

Friday Forecast - April 5, 2024

Animal Law & Policy Program & Clinic, Harvard Law School <npatel@law.harvard.edu>

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Big Elk News from

ALPC: The Clinic argued on behalf of elk in the Ninth Circuit on Monday.

Why is this important?

At Tomales Point, a peninsula within the Point Reyes National Seashore, a population of Tule Elk is confined by a miles-long, 8-foot-tall fence built to protect dairy ranches at the seashore. The fence prevents the elk from migrating to find better sources of food and water. As a result, hundreds of elk have died during periods of climate-change driven drought due to a lack of nutritious forage.

What did we do?

Last Monday, Clinic alum and Staff Attorney Rebecca Garverman (JD '21), argued before a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit that the National Park Service (NPS) has a mandatory duty to revise its General Management Plan (GMP) for Tomales Point. The appeal stems from a 2021 lawsuit filed on behalf of Jack Gescheidt, Laura Chariton, and the Animal Legal Defense Fund to challenge the agency's decades-long delay in revising its GMP for Tomales Point. The NPS has since proposed GMP amendments that would remove the elk fence but maintains that its decision to do so is entirely discretionary.

Clinic students, led by Sophia Pereira (3L) and Vinny Byju (2L), as well as Clinic Director Mary Hollingsworth and Clinical Instructor Rachel Mathews, helped moot Garverman for the argument.

What now? One day after Garverman’s oral argument, the Ninth Circuit panel ordered the NPS to notify the court when it issues an environmental assessment and revised GMP. The NPS must also report to the court on the status of the proposed revisions to the GMP no later than September 1, 2024. The public will have the opportunity to comment on the environmental assessment when it is released in the coming months.

Bottom line: We’re hopeful that the Ninth Circuit’s order will ensure that the NPS swiftly finalizes its GMP revisions and removes that fence.

Photo: Staff Attorney Rebecca Garverman (left), Clinical Instructor Rachel Mathews (right)

Lectures & Presentations



Professor Kristen Stilt (left) and Visiting Fellow Macarena Montes Franceschini (right) will present the Ecuadorian Constitutional Court’s decision on woolly monkey Estrellita at Prof. Rebecca Henderson’s course *Reweaving Ourselves and the World: New Perspectives on Climate Change* at Harvard Kennedy School on Monday, **April 15**.



On **April 6**, Associate Director of Policy & Research Ann Linder (left) and Legislative Policy Fellow Kelley McGill (JD ’20) (right) will be speakers at ALDF’s Animal Law Symposium and present “*Congressional Response: The EATS Act and Other Efforts to Negate State-Level Progress for Farmed Animals.*”



On **April 16**, Ann Linder will be giving a guest lecture at Stanford Law School discussing the findings of the program’s 2023 report “Animal Markets and Zoonotic Disease in the United States.” On **April 18**, Ann Linder will speak to students at UMKC Law School about her work examining the racial implications of breed-restrictive legislation and understanding the problem of BSL through the lens of social justice.



On **April 8**, Visiting Fellow [Dinesh Wadiwel](#) will be in conversation with Matthew Garrett at Russell House, Wesleyan University. They will explore the devastation wrought by late capitalism and hierarchical anthropocentrism that has transformed animals into a labor force for value extraction.

On **April 15**, Dinesh will give the Annual Tom Regan Memorial Lecture, hosted by Harvard Law School on “Animal Rights and Capitalism.” The respondent will be Lori Gruen, William Griffin Professor of Philosophy at Wesleyan University. The moderator will be ALPP Faculty Director Professor [Kristen Stilt](#). ALPP is honored to host this event, which celebrates the life and thought of philosopher, animal advocate, and Culture & Animals Foundation (CAF) co-founder Tom Regan. The event is open to the public and will be recorded.

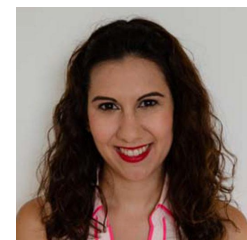


Visiting Fellow [Cleo Verkuijl](#) will speak on the [Emerging Science of Animal Consciousness](#) hosted by NYU Mind, Ethics, and Policy Program and Wild Animal Welfare Program on **April 19**.

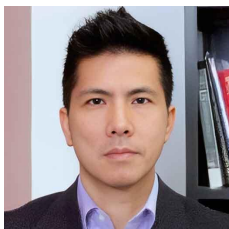


Visiting Fellow [Jian Yi](#) will join a panel and speak about food systems transformation at the [US-Asia Sustainable Development Summit](#) to be take place on Harvard Campus on Saturday, **April 13**.

On **April 24**, Clinic Staff Attorney [Rebecca Garverman](#) (JD '21) will present “Oh Deer! The Case of the Trapped Tomales Point Tule Elk” to the HLSA [Animal Law & Policy Network](#) and the [Harvard Alumni in Animal Health](#) Shared Interest Group via Zoom. [Register here](#).



Visiting Fellow Workshops



April 17, 3:00-4:30pm
China's Dog Meat Trade: Zeroing in on a Legal and Political Quagmire, presented by Visiting Fellow Peter Li



April 24, 3-4:30pm
Animals and the Concept of the Rule of Law, presented by Visiting Fellow Dinesh Wadiwel



May 1, 3:00-4:30pm
The Biology of Dignity: Connecting Labor Unionization and American Hog Life, presented by Visiting Fellow Alex Blanchette



May 8, 3:00-4:30pm
The Whistleblower, presented by Visiting Fellow Carlos Contreras Lopez

May 15, 3:00-4:30pm
Working with Whistleblowers, presented by Visiting Fellow Amanda Hitt

May 19, 3:00-4:30pm
Food Valleys & Deserts, presented by Professor Kristen Stilt

Events

Friday, May 10 at Harvard Law School

Lunch with Philosopher Paula Casal

ALPP will host a lunch event with philosopher Paula Casal, at which she will talk about nonhuman animal persons and their rights. Is a person a kind of animal? How have the features associated with personhood evolved in very different species? How do these features alter the moral rights an individual or group may have?

Paula Casal is an ICREA Professor at the Law Department of Universitat Pompeu Fabra (Barcelona). She was previously a Lecturer and a Reader in Moral and Political Philosophy at Reading University (2004-08), and a Lecturer at Keele University (1996-2004). She was also a Fellow in Ethics at Harvard University (1999-2000), Keele Junior Research Fellow, also at Harvard (2000-01), Hoover Fellow at Université Catholique de Louvain (2001-02), and Leverhulme Research Fellow at Oxford University (2002-04). Her work has appeared in journals such as *Ethics*, *Economics and Philosophy*, *Journal of Moral Philosophy*, *Journal of Political Philosophy*, *Political Studies*, and *Utilitas*. She is also the president of



the Great Ape Project-Spain and co-director of the UPF Centre for Animal Ethics.

November 15-17 at Harvard Law School The Endangered Species Act @ 50

We ask you to kindly save the dates for an upcoming major conference dedicated to the Endangered Species Act as it passes its 50th anniversary. We hope you can attend. Please RSVP to [Sarah Munoz](#).



You don't want to miss these updates from this week's Brooks US Animal Law Digest

Good news . . .

Indigenous Groups in Polynesia Recognize Whales as Legal Persons

Leaders of indigenous groups in New Zealand, Tahiti, and the Cook Islands recognized **whales as legal persons** through the signing of a treaty.



Oregon Criminalizes Animal Crush Imagery

Oregon enacted House Bill 4145, **creating new felony** and misdemeanor crimes for involvement in the creation, distribution, or possession of **visual recordings of animal torture or killing**.

Oregon Criminalizes Impeding Animal Cruelty Investigations and Updates Definitions

Oregon enacted House Bill 4043, **establishing the crime of "interfering with an investigation into an offense against an animal"** and amending the definitions of aggravated animal abuse, animal abuse, and animal neglect.

FWS and NMFS Restore Certain ESA Protections Rolled Back Under Trump Administration

The U.S. Fish & Wildlife Service and the National Marine Fisheries Service finalized three rules, **restoring** some of the Endangered Species Act **protections** that were rolled back by the Trump Administration.

Not so great news . . .

West Virginia Restricts Labeling of Plant-Based and Cultivated Meat Products

West Virginia enacted House Bill 5349, the Truth in Food Product Labeling Act, imposing **labeling restrictions on plant-based alternatives and cultivated meat products.**

Brooks McCormick Jr. Animal Law & Policy Program at Harvard Law School

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