



AMERICANS FOR  
LIMITED GOVERNMENT

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August 27<sup>th</sup>, 2009

Dear Agricultural Leader:

I am writing to you to alert you to a grave threat to the Agricultural Industry of which you may not be aware.

Early next month the Senate will vote on the nomination of Mr. Cass Sunstein as Administrator of the Office of Information and Regulatory Affairs, White House Office of Management and Budget. While that is the official title in Washington the job is commonly known as the Regulatory Czar.

The position wields tremendous influence over every regulation that will be issued by the Obama Administration. That includes regulations issued by the Department of Agriculture and every other Cabinet Agency.

What concerns me and I am sure will concern you is Mr. Sunstein's extreme positions on animal rights. If put into law or regulation, these radical stands will destroy agriculture and threaten America's ability to feed itself much less do any exporting of agricultural products.

Let me give you just a couple of examples and let you know where you can find out more and what you can do to prevent this disaster from happening.

As the law now stands the Animal Welfare Act does not cover animals raised for "food and fiber." Mr. Sunstein disagrees with this common sense policy. He has written:

But I think we should go further. We should focus attention not only on the "enforcement gap," but on the areas where current law offers little or no protection. In short, *the law should impose further regulation on hunting,*

*scientific experiments, entertainment, and (above all) farming to ensure against unnecessary animal suffering.* (Emphasis in original.)<sup>1</sup>

Who would determine what “unnecessary animal suffering” is? If Cass Sunstein is confirmed he will no doubt have a large voice and perhaps final voice in those decisions.

If current law is expanded to include animals raised for “food or fiber” under their coverage and private persons are given the power to bring suit to enforce these laws, at minimum farms and ranches will need to “lawyer up” to defend against such suits.

Sunstein cloaks his views in the veil of a discussion of legal theory but when you read deeply you get a good idea of his real intent. For instance he states;

“We could even grant animals a right to bring suit without insisting that animals are persons, or that they are not property.”

At one point Sunstein discusses the theoretical legal rights of people to expel rats from their homes. If you wish to see further quotes and theoretical discussions by Cass Sunstein go to [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=323661](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=323661).

Some paid lobbyists representing the agricultural community suggest that Sunstein’s views on the subject of putting animal rights over the rights of farmers makes no difference since he will have no jurisdiction over this in this position. That is absolutely not true! Sunstein will be a position to shape every regulation on this subject that comes out to the Department of Agriculture or any other Cabinet or sub Cabinet Agency.

Others contend that his belief in a cost benefit analysis on each regulation is the best that can hoped for from this administration and that American agriculture should ignore his other positions. What this argument ignores is that how a cost benefit analysis turns out depends on the assumptions going into the analysis. If you believe that there is a benefit to each chicken having an acre to live on your analysis is going to be much different than otherwise. In another vein if you think cattle are a major cause of global warming and that global warming is a dire threat to us all then there is a tremendous benefit to much higher regulation on the cattle industry.

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<sup>1</sup> Sunstein, Cass R., *The Rights of Animals: A Very Short Primer* (August 2002). University of Chicago Law & Economics, Olin Working Paper No. 157; University of Chicago, Public Law, Research Paper No. 30, at 6. Available at SSRN: <http://ssrn.com/abstract=323661>.

Clearly this appointment represents a very dangerous assault on legal protections now enjoyed by American agriculture. As such, Cass Sunstein must be blocked from becoming a threat to the very life-blood of our nation.

If you agree that a person with such radical, extreme theories should not be in charge of approving every regulation the federal government promulgates please take action now!

You can stop this by imploring you Senators to vote against his confirmation. This could be life or death for agribusiness in America. Email or better yet call and send a letter to you Senator expressing your opposition to this outrageous appointment.

If you need further information on how you can work to defeat this confirmation please call Don Todd at Americans for Limited Government a 703-383-0880. Together we can stop what could spell disaster for all Americans.

Yours for Limited Government,

A handwritten signature in cursive script that reads "William A. Wilson". The signature is written in black ink and has a long, sweeping tail at the end.

William Wilson  
President  
Americans for Limited Government