

HAS THE HSUS “HIJACKED” THE APHIS OFFICE OF ENFORCEMENT?!?!?!?

In May of 2010 the Inspector General of the USDA released a scathing report that criticized APHIS for placing too much emphasis on education and not enough on enforcement. One of its recommendations included creating an Office within APHIS that would specifically focus on enforcement. And the person who was hired to fill the new position was an attorney who had specialized in Animal Law Issues. Her name is Ms. Sarah L. Conant, and she has been issuing a number of “**enforcement**” letters to dog breeders, and to at least one rabbit breeder with assessed fines up to \$50,000 or more. A sampling of some of Ms. Conant’s “**legal qualifications**” that may have been considered by the USDA when she was selected to fill the newly created APHIS position, which may give all responsible breeders a reason to say “**OMG,**” is set out below:

- Ms. Conant was employed by the HSUS as a Litigation Attorney **immediately** before she was hired by the USDA.
- Ms. Conant first became associated with the HSUS when she was designated as an HSUS Litigation Fellow.
- In 2007 Ms. Conant was featured and quoted in a Virginia Law Publication entitled “*Humane Society Lawyers Fight Culture of Cruelty, Government Bureaucracy.*” One of her quotes included the statement that “*Humane Society lawyers are working with legislatures and in the courts to change laws that affect the lives of farm animals,*” and that “*they are forced to go state by state in this effort because there are very few federal laws regarding farm animals.*”
- Ms. Conant was employed by the HSUS in the same HSUS Litigation Office which was so actively involved in the Litigation last year that challenged placing the Proposition B Ballot Initiative on the November 2011 Ballot in Missouri.
- Ms. Conant’s “Name” has appeared as Counsel of Record for the HSUS on Lawsuits and Complaints filed against Federal Agencies such as the Federal Trade Commission and the U. S. Department of Agriculture, which now is her current employer. (Here it is significant to note that on at least one Lawsuit document that may be found on the HSUS Website, the name of “Sarah L. Conant” was no longer listed as one of the Counsel of Record, even though the originally filed document listed her name. Surely the HSUS would not engage in a “COVER-UP!” Or would it?!?!?!?!?)
- Ms. Conant worked in the same HSUS Litigation Office that sued the USDA under the Freedom of Information Act last October. **This Lawsuit seeks personal, confidential and business sensitive information on every USDA Licensed Breeder in Missouri.**
- Ms. Conant is listed as the Vice Chair of the Animal Law Section of the DC Bar, and is listed as representing the HSUS with no reference to the position that she currently holds with USDA.

While some may suggest that Ms. Conant has appropriate qualifications to act as the Chief of the Enforcement Section of APHIS, I personally and professionally believe that an egregious “**Conflict of Interest**” exists. In this regard, Rule 1.11 that is published by the American Bar Association specifically addresses “*Conflicts of Interests For Former and Current Government*

Officers and Employees.” The relevant language states: *“a lawyer currently serving as a public officer or employee shall not participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernment employment, unless the appropriate government agency gives its informed consent, confirmed in writing.”* This is why a FOIA Request was submitted for a copy of the USDA **“Informed Consent Document,”** or a comparable **“Conflict of Interest Document.”** In the Practice of Law, some would consider a Breach of the **“Conflict of Interest”** Standard to represent a serious issue that involves **“Legal Ethics.”**

Three Little “Dashes” of Potentially “Good News:”:

- **First Dash:** On Monday, July 11, 2011, I received confirmation from the IRS that it had assigned a Case File Number (2011-010153) for the American Society for the Prevention of Cruelty to Animals (ASPCA). Perhaps, just perhaps, someday the ASPCA will look back in the next year or so and wish that it had not thrown its “lot” in with the HSUS; that it had not contributed nearly \$600,000 to the Proposition B Campaign in Missouri; that it had not been a Charter Supporter of the current and on-going **“Your Vote Counts”** Ballot Initiative Campaign in Missouri; and that it had not **“hired away” from the HSUS** Ms. Nancy Perry to fill its newly created position of Senior Vice President for Government Relations for the express purpose of overseeing the lobbying activities of the ASPCA in all 50 States, as well as at the Federal Level.
- **Second Dash:** On Tuesday, July 12, 2011, I received confirmation that the Inspector General of the USDA (USDA IG) had received a Fraud, Waste and Abuse Complaint that included a Freedom of Information Request for a **“Conflict of Interest” Statement** concerning Ms. Sarah L. Conant. While there is no guarantee that the USDA IG will find wrongdoing on the part of Ms. Conant, the potential exists that the revelation about the specific duties that she performed on behalf of her prior employer could prove to be a major source of embarrassment for the USDA, and could **“taint” the integrity of every single adverse action and all assessed fines against Breeders that occurred on “her watch.”** In this regard, Government Employees are expected not only to avoid **“Conflicts of Interest,”** but are expected to avoid any appearance of a **“Conflict of Interest.”** This scenario raises Issues of **“Legal Ethics”** - - both for the USDA and Ms. Conant who is an attorney.
- **Third Dash:** On Wednesday, July 13, 2011, I received confirmation that the APHIS FOIA Office had received a FOIA Request for “information” concerning Ms. Conant, and that the APHIS FOIA Office has assigned Case File Number 11-645 to this FOIA Request with a suspense date of August 10, 2011 for its response to the FOIA Request. Since it has been the HSUS that was submitting all of those FOIA requests for information about Missouri Breeders, it sure will be interesting to see if the HSUS objects to the release of information concerning Ms. Conant’s duties while she worked for the HSUS. My oh my, won’t it be interesting to see how APHIS responds to a FOIA Request that might prove to be more than a “bit embarrassing.”

When a breeder does not comply with the **“Rules,”** there are consequences. When a Government Employee does not comply with the **“Rules,”**..... Well, we’ll just have to wait and see!!!!

Three Little “Dashes” and a “Pinch” of a “*No I am not dreaming!*” The second Week of July brought a big smile to my face!

What More Needs to Be Done to Hold the HSUS Accountable for Its Actions?: Create a “FLOOD” of E-Mails from all 50 States to be sent to your respective U.S. Representative and your two U.S. Senators which will ask them to do what Seven Members of Congress have already done - - requested investigations by the Treasury’s Inspector General into the HSUS’s “apparent improper activities and its tax-exempt status. THESE THREE E-MAILS WILL MAKE A DIFFERENCE; THEY WILL GENERATE MORE CONGRESSIONAL LETTERS THAT WILL PUT EVEN MORE PRESSURE ON THE IRS TO EXPEDITIOUSLY INVESTIGATE THE HSUS; AND THEY SHOULD TAKE NO MORE THAN 20 MINUTES TO DO THE FOLLOWING SIX THINGS:

1. To send an E-Mail to your U.S. Representative, Log onto www.house.gov/writerep/
2. Fill in your state and ZIP Code on the prompt that appears.
3. Add your name, address and E-Mail address on E-Mail Form for your U.S. Representative; and on the Subject Line add: Request the Inspector General and the IRS Investigate the HSUS; and then add then add the message set out below.
4. To send an E-Mail to your Two Senators, Log onto: www.senate.gov/general/contact_information/senators_cfm.cfm
5. Click onto the E-Mail Address for each of your two U.S. Senators.
6. Add your name, address and E-Mail address on E-Mail Form for your U.S. Representative; and on the Subject Line add: Request the Inspector General and the IRS Investigate the HSUS; and then add then add the message set out below.

Suggested Text of E-Mail Message

“The IRS has received voluminous documentation that substantiates that the Humane Society of the United States (HSUS) - - a Public Charity - - has engaged in excessive, prohibited, and under-reported lobbying activities, and may have under-reported its revenue by over \$500 Million. Significantly, the HSUS President and CEO has repeatedly stated that he has “helped to pass perhaps 1,000 laws.””

Treasury Department, Six U.S. Representatives (Hartzler, Emerson, Luetkemeyer, Graves and Long from Missouri, and Young from Alaska) stated: “we write to request investigations by the Inspector General into HSUS’s apparent improper activities and its tax-exempt status.” They further stated: “If the HSUS is not complying with the law, it should be investigated and disciplined just like any other organization.”

With a National Debt of Trillions of Dollars, our Government needs to maintain the integrity of the U.S. Tax Code. As your constituent, I am requesting that you confirm that you have sent a similar letter on my behalf to the Inspector General of the Department of the Treasury.

Thank You.”

Collectively, we can make a difference, and put the HSUS on the defensive. If the HSUS can generate Millions of E-Mails to Members of Congress, surely we can generate hundreds of E-Mails from each and every State. Let's do it!