

Organizational Compromise of Animal Protection and Welfare Laws

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Abstract

The problem investigated in this exploratory study is the welfare of animals, both livestock as well as companion. Specifically, this research explores perceptions by those in the animal industry regarding the support animal welfare, as well as those potentially on the opposite end who handle such issues in their daily business. Animal welfare legal enforcement remains a serious concern, particularly in relation to livestock within major agricultural companies and their confinement and slaughter of those animals. Laws are oftentimes not enforced for various reasons even by appropriate police units and cases are often ignored by the court system. In an attempt to find agreement upon the animal welfare system between animal welfare organizations and their potential business counterparts, a survey was administered to various groups surrounding both sides of the issue. It is hypothesized that if those in the animal industry agree upon anything, it is more likely they would agree on issues surrounding companion animals rather than livestock. Although there has been an abundance of research in relation to animal abuse and its connection to human violence, there have been few studies focusing solely upon animal abuse and welfare, the laws which currently govern such issues, and the varying opinions and potential compromise on those issues. By looking at two main animal categories and attempting to find a compromised ground between animal welfare and pro-business organizations, there can be some level of consensus regarding animal welfare policies, and procedures can be developed in order to properly address identified concerns.

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Chapter 1

Introduction

Statement of the Problem

As of 2008 in the United States alone, over fifty billion animals were slaughtered for food, which equals over 1,680 each second, with most farmed animals being killed before they are adolescents (Ernst, 2008). Each year, six to eight million dogs and cats are killed after living their lives in a shelter (Ernst, 2008). The number of animals slaughtered and abused only continues to increase each year while the federal budgets of organizational inspection consistently decrease (Schneider, 2011). A plethora of research in relation to animal abuse and its predictive connection to human violence has been performed (Tallichet & Hensley, 2009; Degue & Dilillo, 2009; Hensley, Tallichet, & Dutkiewicz, 2009), however few studies have been done in the field of criminal justice solely focusing on the issues surrounding the diverse forms of animal abuse and welfare. In this study, the main concerns surrounding animal welfare are examined by surveying various organizations often on opposite sides of the debate, in an effort to find possible common ground. Obtaining commonality from both sides can aid in changing the laws governing animal cruelty in order to better protect our nation's animals.

Instead of researching the brutality of all animals from a broad perspective, this study more closely examines the problem as it relates to two categories of animals currently facing major obstacles; companion animals and livestock animals. Pursuant to the Revised Code of Ohio, specifically O.R.C. 959.131, "companion animal" is defined as any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept; whereas "livestock" refers to cattle, sheep, goats, swine, horses, mules,

burros, asses, alpacas, and llamas (O.R.C. 947.01). As the types and levels of cruelty and the laws associated therein vary from animal to animal, it is necessary to separate those issues into their specific categories.

Animals are still technically viewed as “property” under the law, yet they are far from inanimate objects considering they are able to feel pain, form emotional bonds with other animals, as well as develop a level of attachment to human beings, making them extraordinarily unique from other forms of property (Snyder, 2009). Public opinion on the ethical treatment of animals seems to agree. In an Associated Press poll, two-thirds of Americans acknowledged that an animal’s right to live free from suffering should be as important as a person’s right to the same, and fifty percent regarded animals to be essentially like humans (Sunstein & Nussbaum, 2005). However, the actual treatment of animals, as this thesis will show, is in contrast to these opinions. Yet all is not lost, as the United States has a history of denying rights to those seen as inferior and treating the living like property. For example, the abolition of slavery was a major shift in personhood versus property rights. Although slavery had been globally accepted, people were still able to make eventual changes in their moral viewpoint toward suffering, and make a lasting positive impression on humankind. Hopefully the same humanitarian like effort can occur with the increasing concerns over animal welfare (Sunstein & Nussbaum, 2005).

Before animal welfare laws can be changed and appropriate actions taken, the different degrees of cruelty placed upon animals must be examined. By looking at the two main animal categories selected for this thesis and attempting to find a compromised ground between welfare and potential non-welfare organizations, it is hoped that there

can be some level of consensus regarding animal welfare policies, and procedures can be developed in order to properly address identified concerns and permanently create a more humane environment for these diverse creatures. Although the laws concerning animal welfare and cruelty contrast from state to state regarding both companion and livestock animals, one constant that seems to exist is that the laws are often viewed as being excessively lenient and oftentimes not adequately enforced (Snyder, 2009).

There is an abundance of cruelty related to the companion animal population. Some of these acts include research techniques, actual physical abuse, neglect, overpopulation, and unhealthy habitats. Thus, it is important to identify which of these acts are considered to be most problematic for companion animals and how those acts can be identified and addressed by different organizations. In relation to livestock, the same pressing concerns emerge such as: potential neglectful and cruel livestock housing, slaughter and the lack of poultry welfare legislation among other issues. If any of these actions can be agreed upon, the greater the potential in the future for changing the process, which can be a major step forward and could potentially lead to other significant legal changes for the benefit of animals.

In order to accurately identify which issues are the most prominent, surveys were distributed to various pro animal organizations including: Societies for the Prevention of Cruelty to Animals (SPCA), Humane Societies and the individual state Animal Protective Leagues (APL), as those animal welfare organizations investigate laws associated with both companion and livestock animals. The surveys were also circulated amongst non animal welfare organizations such as the U.S. Department of Agriculture, Tyson Food and other agriculture processing companies (Cargill, Swift & Co., National Beef Packing

Co., and Butterball), as well as other businesses that may be the potential counterpart of animal welfare institutions, such as American Veterinary Medical Associations and American Societies of Animal Science. These organizations are in fact influential in how legislation associated with various animal categories may be regulated and/or amended. Obtaining data from these multiple sources would provide information to aid animal activists, their potential counterparts and policy makers to address the primary concerns that require attention.

This introductory chapter has addressed the goals of the research project, the need to gather reliable data, and how such data may be helpful in changing animal welfare laws for both companion and livestock animals. Chapter Two briefly outlines the historical aspect of laws and the issues surrounding companion and livestock animals in the United States as they relate to organizations and businesses. The impact of business and organizational compromise in the past is also discussed.

Chapter 2

Literature Review

Theoretical Framework

Prior to the nineteenth century, animals were viewed as nothing more than “things,” similar to the race-based slavery of humans. At that time, white slave owners were treated as superior to African Americans much like humans over animals. Both slaves and animals were/are seen as property and excluded from any discussion of ethical treatment. However, abolition of slavery did finally occur and much later an ethical conversation began to spotlight the views about animal treatment in the nineteenth century. Leading the charge were two philosophers, Jeremy Bentham and John Stuart Mill, who introduced one of the first debates on animal welfare. They argued that even if animals were not self-aware or did not have the cognitive ability of humans; it was irrelevant when it came to the issue of suffering (Francione & Garner, 2010). To Bentham and Mill, the test of ethical treatment is not whether an animal can reason or talk, but more importantly, can they suffer? Anyone or anything that can suffer, according to these ethicists, should be treated compassionately. Although humans and animals are obviously different in so many ways, they are both aware and able to feel both pain and pleasure. These considerations must be taken into account.

Similarly, Peter Singer has also disputed the differential treatment of animals by comparing their inability to use speech to those humans who may have brain damage or other medical disabilities which inhibit their ability to communicate (Sunstein & Nussbaum, 2004; Singer, 1977). He argues that humans and animals should be treated the same as there is no logic as to why humans presume superiority over animals. According

to Singer, equal consideration must be given to any type of “being” that has the capability of suffering as well as pleasure, which therefore applies to both humans and animals (Sunstein & Nussbaum, 2004; Singer, 1977).

Defining Animal Welfare

The term “animal welfare” has been defined multiple ways throughout the United States. As of 2008 the United States Department of Agriculture (USDA) defines animal welfare as, “how an animal is coping with the conditions in which it lives.” The USDA further stated that an animal is in a good state of welfare if it is, “healthy, comfortable, well nourished, safe, able to express innate behavior, and if it is not suffering from unpleasant states such as pain, fear, and distress” (“<http://www.aphis.usda.gov/>,” 2008). Although an exact definition of animal welfare may vary, the important factors surrounding the term include the ethical use of animals, the standards of husbandry and production which meet a realistic level, the well being of the animal over suffering, the terms of suitable veterinary care, and conservational management (Fraser, 1989).

In the United States alone, companion animals face a number of welfare concerns ranging from abuse to puppy mill slaughter, while livestock concerns revolve around the meat industry. In large part due to overpopulation, anywhere between seven to sixteen million cats and dogs alone are euthanized, with millions spending their lives in a shelter (Frank, 2004). This is in addition to billions of livestock animals slaughtered brutally each year (Frank, 2004). In reaction to these numbers, there has been state as well as federal legislation enacted.

Federal Legislation for Animal Welfare

The Animal Welfare Act (“AWA”) was the first law to establish humane standards for animals used in research. It was enacted in 1966 as federal legislation to set up policies for record keeping, hauling, and general treatment for laboratory animals (7 U.S.C. §2131). The law required experimenters to register with and be open to inspection of the USDA; act in accordance with humane provisions while handling animals; and if possible, to minimize or eliminate altogether the pain endured by animals (7 U.S.C. §2131). The Act was further delineated in 1985 in order to improve laboratory standards. It directed the Secretary of Agriculture to establish policies in order to provide exercise for dogs and a sufficient setting for primates to promote their psychological well-being (7 U.S.C. §2131). In addition to defining the practices considered to be painful, the amended Act also specified that pain and suffering of laboratory animals must be minimized in experimental procedures and no animal can be used in more than one operative experiment, with exceptions made when specified in research protocols. In 1990, the amended Act included the protection of pets in shelters and established a “holding period” for animals before they could be sold to dealers (7 U.S.C. §2131). The Act also required the dealers to present written certification regarding each animal's background to the new recipient (7 U.S.C. §2131). An additional amendment to the AWA was made in 2007 known as the Animal Fighting Prohibition Enforcement Act, which essentially forbids any person, “to knowingly sponsor or exhibit an animal in any animal fighting venture,” or “to knowingly sell, buy, possess, train, transport, deliver, or receive any animal for the purposes of having the animal participate in any animal fighting venture” (7 U.S.C. §2131). As of 2008, the Food, Conservation and Energy Act, made several

amendments to the AWA. Those amendments increased criminal penalties for animal fighting from three to five years imprisonment as well as adding prohibitions on possession, training and advertising animals for use in animal fighting. The 2008 amendments also added language that prohibits the imports for resale of dogs unless they are at least six months of age, in good health and have all the necessary vaccinations. The fines for violations of the Animal Welfare Act also increased from \$2,500 to \$10,000 per violation, per animal, per day (7 U.S.C. §2131).

As of today, there are only two national laws regulating livestock animal welfare. The first is the Twenty-Eight Hour Law, initially passed in 1873, which states that after twenty-eight hours of interstate travel, livestock must be unloaded and placed into pens in order to provide feed, water and rest for at least five consecutive hours prior to reloading and continued transportation (49 U.S.C. §80502). Should a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel *knowingly* and *willingly* violate the Twenty-Eight Hour Law, he or she is liable to the United States Government for a civil penalty of at least \$100 but not more than \$500 for each violation (49 U.S.C. §80502).

The second law concerning farm animal welfare is the Humane Methods of Slaughter Act, passed in 1958, which states that livestock should be rendered insensible to pain prior to slaughter (7 U.S.C. §1901). The most common methods of slaughter accepted by the Act are electrocution and CO₂ “stunning” for swine and captive “bolt stunning” for cattle, sheep, and goats. It requires frequent on-site monitoring, and the employment of skilled and well-trained personnel. According to the Act, an animal is considered properly stunned when there is no "righting reflex," meaning the animal must

not try to stand up and move itself. That is when it can be considered fully unconscious and can then continue down the line of slaughter processes (7 U.S.C. §1901). In 1978, the Humane Methods of Slaughter Act was amended with USDA inspectors given the authority to stop the slaughtering whenever cruelty was observed. Slaughtering was not to continue until the cruelty, either by equipment or by abuse of personnel was corrected (7 U.S.C. §1901).

A Farm Bill in 2002 was established which included a resolution further explaining the necessity of enforcement of the Humane Slaughter Act in order to prevent the needless suffering of animals. It also allowed for the Secretary of Agriculture to track violations of the Act and annually report the results to Congress (7 U.S.C. §1901). However, neither the Twenty-Eight Hour Law nor the Slaughter Act apply to poultry, despite numerous attempts by animal activists to have them included (Mench, 2008).

Even though traditional business industries are considered to be most influential over public policymaking, animal welfare interest groups have surged in their ability to make significant changes to state and federal laws (Allen, 2005). As early as 1866, an organization was developed for the benefit of animals across the United States known as the American Society for the Prevention of Cruelty to Animals (“ASPCA”). The organization was created, “to provide effective means for the prevention of cruelty to animals throughout the United States, to enforce all laws which are now or hereafter may be enacted for the protection of animals, and to secure, by lawful means, the arrest and conviction of all persons violating such laws” (Favre, 2008). Another prominent organization, known as The Humane Society of the United States (“HSUS”), was established in 1954 and is now the largest animal advocacy organization in the world and

lobbied for federal legislation that potentially spared around 100 million animals from anguish (Unti, 2004). The federal involvement stemming from animal welfare groups such as the ASPCA and the HSUS, among others, have played major roles in enhancing animal protection. In fact, as membership with the HSUS has increased, so have the states' adoption of various felony laws (Allen, 2005).

While animal welfare legislation has increased over time, particularly state laws since 1990, (with forty-seven states and the District of Columbia enacting felony laws for animal abuse), considerable problems remain ("<http://www.pet-abuse.com/>," 2011). There is limited application of many federal and state statutes due to language ambiguity. Although the AWA was enacted to protect animals from research, it excluded rats, mice and birds which were the most commonly used animals for laboratory testing, particularly in the United States (Orlans, 2000). Legislation omits the welfare of other farm animals including horses, unless they are used specifically for research purposes (Snyder, 2009). Because states have the burden of handling most animal cruelty cases, it is important to understand their laws as well.

State Legislation for Animal Welfare

Studies of individual state animal protection laws show that there continues to be considerable differences in the interpretation and enforcement of each of the state laws. While some states have an array of animal protection laws in place, others do not. States with strict enforcement such as Illinois, Maine, Michigan, Oregon and California have felony penalties for animal cruelty, neglect, abandonment and sexual assault; increased penalties for repeat animal abusers; potential court orders for counseling and anger

management as well as restrictions on future ownership or possession of animals upon conviction; and peace officers have a duty to investigate the violation of animal protection law. On the other hand, states considered irresponsible by the Animal Legal Defense Fund with respect to animal protection include South Dakota, Iowa, Idaho, North Dakota and Kentucky. Those states do not have felony penalties and they allow for future ownership of animals and have inadequate animal fighting provisions (Otto, 2011).

Even states next to one another have varying laws surrounding animal cruelty. For example, Ohio and Pennsylvania differ on their animal laws. According to the Animal Legal Defense Fund and the 2011 animal protection law rankings, Ohio falls in the middle tier ranking as state thirty-one out of fifty-six (total of 50 states plus various countries) while Pennsylvania is ranked in the bottom tier at number forty-four. The fifty-six jurisdictions included in the 2011 animal protection law rankings report were numerically ranked based upon their cumulative scores to questions covering fourteen distinct animal protection law categories. The report analyzed enacted laws only and did not review the separate issue of how these laws are enforced. The fourteen categories consisted of general prohibitions, penalties, exemptions, mental health evaluations and counseling, protective orders, cost mitigation and recovery, seizure/impound, forfeiture and post-conviction possession, non-animal agency reporting of suspected animal cruelty, veterinarian reporting of suspected animal cruelty, law enforcement policies, sexual assault, fighting, and offender registration. The presence or absence of felony penalties for varying types of animal abuse is one of the most frequently used measures for determining the state enforcement of animal protection laws (Otto, 2011).

In comparing the states of Ohio and Pennsylvania, (although neither have high felony penalties in relation to their animal protection laws), important differences do remain. In Ohio, humane society agents may arrest any person who violates an animal protection law; while in Pennsylvania, the humane agents merely have the authority to initiate the criminal proceedings and to request the imposition of a violation (O.R.C. §1717.04, 1717.06; 18 PA. CONS. STAT. ANN. § 5511). Furthermore, in Ohio the court may prohibit or place limitations on the ability of a convicted violator to own or care for any companion animals for a specified or indefinite period of time, compared to Pennsylvania, where although a court may order the prohibition or limitation of the defendant's ownership, possession, control or custody of animals, it is merely for a period of time and not to exceed the maximum term of imprisonment that is applicable to the offense (O.R.C. §959.99 (E); 18 PA. CONS. STAT. ANN. § 5511).

Enforcement of Animal Laws

Another issue encompassing both federal and state laws concerns animal cruelty and criminal justice enforcement. It is very difficult for police officers and prosecutors to enforce protective laws as they tend to be ambiguous with no universal definition (Arluke, 2004). There have been legislative efforts to further clarify the law; however these laws still tend to fall short of their intended goal. The complexity concerning laws further impairs enforcement as those charged with implementing them lack the time, patience and empathy to devote to the issue and they do not see animal welfare as a top priority (Otto, 2005). It is obvious that the laws concerning animal abuse have many

weaknesses, particularly in relation to legal language and sentencing guidelines. Both state and federal laws typically have more lenient penalties in comparison to several other crimes, including those that are nonviolent such as driving under the influence and auto theft (Otto, 2005).

In an effort to aid prosecutors throughout the United States, the Humane Society of the United States along with animal welfare organizations have developed prosecutor training workshops in order to provide legal guidance surrounding the prosecution of animal cruelty cases. Attorneys working for the Humane Society offer training in coordination with the Association of Prosecuting Attorneys as well as the National District Attorneys Association. The Humane Society also aids in legal research and writing, supplies expert witnesses for testimony, affords media assistance, as well as furnishes a list of psychologists and counselors that have been trained to provide treatment for animal abusers (Ramsey, 2012).

Despite the fact that there are laws in place throughout the United States involving companion animals, only the most heinous cases tend to be litigated (Snyder, 2009). Considering the cost and time associated with any action brought through the court system via prosecutors, animal cruelty cases often fall by the wayside. Even minor cases will not be heard without proper standing. Standing refers to a “party’s right to make a legal claim or seek judicial enforcement of a duty or right” (Gardner, 2009). A plaintiff must show injury-in-fact, causation and redress in any case before proceeding forward (Snyder, 2009). Cases regarding animal abuse are often restricted, as courts already have a burdensome overload of cases pertaining to human suffering. Courts may inaccurately predict a substantial swarm of animal welfare cases, should the system’s

response become more compassionate, leading them to shy away from such litigation (Snyder, 2009).

In *Jones v. Butz* (1974), the Humane Slaughter Act was challenged under the religious Free Exercise and Establishment Clause of the First Amendment relating particularly to provision of ritual slaughter. The law reads in part,

§ 1902. Humane methods

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane. Either of the following two methods of slaughtering and handling are hereby found to be humane:

(a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument. Humane Slaughter Act, 7 U.S.C. § 1902 (1970)

Challengers argued that section 1902(b) provided exceptions under the religious practices of the Jewish faith, thus violating the Establishment of Religion Clause under the First Amendment. The Court disagreed stating, “the Constitutional clause against establishment of religion by law does not ban federal or state regulation of conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions.” The fact such humane practices proscribed in the Act coincide with some religious beliefs does not amount to the establishment of religion. The Court went on to say that with respect to the Free Exercise Clause, the law does not provide a “coercive effect” on any religious practices and thus is not barring any religious group from

engaging in their ceremonial customs essential to their religious traditions (*Jones v. Butz*, 374 F.Supp. 1284 (D.C.N.Y. 1974).

At the state level, in the case of *Monroe County Ohio v. Hale* (2005), Hale appealed the decision of the Monroe County Court that found him guilty of multiple counts of cruelty to animals in violation of O.R.C. 959.13(A)(4). Although Hale had argued that the statute was unconstitutionally vague and his conviction was against the manifest weight of the evidence, the Seventh District Court of Appeals disagreed. The trial court had found that Hale had recklessly failed to provide wholesome exercise to the ninety to one hundred dogs residing in his kennel which had led to at least one death. Hale was found guilty of twelve counts of animal cruelty under O.R.C. 959.13(A)(4), which is a second degree misdemeanor. He was placed on two years of probation and as a condition of that probation, his kennel license had been revoked and his keeping of dogs was reduced to no more than four animals (2005 WL 3642690 (Ohio App. 7 Dist.)

The most popular case of animal cruelty receiving an abundance of national press occurred in 2007, when dog fighting had been brought to the nation's attention with the conviction of NFL star Michael Vick. Court documents indicated that from 2001 to 2007, Vick and his friends began a dog fighting kennel named "Bad Newz Kennels." The kennel housed over fifty pit bull dogs that were involved in dog fights, some of which resulted in death. That was accompanied by gambling with payoffs up to \$26,000. When indicted, Vick pled guilty and admitted to funding the dog fighting which he knew about (four dogs that his friends had killed), in addition to the hanging and drowning of six to eight dogs that were seen to underperform in fights. Given the heinous and inhumane behavior of the NFL star, Chuck Rosenberg, the United States attorney prosecuting the

case, only agreed to the harshest of plea deals, where the sentence was substantially above the normal guidelines for most first time offenders. The judge added five months to the recommended prison term sentencing Vick to twenty-three months in prison in addition to three years of supervised probation during which he could not buy, sell or own dogs. Vick was also fined \$5,000 and ordered to pay \$928,073 as restitution for the 53 dogs seized from his property. The dogs of Vick were not euthanized when the case concluded as the court appointed a guardian to handle the dogs and to find them a permanent home (*United States of America v. Vick*, CR 00274, 2007).

While the current laws concerning companion animals need an overhaul, they do provide some statutory protections, raise awareness of animal abuse issues, and provide a foundation on which the next generation of legal reform may be developed (Otto, 2005). Legislation needs to be modified, but at least there are some laws in place which highlight the problems with companion animals, unlike that of livestock.

The “Business” of Animal Cruelty

What most Americans do not realize is that farm animals are often raised on what is called “factory farms” rather than an endearing fairy-tale farm as portrayed in children’s books such as *Charlotte’s Web*. Factory farming was developed to reduce production costs and modernize the genetics for more industrious breeding as well as maximize the assembly of meat, egg and milk production. The farm animals are kept indoors at high density numbers in order to reduce the cost to farmers for land, labor, vaccinations, antibiotics, and other normal livestock expenses (Matheny & Leahy, 2007). Although factory farming has aided businesses in both lowering cost and higher

production, studies have shown its negative effect on the animals involved. That negative effect tends to be justified by meat industries as well as consumers as they argue that such mass production is necessary to satisfy consumer demand and that more humane methods could potentially endanger their own economic position (Agnew, 1998). In short, the inhumane slaughter of livestock is a good business scheme (Agnew, 1998; Finsen and Finsen, 1994). Hence, the animal “business”: meat, egg and dairy production, biomedical research and pet supplies, have been classified as the second largest industry in the United States, just behind automobile production (Agnew, 1998).

Annually, over sixty-five billion pounds of cattle, pigs and beef are produced in the United States as well as over forty-six billion pounds of chicken and turkey; however the inhumane slaughter process utilized by businesses experience little to no violation penalties (Eisnitz, 2006). The Humane Slaughter Act is supposed to force the humane slaughter of “livestock,” though most types of farm animals are not included in the Act. Accordingly, such laws have not been used to restrict the slaughtering methods of those animals and many are slaughtered in ways that are unquestionably painful. One example is the slaughter of poultry. The method of slaughtering poultry involves hanging the live birds upside down and running them through an assembly line of painful procedures. Those procedures include the birds being dipped alive in electrified water, having their throats cut by machines, and remaining inverted while bleeding out (Welty, 2009).

Although the United States Department of Agriculture (“USDA”) is responsible for inspectors being present at meat processing plants prior to any release of livestock meat, programs for federal meat inspection, international food safety inspection and state food safety inspection have been significantly reduced. Without funding, the agency has

no plans to supplement the number of inspectors in these processing plants to meet an expected 500 million-pound increase in the amount of beef and poultry slaughtered (Schneider, 2011). Even when more members of the USDA were present at meat processing plants, the Humane Slaughter Act was not enforced. Plant workers have described slaughterhouse events such as skinning and dismembering animals while completely conscious. Instead of taking action in the enforcement of the Humane Slaughter Act, the USDA deemed rabbits to be classified as “poultry” which are excluded under any animal welfare law. Such acts amounted to the slaughter of some rabbits fully conscious while hung upside down and their heads and legs sliced open with meat hooks as they cried in pain (Eisnitz, 2006).

As of February 2010, the United States Government Accountability Office (GAO) did a study on the enforcement of the Humane Slaughter Act. The results suggested that inspectors of the USDA as well as the Food Safety and Inspection Service (FSIS) have not taken dependable actions to enforce the 1958 federal law. The GAO results indicated differences in the actions that inspectors would take when handling the animals, with only 23 percent of inspectors reporting that they would suspend operations for multiple unsuccessful “stuns” to the animals. It has been found that there is a lack of clarity in FSIS regulation as well as insufficient training which has led to the deficiency of enforcement. Without clear orders, the Slaughter Act cannot be adequately enforced. Inspectors at half of the plants surveyed by the GAO incorrectly answered basic facts about signs of sensibility (GAO, 2010).

As of 2007, the remaining state slaughter plants of horses in the United States officially closed due to financial issues. However, proposed federal legislation that would

make the slaughter of horses in the United States illegal, namely the American Horse Slaughter Prevention Act, has failed to pass which has led to the potential of horse slaughter being recreated within states. Recently, Congress has restored funding for the slaughter of horses and the states of Oregon, Idaho, Wyoming, Montana, Nebraska, North Dakota, Georgia and Missouri are considering opening slaughter plants to kill up to 200,000 horses each year for human consumption (Bernstein, 2011). Another concern surrounding horses is that although they are not currently slaughtered within the United States, it is still legal for them to be shipped from the United States to either Canada or Mexico for slaughter (Animal Welfare Institute, 2011). In those slaughter plants, the horses are shot multiple times with bolt guns typically used for cows, with their throats then being slit while hanging upside down and oftentimes while alive (Gumble, 2008).

It is not only important to have the laws changed with respect to both companion and farm animals, but to also ensure dedicated practice and enforcement of these laws. These actions will be difficult to produce unless there can be compromise among the varying types of related organizations (Favre, 2008). Success has occurred in the past with animal welfare organizations coming to an agreement with farm bureaus and other businesses to modify various laws for the benefit of animals. For example, in 2010 an agreement was made between The Humane Society of the United States (HSUS) and the Ohio Farm Bureau on a range of animal concerns. With the help of Governor Ted Strickland, the ballot for planned factory farming was put on hold, legislation concerning the ban of puppy mills was enacted, a ban on strangulation of farm animals and mandatory humane euthanasia methods for sick or injured animals took effect, and felony penalties for cockfighting (Humane Society of the United States, 2010).

Progress has even been made between animal welfare organizations and major fast food chains that have a lot of influence in the production, marketing and consumption of animal products. The Food Market Institute (“FMI”) established a policy for the industry to address animal welfare concerns stating that animals should be raised, transported and processed in procedures free from cruelty, abuse and neglect (Adams, 2008). Although a continuous work in progress, steps can be made between businesses and animal welfare organizations coming together for the benefit of animal welfare. If more agreement can be reached, more laws can be changed to benefit animals within individual states in addition to comprehensive federal legislation.

In relation to this research, several hypotheses can be made given the history and viewpoints of these various groups.

Hypothesis 1: *Animal welfare organizations will see overpopulation as the biggest concern with respect to companion animals.*

Hypothesis 2: *Animal welfare organizations will see cruel confinement as the biggest concern with respect to livestock animals.*

Hypothesis 3: *The majority of pro-business organizations will agree with animal welfare organizations that overpopulation is a major concern regarding companion animals.*

Hypothesis 4: *Unlike animal welfare organizations, the majority of pro-business organizations will not view cruel confinement as the biggest concern with respect to livestock animals.*

Hypothesis 5: *If pro-business organizations perceive any livestock concerns, the biggest problem would be waste management which may pollute nearby water.*

Hypothesis 6: *Organizations on both sides will have more agreement on companion animal issues than livestock issues.*

The above discussion addressed some important issues surrounding companion and livestock animals. Although laws have been established for both types of animals, many issues still remain. The importance of a compromise between animal welfare organizations and businesses in relation to animal welfare law is just a beginning, with the hope that with negotiations these laws can be changed for the benefit of animals. Chapter Three presents the design of the research project, discusses the data collection and methods used to conduct the research concerning the potential for compromise between animal welfare organizations and businesses.

Chapter 3

Methods

Ongoing research is needed to explore potential common ground between animal welfare organizations and their business counterparts. Although businesses once had the ultimate influence regarding animal welfare laws, animal welfare organizations have more recently begun to make their legislative mark. Prior research has shown that both organizations can come to an agreement in order to benefit either companion animals, livestock animals, or both (Humane Society of the United States, 2010; Adams, 2008). This research project design is based on information acquired from animal welfare organizations as well as businesses known for their use of animals throughout the United States.

Data Collection

The primary goal of this study was to find possible common ground between animal welfare organizations and pro business organizations in order to find likely agreement regarding animal welfare laws. Results may lead to significant changes in animal protection legislation. In order to find similarity between animal advocates and their potential challengers, a survey was distributed to a sample of known humane organizations such as animal protective leagues, (groups such as the ASPCA and other humane societies) as well as their possible counterparts; farm bureaus, veterinary practices and food suppliers. Data regarding the state animal welfare organizations were located through the “Petfinder” website, which is a nationally known online company and searchable database of animals that need homes, as well as a directory of more than

13,000 animal shelters and adoption organizations across the United States, Canada and Mexico. The state organizations through “Petfinder” have been chosen to receive the surveys due to their inclusion of both companion and livestock animals for adoption and care. Surveys were also distributed to nationally recognized organizations known as the American Society for the Prevention of Cruelty to Animals (ASPCA), the Humane Society of the United States (HSUS) and People for the Ethical Treatment of Animals (PETA).

In relation to pro-business organizations, each state encompasses a farm bureau as well as veterinary boards that pertain to companion and livestock animals. The state farm bureaus were found using the American Farm Bureau Federation website directory (<http://www.fb.org>) while the state veterinary boards were selected through the American Association of Veterinary Boards website (<http://www.aavsb.org>). Nationally recognized businesses such as meat processors, pharmaceutical companies and fast food chains were also selected for this research. Although some of the aforementioned organizations are not necessarily “anti-animal welfare,” they do commonly offer opposing views in the promotion of science, food industry, hunting and general animal ownership, which is why it is important to find a common preliminary ground between those businesses and animal welfare groups.

A survey was distributed to forty-one of the known animal welfare organizations as well as sixty-four of their possible business counterparts, in an effort to obtain at least fifteen responses from each side. Company data were selected based upon recognized organizations and businesses. Overall, 105 surveys were sent to both groups. Surveys were mailed anonymously to the organizations in order to maintain confidentiality.

Given that some companies may view themselves on the side of animal welfare even though they are more often affiliated with business, the surveys asked the exact same questions to both groups without questioning their stance on animals in general. To better distinguish between the two groups, the font size of the surveys were changed to reflect the answers of animal welfare organizations and a varying font used to reflect the answers of the business industry. Fifteen were received from the animal welfare side and thirteen from the pro business side. The survey asked each organization/business their position on the enforcement of laws with respect to abandonment, abuse, overpopulation, neglect, laboratory research, and unhealthy habitats of companion animals, as those issues have been distinguished as the highest concerns pursuant to reports from national animal welfare organizations, namely ASPCA, HSUS and PETA. The survey responses range from 1 to 5 with 1 being the lowest effectiveness of the law and 5 being the most effective. The survey also asks their position on a range of harmful behavior to companion animals, from cloning to the racing of dogs, with 1 as no harm and 4 being tremendous harm.

The survey then moves on to the effectiveness of laws regarding livestock animals, focusing on issues such as confinement of livestock, slaughter, unhealthy habitats, feeding processes, pharmaceutical use and waste management which have also been reported by national organizations. Like the companion animal questions, it then asks their opinion on harm to livestock from cloning in addition to the racing of horses. As the opinion of livestock laws may vary based upon the type of livestock, it is first asked if the effectiveness of current laws is dependent on the type of animal, and if yes, they are then asked to rank each animal in terms of concern, with 1 as the least concern

and 7 with the most concern. The animals potentially rated are calves, chickens, cows, goats, horses, pigs and rabbits. The survey concludes with questions on the legal response to potential abuse. Specifically, whether animal welfare departments should be developed within each police department as well as whether animal welfare laws need to be modified to further benefit animals.

Based on prior research as well as current issues surrounding animal welfare laws, several hypotheses have been devised given the history of these two advocacy groups.

Hypothesis 1: *Animal welfare organizations will see overpopulation as the biggest concern with respect to companion animals.*

Overpopulation of companion animals has been a major struggle for organizations as “puppy mills” around the country continue to market their “products” leading to more animals ending up on the street, oftentimes not spayed or neutered. The issue of overpopulation can expand to the other concerns which were listed on the survey such as neglect and abandonment.

Hypothesis 2: *Animal welfare organizations will see cruel confinement as the biggest concern with respect to livestock animals*

It has been shown that livestock kept in a more natural environment will typically lead to more humane methods. What is typically considered as cruel confinement of livestock could lead to more unhealthy habitats, waste management concerns as well as cruel slaughter processes. Thus, animal welfare organizations will view cruel confinement as the biggest concern as it leads to more serious issues.

Hypothesis 3: *The majority of pro-business organizations will agree with animal welfare organizations that overpopulation is a major concern regarding companion animals.*

Overpopulation is not only viewed as a concern by animal welfare organizations, but businesses as well. As breeding continues to increase, the problems associated with overpopulation concerns all sides. Although businesses may not view the laws concerning overpopulation the same as animal welfare advocates, nevertheless it will still be a concern to them as everyone has an interest in their domestic pets.

Hypothesis 4: *Unlike animal welfare organizations, the majority of pro-business organizations will not view cruel confinement as the biggest concern with respect to livestock animals.*

Many businesses make profit on the utilization of livestock across the United States. A change in the confinement of livestock could have a negative affect on revenue if it were to be altered, causing the business industry to develop more natural yet costly confinement for the animals. The purpose of increasing factory farming and changing the natural confinement of animals is to reduce production costs, to modernize genetics for more industrious breeding and maximize the assembly of meat, egg and milk production. That is why the farm animals are kept indoors at high density numbers in order to reduce the cost to the farmers for land, labor, vaccinations, antibiotics, and other normal livestock expenses. If businesses admitted confinement laws were ineffective, they would potentially harm their overall profit margin.

Hypothesis 5: *If pro-business organizations perceive any livestock concerns, the biggest problem would be waste management which may pollute nearby water.*

Although the waste management of businesses can have an effect on the livestock used, the more typical concern surrounds nearby community residents. In order to dispose of manure, factory farms spray the waste onto farm fields as fertilizer and once the saturation point has been reached in the fields, the waste runs off into nearby water systems leading to serious water pollution which can lead to environmental damage as well as human health concerns. As studies continue to highlight the effects of poor waste management, businesses are being forced to respond, thus increasing their awareness of the problem.

Hypothesis 6: *Organizations on both sides will be have more agreement on companion animal issues than livestock issues.*

An agreement upon companion animals does not necessarily affect the cost and profit of most businesses, unlike livestock. Companion animals are also commonly viewed by both sides as family members, as opposed to livestock that are often viewed as meat and dairy sources, the latter being more profitable to the business industry.

The data were analyzed using descriptive statistics via Microsoft Excel and SPSS Version 15.0. Descriptive statistics and comparison tests were utilized to profile, summarize, and determine the views on the effectiveness of laws and any potential agreements made between organizations and businesses. Tables were used to illustrate the results. The main variables in this study consist of perceptions of the organizations and businesses on animal welfare laws and their effectiveness.

The above section helps to clarify how the opinions of these two groups were collected as well as how it was used for this research project. In the following chapter, descriptions of the opinions are provided and the similarities, according to the views of

animal welfare organizations and businesses are presented. Also presented in Chapter Four are the results from the statistical procedures used to help answer the research questions and evaluate the research hypotheses.

Chapter 4

Results and Findings

This research explored the viewpoints between business organizations and animal welfare organizations and whether they share common ground on animal welfare laws. Specifically, this project sought to determine the views surrounding the effectiveness of various laws regarding companion and livestock animals in an effort to find even remote agreement on current legislation. Survey data on the views of animal welfare organizations and businesses as to the effectiveness of laws were collected. Out of forty one surveys sent across the United States to animal welfare organizations, fifteen of them were returned while sixty four were sent to businesses throughout the country with thirteen returned. That leaves a response rate of 36.5% and 20.3% respectively.

In relation to the responses, the following hypotheses were proposed.

Hypothesis 1: *Animal welfare organizations will see overpopulation as the biggest concern with respect to companion animals.*

This was supported. Overpopulation has a mean of 1.93 amongst animal welfare organizations with abandonment as a close second concern with a mean of 2.13. Physical abuse and neglect was ranked third as a concern for animal welfare organizations. Whether the laws are effective is viewed similar by both sides with the overall mean of 2.74 each. (See Table 1).

Hypothesis 3: *The majority of pro-business organizations will agree with animal welfare organizations that overpopulation is a major concern regarding companion animals.*

There is little support for this hypothesis. Although close, businesses rated abandonment as more of a concern with respect to companion animals, with overpopulation being second (See Table 1). Perhaps the concern is that the abandonment of companion animals leads to overpopulation if they have not been spayed or neutered rather than overpopulation leading to abandonment.

Table 1

Comparison of Means (note 1) for Perceptions of Laws Related to Companion Animals and Livestock Animals (N=28). Abbreviations “AW” represent Animal Welfare organizations and “BS” represent respondents from organizations that are business-related.

<u>Item (note 2)</u>	Animal Type					
	Companion			Livestock		
	N=28	n=15	n=13	N=28	n=15	n=13
	<u>Total</u>	<u>AW</u>	<u>BS</u>	<u>Total</u>	<u>AW</u>	<u>BS</u>
Unhealthy habitats	3.07	2.27	4.00	2.81	1.93	3.92
Overall effectiveness of law on animal welfare	3.29	2.67	4.00	2.89	1.93	4.08
Dog/animal fighting	3.25	2.53	4.08		NA	
Physical abuse	3.18	2.40	4.08		NA	
Neglect	3.18	2.40	4.08		NA	
Abandonment	2.74	2.13	3.50		NA	
Overpopulation	2.74	1.93	3.75		NA	
Laboratory research/testing methods	3.29	2.47	4.23		NA	

Note 1: The scale for each item is from 1-5, with “1=Lowest effectiveness” and “5=Highest effectiveness”. The arithmetic mean for each item is shown, therefore bigger means reflect views that laws are more effective than items with smaller means.

Note 2: On the questionnaire, each of the above items begins with: “How do you rate the effectiveness of law concerning...”.

Hypothesis 2: *Animal welfare organizations will see confinement as the biggest concern with respect to livestock animals.*

There was no support for this hypothesis. Concerning the effectiveness of laws surrounding livestock, results suggest the opposite of the proposed hypothesis. The mean for cruel confinement as viewed by the animal welfare organizations is 2.07, while pharmaceutical concerns had a mean of 1.79. Thus, animal welfare organizations see pharmaceutical use as the number one legal concern followed by slaughter, then confinement. (See Table 2).

Hypothesis 4: *Unlike animal welfare organizations, the majority of pro-business organizations will not view cruel confinement as the biggest concern with respect to livestock animals.*

Hypothesis 5: *If pro-business organizations perceive any livestock concerns, the biggest problem would be waste management which may pollute nearby water.*

It has also been hypothesized that pro-business organizations will not view cruel confinement as the biggest concern regarding livestock but rather the largest problem would be agricultural items which may pollute nearby water, otherwise considered waste management. This was not the case. In fact waste management concerned businesses the least. The biggest legal concern for businesses regarding livestock was confinement. Overall, the pharmaceutical use has maintained the lowest effectiveness rating at a total of 2.92 when comparing both organizations (See Table 2).

Table 2

Effectiveness of Livestock Law

<u>Item (note 2)</u>	Animal Type					
	Companion			Livestock		
	N=28	n=15	n=13	N=28	n=15	n=13
	<u>Total</u>	<u>AW</u>	<u>BS</u>	<u>Total</u>	<u>AW</u>	<u>BS</u>
Pharmaceutical use		NA		2.92	1.79	4.25
Farm confinement		NA		2.93	2.07	4.00
Slaughter process		NA		2.96	2.00	4.17
Feeding Processes		NA		3.04	2.13	4.17
Waste management		NA		3.11	2.13	4.33

Hypothesis 6: *Organizations on both sides will be have more agreement on companion animal issues than livestock issues.*

The mean rating concerning livestock for businesses never fell below 4.0 regarding these animal laws in comparison to the overall ratings of companion animal laws where the total mean fell to 2.74 as it related to abandonment and overpopulation (See Tables 1 & 2).

In relation to the cloning of companion and livestock animals, the overall combined percentages indicated that cloning these two types of animals is viewed as non harmful by the business industry. Not one business organization viewed cloning or the racing of dogs and horses as very harmful, while over thirty percent of animal welfare organizations perceive both the cloning and racing of both types of animals to be harmful. However, both organizations do agree the racing of companion and livestock animals is of great concern with the total percentage of both respondents indicating some

harm, with thirty-two percent in relation to dog racing and over forty-two percent of horses (See Table 3).

Table 3

Perceptions of Harm to Animals

<u>Item</u>	(Percentage)					
	Companion			Livestock		
	N=27	n=14	n=13	N=26	n=14	n=12
	<u>Total</u>	<u>AW</u>	<u>BS</u>	<u>Total</u>	<u>AW</u>	<u>BS</u>
How much harm, if any, do ___ undergo from cloning?						
No harm	37.0	7.1	69.2	38.5	7.1	75.0
Little	25.9	28.6	23.1	23.1	28.6	16.7
Some	22.2	35.7	7.7	23.1	35.7	8.3
Tremendous	14.8	28.6	0.0	15.4	28.6	0.0
How much harm, if any, do racing ___ undergo?						
	N=28	Dogs		N=28	Horses	
	<u>Total</u>	<u>AW</u>	<u>BS</u>	<u>Total</u>	<u>AW</u>	<u>BS</u>
No harm	10.7	0.0	23.1	14.3	0.0	30.8
Little	28.6	0.0	61.5	21.4	0.0	46.2
Some	32.1	46.7	15.4	42.9	60.0	23.1
Tremendous	28.6	53.3	0.0	21.4	40.0	0.0

Both businesses and organizations were asked how those who violate laws should be penalized with respect to both companion and livestock animals. Table 4 displays the common answers of both organizations and businesses.

Table 4

Summary of what respondents provided on the items “How should those who violate companion and livestock animal welfare laws be penalized?”

Companion Animal	<i>Welfare</i>	
	<i>Organizations</i>	<i>Businesses</i>
	Felony	Depends on offense
	Do not allow future animal ownership	Apply existing law
	Jail time	Jail time
	Higher fines	Fines
Livestock Animal	<i>Welfare</i>	
	<i>Organizations</i>	<i>Businesses</i>
	Higher fines	Apply existing law
	Do not allow future animal ownership	Depends on offense
	Jail time	Small fine
	Felony	Jail time
	Educate offender and public	

Although there is some similarity between the organizations, there was a lack of business response to the penalty question regarding livestock animals. The additional response made by animal welfare organizations is that the offender and the public should be educated more in relation to livestock laws, perhaps due to the fact that those types of laws are not publicized in comparison with companion animal laws, leading to potentially more offenses against livestock animals.

When asked if the type of livestock animal influences the effectiveness of the law, only thirty-eight percent of businesses responded with a yes, with the overall ranking of chickens as the biggest concern; whereas over sixty-six percent of animal welfare organizations believe the type of livestock influences the effectiveness. Overall, horses have been viewed as the biggest concern and rabbits the least concern (See Table 5).

Table 5

Influence of type of livestock

<u>Item</u>	<u>Percentage</u>		
	<u>N=28</u>	<u>n=15</u>	<u>n=13</u>
Does the type of livestock animal influence the effectiveness of law?	<u>Total</u>	<u>AW</u>	<u>BS</u>
Yes	53.6	66.7	38.5
No	46.4	33.3	61.5
<p>If “Yes” to the item above, for the following seven types of animals, rank each type in terms of concern that animal welfare laws have to protect them should have from “1” being of least concern to “7” that animal type is of most concern.</p> <p>(Note 1: respondents could use each number only once).</p>			
	<u>Mean (Note 2)</u>		
	<u>N=15</u>	<u>n=10</u>	<u>n=5</u>
	<u>Total</u>	<u>AW</u>	<u>BS</u>
Horses	4.73	5.20	3.80
Calves	4.40	4.60	4.00
Cows	4.33	4.60	3.80
Chickens	3.67	3.10	4.80
Pigs	3.67	3.60	3.80
Goats	3.33	3.60	2.80
Rabbits	2.80	3.20	2.00

Note 2: The values are for the arithmetic mean. The possible range is from 1 to 7. Larger means reflect perceptions that the animal is of more concern than those animals that have smaller means.

In relation to developing animal welfare departments in order to enforce welfare law, eighty percent of animal welfare organizations strongly agree that animal welfare departments are needed, while none of the businesses strongly agreed, in fact forty-one percent of businesses strongly disagreed for the need of such departments (Table 6). Nearly 92% of businesses disagree that animal welfare laws need to be modified to benefit animals while 93% of animal welfare organizations do agree that these laws are inadequate. This is by far the biggest and most important difference between these two groups (See Table 6). When looking at the percentages, it is important to keep in mind there was more reporting by animal welfare organizations compared to the business industry.

Table 6

Statement Results (N=27)

<u>Item</u>	<u>Percentage</u>		
	<u>Total</u>	<u>AW</u>	<u>BS</u>
Police departments around the country should develop animal welfare departments for the specific purpose of enforcing animal welfare laws.	N=27	n=15	n=12
Strongly Disagree	22.2	6.7	41.7
Disagree	14.8	0.0	33.3
Agree	18.5	13.3	25.0
Strongly Agree	44.4	80.0	0.0
Animal welfare laws need to be modified to further benefit animals.	N=27	n=15	n=12
Strongly Disagree	22.2	6.7	41.7
Disagree	22.2	0.0	50.0
Agree	3.7	6.7	0.0
Strongly Agree	51.9	86.7	8.3

Although the two groups were different in their overall views as to the effectiveness of animal welfare laws concerning both companion and livestock animals, it is helpful for animal advocates and their counterparts as well as politicians to see what areas of animal welfare laws can be agreed upon.

Summary

Based upon the data analysis, laws with respect to overpopulation and abandonment of companion animals were found to be the least effective as viewed by both animal welfare organizations and businesses. Chapter Five covers the conclusions of the data analysis, limitations and suggestions for future research. The benefits of business

and organizational agreement will be touched on and where the results of this study can be used for future animal welfare policy will be explored.

Chapter 5

Conclusion

This research project focused on the possible agreement between animal welfare organizations and their potential business counterparts surrounding animal welfare laws. In order to accomplish this primary goal, data were analyzed pertaining to known animal welfare organizations such as federal and state humane societies, animal protective leagues and societies for the prevention of cruelty to animals, as well as businesses such as state farm bureaus, meat processing plants, boards of veterinary medicine, as well as major fast food companies. Six hypotheses were analyzed regarding the potential compromise of animal welfare organizations and business organizations concerning animal welfare laws. The results were mixed.

Out of sixty-four surveys sent to businesses, only thirteen were returned and out of the forty-one surveys distributed to animal welfare organizations, fifteen were answered. Overall, businesses do not classify any of the animal welfare laws concerning either companion or livestock as ineffective. The laws that were viewed slightly less effective were those on overpopulation and abandonment of companion animals. Although the effectiveness on these two issues differed amongst businesses and organizations, both sides did agree that there is a problem, which is a step in the right direction. In relation to the effectiveness of livestock animal laws, there are different viewpoints. Although businesses continue to see livestock legislation as essentially effective, they do believe laws regarding the habitat of livestock animals were less effective even when compared to their view of slaughter and pharmaceutical laws. In

comparison, animal welfare organizations view the pharmaceutical use on livestock as the least effective with their habitat conditions as a close second.

The present study proposed that if an agreement could be made upon any issue concerning the effectiveness of animal legislation, it would be that of companion animal laws and the data indicated some support for that premise. The business organizations as well as animal welfare organizations both agree that overpopulation as well as abandonment of companion animals is a concern, so common ground has been reached at least in one area.

Limitations to the Present Study

As with any research, there are limitations. With respect to the survey instrument, the questions for this study were broad as animal welfare laws vary by state concerning both companion and livestock animals. Because of anonymity assurance, the survey did not ask members from either side as to which state their organization resides, which prior research tells us is critical to effective law enforcement. Given prior literature shows that states are ranked differently, it would have been beneficial to have done a state by state comparison. Even comparing specific jurisdictions within each state to each other would be more explanatory. In order to maximize response rate, no identifying information was gleaned from the survey itself.

It is impossible to know exactly what type of business answered each survey which can hinder the interpretation of the results. Given some of the surveys distributed were to veterinary boards throughout the United States, they may be more likely to

answer in favor of animals when compared to agricultural bureaus and other businesses profiting from the use and distribution of animals. Veterinary boards were categorized under businesses due to the fact that they offer views in promotion of science, the food industry and general ownership, that conflict with the views of animal welfare organizations. Although that may be the case, their businesses are for the purpose of medically caring for both types of animals, which potentially places them on both sides of the spectrum. Yet, veterinary opinions could be important in the transformation of laws as they practice in that industry and can provide a more scientific and medical view on such concerns.

Recommendations for Future Research

Future studies should limit their query to individual states in order to find further agreement within those states. According to the Animal Legal Defense Fund, as of 2011 the following states were categorized as the “worst” in relation to the effectiveness of animal welfare laws: South Dakota, Iowa, Idaho, North Dakota and Kentucky. Those states do not have felony penalties in relation to abandonment, do not have precise laws consisting of adequate definitions; do not have an affirmative duty of police officers to enforce the laws; and there is no restriction which can be given by the court to the ownership of animals after conviction (Otto, 2011). It is clear that those five states alone need their animal welfare laws transformed.

Future research should also focus on laws considered to be the least effective, such as overpopulation and abandonment of companion animals as well as the unhealthy

habitats or pharmaceutical use of livestock, in a further attempt to have those laws changed.

Contributions

This study has contributed to the animal welfare literature in that prior research seems to only survey the opinions of animal activists and/or welfare groups or mass public opinion. This research takes the investigation a step further by not only gathering the opinions of animal welfare groups, but also their perceived business counterparts, who are oftentimes placed on the highly criticized end of the animal welfare debate but who have tremendous political influence on public policy. It is easy to recommend new laws and regulations using only the views of organizations currently seeking the same avenue; however, those views are often thwarted by their counterparts, which is why it is important to study the opinions of both sides to find the issues that they agree upon even if only remotely. Given that these two groups have begun to compromise on some issues in the animal crusade, namely the effectiveness of laws surrounding the abandonment and overpopulation of companion animals that can at least be one step forward for the sake of animal welfare.

Summary

The findings of this project will hopefully serve as the beginning of a consensus between animal welfare organizations and their business counterparts in order to have

companion and livestock animal laws changed to better all animals. Because of the influence of both animal welfare organizations as well as the business industry, highlighting any agreement between the two can be a positive step forward. This study reinforced the potential for those agreements and for future research to take such consensus a step further.

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Appendix A

Survey Distributed to Organizations and Businesses

Views on Animal Welfare Laws Survey

Please respond to the following items concerning the views on animal welfare laws and their effectiveness as they relate to your organization's mission. Do not put your name anywhere on this survey. Your honest responses are appreciated. Please return your completed survey within five (5) days of receiving it.

Companion Animal Questions: For items 1-8, use the following scale from 1 to 5, where "1=Lowest effectiveness" and "5=Highest effectiveness".

1. How do you rate the overall effectiveness of laws associated with **companion animal** welfare?

1 2 3 4 5

2. How do you rate the effectiveness of law concerning physical abuse of **companion animals**?

1 2 3 4 5

3. How do you rate the effectiveness of law concerning neglect of **companion animals**?

1 2 3 4 5

4. How do you rate the effectiveness of law concerning unhealthy habitats of **companion animals**?

1 2 3 4 5

5. How do you rate the effectiveness of law concerning overpopulation of **companion animals**?

1 2 3 4 5

6. How do you rate the effectiveness of law concerning abandonment of **companion animals**?

1 2 3 4 5

7. How do you rate the effectiveness of law concerning laboratory research/testing methods of **companion animals**?

1 2 3 4 5

8. How do you rate the effectiveness of law concerning dog/animal fighting of **companion animals**?

1 2 3 4 5

9. How much harm, if any, do **companion animals** undergo from cloning?

1=No harm 2=Little 3=Some 4=Tremendous

10. How much harm, if any, do racing dogs undergo?

1=No harm 2=Little 3=Some 4=Tremendous

11. How should those who violate **companion animal welfare laws** be penalized?

Livestock Animal Items: For items 12-18, use the following scale from 1 to 5, where “1=Lowest effectiveness” and “5=Highest effectiveness”.

12. How do you rate the overall effectiveness of laws associated with **livestock animal** rights?
1 2 3 4 5

13. How do you rate the effectiveness of law concerning farm confinement of **livestock animals**?
1 2 3 4 5

Please continue completing the survey on the reverse side →

14. How do you rate the effectiveness of law concerning the slaughter process of **livestock animals**? 1=Lowest 2 3 4 5=Highest

15. How do you rate the effectiveness of law concerning unhealthy habitats of **livestock animals**?
1 2 3 4 5

16. How do you rate the effectiveness of law concerning feeding processes of **livestock animals**?
1 2 3 4 5

17. How do you rate the effectiveness of law concerning pharmaceutical use on **livestock animals**?
1 2 3 4 5

18. How do you rate the effectiveness of law concerning waste management of **livestock animals**?
1 2 3 4 5

19. How much harm, if any, do **livestock animals** undergo from cloning?
1=No harm 2=Little 3=Some 4=Tremendous

20. How much harm, if any, do racing horses undergo?
1=No harm 2=Little 3=Some 4=Tremendous

21. Does the type of livestock animal influence the effectiveness of law? 1=Yes 2=No

22. If “Yes” in #21, for the following seven types of animals, rank each type in terms of concern that animal welfare laws have to protect them should have from “1” being of least concern to “7” that animal type is of most concern. Use each number only once.

- ___ Calves
- ___ Chickens
- ___ Cows
- ___ Goats
- ___ Horses
- ___ Pigs
- ___ Rabbits

23. How should those who violate livestock animal welfare be penalized? _____

General Items

24. Police departments around the country should develop animal welfare departments for the specific purpose of enforcing animal welfare laws.

1=Strongly Disagree 2=Disagree 3=Agree 4=Strongly Agree

25. Animal welfare laws need to be modified to further benefit animals.

1=Strongly Disagree 2=Disagree 3=Agree 4=Strongly Agree

26. If there is anything not mentioned above that you feel impacts animal welfare laws, please describe it below.

Thank you for your time and views. Please return the survey within five (5) days of receiving it using the self-addressed stamped envelope provided.