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November 13, 1964

Timothy N. Pfeiffer, Esq.
1 Chase Manhattan Plaza
New York 5, N. Y.

Dear Mr. Pfeiffer:

At the conclusion of the hearing at Albany yesterday you questioned the use of the word "unjustifiably" with relation to the word "mistreatment" in the proposed section 250.15 contained in our statement on behalf of ASPCA. I am enclosing a copy of this typewritten statement for your information.

I have given some further thought to this matter and suggest that we use the word "unjustifiable" in the definition of "mistreatment" so that that definition would read: "2. "Mistreatment" means unjustifiable conduct which causes or is likely to cause an animal substantial suffering or death." The definition of the misdemeanor Cruelty to Animals would read: "A person is guilty of cruelty to animals when he subjects an animal to mistreatment".

We are doing further research as to the effect of the word "intentionally" in the proposed statute, and I trust that by the time of the New York hearing on the 23rd we shall be able to have a statement ready for the press designed to minimize

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the danger of my being misquoted by any reporters who may be present.

I am sending a copy of this letter to Mr. Denzer.

Very truly yours,

Howard B. Nichols