

Animal Law

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Introduction

Animal law is a rapidly expanding area of practice in the United States. According to Animal Legal Defense (*National Law Journal* - June 4, 2007) U.S. law schools now offer 86 courses on animal law which a tenfold increase from just 2000. Over 96 law schools have local animal chapters of the Animal Legal Defense compared to only 12 in 2000. Animal Law covers many topics from traditional tort law (animals viewed as property and strict liability of owners for damages done by their pets or livestock), animal welfare (factory farming, laboratory animals, circus and rodeo animals, animal patents, and pets), and animal rights (animals no longer viewed as property but having standing, for example, to inherit property). This bibliography tries to touch on all these topics and to represent both sides of arguments. The bibliography is only a starting point in doing animal law research.

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Books

Finding Books: Books available on campus can be located through INFOHAWK, the integrated library catalog for the University of Iowa. To expand your research to resources off campus use big ten (CIC) online catalog or WorldCat. These items can be obtained through interlibrary loan.

Subject searches: The Library of Congress subject headings listed below are where most of the materials on animal law are located. A key word search can be used to find additional materials. All books listed below are located on campus. Unless otherwise indicated the books are in the Law Library.

- animal experimentation
- animal industry

- animal liberation front
- animal models in research
- animal rights
- animal rights - law and legislation
- animal rights movement
- animal testing alternatives
- animal welfare
- animal welfare - law and legislation
- animal welfare - moral and ethical aspects
- animals - law and legislation
- animals, treatment of - law and legislation
- domestic animals - law and legislation
- endangered species - law and legislation
- human animal relationships
- laboratory animals - law and legislation
- livestock factories
- vivisection - law and legislation

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Periodicals

To find articles about Animal Law use the journal indexes (print or online versions): *Index to Legal Periodicals*, *Current Law Index*, and *Social Sciences Index*. To find full text articles use Lexis, Westlaw, JSTOR, Project Muse, and HeinOnline. For scholarly articles and working papers consult Social Science Research Network (SSRN).

There are four law journals dedicated solely to the topic of Animal Law:

Animal Law Review. Northwestern School of Law of Lewis and Clark College. 1995-. Publishes an annual Federal and State Legislative Review and Animal Law-Related Articles. Available in print (K1. N45), Lexis, Westlaw, and HeinOnline.

Journal of Animal Law. Michigan State University College of Law. 2005-. Available in print [K10 .Q7537]

Journal of Animal Law & Ethics. University of Pennsylvania Law School. 2006-. Available in print (K10 .O7538), Westlaw, and HeinOnline.

Journal of International Wildlife Law and Policy. Kluwer, 1998-. Available in print (JX1 .J647).

Encyclopedias

4 *Am. Jur. 2d Animals* §§1-168 (2007) Available in print, Lexis, and Westlaw

3B *CJS Animals* §§1-532 (2003) Available in print and Westlaw

American Law Report

Use the print versions *West's ALR Digest "Animals"* and *ALR Quick Index "Animals"*, or online Westlaw to find annotations.

Databases

Westlaw Topical Materials by Area of Practice "Animal Law"

Statutes

The statutes cited are only representative of the laws governing animals. Researchers should use primary sources for the most comprehensive and up-to-date information.

Federal (selective)

Animal Welfare Act, 7 U.S.C. §§ 2131-2159

Dog and Cat Protection Act of 2000, 19 U.S.C. §1308

Dolphin Protection Consumer Information Act, 16 U.S.C. §1385

Endangered Species Act, 16 U.S.C. §1385

Fur Seal Act of 1966, 16 U.S.C. §§1151-1175

Great Ape Conservation Act of 2000, P.L 106-411

Horse Protection Act, 15 U.S.C. §§1821-1831

Humane Methods of Slaughter Act of 1978 §§1901-1906

Marine Mammal Protection Act of 1972, 16 U.S.C. §§1361-1421h

Migratory Bird Conservation Act, 16 U.S.C. §§715-715s

National Fish and Wildlife Foundation Establishment Act, 16 U.S.C. §§3701-3709

Pets Evacuation and Transportation Standards Act of 2006, 42 U.S.C. §§5170b(a)(3)(j), 5196(e) (4), 5196(j)(2), 5196b(g)

Twenty-Eight Hour Law, 49 U.S.C. §80502

Whaling Convention Act of 1949, 16 U.S.C. §§916-916ℓ

Wild Bird Conservation Act of 1992, 16 U.S.C. §§4901-4916

Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§1331-1340

Websites with links to both federal and state laws and pending legislation

Animal Legal & Historical Web Center <http://www.animallaw.info/> Michigan State University Law center which links to both federal and state laws. Both summaries and full text of laws are available.

American Society for the Prevention of Cruelty to Animals (ASPCA)

<http://www.aspca.org/site/PageServer> Federal and state laws and legislation can be located at "Lobby for Animals"

CRS Reports 94-731 Brief Summaries of Federal Animal Protection Statutes (last update May 2007) <http://www.ncseonline.org/NLE/CRS/abstract.cfm?NLEid=1567>

This report contains brief summaries of federal animal protection statutes. It does not contain treaties but statutes enacted to implement treaties

Humane Society of the United States <http://www.hsus.org> Federal and state laws and legislation are located at “Legislation” This includes both commentary and full text.

U.S. Fish and Wildlife Service. <http://www.fws.gov> Under its “legislation” tab it contains federal laws, federal regulations, treaties, Executive Orders, Interstate Compacts, and Wetlands MOAs.

Court Cases

Supreme Court Cases (selective)

Babbitt v. Sweet Home Chapter of Communities for Great Oregon, 515 U.S. 687 (1995)

Endangered Species Act and logging

Bennett v. Spear, 520 U.S. 154 (1997)

Endangered Species Act and use of reservoir water

Church of the Lukumi Babalu Aye v. City of Hialeah, 508 U.S. 520 (1993)

Animal sacrifice and religious beliefs

Japan Whaling Association v. American Cetacean Society, 478 U.S. 221 (1986)

Enforcing international whaling quotas

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)

Challenge to the regulation of making other agencies consult with Secretary of Interior in respect to federally funded projects at sea.

Robertson v. Seattle Audubon Society, 503 U.S. 429 (1992)

Injunction of timber sales in old growth forests in Oregon and Washington

Sierra Club v. Morton, 405 U.S. 727 (1972)

Injunction against the construction ski resort and recreation area that would contravene federal wildlife law

Tennessee Valley Authority v. Hill, 437 U.S. 153 (1978)

Snail darter case

Federal Circuit Cases (selective)

Animal Welfare Institute v. Kreps, 561 F.2d 1002 (1977)

Marine Mammal Protection Act moratorium on baby seal fur hunting

Animal Legal Defense Fund v. Espy, 23 F. 3d 496 (1994)

Birds, rats, and mice are part of the Federal Laboratory Animal Welfare Act

Animal Legal Defense Fund v. Glickman, 154 F.3d 426 (1998)

Treatment of nonhuman apes under the Animal Welfare Act

Animal Lovers Volunteers Association, Inc. v. Wienberger, 765 F. 2d. 937 (1985)

Enjoining the Navy from shooting feral goats on island as target practice

Committee for Humane Legislation v. Richardson, 540 F. 2d 1141 (1990)

Marine Mammal Act prohibits certain types of fishing of tuna that harms porpoises
Dehart v. Town of Austin, 39 F. 3d 718 (1994)
Action by wildlife park owner to keep dangerous animals fenced
Fallini v. Hodel, 963 F. 2d 275 (1992)
Ranchers walling off water illegal under the Free-Roaming Horses and Burros
Haviland v. Butz, 543 F. 2d 169 (1976)
Traveling professional dog and pony show is under Animal Welfare Act
Hoctor v. U.S. Department of Agriculture, 82 F. 3d 165 (1996)
Action against Fish & Wildlife Service expanding hunting into wildlife refuges
Humane Society of the United States v. Hodel, 840 F. 2d 45 (1998)
Wildlife park challenging the type of fence it must have around perimeter.
Toney v. Glickman, 101 F. 3d 1236 (1996)
Animal dealer violated Animal Welfare Act
United States v. Mitchel, 553 F. 2d 996 (1977)
Violation of Marine Mammal Act catching dolphin in restricted waters

More Federal and State cases can be found through Lexis or Westlaw. Eclipse or Westclip searches can be set up to keep researcher current on both jurisdictions.

Websites

Animal Welfare and Animal Rights

AnimalConcerns.org <http://www.animalconcerns.org>

This site serves as a clearinghouse for information related to animal rights/welfare resources.

Humane Society of the United States <http://www.hsus.org>

This organization's efforts are focused on the humane treatment of companion animals.

American Society for the Prevention of Cruelty to Animals <http://www2.aspca.org/site/PageServer>

Focuses on the treatment of companion animals.

Moral Status of Animals <http://ethics.sandiego.edu/Applied/animals/index.asp>

This site contains links to resources and articles that examine the moral aspects of animal rights.

People for the Ethical Treatment of Animals (PETA) <http://www.peta.org>

This organization is perhaps the most active and influential of the animal-rights groups. The basic tenet is that animals have certain basic rights and their rights should be considered regardless of whether they are useful to human.

Animal Law

Animal Legal Defense Fund <http://www.aldf.org/>

Leading animal rights law organization working nationally to defend animals from abuse and exploitation.

AnimalLaw.com <http://www.animallaw.com/index.cfm>

AnimalLaw.com provides access to legislation and legal matters pertaining to the rights and welfare of animal. The topics it covers include animal cruelty, animal control, laboratory animal welfare, the use of animals in education, product testing and in the laboratory, animal control issues, and general animal welfare.

Animal Welfare Information Center <http://nal.usda.gov/awic>

This site is part of a mandate by the Animal Welfare Act to provide information for improved animal care and use in research, testing, teaching, and exhibition.

Animals and Livestock. National Agricultural Library <http://www.nal.usda.gov/>

The National Agricultural Library is a clearinghouse for other sites that deal with animal welfare.

Center for Animals and Public Policy. <http://www.tufts.edu/vet/cfa/legislat.html>

This site of the Tufts University School of Veterinary Science mission is to support and encourage evaluation and understanding of the complex societal issues and public policy dimensions of the changing role of animals in society. It links to sources of animal law and legislation.

Center for Wildlife Law - University of New Mexico School of Law. <http://wildlife.umn.edu>

The Center for Wildlife Law is the only national center dedicated to education, research and analysis of state, national and international wildlife laws. Its mission is to raise the level of understanding and discussion about wildlife issues through interdisciplinary education, training, analysis and publication on wildlife law and policy issues.

Doris Day Animal League. <http://www.ddal.org>

This organization's mission is to work to reduce the pain and suffering of non-human animals through legislative initiatives.

Lewis & Clark Law School <http://www.lclark.edu/org/ncal>

This site is intended to attract, train and support individuals interested in practicing animal law.

Megalaw.com Animal Rights and Pet Law <http://www.megalaw.com/top/animal.php>

Statutes (federal and state), cases and other resources related to animal law.

Michigan State University College of Law: Animal Legal and Historical Web Center
<http://www.animallaw.info>

The site contains full text cases and statutes with commentary. It also contains over 46 topics that give comprehensive explanation on a number of legal articles addressing a wide variety of animal topics.

National Association of Biomedical Research <http://www.nabr.org/AnimalLaw/index.htm>

This site attempts to bring together some of more useful resources that govern the humane and responsible use of animals in research.

U.S. Fish and Wildlife Service <http://www.fws.gov/>

This agency tries to conserve the nature of America. It covers current topics and tries to educate.

Current Awareness

These are some of the sources to find news about animal law and animal rights issues

- Animal Law in the News, National Center for Animal Law <http://www.lclark.edu/org/cals>
- New Topics & Cases, Animal Legal and Historical Center <http://www.animalslaw.info/>
- Press Room, American Society for the Prevention of Cruelty to Animals
<http://www.asPCA.org/pressroom>
- Press Room, Human Society of the United States
http://www.hsus.org/press_and_publications/press_releases/
- Newsbrief, National Association for Biomedical Research <http://www.nabrlaw.org>
- Press Room, Animal Legal Defense Fund
<http://www.aldf.org/article.php?list=type&type=6>
- News and Events under “Media Center,” Animal Welfare Information Center, USDA
<http://awic.nal.usda.gov>
- News Releases, PETA <http://www.peta.org>
- News Releases, U.S. Fish and Wildlife Service <http://www.fws.gov>