

## Animal Law Section

July 14, 2014

Idaho State Bar

Meeting Minutes

In attendance: Eileen DeShazo, Ashley Marelius-White, Melissa Aston, Susan Brooks, Adam Karp, Heather Cunningham, Ken McClure, Shannon Dearing, Elizabeth Mathieu, Lucas Fues (Glanbia), Lisa Kauffman, Wade Hyder, Evan Roths, Vandahana Bala and Sunrise Ayers.

- I. Call to Order
- II. May Minutes – Motion approve, second. May minutes were approved.
- III. Membership Update – 32 paying attorney members, need to get up to 50, and 9 non-attorney members. Discussed whether the cost is prohibitive, most members feel \$25 is probably not cost prohibitive.
- IV. Budget – For 2014 have \$1405 in revenue, \$1307 in expenses. Discussed the Family Law section’s proposal regarding their section covering costs and then collecting video rental fees until the cost is recouped. Motion to approve the Family Law section’s proposal, seconded, the proposal was approved.
- V. Regional Summit – Adam discussed doing a regional “Animal Law Section” Summit covering the 9<sup>th</sup> Circuit. Will cover hot topics and panel discussions. Would be a 1-2 day event in Seattle and then could move it around to other states in following years. Feedback from members was positive on the regional summit idea.
- VI. Vandhana Bala – Mercy for Animals.
  - a. Her contact info: 312-909-6051 and [vandhanab@mercyforanimals.org](mailto:vandhanab@mercyforanimals.org).
  - b. Mercy for Animals is dedicated to preventing cruelty to farm animals. She directed folks to check out [mercyforanimals.org](http://mercyforanimals.org) to see investigation footage, including the footage taken at Bettencourt Dairies. Mercy for Animals does undercover investigations to show consumers how their food is produced and how animals are treated on factory farms. Many factory farm practices would shock consumers and consumers have a right to know so they can make informed choices. Investigations have led to enforcement of existing laws. Only a few applicable laws protect farm animals and they have no federal protections during their lives. All 50 states criminalize animal cruelty but they generally have common farming/animal husbandry exceptions. So when looking for criminal prosecutions can’t include routine animal practices like beak burning, tail docking, extreme confinement, etc. – have to focus on intentional, egregious cruelty. They have been successful in getting convictions for animal cruelty, including some prison sentences. Undercover investigations also can help lead to

improved animal protections such as banning gestation crates, veal crates, transport of downer cows, use of battery cages, etc. Can also spur improved corporate animal welfare policies (e.g., over 50 major food suppliers have pledged to phase out gestation crates.) Undercover videos are the most effective tool for educating the public. A Kansas State study found that media attention caused meat consumption to decline. USDA statistics show a steady decline in meat consumption since 2007.

- c. Instead of improving their practices, the industry is fighting back and trying to stifle whistleblowers and investigations. Ag gag bills are being linked to ALEC and typically include an outright ban on recording in factory farms, a bar on lying on job applications, or may include mandatory reporting that required you to turn over your evidence to law enforcement the minute you document it. Four states have enacted ag gag laws. Over 16 states have introduced bills, but the majority were defeated thanks to coalitions of animal groups, labor groups, food safety groups, the ACLU, etc. These bills are very unpopular with the general public.
- d. The investigation at Bettencourt included beating cows, sexual abuse of a cow, and dragging a cow by a chain around its neck. In Idaho, farmed animal abuse has to be reported to the Idaho Department of Agriculture. The case was referred to the DA's office and arrests were made. After law enforcement had the chance to investigate, the video was released publicly and ABC did a story on it. Several companies dropped Bettencourt as a supplier and Kraft came out with new animal welfare policies. Shortly after, Idaho introduced an ag gag bill, § 18-7042 of the criminal code. It prohibits entering a facility by force, threat, misrepresentation, or trespass, or obtaining employment by false pretense, or entering a facility and making an audio or video recording without express consent. This bill was rushed through the legislature very quickly. Jim Rice made false statements to the media. Public opinion was drastically unfavorable towards the ag gag bill. Had over 100,000 signatures opposed to the bill. Idaho became the 4<sup>th</sup> state to enact an ag gag law.
- e. Ms. Bala encourages people to look at the investigation and at the statute, and to work together to try and defeat this type of legislation. Questions: What would be the next step if we lose the case in Idaho? It depends on how this plays out.