

## A PROPOSED RESOLUTION IN SUPPORT OF GARY YUROFSKY

**"RESOLVED:** In recent times some citizens, including some from Michigan, acting from motives of compassion and concern for the protection of animals, have committed nonviolent acts of disobedience to laws, statutes, and ordinances. In some of these instances, property used in the exploitation of animals was deliberately damaged or destroyed. These acts were committed for the purpose of protecting animals from cruel treatment and suffering at the hands of researchers, farmers, ranchers, and others who exploit animals for economic gain.

"We recognize that throughout this nation's history, other individuals, acting from conscience in obedience to moral law, have similarly violated certain laws and ordinances. This was true for antislavery abolitionists before the Civil War, who helped slaves escape to freedom in violation of the Fugitive Slave Act which required that escaped slaves be returned to their legal owners. In our own time, these same principles of nonviolent disobedience to unjust laws have been applied by such individuals as the Mahatma Mohandas K. Gandhi and the Reverend Dr. Martin Luther King, Jr., both of whom were—as was Michigan's Gary Yourofsky, President of ADAPTT (Animals Deserve Adequate Protection Today and Tomorrow)—sentenced to jail for their actions.

"Today, because we see the animal protection movement as encompassing great moral truths of liberty, equality, and kinship with all living creatures, both human and animal, we cannot condemn those individuals who, oftentimes at great personal sacrifice, act upon these moral principles for the purpose of relieving or preventing the suffering of defenseless animals. As lawyers, we recognize and respect the rule of law, but we note that law must ever rest upon a foundation of truth and justice. We cannot and do not, therefore, condemn these principled persons for their nonviolent acts to protect animals, even when their acts may be in violation of local, state, or federal statutes.

"To Mr. Gary Yourofsky of Royal Oak, Michigan, now incarcerated in Canada for his role in freeing hundreds of mink from a 'fur farm,' we extend our respect, admiration, and support."

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**Legislative Language**

*England had prohibited bull-baiting, cock-fighting, prize fighting, all of which had in their day, no end of logic and sentiment in their favour; and why should she not hold her place among the nations of the earth, and be the first to reduce, within the closest possible limits, the sufferings inflicted by man on the whole animal kingdom?*

Lord Shaftesbury  
(Anthony Ashley Cooper) 1801-1885  
Speech on the second reading of the  
Cruelty to Animals Bill, 26 May 1876.

*People often ask me why I spend so much time protecting the welfare of animals. They refer to my active support of legislation to outlaw barbarism in packing plants . . . my protesting liquidation of the famous White House squirrels . . . urging a halt to the oil drilling and gas prospecting taking place all over our national wildlife and waterfowl refuges.*

*I have several answers. The first is that Dr. Albert Schweitzer . . . often said that one of the real symbols of a truly civilized person is whether or not he is kind to animals.*

*Also I cite one of my favourite quotations from the Bible: "Verily I say unto you, inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."*

*I have always believed that cruelty to beasts is a black mark in heaven . . . particularly cruelty which is wanton and totally unnecessary. I realize that animals, whether of the field or of the forest, do not vote. They do not make campaign contributions to enrich the coffers of politicians running for office. But I will be their friend. I imagine that he who spoke the Sermon on the Mount would want it that way too.*

U.S. Senator Richard L. Neuberger  
(D., Oregon) 1912-1960  
in a Congressional Address.

# A BILL OF RIGHTS FOR ANIMALS



*What rights should animals have? It sometimes depends on the type of animal it is, as shown by the Animal Legal Defense Fund's (ALDF) proposed Animal Bill of Rights:*



\*THE RIGHT of every animal to be free from exploitation, cruelty, neglect, and abuse;



\*THE RIGHT of laboratory animals not to be used in cruel or unnecessary experiments;

\*THE RIGHT of farm animals to an environment that satisfies their basic physical and psychological needs;



\*THE RIGHT of companion animals to a healthy diet, protective shelter, and adequate medical care;



\*THE RIGHT of wildlife to a natural habitat, ecologically sufficient to a normal existence and a self-sustaining species population;



\*THE RIGHT of all animals to have their interests represented in court and safeguarded by the law of the land.



# **ACTIVISTS GAIN STANDING TO SUE TO ENFORCE ANIMAL WELFARE ACT**

**Washington, D.C.**— Seven of the 11 judges on the U.S. Court of Appeals for the D.C. Circuit agreed on September 1 [1998] that New York activist Marc Jurnove has standing to sue the USDA seeking enforcement of the Animal Welfare Act against the Long Island Game Farm and Zoological Park.

"This is a landmark decision for anyone concerned about promoting humane treatment for animals," said Animal Legal Defense Fund staff attorney Valerie Stanley who had pursued the standing issue since 1988. "When federal agencies fail to protect animals, citizens may now go to court to seek a legal remedy."

The Court of Appeals ruling means appellate-level precedent for the first time favors the right of individuals and humane groups to ensure that the USDA Animal and Plant Health Inspection Service implements the AWA as Congress intended. The AWA governs the treatment of animals in exhibition facilities and research.

The full Court of Appeals ruling can only be reversed by the Supreme Court or an act of Congress. It upholds an October 1996 ruling by the late Judge Charles Richey of the U.S. District Court for Washington, D.C., who both in 1991 and in the 1996 case favored activist standing. Both Richey rulings were later reversed by three-judge panels from the Court of Appeals for the D.C. Circuit.

The Jurnove opinion, written by Judge Patricia Wald, is indexed as Animal Legal Defense Fund v. Glickman, #97-5009b. It was

argued before the court by Katherine Meyer of the D.C. firm Meyer & Glitzenstein. It proceeds from the alleged failure of the USDA to adopt adequate enforcement regulations implementing 1985 amendments to the AWA, which require that primates must be kept in facilities conducive to their psychological health. The Court of Appeals did not rule on the merits of the case, which concerns conditions at a so-called roadside zoo, not accredited by the American Zoo Association, operating in Manorville, New York.

The court found that "Mr. Jurnove's allegations solidly establish injury in fact," a prerequisite for legal standing, quoting his affidavit, "because of his familiarity with and love of exotic animals," with a demonstrated "aesthetic interest in observing animals living under humane conditions."

Further, the court held, "The AWA anticipated the continued monitoring of concerned animal lovers to ensure that the purposes of the Act were honored. Mr. Jurnove, a regular viewer of animal exhibitions regulated under the AWA, clearly falls within the zone of interests the state protects. His interests are among those that Congress sought to benefit."

Anticipating lawsuits against laboratory conditions, the national Association for Biomedical Research filed a brief backing the USDA position that Jurnove has no standing.

**This report is reprinted with permission of editor M. Clifton of *Animal People*, from an article in its October 1998 edition.**

# CONGRATULATIONS . . .

a sh e h s  
 g/ d b  
 ch t/le d ch

Mt. Clemens attorney Donald Perkins has been named southeast Michigan coordinator of REP AMERICA, a political action committee that supports candidates and laws that advocate protecting natural resources and wildlife.

Perkins' appointment was announced [in January] at the Michigan Environmental Council's annual breakfast in Lansing.

Perkins' first action was to make the group, Republicans for Environmental Protection, a member of the environmental council.

Perkins said he wants Republicans to return to their roots as defenders of the environment.

He applauded past Republican leaders such as former Governor William Milliken who proposed land- and animal-friendly laws.

"Richard Nixon gave us the Clean Water Act, the Clean Air Act, the Endangered Species Act, as well as the Environmental Protection Agency itself.

"These have resulted in a cleaner, healthier world for humans and wild creatures alike," he said.

*Reported by Kim North Shine in the February 2, 1999 edition of the Detroit Free Press and is reprinted with permission.*

a b e h s e b g  
 g/ b s/ s/ k  
 B y b h y

Ginny K. Mikita says she went to law school for one reason: "To help alleviate the suffering of animals"—a difficult task that requires extraordinary compassion and determination. Mikita has not disappointed anyone in her efforts.

In a relatively short time, Mikita has saved the lives of countless animals and has stopped the suffering of many others. She says the animals, although they cannot speak our language, have communicated their appreciation for her, as have many humans.

Mikita's success is most aptly demonstrated by Michigan's recently-enacted animal cruelty laws, which were essentially meaningless until she became involved. Mikita was actively involved in the legislative process and helped draft the proposed language to provide relief to humane organizations.

Currently, Mikita is behind more amendments that will make Michigan's animal cruelty laws even stronger. She is also responsible for many local ordinances and programs that have helped both animals and their human companions.

*Reported in the December 14, 1998 edition of Michigan Lawyers Weekly and is reprinted with permission.*

"Show me the enforced laws of a state for the prevention of cruelty to animals and I in turn will give you a correct estimate of the refinement, enlightenment, integrity and equity of that commonwealth's people.

. . . The lack of humane education is the principal cause of crime."

—L.T. DANSHIELL, 1914-  
 from a legislative address in Texas and quoted in  
*The Extended Circle: A Dictionary of Humane Thought.*

# EXCERPT FROM THE ADDRESS DELIVERED AT THE FUNERAL SERVICE OF JOHN HOWARD MOORE BY CLARENCE S. DARROW

**Editor's Note:** Many of our members will find the remarks of the great criminal-defense attorney, Clarence Darrow, to be of interest as he revealed his own sympathies with the cause of animal protection. John Howard Moore, author of The Universal Kinship, was the brother-in-law of Clarence Darrow who delivered the eulogy at Moore's funeral, the full address of which was published in *The Athena, Park Ridge, Ill., October 1916, pp. 21-23.*

"John Howard Moore was my brother and my friend. He lies here dead while we still live and move around him. His was a noble soul, else he would not be in his casket now. He loved men and animals, the birds . . . and all living things. His clay was so sensitive and fine that he rejoiced when they rejoiced and suffered in their pain. His mind was strong, but his vital organs were weak. His life was filled with deeds of kindness for all living things and his mind was devoted to lessening the suffering of the world. In every book he wrote and in almost every word he spoke he urged the blind and heartless world to be merciful and kind. He wrote of the kinship of all living things and he believed in every word he wrote and spoke. He was a teacher who cared not what the world had taught, but with all patience and labor sought to learn and teach the truth, not alone the literal things which most men call truth, but facts illumined and softened and humanized by the touch of kinship, sympathy, and an abiding love. We who knew him best will miss him most, but the animals for whom he spoke and the helpless songsters whom he loved all unconsciously will miss his

noble words which ever plead for justice and for kindness to these helpless ones.

For many patient hours, through long years, he had listened to the birds, until from their cries and songs he had learned to understand the language that they used—to tell the feelings of their pent-up souls.

Few men who ever lived were so thoughtful of all other life and so devoted to the noble task of enlightening human minds and softening human deeds. Little wonder that in his last pathetic note his words were for the "four-footed" that he loved.<sup>1</sup> His was a tender heart, a noble mind, and a nature so sensitive and fine that in his imagination he lived the lives of every thing that breathes, and men like him cannot die old. When poor clay is so mixed as to make a man like John Howard Moore, even an unfeeling universe must rejoice, but bitter is the cup that he must drink and hopeless the sorrow he must feel.

John Howard Moore was a fool, one of those rare devoted fools who thought that his words and life could help a world that will not listen and cannot see, and therefore does not feel . . . ."

<sup>1</sup>*"The long struggle is ended. I must pass away. Good-bye. Oh, men are so cold and hard and half-conscious toward their suffering fellows. Nobody understands. O my mother! and O my little girl! What will become of you? And the poor four-footed? May the long years be merciful. Take me to my river. There, where the wild birds sing and the waters go on and on, alone in my groves, forever."*



Jennifer Woods, 11, gets a kiss from her mallard duck, "Baby," while lying on a slide in Midland. Woods found out recently that her family would be allowed to keep the duck that lives in their apartment. Police told her he was in violation of a city ordinance, but a re-examination of the rules allowed the duck to stay.

## **VISIT ALS ON-LINE**

**<[www.michbar.org](http://www.michbar.org)>**

**Be sure to visit our internet site for the latest  
Animal Section News and project updates.**

## **A**nimal-**A**ttorney **R**eferral **F**orum (**AARF**)

**For Legal Assistance with Animal-Related Issues,**

**Call AARF at 810.465.2040**

## **Next Council Meeting of Animal Law Section**

**Saturday, June 12, 11:00 A.M.  
State Library of Michigan, Lansing MI**



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State Bar of Michigan  
Michael Franck Building  
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## **GRANT MONEY AVAILABLE**

**ATTORNEYS FOR ANIMALS (AFA), a 501(c)(3) organization, has a one-time grant available of up to \$1,000 to any attorney pursuing an animal-protection case in Michigan. The grant may not be used for attorney fees, but may be used to defray costs such as filing fees, depositions, transcripts, records-requests, motion fees, etc. Interested attorneys should contact Beatrice Friedlander at (313) 483-4612.**

## **LETTERS AND ARTICLES FOR FUTURE NEWSLETTERS ARE WELCOME**

**Please make submissions to the editor.  
ATTN: Donald N. Perkins, 2 Crocker Blvd., Suite #301,  
Mt. Clemens, MI 48043. Telephone: (810) 465-6000**