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Do Animal Protection Laws Dupe the Public?

Henry Spira

"If, as Mahatma Gandhi states, 'The greatness of a nation and its moral progress can be judged by the way its animals are treated', the United States is being left behind by much of Western Europe." So says David Wolfson in a soon to be published study documenting the fact that present laws are of no help to the cruel realities suffered by seven billion farm animals. Wolfson, an attorney in a major international law firm, suggests that while farm animals have no real legal protection, society perceives that they do.

As outlined by Wolfson, laws give the perception of protecting farm animals but, in reality, provide little or no protection. Federal law fails to provide any protection to farm animals on the farm. Moreover, while many state cruelty laws still cover farm animals in theory, they are rarely if ever applied. And most disconcerting is the trend of farm animals being increasingly excluded from the reach of state cruelty laws.

At present, 25 states exclude "accepted farming practices" from the reach of such cruelty laws. Nineteen states amended their statutes in the last twelve years. Eleven of these amended their statutes in the last six years and in just the past year, two states amended their state cruelty statutes to exclude accepted animal agricultural practices. The result is that any "accepted farming practice" is legally permitted-no matter how cruel. Obviously, there would be no need to amend state cruelty laws were there not the fear that accepted practices would be judged cruel. In effect, Wolfson states, animal agriculture has been left to regulate itself.

Consequently, our legal system appears to acquiesce to dragging a half dead cow, chained around her hind leg, through the stockyards and keeping calves deliberately anemic by depriving them of the most basic foods and water while imprisoning them in wooden crates for their entire short, utterly miserable lives. "The reality in the US", says Wolfson "is that our society, through its laws, seemingly condones cruelty to animals."

Is this how the American public wants farm animals to be treated? Much has happened in the past few years to suggest that not only are increasing numbers of people opposed to the routine and needless misery inflicted on seven billion farm animals each year, but that industry and government are finally beginning to respond to the public's concerns.

Encouraging developments include USDA's rapidly halting the face branding of Mexican cattle in the wake of widespread public outrage. And the USDA then following through by placing the issue of farm animal well-being on their agenda. Earlier, the American Meat Institute issued groundbreaking guidelines promoting the humane handling and transport of animals. Major American slaughter houses have recently replaced the shackling and hoisting of large conscious animals. And fast food giant McDonald's has told its suppliers to adhere to guidelines for more humane treatment of farm animals.

These reforms are encouraging. Still, life for farm animals has never been more miserable. Today, the only limits to increasing the confinement and trauma of farm animals are economic. The only reason they don't cram more laying hens into a cage is because the increased mortality would make it less profitable. The same thing holds true for the pigs and veal calves routinely denied the most basic freedoms to rum around, lie down, and extend their limbs.

The enormous response to our recent campaign to end the face branding of Mexican cattle suggests that the public will not tolerate animal abuse if it is made aware of the facts. But, as Wolfson notes, the public believes that "although we eat animals, there are laws which prevent these animals from being treated cruelly." In reality, farm animals are being subjected to ever more stressful confinement systems and have no legal protection.

How do we proceed? The public may want to *replace* or *reduce* its consumption of meat. At a minimum we can all agree that as long as the public eats meat, there's a need to *refine* current methods of animal agriculture. But in order to make informed choices, we need to know the realities of confinement systems, transport, handling, and slaughter of farm animals. We also need to understand the lack of legal protection for farm animals and the need for a farm animal protection bill. The USDA and producer groups must be encouraged to promote the well-being of farm animals. Users of the products of animal agriculture need to enforce more humane standards for their suppliers.

Until the seven billion farm animals do have legal protection, agribusinesses need to respond rapidly and substantively to emerging public concerns. If they don't, let's place them in the unenviable position of having to publicly defend their right to be cruel.

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