

LAW OFFICES OF
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November 20, 1964

New York State Commission on Revision of the
Penal Law and Criminal Code
155 Leonard Street (Room 654)
New York 13, New York

11/23/64

Gentlemen:

As it is probable that I will not be able to attend any of the hearings on the proposed revision of the penal law, I would like to take this opportunity to voice my opposition to any proposed changes that will tend to weaken the law both as to enforcement and as a deterrent. The proposed revision would clearly do both and would require years of interpretation before anybody would know what it meant. The present law sets forth at considerable detail many acts of cruelty and it is essential that the law to be enacted must be equally detailed.

I am actively engaged in humane work as an officer of our local society, a director of the Humane Society of the United States and a member of the New York State Humane Association and the American Humane Association. Unfortunately, many people do not take cruelty to animals as seriously as they should. They do not realize that the next step from cruelty to animals is cruelty to people and that encouraging or allowing children to be cruel to animals is maleducation.

We recently had an example of this when two boys, with the approval of their father, sent aloft a homemade rocket with a live mouse. The flight was not entirely a success but the mouse was killed in the process. Prior to their experiment, the Humane Society of the United States wrote to the boys protesting their plans, pointing out that it was cruel and that it was contrary to Section 185 of the penal law. I wrote a similar letter to the father and alerted the state troopers. Although the state troopers attended, they did not stop the experiment and made no arrests. Not only did the District Attorney refuse to prosecute, but when some local humane society people filed an information with the Justice of the Peace, the District Attorney advised the Justice not to issue a warrant as he did not consider the violation "wilful". This was in spite of the fact that both the boys and their father had been warned that it was cruel and illegal. Humane societies are not anxious to prosecute acts of cruelty but they do want to prevent acts of cruelty and the best way to do it is to have a law that is strong enough to act as a deterrent.

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The law should also be strong enough that a successful prosecution would not be difficult or impossible.

Trusting you will realize the importance of keeping the laws prohibiting cruelty to animals both strong and detailed, I am

Sincerely yours,

A handwritten signature in cursive script that reads "D. Collis Wager". The signature is written in dark ink and is positioned to the right of the typed name "D. COLLIS WAGER".

DCW/ml