Justification for the class

This course will allow the opportunity for the students to understand the existing legal structure and theory applied to modern animal science and to the use of animals in agricultural production. This course is a valuable preparation and learning experience for those students who are interested in agriculture and the on-going debate about agriculture as a production system. This course prepares students to analyze legal arguments, statutes, regulations, and judicial opinions related to animals and agricultural production. The course also allows students to learn and to apply scientific knowledge about animals and agricultural production. This course will allow the student to respond in a professional and accurate fashion about the legal, public policy, and scientific issues involved in the use of animals in agricultural production and contested by the animal rights movement.

Pedagogy of the Class

The four instructors will teach the course as a team.

Professor Chezem is a professor at Purdue University in the Department of Youth Development and Agriculture Education. She also holds adjunct appointments at the IU School of Medicine, Department of Medicine and at the Purdue University School of Science, Forensic Investigative Science Program, IUPUI. Prior to joining Purdue University, Professor Chezem served for twenty-two years as a trial and intermediate appellate judge in the State of Indiana. Professor Chezem has a B.S. (English) from Indiana State University and J.D. from Indiana University at Bloomington, School of Law.

Professor Drew Kershen is the Earl Sneed Centennial Professor of Law at the University of Oklahoma, College of Law. Professor Kershen has been a law professor since 1971 and has taught many courses in agricultural law and water law. Professor Kershen is a Past President, Board Member, and Distinguished Award Honoree of the American Agricultural Law Association. Professor Kershen has a B.A. (Great Books) from the University of Notre Dame, a J.D. from the University of Texas, and an LL.M. from Harvard University.

Elizabeth (Beth) Rumley is a Staff Attorney at the National Agricultural Law Center, University of Arkansas. Ms. Rumley earned her B.A. from Michigan State University, her J.D. from the University of Toledo, and her LL.M. in Agricultural Law from the University of Arkansas, School of Law. Ms. Rumley has published several law review articles and spoken to numerous conferences on agricultural law topics, with a particular emphasis on animal agriculture.

Rusty Rumley is a Staff Attorney at the National Agricultural Law Center,
University of Arkansas. Mr. Rumley earned his B.S. from Oklahoma State University, his J.D. from the University of Oklahoma, and his LL.M. in Agricultural Law from the University of Arkansas, School of Law. Mr. Rumley has published several articles and spoken to many conferences on agricultural law topics.

The course will have an interdisciplinary focus by looking at animals and agricultural production from legal, economic, philosophical, and scientific perspectives. The instructors select readings drawn from philosophy, economics, animal welfare, and various scientific disciplines, as well as traditional legal resources (statutes, administrative regulations, judicial opinions, attorney general opinions, constitutional provisions, and statewide petitions.).

**Students and Schedule for the Course**

The course will be offered to law students from the University of Oklahoma, College of Law and law students enrolled at other AALS-accredited law schools throughout the United States. Law students will enroll for 2-credit hours at the regular law school tuition and fees rates for resident and non-resident students. The course will be held at the University of Oklahoma, College of Law.

In light of the anticipated enrollment coming from several law schools, the instructors propose to offer the course in an intensive format. The proposed format is fourteen two class-hour sessions during the intercession period between the end of University of Oklahoma spring semester 2011 and the beginning of the University of Oklahoma summer session 2011 – i.e. Sunday May 15, 2011 through Sunday May 22, 2011. The precise time and date for the sessions is set forth in the more detailed Syllabus below.

**Materials for the Course**

The instructors will put the send the materials to students in PDF format through an e-mail attachment or by sending a CD of the materials to each student. Students will receive the materials in early May 2011, after enrollment closes. These students can download the material to their computers or print the materials for their use. There will not be a fee for the course materials.
Syllabus

[The instructors have not selected the precise readings for the May 2011 course. The readings listed below were the readings for this course when taught in the Spring Intercession 2010. However, the readings listed below are representative of what will constitute the readings for the May 2011 course and many readings will be the same readings.]

Class One: Sunday morning from 11:00 a.m. to 12:40 p.m. May 15, 2011
Overview of the Issues in the Course

Readings and discussion focus on the underlying philosophical issues about the relationship between humans and animals, particularly in an agricultural production setting. Purpose of this session is to give an overview of the broader philosophical, legal, and policy issues about human’s relationship to animals.

Readings:
1. Moving Beyond Animal Rights: A Legal/Contractualist Critique (Cupp, 2009)
2. Natural Behavior (Masson, 2009)
4. Alternative Agriculture (Council on Agriculture Science and Technology, 1990)

Class Two: Sunday afternoon from 3:00 p.m. to 4:40 p.m., May 15, 2011
Animal Cruelty Laws and Enforcement

Readings and Discussion focus on various animal cruelty laws and their enforcement techniques along with industry standards for humane slaughter. Purpose of these readings is to understand animal cruelty laws as applied to animals. The focus is on non-farm animals because many of these cruelty laws have exemptions for farm animals.

Readings:
2. States’ Animal Cruelty Statutes, State of Arkansas
3. New York Case Law (four cases)

Class Three: Monday morning from 8:30 a.m. to 10:10 a.m., May 16, 2011
Farm Animal Welfare Laws – the various standards

Readings and Discussion focus on various farm animal welfare propositions adopted by the States of California, Michigan, and Ohio. In addition, industry standards for farm animal welfare adopted to serve as voluntary standards from various industry groups. Purpose of these readings and discussion is to understand the current debates about farm animal welfare as these
are being expressed in legal and voluntary standards about agricultural practices.

Readings:
1. The Economics of Animal Welfare Regulations Proposed for Ohio
2. States’ Animal Cruelty Statutes, State of Maine
4. States’ Animal Cruelty Statutes, State of West Virginia
5. States’ Animal Cruelty Statutes, State of Michigan
6. NEW JERSEY SOCIETY FOR the PREVENTION OF CRUELTY TO ANIMALS v. NEW JERSEY DEPARTMENT OF AGRICULTURE (196 N.J. 366, 955 A.2d 886 (Sup. Ct. N.J. 2008))
8. The Well Being of Agricultural Animals (CAST, 1997)

Class Four: Monday afternoon from 3:00 p.m. to 4:40 p.m., May 16, 2011
Animal Research for Medicine – the scientific and philosophical issues
Readings and Discussion focus on the broader scientific and philosophical issues and justifications for using animals for research purposes in medicine. Purpose of these readings is to understand the competing values and issues related to medical experimentation.

Readings:
1. The Animal Research War (Review, 2008)
2. Ethical Issues in the Use of Animals in Biomedical Research (Sharp, 2004)
3. FASEB Review: The Animal Research War
4. We must Face the Threats, The Journal of Neuroscience, September 16, 2009
5. Resolution On The Use Of Animals In Research, Testing And Education (AAAS and APA, 1990)
6. The Seattle Post Intelligencer

Class Five: Tuesday morning from 8:30 a.m. to 10:10 a.m., May 17, 2011
Animal Research for Medicine – the legal and regulatory regimes
Readings and Discussion focus on the legal and regulatory constraints about the use of animals in medical research. Purpose of the session is to understand the regimes within which and under which medical research involving animals is conducted.

Readings:
1. A. Nyika, Animal research ethics in Africa: An Overview
2. I. Cuthill, Ethical Regulation and animal science: why animal behavior is not so special
3. Medical Research with Animals
4. Laws, Regulations, and Policies Affecting the Use of Laboratory Animals

**Class Six: Tuesday afternoon from 3:00 p.m. to 4:40 p.m., May 17, 2011**

*Animal Health and Well-being – Veterinarian and Non-veterinarian laws and regulations*

Readings and Discussion focus on providing various treatments to animals for reproduction and health. Purpose of the session is to understand the conditions under which treatments may be given to animals and the professional level (veterinarian or non-veterinarian) mandated for these various treatments.

Readings:
1. Farm animal welfare in the U.S.A.: Farming practices, research, education, regulation, and assurance programs (Mench, 2008)
2. Current Trends in Animal Law and Their Implications for the Veterinary Profession (Lacroix, 2006)
4. European Convention For The Protection Of Animals Kept For Farming Purposes
5. European Veterinary Code of Conduct
6. Regulations and Laws Relating to Veterinary Care for Animals (Abridged by Chezem)

**Class Seven: Wednesday morning from 8:30 a.m. to 10:10 a.m., May 18, 2011**

*Animal Slaughter – Laws and Regulations*

Readings and Discussion focus on the issue of slaughter of animals for food and religious purposes. Purpose of the session is to understand the constitutional, legal, and policy issues surround animal slaughter.

Readings:
1. 7 USC secs. 1901-1907 – The Humane Methods of Livestock Slaughter Act
2. USDA Humane Slaughter Regulations – 9 CFR sec. 313.1 et seq.
3. GAO Report of March 4, 2010
4. CRS Report of January 11, 2010
5. CRS Report of March 10, 2010
6. Cavel International v. Madigan (7th Cir 2007)
7. AVMA Frequently Asked Questions about unwanted horses
8. H.R. 4356, 111th Cong. (proposed legislation)

**Class Eight: Wednesday afternoon from 3:00 p.m. to 4:40 p.m. May 18, 2011**

*Animal Production under the National Organic Programs*
Readings and Discussion focus on animal production in accordance with organic certification through the USDA National Organic Program (NOP). Purpose of the session is to understand organic animal agriculture and to compare organic standards to conventional animal agriculture.

Readings:
3. Dairy Calves
4. Feather Pecking
5. Dehorning
6. CAST T D Branding

Class Nine: Thursday morning from 8:30 p.m. to 10:10 a.m., May 19, 2011
Animal Identification – Proposals and Debates

Readings and Discussion focus on the various proposals about animal identification regimes and the debates about these proposals. Purpose of the session is to understand the policy debates about animal identification both in favor and opposed to a national animal identification regime and the proposed regulations (standards) for a national animal identification regime.

Readings:
1. 9 CFR Ch. I (1–1–09 Edition)
2. Rule 2.5. Premises Identification: 345 IAC 1-2.5-1
3. Links to Title Nine
4. Kentucky statutes

Class Ten: Thursday afternoon from 3:00 p.m. to 4:40 p.m., May 19, 2011
Animal Products and Food Labels

Readings and Discussion focus on issues related to labels in animal production. Purpose of the session is to understand the laws, regulations, and disputes that have arisen about labels in animal production.

Readings:
1. SANDERSON FARMS, INC. and PERDUE FARMS, INC., Plaintiffs, v. TYSON FOODS, INC., Defendant. 547 F. Supp. 2d 491, 2008
2. COOL PowerPoint from AMS
3. Federal Trade Commission FAQ on Advertising
4. SANDERSON FARMS, INC. and PERDUE FARMS, INC., Plaintiffs, v.
Class Eleven: Friday morning from 8:30 a.m. to 10:10 a.m., May 20, 2011
Animal Products and Food Safety

Readings and Discussion focus on concerns about food safety from animal products. Purpose of the session is to understand the laws, regulations, science, and disputes about animal products and food safety.

Readings:
1. AMI Ten Year Report – about the safety initiatives of the meat industry;
2. GAO Report on Irradiation;
3. CRS Report on FDA authority on-farm
4. National Ag Law Center summary of Food safety laws and authority
5. Raw Milk Debate focused on the Wisconsin proposed legislation.

Class Twelve: Friday afternoon from 3:00 p.m. to 4:40 p.m., May 20, 2011
Animal Production and the Farmers’ Neighbors

Reading and Discussion focus on farmers’ choice about animal production and coexistence with neighbors. Purpose of the session is to understand issues related to nuisance, right to farm, zoning, police power ordinances, and the underlaying policy disputes behind these law suits and legal regulations.

Readings:
1. Centner article for overview;
2. Wisc. Livestock Siting statues 93.1 and 93.90
3. Wisc. Regs. on Livestock Siting
4. Wisc. Review of Livestock Siting Law
5. Oklahoma v Tyson (chicken litigation)
6. Zoning and local control – excerpts from two cases

Class Thirteen: Saturday morning from 8:30 a.m. to 10:10 a.m., May 21, 2011
Animal Production and Products in International Trade

Reading and Discussion focus on disputes about animal hormones and animal antibiotics with regard to international trade in meat products. Purpose of the session is to understand
international trade rules and the science related to hormones and antibiotics.

Reading:
1. WTO –TBT.pdf
2. CRS 40449 hormone dispute
3. CRS : Antibiotic Use in Agriculture: Background and Legislation
4. Elizabeth Springsteen, Legal Issues
5. WTO-SPS

Class Fourteen: Saturday afternoon from 3:00 p.m. to 4:40 p.m., May 21, 2011
Animal Production, Climate Change, and the Diet Debate

Reading and Discussion focus on the debate about the role of animal production as related to climate change and healthful diets. Purpose of the session is to understand the present debates about the future of animal agriculture. What impacts on climate and health does animal agriculture have – for better or worse?

Reading:
1. MacMillan & Durrant, Livestock consumption and Climate Change (Food Ethics Council, Sept. 2009);

Final Examination: Sunday morning from 11:00 a.m. to 1:00 p.m., May 22, 2011
Essay examination on the topics covered.

END OF COURSE