



NEWS & LEGISLATION BRIEFS August 24, 2011

Dear SAOVA Friends,

We began a couple of months ago to make some revisions to the SAOVA website section for Resources/Reports. On the main page we added various research tools by linking to sites such as Roll Call Votes for Congress; Justia US Law; Social Science Research Network (a database of reports); the Federal Register; and sites for accessing Freedom of Information and Public Record Requests laws and forms.

We added a link to a compilation of Animal Cruelty Laws, a small part of the State Law Clearinghouse section of the National Agricultural Law Center website. This exceptional site is a wealth of information and highly recommended as a resource. Interestingly, Steve Kopperud's Inside DC column this week is focused on the National Ag Law Center. His article, "Best kept secret in the industry", is reprinted below with permission from Brownfield Ag News.

Our Resources/Reports section now includes an HSUS Timeline and expose of the Animal Legal Defense Fund (ALDF) and its Animal Abuser Registry campaign. Stay tuned – much more to come.

As always, we encourage cross posting of these messages.

Susan Wolf

Sportsmen's & Animal Owners' Voting Alliance

Issue lobbying and working to identify and elect supportive legislators

BEST KEPT SECRET IN THE INDUSTRY

August 19, 2011 By Steve Kopperud

I'm sitting in a Quality Inn in Fayetteville, Arkansas, going over in my head all I heard today at the "Advances and Current Issues in Animal Wellbeing" seminar I attended at the University of Arkansas. Yup, I hauled it to Fayetteville to attend – not speak – this seminar, put on by Dr. Yvonne Thaxton and the Poultry Science Department at Razorback Heaven.

The meeting was an outstanding first effort by Dr. Thaxton and her team. Yvonne said she hoped for 50 or so attendees; she wound up with nearly 120, and no small part of the reason was the high quality of the program featuring the perspectives of producers, processors, academics – one coming all the way from the United Kingdom – retailers and ag advocates.

But there was one presentation that knocked my socks off – Elizabeth S. Rumley, Esq., and her “Statutory aspects of animal confinement.” OK, the title alone sounds like it would cure insomnia, but the information Ms. Rumley laid out in such a cogent, logical way was the best presentation I’ve heard of the state-by-state strategy – and its evolution – of animal activists to mess with the marketplace to such a degree that such things as the UEP-HSUS “compromise” are inevitable. Inevitable, is perhaps too strong a word, but not surprising if only because of the incredible expense producers and retailers are confronted with in dealing with multiple production mandates in multiple states. This is my conclusion, not Ms. Rumley’s, an astute attorney who simply put the facts out there and let us do the math.

Ms. Rumley works for the National Ag Law Center, or as one of the attendees described the center, “the best kept secret in the industry.” I confess – and I’m embarrassed to say this – I was unaware of it. Just go towa.nationalaglawcenter.org, and check out the mass of information available, not just on animal welfare, but over 50 separate “reading rooms,” on everything from country of origin labeling to biotech to the GIPSA rule to check off programs to climate change and the Clean Water Act, well, you name it’s there. The amount of information and the documentation is absolutely astounding. I defy you to find an issue important to ag not covered in astounding detail.

Why am I raving about something as arcane as the National Ag Law Center? First, it shouldn’t be arcane; it should be a go-to source on ag issues. I’m guessing there are companies, associations and advocacy groups paying agencies and other components of the cottage industry that is “celebrate agriculture” a whole bucket of money for the same information you can get by clicking away on the Center’s website. Second, and actually more importantly, the Center is in economic trouble since its federal funding was lost. What I’m saying here is that if we don’t rally, we could lose this just-found gem.

The Center is existing on grant money, and may have a grand plan for self-sufficiency, but I’m guessing not.

What I’m asking is that you take the time to go to the Center’s website and check it out. Then ask yourself: “Can we afford to lose this?”

Brownfield Ag News <http://tinyurl.com/4x2nybq>

TAX COURT RULING ON INDIANA DOG BREEDER CASE

On June 2, 2009, state revenue and attorney general's officials visited the Garwoods and demanded immediate payment of approximately \$142,000 from each woman for unpaid sales taxes, interest and penalties from their puppy sales. When the women couldn't pay immediately, Indiana State Police and HSUS seized 240 dogs on behalf of the state. The next day the state sold the dogs, estimated to be worth \$72,000, to the HSUS for \$300.

On August 19, the Indiana Tax Court filed an opinion in the case of Virginia Garwood, et al. v. Indiana Dept. of State Revenue. In the 19-page opinion, Judge Martha Wentworth ruled that the Department of Revenue and state attorney general exceeded their authority by using jeopardy tax assessments to seize the dogs from the Harrison County property of Virginia and Kristin Garwood.

Wentworth ruled that the advertisement of dogs for sale in local newspapers, the breeding and sale of dogs, the failure to register as a retail merchant, the failure to prepare and file sales tax returns, and the failure to report income earned from the retail sales of animals on their individual income tax returns did not constitute a litmus test for properly issuing a jeopardy assessment. Taken as a whole, these actions suggest that the Garwoods were not properly reporting and paying taxes allegedly due, not that they intended not to pay, or preserve the wherewithal to pay, their taxes.

Records also showed income from the sale of the dogs was included in Garwoods' income tax returns. The Garwoods' assumption that dog sales were exempt from sales tax, while wrong, was not indicative of intent to circumvent payment of taxes. Thus, it also was not a basis for the Department's use of jeopardy assessments in this case.

Articles:

* [Virginia Garwood, et al. v. Indiana Dept. of State Revenue.](http://www.ai.org/judiciary/opinions/pdf/08191101mbw.pdf)

<http://www.ai.org/judiciary/opinions/pdf/08191101mbw.pdf>

* Court rejects tax tool used to close puppy mill <http://tinyurl.com/3br36nqv>

* Indiana Law Blog: <http://tinyurl.com/3hjwgtf>

* NAIA typepad. Analysis of the Garwood Appeal: Subterfuge and Seized Dogs
<http://tinyurl.com/3nqqvuo>

HSUS ANNOUNCES NEW SC STATE DIRECTOR

HSUS issued a press release on August 15, 2011 to announce the hiring of another state director, Kimberly Kelly. Based in Charleston, Kelly is a graduate of the Charleston School of Law, and the University of California, Berkeley. She led the Student Animal Legal Defense Fund while in law school and has also worked with The HSUS Animal Protection Litigation department. Kelly is quoted as saying she is grateful to work for HSUS and advance animal protection legislation in South Carolina. The press release notes that last year HSUS helped pass more than 100 animal protection laws in various states. South Carolinians can expect to see a steady stream of HSUS legislation both locally and at the state legislature.

UPDATE ON SPAY NEUTER HSUS CAMPAIGN

Why Is The Humane Society Of The U.S. Permitted To Operate "Above The Law" and Not Comply With Federal Laws?

Frank Losey writes that on August 4, 2011, a Documented Complaint was formally submitted to, and is now being considered by, the Office of the U.S. Attorney for

the District of Columbia alleging that the Humane Society of the U.S.; the Humane Society Legislative Fund; Mr. Wayne Pacelle; Mr. Michael Markarian; Ms. Nancy Perry; and Ms. Sarah Amundson have failed to comply with the Lobbying Disclosure Act of 1995 for up to five or more years.

The Lobbying Disclosure Act of 1995 requires that any entity or employee who has had as few as only one contact with a Member of Congress or any of their staff for the purpose of lobbying in support of any Federal Legislation; or has contacted a Senior Official in the Executive Branch of the U.S. Government, such as the White House or the U.S. Department of Agriculture, for the purpose of influencing Government Policies is required to submit a Lobbying Registration Document, as well as to file Quarterly and Semi-Annual Lobbying Reports, to the Clerk of the U.S. House of Representatives and to the Secretary of the U.S. Senate.

Senior Executive Employees of the HSUS and its affiliated Lobbying Organizations have cumulatively and literally had thousands of direct contacts with Members of Congress, Congressional Staffers and with Senior Officials in the Executive Branch of our Government over the last five-plus years. However, none have ever registered as a Lobbyist, or as a Lobbying Organization, or as a Lobbying Client, as they are required to do by the Lobbying Disclosure Act of 1995.

Yet Pacelle's BIO highlights the fact that he served as the "chief lobbyist and spokesperson" for the HSUS for nearly 10 years before he became the President and CEO of the HSUS. And most recently, when he appeared on the Greta Van Susteren FOX TV Program that aired on July 20, 2011, and he was asked why he and Michael Vick were together on Capitol Hill in Washington DC, his explicit quote was **"We are here to lobby!"**

Full article is posted at The Cavalry Group blogspot <http://thecavalrygroup.blogspot.com/> along with instructions for a sample letter to the Office of the U.S. Attorney for the District of Columbia.