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Use of the Legislative Process in Protecting Animals

By Hugh Mc Namee, Cleveland, Ohio

Attorney

The statements that I shall make in this address are based upon experience gained by me as a lawyer, and as a member of the Ohio House of Representatives. That experience was applied to the successful pioneer attempt to enact the Ohio Rodeo Law of which I was the author and the pilot. Ohio is the first state in which a law has been passed to prohibit certain cruelty practices prevalent in rodeos and thus virtually eliminate them as a medium of public entertainment.

The origin of legislation is in some comprehension of a condition that needs correction by law. Such reform requires drafting a bill adequate to accomplish the desired objective. If there is no known precedent, the draft must necessarily be a novel composition. If there is precedent, it may serve as a model for a bill. Discovery of precedent is usually made through examination of statutes of states where legislation on the subject matter in question has been enacted. If the reformation desired is of a condition unsatisfactorily covered by an existing statute of the state where action will be undertaken, discovery of its existence is simpler and the drafting problem is one of amendment. The legal search involved and the composition of a bill require the services of a lawyer or a person otherwise qualified by training or experience. It is better that this be done before seeking a member of a legislative body to sponsor the reform objective.

Where an attempt has been made to get a bill passed in some prior assembly of the legislature, the above mentioned preliminaries have been done and there is an experience base from which to go forward. If that attempt has been made in some state other than your own, the national humane societies will have knowledge of it and can aid by furnishing or getting a copy of a bill for you.

The concept of the promoter having been formulated and embodied in a bill satisfactory to him, there will be more probability of acceptance of the proposed form by the prospective sponsor. Even if willing to undertake the task of drafting, the composition by the

sponsor may not be of such design as the promoter believes necessary to accomplish the purpose. Nor may it be if the sponsor has it done for him by the drafting service provided for assistance to legislators.

Assuming that there is a choice in the matter, the sponsor selected should be one who, above all else, is of humane disposition. Most of them are, for in fact if they were not, it would be an impossible task to get any humane legislation enacted. Preferably, the sponsor should be a member of the majority party in his branch of the legislature, because of the greater likelihood of support from the ranks of his own party, and because from it the chairmen of committees are appointed. A sponsor who has some seniority is by reason of that fact more experienced in legislative processes and has wider acquaintance among his colleagues. Generally, too, such a sponsor is more likely to be respected in greater degree by his colleagues and to be more influential among them.

It is highly desirable to have co-sponsorship of a bill by a member of the opposite party who has the characteristics desired and who would have like standing within his party as has the principal sponsor in his. The selection of the legislator to act as co-sponsor should be left to the judgment of the sponsor who is better qualified to make the decision.

If these preliminary and highly important steps can be taken prior to the convening of the assembly or in its early states, the chances of getting action and gaining what may well be needed time are much better. In the early period of the legislative session, there are fewer bills and consequently less clamor and less competition for committee hearing and for floor action than will be the case in the advanced stage of the session when, among other things, the members of the legislature become concerned with terminating the session and returning to their homes. As each day of the legislative session passes prior to the deadline, if there be one, for the introduction of bills, more and more bills are introduced. The volume becomes so great that it is an impossibility to give time, attention and consideration to all of them, regardless of the merits of their proposals. Consequently, many very meritorious bills never even get a committee hearing.

To illustrate the point, in July, at the time of the completion of enactment of the Rodeo Bill in Ohio, approximately 1,350 bills had been introduced of which action on 183 had been completed.

After introduction, the bill is assigned to a committee in accordance with the rules and practice prevailing, which may be expeditious or may be delayed, depending upon the method in use. In the Ohio House, bills are first assigned to a Reference Committee, which in turn refers them to a Study Committee. This may result in some delay. Usually bills are assigned to a committee constituted for consideration of matters of the type with which they deal.

When the assignment has been made, there may be further delay for various reasons, including volume of business assigned to the specific committee, opinion as to priority of importance, disinterest in the matter on the part of the Chairman, failure to focus his attention upon its importance, the influential effect of opposition forces, and so forth. The Chairmen of Committees have the prerogative of scheduling of hearings on bills assigned to their committees, so it is very important, therefore, that the Chairman before whose committee a bill is pending be tactfully and courteously informed on the subject and requested to schedule it for action.

It should be self-evident that all matters necessary and essential to persuasive presentation to the committee of the merits of a bill should be prepared well in advance of the time scheduled for hearing. Hearings commonly are scheduled on rather short notice and unless adequate preparation has been made, proponents of measures will fail in accomplishing their objectives.

Preparation for presentation requires accumulation and assembling of evidence in support of the subject matter of the bill under consideration as well as of such as may be useful in rebuttal or refutation of evidence or arguments anticipated to be made by assumed or disclosed opposition. If presentable in documentary form, copies of evidence or statements filed with the Committee will serve a very useful purpose. Where appropriate, photographs are of valuable assistance. Use of photographs in hearings on the Ohio Rodeo Bill were extremely helpful in getting favorable action both in committees of the House and Senate, and in floor presentation. These were submitted to the Committees by Frank McMahan, HSUS Director of Field Services, whose presentations of evidence to the committees were major factors in the passage of the bill. An illustration of the effective use of documented evidence in statistical form is that which was used at the hearing before the Senate Agriculture Committee on the slaughter bill. The statistical information had been compiled by Fred Pucher of Cleveland, Ohio, a member of HSUS, and was made available by me to Don Maxfield, HSUS representative from New Jersey, who appeared as a witness before the committee.

Evidence of great weight and value is that obtained from professional sources, particularly from Doctors of Veterinary Medicine, of whom some will be found who are willing to give supporting letters. In Ohio, letters in support of the Rodeo Bill were obtained from several eminent members of that profession.

The most distinguished of those members is Dr. W. F. Guard of Columbus, Ohio, Professor Emeritus of Veterinary Medicine at Ohio State University, who, at my request, promptly and co-operatively gave a letter approving the bill. Arrangement to get this important item of evidence was made by long-distance telephone call, and procurement of it is probative of the merit of the use of that means of

communication. We have not yet met in person. The suggestion to contact Dr. Guard was made by Dr. Daniel C. Stearns, of Cleveland, Ohio, who made available to me for use in evidence a photograph showing severe injury made by an abrasive bit to the tongue of a horse. Regrettably, however, too many members of the profession of veterinary medicine are as devoid of humane consideration for animals as are Doctors of Medicine.

Witnesses selected for presentation of pertinent evidence should be persons who are conversant with and informed upon the subject matter with which the bill deals, and competent to answer questions by committee members concerning provisions and effects of the bill. It is well to have in attendance at a hearing a number of persons who evidence their support of the bill by their presence. The nature, volume and form of evidence to be proffered will be governed by factors which include the nature of the subject matter of the bill, the importance of the problem involved and the amount of time allotted or estimated for the hearing. Committee time is always precious and for this reason, among others, supplemental documentary evidence has value.

In connection with each step along the way of progress of a bill to final enactment, as wide a range of support for it as reasonably can be should be marshalled. For bills of humane character, the primary source of support will be humanely disposed individuals, humane societies and their members. Contact must be made with them, information and explanation transmitted to them, and their active support solicited. In form the support mainly will be letters and telegrams, in addition to which, and to some extent, personal contact with the legislators representing the respective districts of supporters should be made, especially if there is prior acquaintance. At the beginning there should be expressions of appreciation of the undertaking addressed to the sponsors, which will encourage and sustain their interest in the task and enable them to demonstrate, to some extent, to their colleagues that the bill has popular appeal. At this point contact should be made with and communications addressed to the representatives from their own constituents requesting support when the bill comes up for a vote. In repetition, the same sort of support should be directed to the chairman of the committee when assignment of the bill has been made known. To a lesser degree, the same action should be taken with respect to the members of the committee, particularly by supporters who are constituents of their respective districts. Representatives are more attentive to pleas from their own districts and, in consequence, may be more interested in attending committee meetings scheduled to consider matters thus brought to their attention, or, when unable to do so because of some schedule conflict, may request the chairman of the committee to record their votes upon the bill. Absence from

committee meetings, or failure to be placed on record, may mean the difference between recommendation and failure.

When a committee has recommended a bill for passage, it goes to a calendar committee, whatever may be its name, which selects for floor action such bills and at such time as it pleases. It is the most powerful of committees. It is important to solicit its favor also, lest there be no further action. If the bill is scheduled for floor action, and there be time, there should be renewed contact of representatives by constituents. After each step of progress those whose favor has been sought and granted should be thanked for it, not only as a matter of courtesy, but also because there may be another bill for another time. Friends gained should be retained.

Most occupants of elective public office welcome opportunities to appear as speakers before groups of their constituents. Invitations to them to speak at humane society meetings would afford opportunities for forming or renewing acquaintances which can be very advantageous to both parties. When such invitations are extended and accepted, intensive effort should be made for good attendance as a courtesy to the guest speaker and for mutual benefit.

If the bill passes, the job is only half done because, with little exception, State Legislatures consist of two bodies. There is an advantage in having the bill introduced in both branches because it may get earlier attention in one than in the other. If that is undertaken, arrangements in respect thereto are best left to the primary sponsor. The usual practice is that when one branch has begun action on a bill, the other will await the result, withholding action on the bill in the meantime. In any case, when a bill has passed in one branch, it goes to the other, where the same legislative procedures must take place to result in enactment. Naturally, a bill has impetus when it has passed in one branch, but that is no assurance of passage in the other. Consequently, each step of the supporting action must be taken again with respect to the members of the other branch.

It is very helpful to have a roster of the legislative membership which gives useful information about each member and informs of the composition of committees. A roster may be obtained upon request to one's own representative or to either clerk of the legislature. Also published from time to time are bulletins in volume form which give the status of all matters before the legislature as of the date of publication. These may be procured in the same manner. An extremely useful service in following progress of legislation is a daily reporting service in condensed form which informs of the day-by-day activities, and through which, if not otherwise known, one may learn of events or schedules concerning matters of interest to him. In Ohio, such a service is available but it is a business enterprise selling to subscribers. A competent co-worker resident of the capital city of a state, who can devote some of his time to watching

legislative activities and developments, forming and firming acquaintance with legislators, and promptly passing along news of importance, can contribute very substantially to the success of the program.

The basic purpose of activity is to persuade legislators to a concurrence in views of supporters, or, as the case may be, of opponents of bills. It is my opinion that this is best done through personal contact and correspondence as above indicated. The support base may be widened through club and association groups not directly identified with the humane movement, if persuaded to act. Of course, editorial support by newspapers and other publications helps much, but interest in specific proposals is difficult to obtain, particularly in large cities, unless the proposed measures appear to be of great and general public interest. How much of this sort of support solicitation can be done depends upon the number and ability of persons active in the project, and facilities available to do it. How much of it should be done that can be is a question of judgment related to the objective. There is a danger, of course, in seeking wide general publicity and support of miscellaneous clubs and organizations, because it may have an adverse effect of stirring up opposition which might not otherwise develop. For example, in Ohio, no support for the Rodeo Bill was sought from horse owner groups because of the possibility of arousing opposition. The Rodeo Cowboys Association missed the boat on this one and was much chagrined in consequence.

To bring legislative projects to success requires management, assumption or delegation of responsibility and authority, some know-how, experience in dealing with such matters, co-operation on a state-wide basis to demonstrate that the matters are not simply of local character, use of time, journeys to the capital city and expense. The best and surest method of rounding up co-operation is by liberal use of long distance calls. This is very effective in gaining support of individuals and humane groups. They quickly respond to the request for aid by a strange voice when the authenticity and merit of the project are explained and when the request is for aid in the form of activity, not a solicitation for money. Whoever, individually or as a management group, undertakes a promotional project should realize that the expense involved must be borne by such individual or group. Solicitation of financial aid may preclude co-operative action otherwise obtainable.

These remarks have been addressed principally to the subject of proposed new legislation, but the suggestions as to activity are equally applicable to opposition to proposals of a character objectionable to humane societies and individuals. Of this type are the proposals by the American Law Institute for exemption from the application of cruelty law of persons experimenting upon animals, even at the grade school level. Opposition defeated such an exemption bill before the Illinois Senate this year. Unless timely, vigorous and

effective opposition to such proposals is interposed, diabolical measures become law. When that happens, it is likely to remain so. Preventive action will have a much better chance of success than a campaign to repeal.

The occurrence in Illinois illustrates the usefulness and effectiveness of many of the suggestions that I have made. Discovery of this school-bill proposal in time to spread the word and mount opposition to it impeded its passage in the House and killed it in a Senate Committee. This was accomplished by watchfulness of measures introduced, learning or understanding the objectives sought, arousing opposition by bulletins, declaring it by letters to newspapers and to legislators, and so forth. One newspaper account stated that some legislators received as many as 500 letters each. One legislator supporting the bill was quoted as bemoaning the effect of such mass expressions of public opinion.

Not all opposition, however, to a bill or to component parts of it may come along from non-humane sources, but may come from within the humane community, as you well know. Although the A.H.A. joined in support of the Ohio Rodeo Bill, I was informed by Mr. Thomas Justice, President of A.H.A., that at the mid-west conference of that Society, the necessity of the prohibition of the use of twisted wire snaffles and electric prods was questioned. When I told him that I was opposed to any amendment deleting those prohibitions, he did not insist. However, prior to the Senate Committee hearing one of its members put to me the question of the necessity of prohibiting use of wire snaffles. At the hearing that question was well answered by exhibition of the photograph of the horse's injured tongue. Accept from any source or any society support which is genuine and not designed to scuttle the bill, even though such support comes from persons or societies whom you will vigorously oppose on other matters or policies.

Up to this point attention has been directed to action on the state level but the same principles apply to action on the national or municipal level. In municipal matters there is more opportunity for direct contact and consultation with the councilman representing the ward of one's residence, and he is interested in the problems brought to him by his neighbors. If his interest is aroused in respect to some matter, for example, a spaying program, by evidence presented of public savings, diminution of a problem and beneficial humane results, much good may result. Proposed municipal ordinances are usually drafted by City Law Directors at the request of councilmen, but such representatives sponsor also proposed ordinances of other origin.

In suppression of cruelty to animals through legislation so much needs to be done and there are so few to do it. Unless done by you it will not be done. Initial attempts, if not successful, must be

renewed with patience and persistence. Immeasurable will be your spiritual reward for a successful contribution to the protection of our fellow-creatures, the helpless and abused animals.