

We the People

When industry lobbyists have a chokehold on state legislatures, The HSUS and its partners use ballot initiatives to take animal welfare reforms directly to the public. With the process under attack in key battlegrounds, defenders of democracy are fighting to protect it.

by KAREN E. LANGE

When Gloria Boyer explains why she's fighting to reform Missouri's puppy mills, she always begins with a schnauzer. The little dog came into her life during a very dark time: The week Boyer discovered Jack wandering ownerless in the middle of a street, the St. Louis woman had been feeling down for months, struggling to find the motivation to get through each day. Soon after adopting the old dog, Boyer learned he had Cushing's disease, arthritis, and other medical problems. He needed dietary supplements and lots of care. It should have all been too much for Boyer. Yet somehow giving Jack what he needed brought her back to life. "He gave me [someone] I could protect and love," she says. "By making him better, I made me better."

Two and a half years later, when Jack's failing health forced Boyer to have him put to sleep, she made her friend a promise: "I told him, 'I'll save a thousand dogs in your name.'" Ten days later, Boyer found a way to keep her vow—collecting signatures to put Proposition B on the ballot in Missouri.

The HSUS-led initiative sought to change state laws by requiring commercial breeding facilities to abide by a limit of 50 breeding dogs and provide adequate food, water, shelter, space, ex-

ercise, veterinary care, and rest between breeding cycles.

Working 10 to 12 hours at a time, Boyer, then 27, managed to gather 1,400 signatures of the 98,000 needed to get the measure on the ballot—despite being diagnosed with a painful nerve disorder that forced her to spend 25 days in the hospital. From her bed, Boyer called state senators and maintained a Facebook page for more than 1,000 volunteers. After she was released, she spent Election Day at the polls. "I've never fought for anything this hard in my life."

When Prop B finally passed in November with 997,870 votes, or 52 percent of those cast, it was a major win for The HSUS and the coalition of animal welfare groups that proposed it. Together they had successfully challenged the multimillion-dollar Missouri puppy mill industry on its home turf, along with puppy mill allies such as the Missouri Farm Bureau and Lucas Cattle Company. (The groups falsely claimed the measure was a first step to eliminating animal agriculture.) Prop B's passage was also a personal victory for Boyer and all the other grassroots volunteers who believed they could end the miserable conditions in which many of Missouri's commercially bred dogs live.

But months later, Prop B supporters and The HSUS are back in the thick of the fight. In early March, the Missouri Senate approved a bill that would erase all the new protections provided by Prop B. "All of those people who voted, they





really felt like they had that victory, and they're watching it be taken away," says Boyer. Lawmakers are even considering a constitutional amendment that would eliminate the right of citizens to vote on animal welfare measures in the first place.

In response, The HSUS and its partners are working with unprecedented intensity to protect this right in Missouri and—by extension—across the country. The outcome in Jefferson City will have major implications for a process advocates have relied on many times to take issues directly to the animal-loving public when industry-dominated legislatures have thwarted commonsense reforms to reduce animals' suffering. Michael Markarian, HSUS chief operating officer, says the attempt to reverse Prop B isn't just a challenge to animal welfare; it's an attack on an important check to politicians' power: "If a handful of career politicians can simply substitute their own judgment for the wisdom of the people, then what other issues might be in jeopardy in the future?"

GEARING UP FOR BATTLE

By wading into a matter that had already been decided by a majority of their constituents, Missouri's lawmakers are setting the stage for a possible flurry of additional measures to appear on the state's 2012 ballot.

Under current Missouri law, there's very little to hold them

back; a simple majority of legislators can immediately overturn a voter-approved ballot initiative—before it even goes into effect. And they're free to ignore the votes of a majority of citizens in their own districts, as four of the senators who voted to gut Prop B did.

By contrast, Missouri citizens had to mount a Herculean effort to even get Prop B on the ballot, then defend it once it passed. At press time, The HSUS and its partners were fighting the anti-Prop B effort through billboards, newspaper ads, press conferences, letters to the editor, leaflets, door-to-door canvassing, phone calls, and personal appeals to legislators. With a similar bill expected to pass in Missouri's House, hopes rested on a veto by Gov. Jay Nixon.

Failing that, Prop B proponents would rely on a referendum to give voters an up or down vote on the repeal. They'd have as little as 90 days to collect nearly 100,000 valid signatures in six congressional districts. If the referendum is qualified for the ballot, the repeal bill would be stayed until the election, and Prop B would be allowed to take effect as scheduled in November 2011, in its original form. But supporters would have to campaign a second time. In 2012, the referendum would put the decision in the hands of the people once again, allowing the same citizens who voted for Prop B to reject the legislature's attempt to undo it.

A successful referendum would have an impact far beyond Missouri, says Dale Bartlett, HSUS manager of public policy for

puppy mills. “If we win, that will send a message to state legislators everywhere that people are watching you, and don’t mess around with the right of the people.”

Missouri and 23 other states, mostly in the West, offer citizens the right to enact laws through ballot initiatives. Of those, Missouri is one of 10 that offer little or no protection to measures once they are passed. Many Missouri legislators have a habit of blatantly disregarding the will of the voters. In 1999, they attempted to repeal a ban on cockfighting. And this year, besides Prop B, they’re trying to repeal measures on clean energy and the state’s minimum wage.

To preserve voter-approved laws, The HSUS and other groups from a broad spectrum of ideologies are forming a coalition called the Voter Protection Alliance to change the state’s constitution through a 2012 ballot initiative. Partners include national groups such as Citizens in Charge, U.S. Term Limits, and Americans for Limited Government, all dedicated to protecting the ballot initiative process, which has come under increasing threat from state legislators nationwide. Modeled after a safeguard in states such as Arizona and Michigan, the amendment put forward by the coalition would require lawmakers to get a three-fourths vote to repeal or alter any citizen-approved ballot measure, rather than a simple majority.

If placed on the ballot, the Voter Protection Act may have to contend with a competing measure pushed by state legislators opposed to Prop B and ballot initiatives. A bill introduced in the Missouri House proposes changing the state’s constitution so that citizens will never again be able to vote on animal welfare issues. That means Missouri citizens who want to protect Prop B and their right to decide animal and other issues in the future may ultimately have to cast three votes in November 2012: no on the legislature’s effort to gut Prop B; yes on an HSUS-backed amendment to make it harder for state legislators to undo ballot measures; and no on a legislature-supported measure to eliminate ballot initiatives on animal welfare issues.



It’s likely that one or more of these measures will end up on the 2012 ballot in Missouri, and it could be a highly active year for The HSUS and its partners across the country. The organization sees ballot measures as a last resort, one it turns to only if negotiations with government officials and industry representatives have failed. The campaigns are time-consuming and expensive; Prop 2 in California—which banned gestation crates for sows, veal crates for calves, and battery cages for egg-laying hens—cost organizers \$10 million in 2008, mainly for television ads in some of the nation’s most expensive markets. (Opponents spent a similar figure for their own commercials.)

“This is not something we take lightly,” says Dane Waters, a nationally recognized expert on ballot initiatives who now works for The HSUS. “We exhaust every other opportunity.”

DIRECT DEMOCRACY AT WORK

State legislatures are one avenue for change. But even though politicians win their seats through the votes of a majority of those who turn out on Election Day, once in office, they often listen to powerful and wealthy special interest groups and lobbyists rather than their constituents. It’s those groups, after all, that will be financing future campaigns; some, such as the National Rifle Association, will even motivate blocks of voters to show up at the polls. Often, a single elected official who holds a key committee assignment and is in the pocket of an organization such as the NRA can effectively block change and the will of the majority of citizens.

In those situations, The HSUS has increasingly turned to ballot initiatives, after careful research has shown a high chance of success. Since 1990, the organization has won a string of victories in 12 states through this direct form of democracy: first on unsportsmanlike trophy hunting methods and cruel traps that maim and kill wildlife, then cockfighting and factory farm abuses, and finally puppy mills. Thirty of the 42 ballot measure campaigns The HSUS has backed—71 percent—have been successful.

Beyond changing laws, those wins and each one of the ballot campaigns themselves have changed public attitudes, in turn altering the political landscape in individual states and across the country. “When Prop 2 passed, the doors were open to reform,” says Waters. “The ballot initiative process makes some reforms more viable—even if you lose.”

Just the mere threat of a ballot initiative has persuaded state officials and industry leaders to agree to progressive change in Colorado, Maine, and Michigan. That also happened last year in Ohio, the same day The HSUS and its partners were about to submit 500,000 signatures to place a measure on the ballot outlawing extreme confinement of farm animals. Eight major agricultural trade organizations, including the Ohio Farm Bureau Federation, signed on to a package of reforms.

“We want the industry to be part of the solution,” says Markarian.

The power of the ballot tactic has drawn challenges from groups such as the NRA, which in 2010 placed a “right-to-hunt”



Jack inspired Gloria Boyer to join the fight against puppy mills.



WHY DOESN'T MY VOTE COUNT?
SUPPORT PROP B

Greeting tourists passing through the state capitol in March, protesters decried Missouri legislators' attempts to thwart the will of their own constituents. Following a successful citizen ballot initiative to regulate puppy mills, state senators recently approved a bill to gut the new law.

amendment called Prop 109 on the Arizona ballot, seeking to change the state's constitution so voters could no longer decide wildlife measures. Arizona citizens had previously approved bans on steel-jawed leghold traps and cockfighting, as well as a plan to phase out extreme confinement of breeding sows and veal calves. In the words of NRA board member Todd Rathner: "If it passes ... we will use it as a model in other states and [the HSUS] agenda ... is going to be stifled. ... It makes wildlife management for the promotion of hunting mandatory. ... The language is just so good and so tight and so favorable to the hunting community."

The NRA is a famously effective special interest organization, with tens of millions of dollars available each year to spend on political campaigns, while The HSUS has a practiced ability to mobilize grassroots support and build alliances. The NRA saw Arizona as too pro-gun not to approve Prop 109. But The HSUS figured citizens wouldn't want to give up their right to vote. Each side spent several hundred thousand dollars. The HSUS and its allies won, with 56 percent of the vote.

"The NRA put a lot of resources and political capital into Prop 109," says Markarian. "We hope it sends a message loud and clear around the country that voters want to protect their rights to vote on animal issues, and they don't want to give up their power and hand it to politicians."

It's fortunate that the ballot initiative process is still safe in

many places, because The HSUS may need to rely on it in the years ahead. In Washington state, after years of fruitless negotiations to end the confinement of hens in cages too small for them to spread their wings, The HSUS and its partners are collecting signatures to put a measure on the 2011 ballot banning the production and sale of battery cage eggs. In Oregon, if a bill phasing out battery cages fails to gain approval, The HSUS and its allies may put a similar measure on the ballot in 2012. And in Ohio, advocates were still holding off on their next move at press time, waiting for an April meeting to learn whether the state Livestock Care Standards Board would implement reforms outlined in last year's agreement.

In the midst of all the politics, it's easy to lose sight of the animals. But that's what it's about. While the political battle goes on in Missouri, dogs in the state's puppy mills wait in tiny wire cages that leave their feet and legs bloody, in freezing cold or 100-degree heat, females bearing litter after litter until their bodies are exhausted, neglected to the point of sickness and death. Says Barbara Schmitz, HSUS state director for Missouri, "I've had a couple of lawmakers who've made sideways comments about wanting us to go away—we'll go away when they leave Prop B alone."

As for Boyer, she still has a Prop B sign on her lawn. "When people ask me why it's still up, I tell them they're trying to repeal it, so 'Call your senator!'" she says. "We just keep fighting. That's all you can do, is keep fighting." ■

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