

Essay 3

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It is hard for the majority of present-day Americans to imagine a country in which people are discriminated against based on their race. The days of slavery and Jim Crow laws are thankfully over due to Abraham Lincoln and the outcome of the Civil War. Prior to 1861, the North and the South disagreed over the morality of slavery and states' rights to own slaves. After the South seceded from the union, the Civil War began. In 1863, President Abraham Lincoln issued the Emancipation Proclamation declaring that all slaves were free people. However, this speech did not actually free the slaves; the passage of the Thirteenth Amendment officially abolished slavery and the Fourteenth Amendment cemented African American's rights. It made all men born in the United States citizens and ensured that states could not deprive any person of their natural rights without due process of law (15). Even with its passing, discrimination continued for generations, and many Americans argue that it still continues heavily today. However, without the concrete amendment to ensure the rights of all people, it can never completely dissolve. Having an amendment in the Constitution guaranteeing people protection of their natural rights and equal protection under the law is a vital step towards equality. Since the mid 1800s, other groups such as women and corporations have received greater protection of their rights in the Constitution.

The protection of peoples' rights is evident in Section 1 of the Fourteenth Amendment where it is written that "nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws (15)." The words "life" and "liberty" refer to natural rights that John Locke originally identified (2). During the Age of Enlightenment in Europe, Locke wrote his *Second Treatise of Government* which identified natural rights that all people are born with that should never be taken away (2). Being a fan of the Enlightenment, Thomas Jefferson wanted to incorporate these terms in America's new government (2). In the Declaration of Independence, it is written that that men "are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness (1)." At the time, the term "men" only applied to white landowning males.

Since then, interpretation of the word has been expanded to represent African Americans, women, and even corporations so that they cannot be denied their God-given rights. Unfortunately, life and liberty is not guaranteed to all groups that suffer in the world today. Although they are not people, animals used for entertainment and research deserve protection

under the law that cannot be abridged. Animals used in laboratories, circuses, factory farms, and even as pets are abused on a regular basis and receive little protection. While approximately 20 men and women are assaulted a minute, about 70 million pet dogs and 74.1 million pet cats are (3). In laboratories, dogs, rabbits, monkeys, rats, mice, and birds are tested on in chemical, drug, food, and cosmetic labs. These animals are often tortured and over 115 million are killed every year (4). Animals used in entertainment have arguably the cruelest violation of freedom. Many aquariums stuff sharks, dolphins, orcas, and other animals into tanks that limit their movement. Dolphins are one of the most intelligent creatures on the planet, as they can solve complex problems and can even think about the future (15). In many aquariums like SeaWorld, they are forced to perform tricks (15). In the wild, dolphins can swim up to forty miles a day, but if held in captivity, regulations set by the Animal Welfare Act say that they can be confined to a space that is just six feet deep (16). A similar reality can be applied to land animals in zoos. Lions, tigers, cheetahs, and other animals that in the wild roam freely over hundreds of miles throughout their life are confined to tiny enclosures. John Locke never wrote directly about animal rights but this does not mean that the terms “life” and “liberty” do not apply to them. During his lifetime, animals were not being abused to the degree they are today. Animals are being oppressed by humans in ways similar to how monarchies oppressed the lower classes during the Age of Enlightenment. If Locke was alive today, it is likely that he would write about animals’ natural rights of life and liberty being abridged.

Animals’ suffering can be greatly reduced through an addition to the Constitution that protects animals’ natural rights of life and liberty and provides them protection from inhumane treatment. The Fourteenth Amendment can guarantee them rights through an additional clause saying “nor shall states deny any animal the rights to life, liberty, and protection from inhumane practices without the due process of law; nor deny to any animal within its jurisdiction the equal protection of the laws.” This additional clause will not eradicate the usage of animals from the country entirely. It will give animals greater protection and ensure that if their natural rights must be infringed upon, the process will be more difficult and ensure that the animal’s mistreatment was deemed necessary. An example of this is using animals for food. Farm animals can still be used in agriculture; however, they will be treated much more humanely. Their natural right of life will ensure that they live the entirety of their natural lifespan before slaughter. The clause will encourage the use of sanctuaries rather than zoos so that people can

still view and learn about exotic animals without sacrificing their freedom. It will completely get rid of animal testing, as the practice is unnecessary and violates the new clause. It will allow any laws that cause animals to suffer to be declared unconstitutional. Having a clause protecting animals will demonstrate their value and reduce animal abuse rates. The second part of the clause concerning equal protection ensures that the different animals will not be treated differently. For example, a mouse used in animal testing will receive the same protection as an elephant in the circus. Even though they vary in size, the two are both animals and have rights.

Since animals already have laws protecting them, it is easy to think that an additional clause in the Fourteenth Amendment is unnecessary. While it is true that animals already have laws to protect them, there were also many laws and regulations on the conditions slaves could be kept in during the times of the old South. Regulation does not guarantee compliance and fair treatment. Current animal protection acts include the Animal Welfare Act and the Marine Mammal Protection Act. These acts do not truly protect animals, but instead protect the people and companies that own them. The Animal Welfare Act allows for animals to be burned, poisoned, starved, brain-damaged, and addicted to drugs (12). The Marine Mammal Protection Act does not actually protect any marine mammals – it simply regulates their capture (16). Wild dolphins can be captured as long as they are used for scientific research, public display, conservation, or are captured accidentally (16). It is true that the Animal Welfare Act does give animals in the home, on farms, and used in research some protection (13). However, monitoring the conditions of animals in large institutions is impractical (14). Companies and people can easily ignore these laws or find loopholes to get out of having to treat the animals they use properly; these acts are hard to enforce and do not give animals rights. The Constitution is the supreme law of the land, meaning that all laws and acts are based on it and can be declared unconstitutional if it is ruled that they go against the document. Having an amendment in the Constitution will cement animal rights as necessary and prevent them from being abridged.

Animals are not the only group that will benefit from the animal rights clause in the Fourteenth Amendment. People will receive many benefits as well, including a more compassionate society, the promotion of safer research, and less crime. The idea that animals deserve protection in the Constitution will encourage people to view the world through a compassionate eye. In other words, if animals possess natural rights and are protected under the same document people are, they deserve to be treated with greater respect. This will directly

discourage animal abuse and indirectly encourage greater protection of the environment. As Americans grow more compassionate, they will care more about the world they live in and work harder to protect it. This compassion will also apply to other people. C. S. Lewis wrote in his essay "Vivisection" that "We may find it difficult to formulate a human right of tormenting beasts in terms which would not equally imply an angelic right of tormenting men (8)." In other words, justifying animal abuse implies no moral wrong in hurting fellow people. By treating animals with more respect rather than abusing them, Americans will also treat each other with more respect.

Another benefit of the animal rights clause is the promotion of safer research. Contrary to popular belief, American laboratories are not required to test on animals. Animal testing is actually very dangerous and highly unreliable. According to Dr. Richard Klausner, the former director of the US National Cancer Institute, "we have cured mice of cancer for decades and it simply didn't work in human beings." The research involved in curing cancer has been for the mouse, not for the human (11). The anatomy of a mouse, dog, cat, or other animal may be similar to the human body, but not similar enough to rely on when it comes to putting billions of dollars into drug research and endangering the lives of humans. Animals contract different diseases than humans do. For example, they do not contract major types of heart disease and cancer, HIV, or schizophrenia (11). Only a third of substances that cause cancer in humans also causes cancer in animals (11). Animals also respond to drugs differently than people do, as aspirin is lethal to cats and causes birth defects in rats, mice, and dogs (12). While morphine is a depressant to humans, it stimulates goats, cats, and horses (11). Testing the safety of drugs with rodents is only accurate forty-three percent of the time (11). In fact, ninety-five percent of drugs that passed animal tests fail in human trials (12). Animal testing is very dangerous and the money put into research is not worth the results. In fact, fifty billion dollars is invested into drug research in the United States, yet the approval rating for the new drugs is the same as it was fifty years ago (11). There is no reason for such inhumane treatment of animals for so few results. Protection for animals under the Fourteenth Amendment will limit animal testing, encouraging researchers to use more humane and accurate alternatives such as advanced microchips, computer programs, and human tissues (12).

Greater protection of animal rights will save lives through identification of potential murderers, resulting in fewer crimes. Researchers have discovered a direct link between animal

abuse and violent people. Over two-thirds of domestic violence victims reported that their abuser also targeted pets (3). A study was conducted in which animal abuse was looked into in families under investigation for child abuse. It was found that pet abuse had occurred in eighty-eight percent of the families (3). It is estimated that less than five percent of American children have intentionally hurt an animal while the percentage for children in mental health clinics ranges from ten to twenty-five percent (6). Examples of animal abusers who became killers are Luke Woodham, a high school student from Mississippi who stabbed his mother and shot fellow students with a hunting rifle, and Kip Kinkel, a high school student who killed his parents and also opened fire at his school (6). Woodham described his first kill as his dog Sparkle (6). After his arrest, Kinkel was reported to have bragged about torturing animals (6). The idea that serial killers begin by torturing animals is not a myth; in fact, serial killers who abused animals include Ted Bundy, Brenda Ann Spencer, and David Burkowitz (7). These are not isolated cases, as seventy percent of violent prisoners were reported to have abused animals in their childhood repeatedly (6). With greater enforcement of animal rights, abusers who may evolve to be serial killers can be identified and given treatment before they have the chance to hurt any humans.

Some Americans may argue that only people should be protected under the Constitution. When interpreting the document, the word “people” is often altered to refer to corporations. The founding fathers originally only gave companies the right to have their contracts respected by the government (10). However, over time the rights of corporations were expanded. Due to the Industrial Revolution, corporations were allowed to raise money (10). Due to the passage of the Fourteenth Amendment, companies demanded equal protection (10). Since then, many other rights have been given to corporations. This does not mean that lawmakers view them as living, breathing people. These rights ensure their ability to succeed with the changing times. If corporations can have rights, animals certainly can as well. This will not mean that animals will be viewed as equal to humans under the law; it will simply recognize that animals have natural rights that need to be protected.

Americans may still believe that animals do not deserve protection under the Constitution due to their inferiority to humans. Many people believe that animals cannot think, are not conscious, and do not have souls (8). After all, St. Thomas Aquinas taught that animals acted solely on instinct (8). These beliefs usually stem from religious views. Depending on how one interprets the Bible or other religious texts, one may believe that animals were put on the Earth

simply for the use of the people or to coexist with humans. Because religious interpretation is up to the individual and not concrete, it should not be taken into consideration when determining the rights of animals. Whether or not one believes that animals were put on the Earth to serve humans as creatures of lesser value, it is hard to deny that these creatures deserve respect and protection under the law. People will never agree on the state of animals but no one should be treated unequally due to intelligence. As Jeremy Bentham, a utilitarian and moral philosopher, put it, the case for animals “is not ‘Can they reason?’ nor ‘Can they talk?’ but ‘Can they suffer (9)?’” Animals throughout the country are suffering, and an addition to the Fourteenth Amendment can change that. Even if some Americans believe that animal rights should not be protected, they can have a concurring opinion with the facts that animals’ suffering should be reduced and that the benefits of the additional clause will make its passage worth it.

Protecting animal rights under the law may seem radical, but protecting the rights of people of color, women, and the LGBT community also seemed radical years ago, and to some people still may. Although each group has distinct differences from the white landowning male the framers of the Constitution expected their document to protect, over time people have grown more compassionate and evolved to realize that these differences do not imply unjust treatment. Scientifically, humans are animals. In fact, humans belong to the kingdom Animalia, the phylum Chordata, and the class Mammalia, just as other animals including dogs, cats, mice, rabbits, and monkeys do. Perhaps the creatures that people dismiss as below them and undeserving of protection of the law are not so different from humans after all.

Bibliography

1. "The Declaration of Independence: Full Text." *Ushistory.org*, Independence Hall Association, 4 July 1995, www.ushistory.org/Declaration/document/.
2. Costly, Andrew. "Natural Rights - Constitutional Rights Foundation." *Natural Rights - Constitutional Rights Foundation*, 2001, www.crf-usa.org/foundations-of-our-constitution/natural-rights.html.
3. "Animal Cruelty Facts and Stats." *The Humane Society of the United States*, www.humanesociety.org/resources/animal-cruelty-facts-and-stats.
4. "11 Facts About Animal Cruelty." *DoSomething.org*, www.dosomething.org/us/facts/11-facts-about-animal-cruelty.
5. Raunch, Ryan. "Animal Cruelty Facts." *CanineJournal.com*, 29 Apr. 2015, www.caninejournal.com/animal-cruelty-facts/.
6. Melson, Gail. "Do Mass Killers Start Out by Harming Pets?" *Psychology Today*, Sussex Publishers, 20 Feb. 2013, www.psychologytoday.com/us/blog/why-the-wild-things-are/201302/do-mass-killers-start-out-harming-pets.
7. "Growing Up, Jeffrey Dahmer's 'Hobby' Was To Kill Neighborhood Pets." *Ranker*, www.ranker.com/list/serial-killers-who-abused-animals/ranker-crime.
8. "Ethics - Animal Ethics: Animal Rights." *BBC*, BBC, 2014, www.bbc.co.uk/ethics/animals/rights/rights_1.shtml.
9. "Why Animal Rights?" *PETA*, 6 Feb. 2019, www.peta.org/about-peta/why-peta/why-animal-rights/.
10. Totenberg, Nina. "When Did Companies Become People? Excavating The Legal Evolution." *NPR*, NPR, 28 July 2014, www.npr.org/2014/07/28/335288388/when-did-companies-become-people-excavating-the-legal-evolution.
11. "Arguments Against Animal Testing." *Cruelty Free International*, www.crueltyfreeinternational.org/why-we-do-it/arguments-against-animal-testing.
12. "Animal Testing Is Bad Science: Point/Counterpoint." *PETA*, 4 Mar. 2019, www.peta.org/issues/animals-used-for-experimentation/animal-testing-bad-science/.

13. “The Animal Welfare Act.” *National Anti-Vivisection Society*, www.navs.org/what-we-do/keep-you-informed/legal-arena/research/explanation-of-the-animal-welfare-act-awa/#.XHfqtohKjIU.
14. Orabona, Bob. “What Is Meant by Animal Rights?” *Friends of Animals*, 9 Jan. 2018, friendsofanimals.org/program/what-is-meant-by-animal-rights/.
15. LII Staff. “Fourteenth Amendment.” *Legal Information Institute*, Legal Information Institute, 17 May 2018, www.law.cornell.edu/constitution/amendmentxiv.
16. “U.S. Dolphin Regulations.” *World Animal Protection USA*, www.worldanimalprotection.us/our-work/animals-wild/marine-animals-captivity/us-dolphin-regulations.