is nearly impossible for states to plug the loophole in federal law, given the use of interstate commerce instrumentalities by these businesses. Animals are bred in one state, sold over the Internet, and shipped by air to the pet purchaser several states away. This interstate commerce also makes it nearly impossible for breeders to be held accountable if a puppy becomes ill or dies. Without any inspecting agency to report problems to, these animals and the families who purchase them are left completely unprotected.

The existence of this loophole is a crisis for consumers, as well as for the animals unfortunate enough to be commercially sold through a breeder using the Internet. The HSUS has seen, over the last several years, a substantial increase in the number of cases reported to us from puppy buyers who have purchased a dog over the Internet only to have their puppy become ill or die within weeks of purchase. We receive hundreds of calls from consumers annually, and have been able to document the harm this growing, unregulated business has inflicted on consumers, as well as the animals. Young children who form a close bond with their puppies experience their own form of grief when these animals become sick and die. Some puppies, raised in intense confinement and isolation, are unable to adapt to life in their new home because they have not been properly socialized. Consumers cannot see the first stirrings of disease and behavioral problems in animals purchased over the Internet and only discover these problems after they have lived with a puppy for weeks or months.

Their tragedy is compounded when they feel forced to surrender the animals to a shelter or to euthanize their new pet. Because the breeding business may be located several states away, consumers are often unable to recoup any financial losses for the exorbitant veterinary bills and other expenses related to puppy mill puppies. Local communities bear the brunt of this loophole for Internet breeders when many of these animals are ultimately seized by or surrendered to chronically under-funded municipal shelters or animal control operations. For consumers who are concerned for the welfare of the other dogs and puppies at the breeding business site, based on the condition of their puppy upon arrival, there is often no agency to which they can report their concerns. While The HSUS works to educate puppy buyers about ways to locate reputable breeders who properly care for the dogs they keep and the puppies they raise, there needs to be a government agency available to enforce standards for humane care and handling for all major breeders.

It simply does not make common sense to exempt large breeding businesses because they are employing new and unforeseen technology to evade oversight. Legislation addressing these problems will provide tremendous benefits to consumers, to animal shelters and rescue groups, to the breeding community as a whole, and to the thousands of animals produced annually at commercial breeding facilities.

Class B Dealers

In 1966, public outrage in response to the theft of pets for research and the neglect of laboratory animals led to the passage of what is known today as the Animal Welfare Act (AWA). But over 40 years later, illegally acquired dogs and cats are still being bought by Class B dealers who sell them to laboratories for experimentation. "Random source" dogs and cats are collected from auctions, flea markets, and "bunchers" (unlicensed dealers who gather animals through free-to-good-home ads or outright pet theft) and sell them to Class B dealers. These animals are often handled abusively – exposed to harsh weather extremes, denied sufficient food, water, and veterinary care – and hauled across state lines, making it nearly impossible for their families to find them. The USDA is spending more than \$250 million per year trying to regulate these last 15 dealers who sell random source dogs and cats. Three of these dealers are currently under investigation by the USDA for apparent violations of the AWA. The Pet Safety and Protection Act (H.R. 1280/S. 714), championed by Representatives Mike Doyle (D-PA) and Phil English (R-PA), and by Senator Daniel Akaka (D-HI), would finally put an end to this corrupt activity by prohibiting the sale of random source dogs and cats to laboratories by Class B dealers.

An estimated 90,000 dogs and cats are bought by research laboratories and veterinary schools in the U.S. each year. Approximately 70% of the animals come from breeders (Class A dealers), 20% come from random sources through Class B dealers, and 10% come directly from pounds. At least 31 of the top 50 research universities in the U.S. do not currently use random source dogs and cats for research – many have a strict policy against their use. According to Dr. Robert Whitney, former Director of The National Institutes of Health (NIH) Office of Animal Care and Use:

...the quality of procurement and care of random source animals from Class B dealers creates many problems in the public perception for biomedical research community, and potentially research itself. Despite the small number of animals obtained from these sources, their use portends many more problems than the benefits which might be derived. The continued existence of these virtually unregulatable [sic] Class B dealers erodes the public's confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals. This bill... is a moderate, sensible approach which will continue to provide access to dogs and cats for research..."¹⁰

During Dr. Whitney's 20-year tenure at NIH, random source dogs from Class B dealers were never used in intramural research; this is still the case at NIH.

The Pet Safety and Protection Act prevents stray animals, who may be lost family pets, from ending up in laboratories, and protects companion animals from theft by removing the financial incentive to steal and sell them to research. In no way does this legislation hamper biomedical research, as it preserves the other currently available sources of dogs and cats for research; it does stop unscrupulous individuals from turning quick profits off randomly acquired animals.

In an undercover investigation by Last Chance for Animals¹¹, video footage revealed bunchers admitting to stealing pets in order to sell them to C.C. Baird, one of the nation's most notorious Class B dealers.

¹⁰ Letter from Dr. Robert Whitney to the Members of the U.S. Congress in support of the Pet Safety and Protection Act., June 12, 2006.

¹¹ Video footage obtained at a Trade Day and Flea Market in Ripley, Mississippi. by an investigator hired by Last Chance for Animals, 5/22/2001.

After hundreds of violations of the AWA for fraudulent health records, acquisition of stolen pets, and failure to provide veterinary care or meet even the most basic humane requirements, Baird was fined the largest penalty ever assessed for violations of this law, and shut down permanently. In this investigation, one dealer touted, "I know a few boys that go into rich neighborhoods... they get some of them rich peoples' dogs and they don't even know what happened to 'em," while another admitted, "[W]ell, let's face it, it's not legal, you know. I took stolen dogs to him ...I think well – that could be a child's dog. You know – that could be a pet, ya know... Hey, a buck's a buck."

Random source dogs and cats from Class B dealers are poor subjects for sophisticated modern research. They have not had standardized breeding, care and upbringing, and consequently have an uncertain genetic background, medical history and current condition, and temperament for living in an institutional setting. These circumstances make them poor candidates for medical experiments. Many random source dogs and cats end up in training and educational programs where suitable alternatives are available. There simply is no evidence that the absence of the Class B system would impede education, testing, or research.

Again and again, we hear about inhumane treatment of random source dogs and cats at Class B dealer facilities. The remaining 15 Class B dealers that sell these animals to research continue to be a cause for great concern among animal welfare organizations, and a strain on the USDA's limited resources. The HSUS urges swift consideration of this legislation to finally put an end to this deceptive cruelty.

Animal Welfare Act Amendments

In January, a sales demonstration on a live dog at an Ohio medical center exposed a glaring weakness in the AWA. The dog was induced with an aneurysm so that the surgeon could demonstrate a new medical device. Two dozen of the device manufacturer's salespeople watched the demonstration, and some non-medically trained salespeople participated in the hands-on exercise. According to news reports, the surgeon thought it would be "fun" for the sales representatives to use the device; the exercise had nothing to do with the advancement of medical science. The procedure was repeated several times on the dog, who was later killed. Although the hospital's Institutional Animal Care and Use Committee and the USDA condemned the demonstration, the AWA doesn't expressly prohibit such uses of animals.

Representatives Steve Israel and Mark Kirk have introduced a bill to prohibit the use of live animals in sales demonstrations. Also under this new bill, research institutions that violate the AWA would face maximum fines of \$10,000 (the current maximum fine under the AWA is \$2,500). Fines would also be calculated based on the number of animals affected per violation, rather than just the number of violations. In its September 2005 audit report, the USDA's Office of Inspector General recommended these changes after it determined that many research facilities consider the current penalty system merely a cost of conducting business – and not a strong deterrent to violating the law.

This bill would also reinstate a former requirement, in effect until May 15, 2000, that the USDA provide Congress with an annual report that includes the identities of all USDA-licensed research facilities, exhibitors, and other establishments; the nature and place of all USDA-conducted investigations and inspections, as well as reports received by the USDA from research facilities; recommendations to improve the administration of the AWA; and suggestions concerning air transport of live animals. Congress must have the necessary information to hold the USDA accountable for its enforcement of the AWA.

Conclusion

There is a backlog of reforms needed to improve the lives of animals used for agriculture, the pet trade, and research and testing. Rather than pursuing a piecemeal approach, this Committee, and the entire Congress, should handle these matters in a separate title in the Farm Bill focused on animal welfare. Humane treatment of animals is an important matter to millions of Americans, and the issues I've outlined today would all be important components of comprehensive legislation regarding our nation's animal welfare and agriculture policies. Again, we appreciate the opportunity to offer testimony today and to work with you in developing a bill that achieves much-needed reforms for animal welfare. Thank you.

Curriculum Vitae

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- Current Position** President & Chief Executive Officer
The Humane Society of the United States
- Education** Yale University, New Haven, Connecticut, Bachelor of Arts, 1987
Dual Major: History, Studies in the Environment
- Work Experience** President & Chief Executive Officer, May 2004 - present
The Humane Society of the United States
Manages nation's largest animal protection charity, with 2005 revenues of \$145 million, nine million members and constituents, a staff of 400, and offices throughout the United States and abroad.
- Senior Vice President, Communications and Government Affairs, April 1998 – April 2004
The Humane Society of the United States
Directed publications, public relations, and government affairs for nation's leading animal protection organization. Set legislative and communications agenda for the organization; served as primary spokesperson; represented the organization in Congress, state legislatures, and other public fora.
- Vice President, Government Affairs and Media, April 1994 - March 1998
The Humane Society of the United States
Oversaw government affairs and media relations departments for organization.
- Humane USA PAC, November 1999 – present
Board member
Chairman and co-founder of the first major national political action committee seeking to elect pro-animal candidates. Directs all of the activities of the organization, works on board development and management.
- Executive Director, The Fund for Animals, November 1988 - March 1994
Oversaw entire administrative and program staff for national organization with 200,000 members, worked with national board, developed annual budget, and helped oversee management of Black Beauty Ranch and other animal care facilities. Responsible for directing all campaigns, media, direct mail and legislative priorities. Appeared in thousands of print, radio and television outlets as media spokesperson for the organization.
- Associate Editor, The Animals' Agenda, June 1987 - October 1988
Wrote and edited features, news stories, and book reviews for the national magazine of the animal rights movement.

Instructor, U.S. Fish and Wildlife Service, Refuge Training Academy, 1991,1992.

**Ballot Issue
Campaigns**

major

Floridians for Humane Farms, September 2000 – November 2002

Co-founded statewide committee which qualified and passed a measure to ban gestation crates for pigs. Oversaw the collection of over 600,000 signatures. This was the first

anti-factory farming initiative in the United States. The voters approved the measure with a 55 percent majority.

Protect Pets and Wildlife (Washington), October 1999 - November 2000

Co-founded Washington committee that qualified Initiative 713, restricting the use of inhumane and indiscriminate traps and poisons, for the November 2000 ballot. This statewide campaign raised over \$900,000, and with an all volunteer effort, gathered 250,000 signatures to qualify I-713 for the November 2000 ballot. The voters approved the measure with a 55 percent majority.

Board member, No on 102 Committee, March - November 2000

Led statewide campaign to defeat No on 102 campaign in Arizona. Measure would have imposed a two-thirds majority standard for passage of wildlife protection measures. Siding with animal advocates, voters rejected the measure with a 63 percent "no" vote.

Protect Pets and Wildlife (California), September 1997 - December 1998

Co-founded California committee that qualified Proposition 4, banning trapping and poisoning, for the November 1998 ballot. Oversaw statewide campaign that spent over \$1.5 million and gathered 730,000 signatures. Voters approved Proposition 4 with 58 percent.

Citizens Against Cockfighting, April 1997 - December 1998

Executive committee member of Arizona political committee that qualified Proposition 201, banning cockfighting, for the November 1998 ballot. Oversaw statewide campaign that raised more than \$190,000 and gathered 189,000 signatures. Voters approved Proposition 201 with 68 percent.

California Wildlife Protection Coalition, September 1995 - April 1996

Member of steering committee running the "No on 197" campaign. Proposition 197, to have allowed trophy hunting of cougars in California, was defeated in March 1996 by 58 percent – a win for cougar protection.

Protect Pets and Wildlife (Massachusetts), July 1995 - December 1996

Co-founded Massachusetts committee that qualified Question One, banning trapping, for the November 1996 ballot. Oversaw statewide campaign that spent in excess of \$800,000 and gathered 200,000 signatures. Voters approved the measure, banning trapping and hounding and reforming the Fisheries and Wildlife Board, with 64.3 percent.

Colorado People Allied for Wildlife, June 1995 - December 1996

Helped to direct statewide initiative that qualified Amendment 14, banning trapping and poisoning, for the November 1996 ballot. Voters approved the measure with 52.5 percent.

Washington Wildlife Alliance, May 1995 - December 1996

Co-founder of initiative petition committee that qualified Initiative 655, banning bear baiting and the use of hounds for bears, cougars, and bobcats, for the November 1996 ballot. Oversaw statewide campaign that spent \$400,000 and gathered 240,000 signatures.

Voters approved the measure with 63 percent.

Oregon Bear and Cougar Coalition, August 1993 - December 1997

Co-founded Oregon political committee that qualified Measure 18, banning bear baiting and the hounding of bears and cougars, for the November 1994 ballot. Oversaw all phases of statewide campaign that spent \$300,000 and gathered 90,000 signatures. Voters approved the measure with 52.5 percent.

Oversaw statewide campaign to defeat Measure 34 on the November 1996 ballot. Measure 34 sought to overturn Measure 18. Oversaw campaign that raised \$365,000 and garnered 58 percent of the vote.

Coloradoans United for Bears, December 1991 - November 1992

Co-founded Colorado political committee that qualified Amendment 10, banning spring, bait, and hound hunting of black bears, for the November 1992 ballot. Oversaw statewide campaign that raised more than \$125,000 and amassed 80,000 signatures. Voters approved the measure with 70 percent.

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S. 1139, A Discussion of the Pet Animal Welfare Statute, November 8, 2005.

Before the Subcommittee on Fisheries Conservation, Wildlife and Oceans of the U.S. House Resources Committee. H.R. 1006, to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species and H.R. 1472, to require the adoption and enforcement of regulations to prohibit the intentional feeding of bears on Federal public lands in order to end the hunting practice known as "bear baiting" and reduce the number of dangerous interactions between people and bears, June 12, 2003.

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Before the Subcommittee on Crime of the U.S. House Committee on the Judiciary on H.R. 1202, the Captive Exotic Animal Protection Act of 1995, April 25, 1996.

Associations

Board member, Foundation for the Advancement of Veterinary Research
Board Member, Wildlife Land Trust
Board Member, Humane Society International
Board member, Humane USA
Board member (former), The Animals' Agenda
Advisory board member, Captive Wild Animal Protection Coalition
Advisory board member, Grey2K USA
Advisory board member, Initiative and Referendum Institute
Advisory board member, Kimya Sanctuary

Awards

Non-Profit Times Executive of the Year, 2005

**Committee on Agriculture
U.S. House of Representatives
Required Witness Disclosure Form**

House Rules require nongovernmental witnesses to disclose the amount and Source of Federal grants received since October 1, 2004.

Name: Wayne Pacelle

Address: The Humane Society of the United States, 2100 L Street NW, Washington, DC 20037

Telephone: 202-452-1100

Organization you represent (if any): The Humane Society of the United States

1. Please list any federal grants or contracts (including subgrants and subcontracts) you have received since October 1, 2004, as well as the source and the amount of each grant or contract. House Rules do **NOT** require disclosure of federal payments to individuals, such as Social Security or Medicare benefits, farm program payments, or assistance to agricultural producers:

None.

2. If you are appearing on behalf of an organization, please list any federal grants or contracts (including subgrants and contracts) the organization has received since October 1, 2004, as well as the source and the amount of each grant or contract:

Source:	USAID	Amount:	\$434,909
Source:	USAID	Amount:	\$9,698
Source:	US Department of State	Amount:	\$95,000
Source:	US Department of State	Amount:	\$150,000
Source:	US Department of State	Amount:	\$100,000
Source:	US Department of State	Amount:	\$300,000

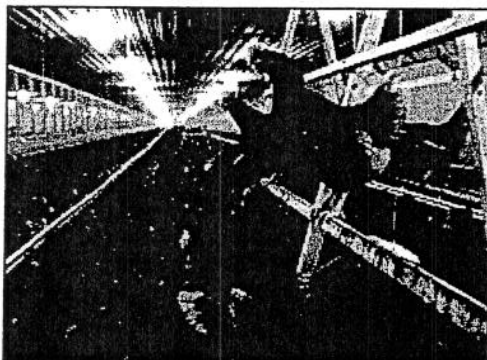
Please check here if this form is NOT applicable to you:

Signature: _____

Wayne Pacelle



Cage-free hens pushed to rule roost



Updated 4/10/2006 8:49 PM ET

By Elizabeth Weise, USA TODAY

When the Easter Bunny comes hop-hop-hopping along this year, he may be carrying something a little different in his basket.

A wave of colleges and universities, along with big-name employers such as America Online, food-service purveyors, restaurants and even high schools, have either eliminated or reduced their use of eggs from caged hens.

Egged on by a yearlong campaign by the Humane Society of the United States, colleges and universities that have instituted the policy include Yale, Tufts, Dartmouth, Vassar and the University of Wisconsin. Another 80 schools made the switch when food service company Bon Appétit Management, which supplies their dining halls, went cage-free last October.

"The quality of life of a cage-free hen is so much better than the quality of life of a battery-cage hen that this campaign is meant to move the industry in that direction," says Paul Shapiro of the Humane Society.

In conventional egg production, hens live in what are called battery cages. In this case, the word "battery" means "array," as in a stack of cages that can be as much as two stories high.

There are about six hens to a cage, and each hen get up to 67 square inches of floor space, about 3/4 of a sheet of notebook paper, says Mitch Head of the United Egg Producers.

Definitions of humane

The industry group does not agree that cage-free is more humane. Conveyor belts carry away manure twice a day, and fans keep the air fresh, Head says.

The birds "all are able to feed at the same time, they all are able to drink water at the same time. They're able to stretch their wings, but they're not able to dust bathe. ... Scratching is something they're not able to do in the cages, but that's basically just to keep their claws shortened," Head says.

Animal rights groups say hens need to scratch and dust bathe, which is filling spaces between their feathers with dust to ward off insects.

An underlying goal of the campaign against eggs from caged hens is to create a flock of graduates who will automatically reach for eggs from cage-free or free-range hens. These eggs are more expensive than eggs from caged hens.

Cage-free hens have the run of an indoor space.

"A rule of thumb is that you need at least four to six times the space to have the cage-free hens," says David Radlo of Radlo Foods, a major East Coast egg producer based in Watertown, Mass.

And cage-free eggs are cracking out of the granola-and-sprouts crowd to show up in supermarkets, restaurants and schools across the nation. "My cage-free are going up 10% to 20% a year. They just keep on increasing," Radlo says.

Free-range hens have access to the outdoors, from a space as big as a yard to as little as a porch.

Not that the hens actually want to go outside, says Michael Sencer of Hidden Villa Ranch, an egg distributor in Fullerton, Calif., that does about \$125 million a year worth of business. "Most don't. They are very squeamish birds; they're very defenseless. They know they have predators out there."

So even that egg-savvy bunny himself might be a little confused about the choices on store shelves.

It's not just the hens that are different; it's the eggs themselves.

Conventional, cage-free and free-range eggs jostle for shelf-space in America's supermarkets with eggs that are touted as either organic, high in omega-3 fatty acids or brown. And the specialty eggs are winning, despite prices that can be as much as \$3.00 a dozen higher than conventional white eggs.

Overall U.S. egg sales dropped from 2.02 billion dozen in the 52 weeks ending March 2002 to 1.84 billion dozen in the 52 weeks ending March 2006, an 8.6% decrease over the past four years, according to ACNielsen.

Specialty eggs popular

Sales of organic eggs per dozen went up 32% during those four years.

Sales of eggs from hens fed a special diet to decrease their eggs' cholesterol and increase heart-healthy omega-3 fatty acids almost doubled in that period, as did eggs labeled "natural," although the term has no regulated meaning. Even brown eggs, which are exactly the same as white eggs except for their color, were up 23%.

In the pecking order of eggs, names aren't all they're cracked up to be. As far as the Department of Agriculture is concerned, all eggs are "natural."

Low cholesterol and high omega-3 eggs are better nutritionally, but experts say most people don't eat enough eggs for it to make a huge difference in their diet.

Organic, cage-free eggs are among the most expensive. Under federal organic rules, the hens must be housed cage-free with access to the outdoors and fed only certified organic vegetarian feed.

"The cost of feeding organic is a huge difference compared to the difference of feeding cage free," says Tony Dryak, president of Farmers Organic Foods in Alma Center, Wis., and head of the Cage Free Coalition.

However much they cost, enjoy them while you can. If avian influenza hits the USA, the USDA could require that all outdoor chickens be brought inside to keep them away from possible contagions.

The New York Times

Burger King Shifts Policy on Animals

By ANDREW MARTIN

March 28, 2007

In what animal welfare advocates are describing as a “historic advance,” Burger King, the world’s second-largest hamburger chain, said yesterday that it would begin buying eggs and pork from suppliers that did not confine their animals in cages and crates.

The company said that it would also favor suppliers of chickens that use gas, or “controlled-atmospheric stunning,” rather than electric shocks to knock birds unconscious before slaughter. It is considered a more humane method, though only a handful of slaughterhouses use it.

The goal for the next few months, Burger King said is for 2 percent of its eggs to be “cage free,” and for 10 percent of its pork to come from farms that allow sows to move around inside pens, rather than being confined to crates. The company said those percentages would rise as more farmers shift to these methods and more competitively priced supplies become available.

While Burger King’s initial goals may be modest, food marketing experts and animal welfare advocates said yesterday that the shift would put pressure on other restaurant and food companies to adopt similar practices.

“I think the whole area of social responsibility, social consciousness, is becoming much more important to the consumer,” said Bob Goldin, executive vice president of Technomic, a food industry research and consulting firm. “I think that the industry is going to see that it’s an increasing imperative to get on that bandwagon.”

Wayne Pacelle, president and chief executive of the Humane Society of the United States, said Burger King’s initiatives put it ahead of its competitors in terms of animal welfare.

“That’s an important trigger for reform throughout the entire industry,” Mr. Pacelle said.

Burger King’s announcement is the latest success for animal welfare advocates, who were once dismissed as fringe groups, but are increasingly gaining mainstream victories.

Last week, the celebrity chef Wolfgang Puck announced that the meat and eggs he used would come from animals raised under strict animal welfare codes. And in January, the world’s largest pork processor, Smithfield Foods, said it would phase out confinement of pigs in metal crates over the next decade.

Some city and state governments have banned restaurants from serving foie gras and have prohibited farmers from confining veal calves and pigs in crates.

Temple Grandin, an animal science professor at Colorado State University, said Smithfield's decision to abandon crates for pregnant sows had roiled the pork industry. That decision was brought about in part by questions from big customers like McDonald's, the world's largest hamburger chain, about its confinement practices.

"When the big boys move, it makes the entire industry move," said Ms. Grandin, who serves on the animal welfare task forces for several food companies, including McDonald's and Burger King. Burger King's decision is somewhat at odds with the rebellious, politically incorrect image it has cultivated in recent years.

Its commercials deride "chick food" and encourage a more-is-more approach to eating with its turbo-strength coffee, its enormous omelet sandwich, and a triple Whopper with cheese.

Burger King officials said the move was driven by their desire to stay ahead of consumer trends and to encourage farmers to move into more humane egg and meat production.

"We want to be doing things long before they become a concern for consumers," said Steven Grover, vice president for food safety, quality assurance and regulatory compliance. "Like a hockey player, we want to be there before the puck gets there."

Mr. Grover said the company would not use the animal welfare initiatives in its marketing. "I don't think it's something that goes to our core business," he said.

Beef cows were not included in the new animal welfare guidelines because, unlike most laying hens and pigs, they continue to be raised outdoors. Burger King already has animal welfare standards for cow slaughter, he said.

The changes were made after discussions with the Humane Society and People for the Ethical Treatment of Animals, known as PETA.

PETA, in particular, has started a series of high-profile campaigns to pressure fast-food companies to change their animal welfare practices, including a "Murder King" campaign that ended in 2001 when Burger King agreed to improve its animal welfare standards to include, among other things, periodic animal welfare audits.

Since that time, PETA officials said they had met periodically with Burger King officials to encourage them to adopt tougher standards. About a year ago, the Humane Society began its own efforts to encourage Burger King to improve its farm animal standards.

Mr. Grover said his company listened to suggestions from both groups, but ultimately relied on the advice of its animal welfare advisory board, which was created about six years ago and includes academics, an animal welfare advocate, an executive of Tyson Foods and Burger King officials.

"Where we think we can support what our animal advisers think is right, we do it," Mr. Grover said.

The changes apply to Burger King suppliers in North America and Canada, where the chain purchases more than 40 million pounds of eggs a year and 35 million pounds of pork, he said.

A reason that such a small percentage of purchases will meet the new guidelines is a lack of supply, Mr. Grover said. Burger King plans to more than double its cage-free purchases by the end of this year, to 5 percent of the total, and will also double its purchases of pork from producers who do not use crates, to 20 percent.

The cage-free eggs and crate-free pork will cost more, although it is not clear exactly how much because Burger King is still negotiating prices, Mr. Grover said. Prices of food at Burger King restaurants will not be increased as a result, he said.

Most laying hens in the United States are raised in "battery cages," which are usually stacked on top of each other three to four cages high. Sows, during their pregnancies, are often kept in gestation crates, which are 24 inches across and 7 feet long.

Matt Prescott, PETA's manager for factory farm campaigns, argued that both confinement systems were filthy and cruel because the animals could barely move and were prone to injury and psychological stress.

Under Burger King's initiative, laying hens would be raised in buildings where they would be able to wander around. Similarly, sows would be raised indoors, most likely in pens where they would be able to move freely.

"This is not free range, but simply having some room to move around inside a controlled environment," Mr. Grover said.

While converting barns for crate-free sows is relatively simple, Ms. Grandin said it was much more difficult and expensive to raise cage-free hens because not nearly as many birds fit in one building.

Burger King officials say they hope that by promoting controlled-atmosphere stunning, more slaughterhouses will adopt the technology. Currently, there are only a few in the United States using the technique, and most of them process turkeys.

The New York Times

Celebrity Chef Announces Strict Animal-Welfare Policy

By KIM SEVERSON

March 22, 2007

Wolfgang Puck, the Los Angeles chef whose culinary empire ranges from celebrity dinners at Spago to a line of canned soups, said yesterday that he would use eggs and meat only from animals raised under strict humane standards.

With the announcement, Mr. Puck has joined a small group of top chefs around the country who refuse to serve foie gras, the fattened liver of ducks and geese. But Mr. Puck, working with the Humane Society of the United States, has taken his interest in animal welfare beyond ducks.

He has directed his three companies, which together fed more than 10 million people in 2006, to buy eggs only from chickens not confined to small cages. Veal and pork will come from farms where animals are not confined in crates, and poultry meat will be bought from farmers using animal welfare standards higher than those put forth by the nation's largest chicken and turkey producers. Mr. Puck has also vowed to use only seafood whose harvest does not endanger the environment or deplete stocks.

"We decided about three months ago to be really much more socially responsible," he said in a telephone interview from Los Angeles. "We feel the quality of the food is better, and our conscience feels better."

Many chefs at high-end restaurants, some smaller food-service chains and grocery chains like Whole Foods have refused to buy meat and eggs unless animals are raised under certain conditions. In 2000, McDonald's became the first American food company to impose minimum animal-welfare standards, like increasing cage size, on its egg producers. But Mr. Puck's program goes much further than most corporate animal-welfare policies, and he is the flashiest culinary name yet to join with animal rights groups in the movement to change farming practices.

Mr. Puck's ventures include 14 fine-dining restaurants mostly on the West Coast. The flagship is Spago in Los Angeles, which helped him become the nation's first celebrity chef. He also runs more than 80 Gourmet Express restaurants, many of which are in airports, and sells frozen pizza,

soups, kitchen cookware and cookbooks. Mr. Puck estimated his companies' value at \$360 million.

Since 2002, at least one animal-rights activist group has tried to persuade Mr. Puck to stop using foie gras from ducks that are force fed extra amounts of grain to fatten their livers and veal from calves chained to small crates and fed a liquid diet to keep their flesh white and tender.

The group, Farm Sanctuary, protested in front of Spago and started a Web site called wolfgangpuckcruelty.org, which has since been taken down. Mr. Puck dismissed those efforts and said he decided to make the change as a result of a few trips to large-scale farms, discussions with the Humane Society and a desire to mark his 25 years in the business with something more significant than the kinds of big parties he is used to holding for the Oscars.

"I have been telling people we have to stand for something for the next 25 years," he said. "It's time for us to make a statement and a time for us to see how we treat what we eat."

Mr. Puck said prices would increase only a few percentage points on some items.

As many as 98 percent of eggs come from chickens kept in banks of small cages to facilitate mass production, said Diane Storey, a spokeswoman for United Egg, which represents most major egg producers. She and Richard Lobb, a spokesman for the National Chicken Council, which represents major producers of chickens for meat, said their groups had science-based animal welfare certification programs that used humane and ethical guidelines.

"We applaud the fact that he sells a whole lot of chickens," Mr. Lobb said. "But we think our program is very progressive and he should look at ours before he goes off with the Humane Society."

Ben & Jerry's will switch to cage-free eggs

Victoria Welch

September 27, 2006 Section: News Edition: 01 Page: 01A

Ben & Jerry's Homemade Inc. announced Tuesday that it is the first U.S. national food manufacturer to pledge to use only "certified humane" cage-free eggs in its products. Company officials said the Vermont company plans to begin a four-year plan to transition to cage-free egg use in January.

The announcement came about a month and a half after a national animal protection organization spoke out against Ben & Jerry's, claiming the ice cream maker bought eggs produced by hens cooped in tight cages. That practice, according to the Humane Society of the United States, belied Ben & Jerry's reputation as a leader in adopting socially and environmentally conscious business practices.

Walt Freese, Ben & Jerry's CEO, said Monday that company officials and employees were ready to embrace the cage-free approach.

"We're very excited to reach the point where we can make this commitment," Freese said. "Ben and Jerry started the tradition and we're trying to uphold it."

Paul Shapiro, spokesman for the Washington, D.C.-based Humane Society of the United States, said his organization was thrilled with the announcement.

"Ben & Jerry's is a company known for its socially responsible decisions, so we didn't have much doubt that it would come around and take the steps that it is taking," Shapiro said. "We want to enthusiastically applaud the company."

Until August, Ben & Jerry's purchased the eggs used in its ice cream and frozen yogurt products from Michael Foods Inc., a Minnesota food service company. That month, the Humane Society released a report that outlined an undercover investigation of Michael Foods hen-care practices. The organization said it found that hens died of dehydration and starvation, that dead birds were kept in cages with live ones and that the cages were too small for birds to spread their wings.

Shortly thereafter, Ben & Jerry's announced plans to sever ties with Michael Foods. Freese said at the time that the company would use eggs from producers that met industry standards set by the United Egg Producers while it determined whether to take a cage-free approach.

Rob Michalak, Ben & Jerry's director of social mission, said Monday that egg yolks produced from cage-free hens will begin to be used in Ben & Jerry's recipes in January. Egg producers receive the "certified humane" designation by Humane Animal Farm Care, a Virginia organization that examines animal treatment on farms.

Animals and their living conditions are inspected for clean and sufficient food and water supplies, protection from weather, space allotment and health. Farms must enroll in the Humane Animal Farm Care program to be considered and inspected.

Ben & Jerry's 28-year history is marked by social awareness and environmental consciousness. The company spoke out in 1989 against the use of bovine growth hormone, citing concerns about economic impacts on family farms. Ben & Jerry's ice cream produced in the United Kingdom already uses eggs from cage-free hens.

The company was purchased by Anglo-Dutch corporation Unilever for \$326 million in 2000.

Contact Victoria Welch at 651-4849 or vwelch@bfp.burlingtonfreepress.com

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Date: 12 June 2006

To: Members of the U.S. Congress

From: Robert A. Whitney, DVM
Former Deputy Surgeon General/Acting Surgeon General
U.S. Public Health Service

Subject: Testimony in Support of the Pet Safety and Protection Act

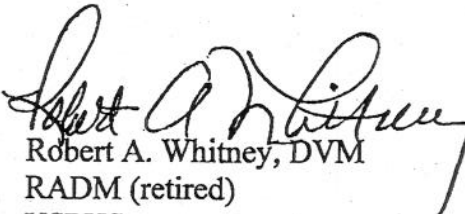
Thank you for the opportunity to express support for proposed legislation, the Pet Safety and Protection Act, prohibiting "Class B Dealers" from selling random source dogs and cats for use in research – and explain my reasons for doing so.

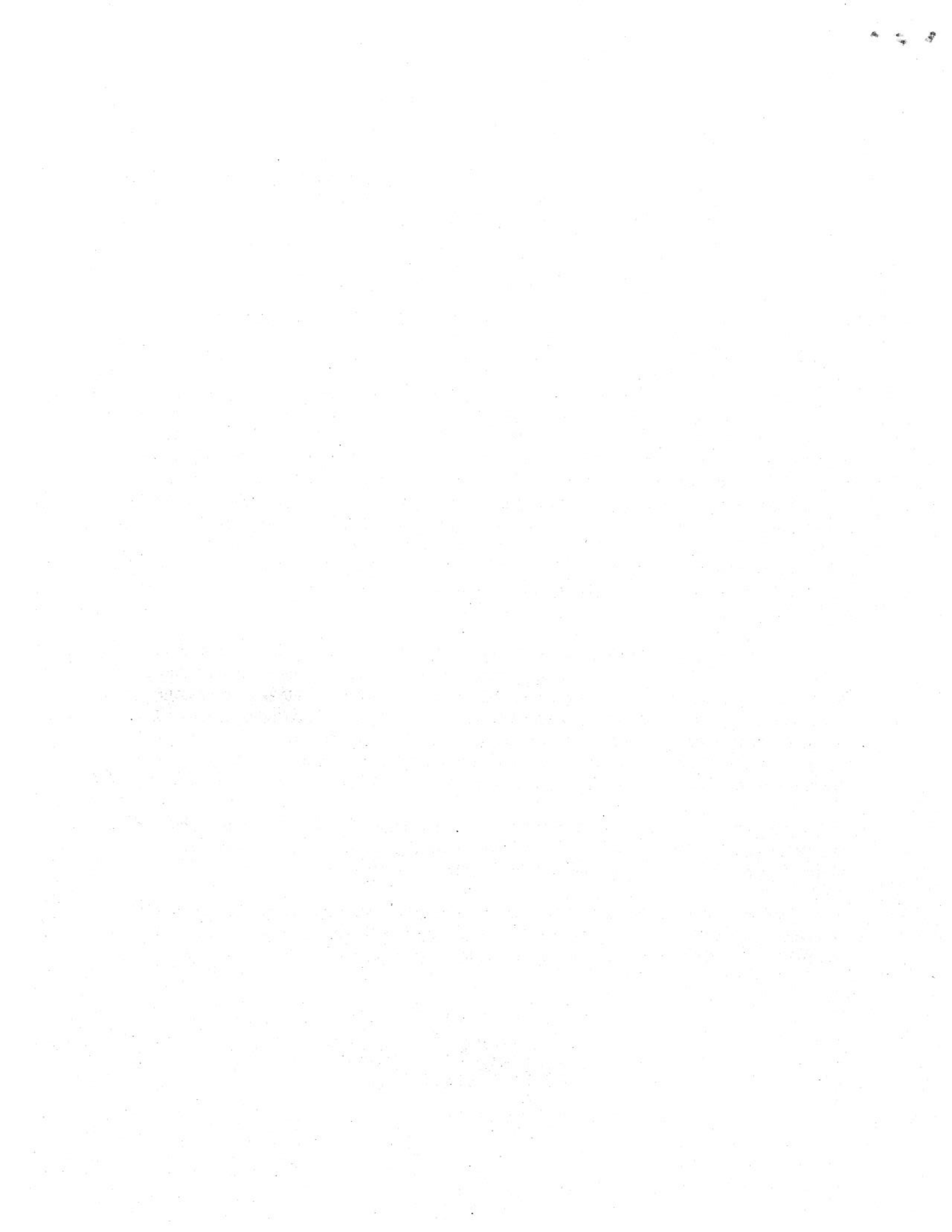
I have an extensive background in this and other issues of public concern about the procurement and use of animals for biomedical research. Before becoming Deputy Surgeon General in 1992, I served as Director, National Center for Research Resources (NCRR) of the National Institutes of Health (NIH). From 1972-1992, I was responsible for production, procurement, and care of animals used in NIH intramural research. I also served as chairperson of the NIH Animal Care and Use Committee, Chairman of the U.S. Government Interagency Research Animal Committee (IRAC), and Director, NIH Office of Animal Care and Use. Though there was no formal written policy at NIH during my 20 year tenure, dogs from Class B dealers, otherwise known as random source dogs, were never used. To my knowledge, that is still the case at NIH.

For over 25 years I was also involved in the development and updating of most of the federal policies and regulations governing appropriate care, use, and welfare of animals used in biomedical research. This experience led me and many of my colleagues to believe that our inability to guarantee the quality of procurement and care of random source animals from Class B dealers creates many problems in public perception for the biomedical research community, and potentially in the research itself. Despite the small number of animals obtained from these sources, their use portends many more problems than the benefits which might be derived.

The continued existence of these virtually unregulatable Class B dealers erodes the public confidence in our commitment to appropriate procurement, care, and use of animals in the important research to better the health of both humans and animals.

This bill, the Pet Safety and Protection Act, is a moderate, sensible approach which will continue to provide access to dogs and cats for research, while helping allay our public benefactors' concerns about research animal procurement and care.


Robert A. Whitney, DVM
RADM (retired)
USPHS



MAY 23, 2005

The American Conservative

TORTURE ON THE FARM

**Why Conservatives
Should Care About
Animal Cruelty**

Inside

**Social Security Shell Game
Making Families Public Property**

[cruel & unusual]

Fear Factories

The case for compassionate conservatism—for animals

By Matthew Scully

A FEW YEARS AGO I began a book about cruelty to animals and about factory farming in particular, problems that had been in the back of my mind for a long while. At the time I viewed factory farming as one of the lesser problems facing humanity—a small wrong on the grand scale of good and evil but too casually overlooked and too glibly excused.

This view changed as I acquainted myself with the details and saw a few typical farms up close. By the time I finished the book, I had come to view the abuses of industrial farming as a serious moral problem, a truly rotten business for good reason passed over in polite conversation. Little wrongs, when left unattended, can grow and spread to become grave wrongs, and precisely this had happened on our factory farms.

The result of these ruminations was *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy*. And though my tome never quite hit the bestseller lists, there ought to be some special literary prize for a work highly recommended in both the *Wall Street Journal* and *Vegetarian Teen*. When you enjoy the accolades of PETA and *Policy Review*, Deepak Chopra and Gordon Liddy, Peter Singer and Charles Colson, you can at least take comfort in the diversity of your readership.

The book also provided an occasion for fellow conservatives to get beyond

their dislike for particular animal-rights groups and to examine cruelty issues on the merits. Conservatives have a way of dismissing the subject, as if where animals are concerned nothing very serious could ever be at stake. And though it is not exactly true that liberals care more about these issues—you are no more likely to find reflections or exposés concerning cruelty in *The Nation* or *The New Republic* than in any journal of the Right—it is assumed that animal-protection causes are a project of the Left, and that the proper conservative position is to stand warily and firmly against them.

I had a hunch that the problem was largely one of presentation and that by applying their own principles to animal-welfare issues conservatives would find plenty of reasons to be appalled. More to the point, having acknowledged the problems of cruelty, we could then support reasonable remedies. Conservatives, after all, aren't shy about discouraging on moral standards or reluctant to translate the most basic of those standards into law. Setting aside the distracting rhetoric of animal rights, that's usually what these questions come down to: what moral standards should guide us in our treatment of animals, and when must those standards be applied in law?

Industrial livestock farming is among a whole range of animal-welfare concerns that extends from canned trophy-

hunting to whaling to product testing on animals to all sorts of more obscure enterprises like the exotic-animal trade and the factory farming of bears in China for bile believed to hold medicinal and aphrodisiac powers. Surveying the various uses to which animals are put, some might be defensible, others abusive and unwarranted, and it's the job of any conservative who attends to the subject to figure out which are which. We don't need novel theories of rights to do this. The usual distinctions that conservatives draw between moderation and excess, freedom and license, moral goods and material goods, rightful power and the abuse of power, will all do just fine.

As it is, the subject hardly comes up at all among conservatives, and what commentary we do hear usually takes the form of ridicule directed at animal-rights groups. Often conservatives side instinctively with any animal-related industry and those involved, as if a thing is right just because someone can make money off it or as if our sympathies belong always with the men just because they are men.

I had an exchange once with an eminent conservative columnist on this subject. Conversation turned to my book and to factory farming. Holding his hands out in the "stop" gesture, he said, "I don't want to know." Granted, life on the factory farm is no one's favorite subject, but conservative writers often have

to think about things that are disturbing or sad. In this case, we have an intellectually formidable fellow known to millions for his stern judgments on every matter of private morality and public policy. Yet nowhere in all his writings do I find any treatment of any cruelty issue, never mind that if you asked him he would surely agree that cruelty to animals is a cowardly and disgraceful sin.

a collapse in ethical standards, and only in such an atmosphere could Lockwood have found inspiration for this latest innovation—denying wild animals the last shred of respect. Under the laws of Texas and other states, Lockwood and others in his business use all sorts of methods once viewed as shameful: baits, blinds, fences to trap hunted animals in

As is invariably the case in animal-rights issues, what we're really looking for are safeguards against cruel and presumptuous people. We are trying to hold people to their obligations, people who could spare us the trouble if only they would recognize a few limits on their own conduct.

Conservatives like the sound of "obligation" here, and those who reviewed *Dominion* were relieved to find me arguing more from this angle than from any notion of rights. "What the PETA crowd doesn't understand," Jonah Goldberg wrote, "or what it deliberately confuses, is that human compassion toward animals is an obligation of humans, not an entitlement for animals." Another commentator put the point in religious terms: "[W]e have a moral duty to respect the animal world as God's handiwork, treating animals with 'the mercy of our Maker' ... But mercy and respect for animals are completely different from rights for animals—and we should never confuse the two." Both writers confessed they were troubled by factory farming and concluded with the uplifting thought that we could all profit from further reflection on our obligation of kindness to farm animals.

The only problem with this insistence on obligation is that after a while it begins to sound like a hedge against actually being held to that obligation. It leaves us with a high-minded attitude but no accountability, free to act on our obligations or to ignore them without consequences, personally opposed to cruelty but unwilling to impose that view on others.

Treating animals decently is like most obligations we face, somewhere between the most and the least important, a modest but essential requirement to living with integrity. And it's not a good sign when arguments are constantly turned to precisely how much is mandatory and how much, therefore, we can manage to avoid.

AFFLUENT HUNTERS UNWIND BY SHOOTING CAGE-REARED PHEASANTS AND OTHER BIRDS, FIRING AWAY AS THE FOWL OF THE AIR ARE RELEASED BEFORE THEM LIKE SKEET, WITH NO LIMIT ON THE DAY'S KILL.

And when the subject is cruelty to farmed animals—the moral standards being applied in a fundamental human enterprise—suddenly we're in forbidden territory and "I don't want to know" is the best he can do. But don't we have a responsibility to know? Maybe the whole subject could use his fine mind and his good heart.

As for the rights of animals, rights in general are best viewed in tangible terms, with a view to actual events and consequences. Take the case of a hunter in Texas named John Lockwood, who has just pioneered the online safari. At his canned-hunting ranch outside San Antonio, he's got a rifle attached to a camera and the camera wired up to the Internet, so that sportsmen going to Live-shot.com will actually be able to fire at baited animals by remote control from their computers. "If the customer were to wound the animal," explains the *San Antonio Express-News*, "a staff person on site could finish it off." The "trophy mounts" taken in these heroics will then be prepared and shipped to the client's door, and if it catches on Lockwood will be a rich man.

Very much like animal farming today, the hunting "industry" has seen

ranches that advertise a "100-percent-guaranteed kill." Affluent hunters like to unwind by shooting cage-reared pheasants, ducks, and other birds, firing away as the fowl of the air are released before them like skeet, with no limit on the day's kill. Hunting supply stores are filled with lures, infrared lights, high-tech scopes, and other gadgetry to make every man a marksman.

Lockwood doesn't hear anyone protesting those methods, except for a few of those nutty activist types. Why shouldn't he be able to offer paying customers this new hunting experience as well? It is like asking a smut-peddler to please have the decency to keep children out of it. Lockwood is just one step ahead of the rest, and there is no standard of honor left to stop him.

First impressions are usually correct in questions of cruelty to animals, and here most of us would agree that Live-shot.com does not show our fellow man at his best. We would say that the whole thing is a little tawdry and even depraved, that the creatures Lockwood has "in stock" are not just commodities. We would say that these animals deserve better than the fate he has in store for them.

If one is using the word "obligation" seriously, moreover, then there is no practical difference between an obligation on our end not to mistreat animals and an entitlement on their end not to be mistreated by us. Either way, we are required to do and not do the same things. And either way, somewhere down the logical line, the entitlement would have to arise from a recognition of the inherent dignity of a living creature. The moral standing of our fellow creatures may be humble, but it is absolute and not something within our power to confer or withhold. All creatures sing their Creator's praises, as this truth is variously expressed in the Bible, and are dear to Him for their own sakes.

A certain moral relativism runs through the arguments of those hostile or indifferent to animal welfare—as if animals can be of value only for our sake, as utility or preference decrees. In practice, this outlook leaves each person to decide for himself when animals rate moral concern. It even allows us to accept or reject such knowable facts about animals as their cognitive and emotional capacities, their conscious experience of pain and happiness.

Elsewhere in contemporary debates, conservatives meet the foe of moral relativism by pointing out that, like it or not, we are all dealing with the same set of physiological realities and moral truths. We don't each get to decide the facts of science on a situational basis. We do not each go about bestowing moral value upon things as it pleases us at the moment. Of course, we do not decide moral truth at all: we discern it. Human beings in their moral progress learn to appraise things correctly, using reasoned moral judgment to perceive a prior order not of our devising.

C.S. Lewis in *The Abolition of Man* calls this "the doctrine of objective value, the belief that certain attitudes

are really true, and others really false, to the kind of thing the universe is and the kind of things we are." Such words as honor, piety, esteem, and empathy do not merely describe subjective states of mind, Lewis reminds us, but speak to objective qualities in the world beyond that merit those attitudes in us. "[T]o call children delightful or old men venerable," he writes, "is not simply to record a psychological fact about our own parental or filial emotions at the moment, but to recognize a quality which *demand*s a certain response from us whether we make it or not."

This applies to questions of cruelty as well. A kindly attitude toward animals is not a subjective sentiment; it is the correct moral response to the objective value of a fellow creature. Here, too, rational and virtuous conduct consists in giving things their due and in doing so consistently. If one animal's pain—say, that of one's pet—is real and deserving of sympathy, then the pain of essentially identical animals is also meaningful, no

or help injured wildlife or donate to animal charities, those are fine things to do, but no one says you should be compelled to do them. Refraining from cruelty to animals is a different matter, an obligation of justice not for us each to weigh for ourselves. It is not simply unkind behavior, it is unjust behavior, and the prohibition against it is non-negotiable. Proverbs reminds us of this—"a righteous man regardeth the life of his beast, but the tender mercies of the wicked are cruel"—and the laws of America and of every other advanced nation now recognize the wrongfulness of such conduct with our cruelty statutes. Often applying felony-level penalties to protect certain domestic animals, these state and federal statutes declare that even though your animal may elsewhere in the law be defined as your property, there are certain things you may not do to that creature, and if you are found harming or neglecting the animal, you will answer for your conduct in a court of justice.

A CERTAIN MORAL RELATIVISM RUNS THROUGH THE ARGUMENTS OF THOSE HOSTILE OR INDIFFERENT TO ANIMAL WELFARE—AS IF ANIMALS CAN BE OF VALUE ONLY FOR OUR SAKE, AS UTILITY OR PREFERENCE DECREES.

matter what conventional distinctions we have made to narrow the scope of our sympathy. If it is wrong to whip a dog or starve a horse or bait bears for sport or grossly abuse farm animals, it is wrong for all people in every place.

The problem with moral relativism is that it leads to capriciousness and the despotic use of power. And the critical distinction here is not between human obligations and animal rights, but rather between obligations of charity and obligations of justice.

Active kindness to animals falls into the former category. If you take in strays

There are various reasons the state has an interest in forbidding cruelty, one of which is that cruelty is degrading to human beings. The problem is that many thinkers on this subject have strained to find indirect reasons to explain why cruelty is wrong and thereby to force animal cruelty into the category of the victimless crime. The most common of these explanations asks us to believe that acts of cruelty matter only because the cruel person does moral injury to himself or sullies his character—as if the man is our sole concern and the cruelly treated animal is entirely incidental.

Once again, the best test of theory is a real-life example. In 2002, Judge Alan Glenn of Tennessee's Court of Criminal Appeals heard the case of a married couple named Johnson, who had been found guilty of cruelty to 350 dogs lying sick, starving, or dead in their puppy-mill kennel—a scene videotaped by police. Here is Judge Glenn's response to their supplications for mercy:

The victims of this crime were animals that could not speak up to the unbelievable conduct of Judy Fay Johnson and Stanley Paul Johnson that they suffered. Several of the dogs have died and most had physical problems such as intestinal worms, mange, eye problems, dental problems and emotional problems and socialization problems Watching this video of the conditions that these dogs were subjected to was one of the most deplorable things this Court has observed. . . .

[T]his Court finds that probation would not serve the ends of justice, nor be in the best interest of the public, nor would this have a deterrent effect for such gross behavior. . . . The victims were particularly vulnerable. You treated the victims with exceptional cruelty. . . .

There are those who would argue that you should be confined in a house trailer with no ventilation or in a cell three-by-seven with eight or ten other inmates with no plumbing, no exercise and no opportunity to feel the sun or smell fresh air. However, the courts of this land have held that such treatment is cruel and inhuman, and it is. You will not be treated in the same way that you treated these helpless animals that you abused to make a dollar.

Only in abstract debates of moral or legal theory would anyone quarrel with Judge Glenn's description of the animals as "victims" or deny that they were entitled to be treated better. Whether we call this a "right" matters little, least of all to the dogs, since the only right that any animal could possibly exercise is the right to be free from human abuse, neglect, or, in a fine old term of law, other "malicious mischief." What matters most is that prohibitions against human cruelty be hard and binding. The sullied souls of the Johnsons are for the Johnsons to worry about. The business of justice is to punish their offense and to protect the creatures from human wrongdoing. And in the end, just as in other matters of morality and justice, the interests of man are served by doing the right thing for its own sake.

There is only one reason for condemning cruelty that doesn't beg the question of exactly why cruelty is a wrong, a vice, or bad for our character: that the act of cruelty is an intrinsic evil. Animals cruelly dealt with are not just things, not just an irrelevant detail in some self-centered moral drama of our own. They matter in their own right, as they matter to their Creator, and the wrongs of cruelty are wrongs done to them. As *The Catholic Encyclopedia* puts this point, there is a "direct and essential sinfulness of cruelty to the animal world, irrespective of the results of such conduct on the character of those who practice it."

Our cruelty statutes are a good and natural development in Western law, codifying the claims of animals against human wrongdoing, and, with the wisdom of men like Judge Glenn, asserting those claims on their behalf. Such statutes, however, address mostly random or wanton acts of cruelty. And the persistent animal-welfare questions of our day center on institutional cruelties—on the vast and systematic mis-

treatment of animals that most of us never see.

Having conceded the crucial point that some animals rate our moral concern and legal protection, informed conscience turns naturally to other animals—creatures entirely comparable in their awareness, feeling, and capacity for suffering. A dog is not the moral equal of a human being, but a dog is definitely the moral equal of a pig, and it's only human caprice and economic convenience that say otherwise. We have the problem that these essentially similar creatures are treated in dramatically different ways, unjustified even by the very different purposes we have assigned to them. Our pets are accorded certain protections from cruelty, while the nameless creatures in our factory farms are hardly treated like animals at all. The challenge is one of consistency, of treating moral equals equally, and living according to fair and rational standards of conduct.

Whatever terminology we settle on, after all the finer philosophical points have been hashed over, the aim of the exercise is to prohibit wrongdoing. All rights, in practice, are protections against human wrongdoing, and here too the point is to arrive at clear and consistent legal boundaries on the things that one may or may not do to animals, so that every man is not left to be the judge in his own case.

More than obligation, moderation, ordered liberty, or any of the other lofty ideals we hold, what should attune conservatives to all the problems of animal cruelty—and especially to the modern factory farm—is our worldly side. The great virtue of conservatism is that it begins with a realistic assessment of human motivations. We know man as he is, not only the rational creature but also, as Socrates told us, the rationalizing creature, with a knack for finding an angle, an excuse, and a euphemism.

Whether it's the pornographer who thinks himself a free-speech champion or the abortionist who looks in the mirror and sees a reproductive health-care services provider, conservatives are familiar with the type.

So we should not be all that surprised when told that these very same capacities are often at work in the things that people do to animals—and all the more so in our \$125 billion a year livestock industry. The human mind, especially when there is money to be had, can manufacture grand excuses for the exploitation of other human beings. How much easier it is for people to excuse the wrongs done to lowly animals.

TO MAXIMIZE THE USE OF SPACE AND MINIMIZE THE NEED FOR CARE, THE CREATURES ARE ENCASED ROW AFTER ROW, FOUR- TO FIVE-HUNDRED POUND MAMMALS TRAPPED WITHOUT RELIEF INSIDE IRON CRATES 22 INCHES WIDE.

Where animals are concerned, there is no practice or industry so low that someone, somewhere, cannot produce a high-sounding reason for it. The sorriest little miscreant who shoots an elephant, lying in wait by the water hole in some canned-hunting operation, is just "harvesting resources," doing his bit for "conservation." The swarms of government-subsidized Canadian seal hunters slaughtering tens of thousands of newborn pups—hacking to death these unoffending creatures, even in sight of their mothers—offer themselves as the brave and independent bearers of tradition. With the same sanctimony and deep dishonesty, factory-farm corporations like Smithfield Foods, ConAgra, and Tyson Foods still cling to countrified brand names for their labels—Clear Run Farms, Murphy Family Farms, Happy Valley—to convince us and no doubt themselves, too, that they are engaged in something essential, wholesome, and honorable.

Yet when corporate farmers need barbed wire around their Family Farms and Happy Valleys and laws to prohibit outsiders from taking photographs (as is the case in two states) and still other laws to exempt farm animals from the definition of "animals" as covered in federal and state cruelty statutes, something is amiss. And if conservatives do nothing else about any other animal issue, we should attend at least to the factory farms, where the suffering is immense and we are all asked to be complicit.

If we are going to have our meats and other animal products, there are natural costs to obtaining them, defined by the duties of animal husbandry and of vet-

erinary ethics. Factory farming came about when resourceful men figured out ways of getting around those natural costs, applying new technologies to raise animals in conditions that would otherwise kill them by deprivation and disease. With no laws to stop it, moral concern surrendered entirely to economic calculation, leaving no limit to the punishments that factory farmers could inflict to keep costs down and profits up. Corporate farmers hardly speak anymore of "raising" animals, with the modicum of personal care that word implies. Animals are "grown" now, like so many crops. Barns somewhere along the way became "intensive confinement facilities" and the inhabitants mere "production units."

The result is a world in which billions of birds, cows, pigs, and other creatures are locked away, enduring miseries they do not deserve, for our convenience and pleasure. We belittle the activists with

their radical agenda, scarcely noticing the radical cruelty they seek to redress.

At the Smithfield mass-confinement hog farms I toured in North Carolina, the visitor is greeted by a bedlam of squealing, chain rattling, and horrible roaring. To maximize the use of space and minimize the need for care, the creatures are encased row after row, 400 to 500 pound mammals trapped without relief inside iron crates seven feet long and 22 inches wide. They chew maniacally on bars and chains, as foraging animals will do when denied straw, or engage in stereotypical nest-building with the straw that isn't there, or else just lie there like broken beings. The spirit of the place would be familiar to police who raided that Tennessee puppy-mill run by Stanley and Judy Johnson, only instead of 350 tortured animals, millions—and the law prohibits none of it.

Efforts to outlaw the gestation crate have been dismissed by various conservative critics as "silly," "comical," "ridiculous." It doesn't seem that way up close. The smallest scraps of human charity—a bit of maternal care, room to roam outdoors, straw to lie on—have long since been taken away as costly luxuries, and so the pigs know the feel only of concrete and metal. They lie covered in their own urine and excrement, with broken legs from trying to escape or just to turn, covered with festering sores, tumors, ulcers, lesions, or what my guide shrugged off as the routine "pus pockets."

C.S. Lewis's description of animal pain—"begun by Satan's malice and perpetrated by man's desertion of his post"—has literal truth in our factory farms because they basically run themselves through the wonders of automation, and the owners are off in spacious corporate offices reviewing their spreadsheets. Rarely are the creatures' afflictions examined by a vet or even noticed by the migrant laborers charged with

their care, unless of course some ailment threatens production—meaning who cares about a lousy ulcer or broken leg, as long as we're still getting the piglets?

Kept alive in these conditions only by antibiotics, hormones, laxatives, and other additives mixed into their machine-fed swill, the sows leave their crates only to be driven or dragged into other crates, just as small, to bring forth their piglets. Then it's back to the gestation crate for another four months, and so on back and forth until after seven or eight pregnancies they finally expire from the punishment of it or else are culled with a club or bolt-gun.

As you can see at www.factoryfarming.com/gallery.htm, industrial livestock farming operates on an economy of scale, presupposing a steady attrition rate. The usual comforting rejoinder we hear—that it's in the interest of farmers to take good care of their animals—is false. Each day, in every confinement farm in America, you will find cull pens littered with dead or dying creatures discarded like trash.

For the piglets, it's a regimen of teeth cutting, tail docking (performed with pliers, to heighten the pain of tail chewing and so deter this natural response to mass confinement), and other mutilations. After five or six months trapped in one of the grim warehouses that now pass for barns, they're trucked off, 355,000 pigs every day in the life of America, for processing at a furious pace of thousands per hour by migrants who use earplugs to muffle the screams. All of these creatures, and billions more across the earth, go to their deaths knowing nothing of life, and nothing of man, except the foul, tortured existence of the factory farm, having never even been outdoors.

But not to worry, as a Smithfield Foods executive assured me, "They love it." It's all "for their own good." It is a voice conservatives should instantly

recognize, as we do when it tells us that the fetus feels nothing. Everything about the picture shows bad faith, moral sloth, and endless excuse-making, all readily answered by conservative arguments.

We are told "they're just pigs" or cows or chickens or whatever and that only urbanites worry about such things, estranged as they are from the realities of rural life. Actually, all of factory farming proceeds by a massive denial of reality—the reality that pigs and other animals are not just production units to be endlessly exploited but living creatures with natures and needs. The very modesty of those needs—their humble desires for straw, soil, sunshine—is the gravest indictment of the men who deny them.

Conservatives are supposed to revere tradition. Factory farming has no traditions, no rules, no codes of honor, no little decencies to spare for a fellow creature. The whole thing is an abandonment of rural values and a betrayal of honorable animal husbandry—to say nothing of veterinary medicine, with its sworn oath to "protect animal health" and to "relieve animal suffering."

FACTORY FARMING HAS NO TRADITIONS, NO RULES, NO CODES OF HONOR. THE WHOLE THING IS A BETRAYAL OF HONORABLE ANIMAL HUSBANDRY.

Likewise, we are told to look away and think about more serious things. Human beings simply have far bigger problems to worry about than the well being of farm animals, and surely all of this zeal would be better directed at causes of human welfare.

You wouldn't think that men who are unwilling to grant even a few extra inches in cage space, so that a pig can turn around, would be in any position to fault others for pettiness. Why are small acts of kindness beneath us, but not small acts of cruelty? The larger problem with this appeal to moral priority,

however, is that we are dealing with suffering that occurs through human agency. Whether it's miserliness here, carelessness there, or greed throughout, the result is rank cruelty for which particular people must answer.

Since refraining from cruelty is an obligation of justice, moreover, there is no avoiding the implications. All the goods invoked in defense of factory farming, from the efficiency and higher profits of the system to the lower costs of the products, are false goods unjustly derived. No matter what right and praiseworthy things we are doing elsewhere in life, when we live off a cruel and disgraceful thing like factory farming, we are to that extent living unjustly, and that is hardly a trivial problem.

For the religious-minded, and Catholics in particular, no less an authority than Pope Benedict XVI has explained the spiritual stakes. Asked recently to weigh in on these very questions, Cardinal Ratzinger told German journalist Peter Seewald that animals must be respected as our "companions in creation." While it is licit to use them for

food, "we cannot just do whatever we want with them. ... Certainly, a sort of industrial use of creatures, so that geese are fed in such a way as to produce as large a liver as possible, or hens live so packed together that they become just caricatures of birds, this degrading of living creatures to a commodity seems to me in fact to contradict the relationship of mutuality that comes across in the Bible."

Factory farmers also assure us that all of this is an inevitable stage of industrial efficiency. Leave aside the obvious reply that we could all do a lot of things in life more efficiently if we didn't have to trou-

ble ourselves with ethical restraints. Leave aside, too, the tens of billions of dollars in annual federal subsidies that have helped megafarms undermine small family farms and the decent communities that once surrounded them and to give us the illusion of cheap products. And never mind the collateral damage to land, water, and air that factory farms cause and the more billions of dollars it costs taxpayers to clean up after them. Factory farming is a predatory enterprise, absorbing profit and externalizing costs, unnaturally propped up by political influence and government subsidies much as factory-farmed animals are unnaturally sustained by hormones and antibiotics.

Even if all the economic arguments were correct, conservatives usually aren't impressed by breathless talk of inevitable progress. I am asked sometimes how a conservative could possibly care about animal suffering in factory farms, but the question is premised on a liberal caricature of conservatism—the assumption that, for all of our fine talk about moral values, “compassionate conservatism” and the like, everything we really care about can be counted in dollars. In the case of factory farming, and the conservative's blithe tolerance of it, the caricature is too close to the truth.

Exactly how far are we all prepared to follow these industrial and technological advances before pausing to take stock of where things stand and where it is all tending? Very soon companies like Smithfield plan to have tens of millions of cloned animals in their factory farms. Other companies are at work genetically engineering chickens without feathers so that one day all poultry farmers might be spared the toil and cost of de-feathering their birds. For years, the many skills for our livestock industry employed in the “Animal Science” and “Meat Science” departments of rural universities (we used to call them Animal Husbandry

departments) have been tampering with the genes of pigs and other animals to locate and expunge that part of their genetic makeup that makes them stressed in factory farm conditions—taking away the desire to protect themselves and to live. Instead of redesigning the factory farm to suit the animals, they are redesigning the animals to suit the factory farm.

Are there no boundaries of nature and elementary ethics that the conservative should be the first to see? The hubris of

FACTORY FARMING IS A PREDATORY ENTERPRISE, UNNATURALLY PROPPED UP BY POLITICAL INFLUENCE AND GOVERNMENT SUBSIDIES MUCH AS FACTORY-FARMED ANIMALS ARE UNNATURALLY SUSTAINED BY HORMONES AND ANTIBIOTICS.

such projects is beyond belief, only more because of the foolish and frivolous goods to be gained—blood-free meats and the perfect pork chop.

No one who does not profit from them can look at our modern factory farms or frenzied slaughter plants or agricultural laboratories with their featherless chickens and fear-free pigs and think, “Yes, this is humanity at our finest—exactly as things should be.” Devils charged with designing a farm could hardly have made it more severe. Least of all should we look for sanction in Judeo-Christian morality, whose whole logic is one of gracious condescension, of the proud learning to be humble, the higher serving the lower, and the strong protecting the weak.

Those religious conservatives who, in every debate over animal welfare, rush to remind us that the animals themselves are secondary and man must come first are exactly right—only they don't follow their own thought to its moral conclusion. Somehow, in their pious notions of stewardship and dominion, we always seem to end up

with singular moral dignity but no singular moral accountability to go with it.

Lofty talk about humanity's special status among creatures only invites such questions as: what would the Good Shepherd make of our factory farms? Where does the creature of conscience get off lording it over these poor creatures so mercilessly? “How is it possible,” as Malcolm Muggeridge asked in the years when factory farming began to spread, “to look for God and sing his praises while insulting and degrading his creatures? If, as I

had thought, all lambs are the *Agnus Dei*, then to deprive them of light and the field and their joyous frisking and the sky is the worst kind of blasphemy.”

The writer B.R. Meyers remarked in *The Atlantic*, “research could prove that cows love Jesus, and the line at the McDonald's drive-through wouldn't be one sagging carload shorter the next day Has any generation in history ever been so ready to cause so much suffering for such a trivial advantage? We deaden our consciences to enjoy—for a few minutes a day—the taste of blood, the feel of our teeth meeting through muscle.”

That is a cynical but serious indictment, and we must never let it be true of us in the choices we each make or urge upon others. If reason and morality are what set human beings apart from animals, then reason and morality must always guide us in how we treat them, or else it's all just caprice, unbridled appetite with the pretense of piety. When people say that they like their pork chops, veal, or *foie gras* just too much ever to give them up, reason hears in that the voice of gluttony, willfulness,

or at best moral complaisance. What makes a human being human is precisely the ability to understand that the suffering of an animal is more important than the taste of a treat.

Of the many conservatives who reviewed *Dominion*, every last one conceded that factory farming is a wretched business and a betrayal of human responsibility. So it should be a short step to agreement that it also constitutes a serious issue of law and public policy. Having granted that certain practices are abusive, cruel, and wrong, we must be prepared actually to do something about them.

Among animal activists, of course, there are some who go too far—there are in the best of causes. But fairness requires that we judge a cause by its best advocates instead of making straw men

and pork producers will benefit from the long-term results of a livestock agriculture-friendly agenda.” But this is no tribute. And millions of good people who live in what’s left of America’s small family-farm communities would themselves rejoice if the president were to announce that he is prepared to sign a bipartisan bill making some basic reforms in livestock agriculture.

Bush’s new agriculture secretary, former Nebraska Gov. Mike Johanns, has shown a sympathy for animal welfare. He and the president might both be surprised at the number and variety of supporters such reforms would find in the Congress, from Republicans like Chris Smith and Elton Gallegly in the House to John Ensign and Rick Santorum in the Senate, along with Democrats such as Robert Byrd, Barbara

with farms we could imagine without wincing, photograph without prosecution, and explain without excuses.

The law would uphold not only the elementary standards of animal husbandry but also of veterinary ethics, following no more complicated a principle than that pigs and cows should be able to walk and turn around, fowl to move about and spread their wings, and all creatures to know the feel of soil and grass and the warmth of the sun. No need for labels saying “free-range” or “humanely raised.” They will all be raised that way. They all get to be treated like animals and not as unfeeling machines.

On a date certain, mass confinement, sow gestation crates, veal crates, battery cages, and all such innovations would be prohibited. This will end livestock agriculture’s moral race to the bottom and turn the ingenuity of its scientists toward compassionate solutions. It will remove the federal support that unnaturally serves agribusiness at the expense of small farms. And it will shift economies of scale, turning the balance in favor of humane farmers—as those who run companies like Wal-Mart could do right now by taking their business away from factory farms.

In all cases, the law would apply to corporate farmers a few simple rules that better men would have been observing all along: we cannot just take from these creatures, we must give them something in return. We owe them a merciful death, and we owe them a merciful life. And when human beings cannot do something humanely, without degrading both the creatures and ourselves, then we should not do it at all. ■

Matthew Scully served until last fall as special assistant and deputy director of speechwriting to President George W. Bush. He is the author of Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy.

HAVING GRANTED THAT CERTAIN PRACTICES ARE ABUSIVE, CRUEL, AND WRONG, WE MUST BE PREPARED ACTUALLY TO DO SOMETHING ABOUT THEM.

of the worst. There isn’t much money in championing the cause of animals, so we’re dealing with some pretty altruistic people who on that account alone deserve the benefit of the doubt.

If we’re looking for fitting targets for inquiry and scorn, for people with an angle and a truly pernicious influence, better to start with groups like Smithfield Foods (my candidate for the worst corporation in America in its ruthlessness to people and animals alike), the National Pork Producers Council (a reliable Republican contributor), or the various think tanks in Washington subsidized by animal-use industries for intellectual cover.

After the last election, the National Pork Producers Council rejoiced, “President Bush’s victory ensures that the U.S. pork industry will be very well positioned for the next four years politically,

Boxer, or the North Carolina congressman who called me in to say that he, too, was disgusted and saddened by hog farming in his state.

If such matters were ever brought to President Bush’s attention in a serious way, he would find in the details of factory farming many things abhorrent to the Christian heart and to his own kindly instincts. Even if he were to drop into relevant speeches a few of the prohibited words in modern industrial agriculture (*cruel, humane, compassionate*), instead of endlessly flattering corporate farmers for virtues they lack, that alone would help to set reforms in motion.

We need our conservative values voters to get behind a Humane Farming Act so that we can all quit averting our eyes. This reform, a set of explicit federal cruelty statutes with enforcement funding to back it up, would leave us

Will: A Conservative Case for Animal Rights

Why, Matthew Scully asks, is cruelty to a puppy appalling and cruelty to livestock by the billions a matter of social indifference?

By George F. Will

Newsweek

July 18 issue - Matthew Scully, a former speechwriter for President George W. Bush, is the most interesting conservative you have never heard of. He speaks barely above a whisper and must be the mildest disturber of the peace. But he is among the most disturbing.

If you value your peace of mind, not to mention your breakfast bacon, you should not read Scully's essay "Fear Factories: The Case for Compassionate Conservatism—for Animals." It appeared in the May 23, 2005, issue of Pat Buchanan's magazine *The American Conservative*—not where you would expect to find an essay arguing that industrial livestock farming involves vast abuses that constitute a serious moral problem.

The disturbing facts about industrial farming by the \$125 billion-a-year livestock industry—the pain-inflicting confinements and mutilations—have economic reasons. Ameliorating them would impose production costs that consumers would pay. But to glimpse what consumers would be paying to stop, visit factoryfarming.com/gallery.htm. Or read Scully on the miseries inflicted on billions of creatures "for our convenience and pleasure":

"... 400- to 500-pound mammals trapped without relief inside iron crates seven feet long and 22 inches wide. They chew maniacally on bars and chains, as foraging animals will do when denied straw... The pigs know the feel only of concrete and metal. They lie covered in their own urine and excrement, with broken legs from trying to escape or just to turn ..."

It is, Scully says, difficult, especially for conservatives, to examine cruelty issues on their merits, or even to acknowledge that something serious can be at stake where animals are concerned. This is partly because some animal-rights advocates are so off-putting. See, for example, the Feb. 3, 2003, letter that Ingrid Newkirk, president of People for the Ethical Treatment of Animals—animals other than humans—sent to the terrorist Yasir Arafat, complaining that an explosive-laden donkey was killed when used in a Jerusalem massacre.

The rhetoric of animal "rights" is ill-conceived. The starting point, says Scully, should be with our obligations—the requirements for living with integrity. In defining them, some facts are pertinent, facts about animals' emotional capacities and their experience of pain and

happiness. Such facts refute what conservatives deplore—moral relativism. They do because they *demand* a certain reaction and evoke it in good people, who are good *because* they consistently respect the objective value of fellow creatures.

It may be true that, as has been said, the Puritans banned bearbaiting not because it gave pain to the bears but because it gave pleasure to the spectators. And there are indeed degrading pleasures. But to argue for outlawing cruelty to animals because it is bad for the cruel person's soul is to accept, as Scully does not, that man is the only concern.

Statutes against cruelty to animals, often imposing felony-level penalties, codify society's belief that such cruelty is an intrinsic evil. This is a social affirmation of a strong moral sense in individuals who are not vicious. It is the sense that even though the law can regard an individual's animal as the individual's property, there nevertheless are certain things the individual cannot do to that property. Which means it is property with a difference.

The difference is the capacity for enjoyment and suffering. So why, Scully asks, is cruelty to a puppy appalling and cruelty to livestock by the billions a matter of social indifference? There cannot be any intrinsic difference of worth between a puppy and a pig.

Animal suffering on a vast scale should, he says, be a serious issue of public policy. He does not want to take away your BLT; he does not propose to end livestock farming. He does propose a Humane Farming Act to apply to corporate farmers the elementary standards of animal husbandry and veterinary ethics: "We cannot just take from these creatures, we must give them something in return. We owe them a merciful death, and we owe them a merciful life."

Says who? Well, Scully replies, those who understand "Judeo-Christian morality, whose whole logic is one of gracious condescension, or the proud learning to be humble, the higher serving the lower, and the strong protecting the weak."

Yes, of course: You don't want to think about this. Who does? But do your duty: read his book "Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy." Scully, a conservative and hence a realist, knows that man is not only a rational creature but a rationalizing creature, putting his intellectual nimbleness in the service of his desires. But refraining from cruelty is an objective obligation. And as Scully says, "If reason and morality are what set humans apart from animals, then reason and morality must always guide us in how we treat them."

You were warned not to read this. Have a nice day.