

# Jeff Kerr Battles Animal Abuse as General Counsel of People for the Ethical Treatment of Animals (PETA)

GCC Profile

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By Kenneth Davis

A passion for justice compelled Jeff Kerr to enter the legal field, and that same passion ultimately led him to become a champion for animal rights.



"For me, the legal profession has always been about justice," said Kerr, who has been General Counsel of PETA since 1993. "As early as I can remember, I think I've always had a very strong feeling of wanting to be part of a system that provides justice for people or, as my career has developed, for animals who have no voice."

Kerr and his colleagues at PETA work tirelessly to protect animals from myriad abuses, including those carried out in testing labs, on fur factory farms, in slaughterhouses, and even by circuses.

"Our mission statement is 'Animals are not ours to eat, wear, experiment on, or use for entertainment,'" he asserted. "And so we focus our legal work as much

as we can on every one of those areas, trying to use existing laws to protect animals from harm."

"I think the most important thing is to follow your heart and follow your passion," Kerr said. "Do what truly makes you happy and motivates you, and don't get sucked into the material aspects of law. It's not about money. Money is not going to make you happy, and it's not going to nourish your soul."

Kerr, who works out of PETA's headquarters in Norfolk, VA, said that as general counsel, he handles a broad spectrum of issues, including those involving contracts, intellectual property, real property acquisitions and dispositions, tax-exempt issues, and corporate governance.

### *Advice to Young Lawyers*

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"And I'm involved in litigation on behalf of animals, including our right to conduct our investigations to expose and report animal abuse and cruelty to proper authorities," he said. "And that's probably what I'm most proud of—my involvement in that work."

One of the recent notable matters in which PETA was involved was its investigation of Covance, one of the world's largest contract testing laboratories, for animal abuse violations. In 2004 and 2005, a PETA agent went undercover as a Covance employee to expose animal mistreatment in Covance's Vienna,

VA, facility. The 11-month investigation uncovered numerous instances of extreme animal abuse and cruelty, according to Kerr.

"[PETA] documented some horrific cruelty in that facility," he said, "including a monkey with a broken arm that was left untreated in a cage for four days, workers that were striking and choking monkeys, slamming monkeys into their cages after they had dosing tubes rammed down their throats, monkeys who died horribly in tests for drug companies, monkeys who self-mutilated as a result of [Covance's] failure to provide psychological enrichment and socialization."

When PETA released the findings of the investigation publicly and to the United States Department of Agriculture (USDA), Covance sued PETA and its UK affiliate. In the suit, Covance accused PETA and its agent of committing fraud, violation of employee contract, and conspiracy to harm the company's business by deceitfully infiltrating and videotaping the company's facility in Vienna, VA. The suit also claimed that PETA interfered with Covance's contract with the agent and sought the return of all video, audio, and other materials that the agent had recorded while working undercover as an employee.

Kerr said the suit was an attempt by Covance to "silence PETA and keep it from telling the world what it had found."

In October of 2005, PETA and Covance reached a settlement agreement. As part of the settlement, Covance agreed to drop the suit in exchange for PETA's promise not to conduct undercover investigations of its facilities for five years. PETA also agreed to inform the company about any infiltrations currently in progress, and the agent agreed to never seek future employment at the Vienna

facility or any of its affiliates.

However, PETA was permitted to retain a single copy of the materials that the agent had obtained for the purpose of providing them to investigators at the USDA, the Food and Drug Administration, and the Fairfax County Commonwealth's Attorney. Kerr said that PETA Europe, its UK affiliate, fared even better and won the case outright.

"The judge who heard the case in the UK specifically said that the rough manner in which the animals were handled in the Covance facility 'cries for explanation,'" he said. "And said the world that we had disclosed versus the sanitized public-relations version of Covance portrayed a different reality and that PETA Europe was certainly entitled to set the record straight. And PETA Europe was awarded all of its legal fees and costs in the case. And they were fined by the USDA for having violated the Animal Welfare Act."

On another front, Kerr said that PETA's anti-fur campaigns have been "incredibly successful in exposing the horrors of the fur industry."

He said some of the abuses at fur factory farms include leg-hold traps that break animals' legs, causing them to chew their own limbs off, and slaughter by genital and anal electrocution so as to prevent damage to the fur.

Kerr added that PETA's anti-fur campaigns have caused fur sales to plummet over the last two decades.

"If you look at the fur industry now compared to what it was 20 years ago when PETA's anti-fur campaigns really started, it's a shell of its former self," he said.

And it continues to go that way as people understand that there's no excuse for fur, and these animals are suffering for no reason other than people's vanity. And, you know, it takes more than 60 animals to make one full-length mink coat. So if you don't wear your dog or cat, don't wear fur. It's as simple as that."

He said that PETA has also made inroads into fighting animal abuse in circuses.

"We've been very effective at exposing the inherent cruelty in the keeping of elephants in circuses like Ringling Bros., [which] has a dismal record of violations of the Animal Welfare Act, and raising people's awareness to only go to circuses that don't involve animals—things like Cirque du Soleil," Kerr said. "Animals don't do these tricks as part of their natural instincts, and when you're talking about a two-ton elephant, the elephant doesn't do these things because you ask politely; these animals are routinely whipped, beaten, hit with sharp metal bull hooks. For people who want to get this information themselves, go to [circuses.com](http://circuses.com)."

Kerr said another one of PETA's goals is to encourage people to adopt vegetarian diets.

"It's healthier for people, and it's certainly better for the animals and the environment," he said. "There are billions of animals killed every year in the United States alone for food, and they're born into and raised and die in terrible conditions in factory farms, including cows who have their throats cut while still fully conscious, chickens that miss their stunning baths who have their throats cut while fully conscious, animals that are bred to produce so much flesh that their limbs literally crack under the weight of their own bodies because they

can't support them. I mean, it's Frankenstein science.

Kerr said the justice aspect of law is what he likes most about being an attorney.

"It seems to me that being a part of true justice is the highest calling in the legal profession," he said. "And in our democracy, protecting the minority from the tyranny of the majority. And that's the quintessential role of an animal rights lawyer—to [give a] voice to the animals who have none legally and try to protect them from the tyranny of humans who will abuse them, exploit them, and subject them to suffering."

Kerr discussed some of the biggest challenges of his job:

"Well, as you know, [what PETA, as a] [...] social-change organization, does is changing people's mindsets and showing them how to live a less cruel, more animal-friendly lifestyle," he explained. "That is our challenge on a daily basis. And utilizing laws to the extent possible that are not designed to help animals but in many instances are crafted and implemented by animal-exploitive industries and the politicians who do their bidding to further enable animal suffering and exploitation."

Kerr studied history as an undergrad at George Mason University in Fairfax, VA, graduating in 1984. He earned his law degree from the University of Virginia School of Law in 1987. Following graduation, Kerr worked as a civil litigator at St. Louis-based law firm Gallop, Johnson & Neuman. After working at the firm for a year and a half, he joined Keller and Heckman in its Washington, DC, office, where he continued to do civil litigation work. In 1990, he joined the

Cystic Fibrosis Foundation as its corporate counsel. About three years into his job at the foundation, Kerr attended a lecture entitled "Did Your Food Have a Face?"

"I was 30 years old, and I'm embarrassed to say that I hadn't thought of animal rights before then," he said. "But I got it, and the justice to the animals is clear to me, and within a year, I was working as an attorney for PETA."

Kerr said the person who has influenced him the most in his career is civil rights attorney Philip Hirschkop, one of the founding members of the American Civil Liberties Union (ACLU) of Virginia and PETA's outside counsel.

"He has been PETA's outside counsel and chief trial counsel for its entire existence, since 1980," Kerr said. "It has been my great privilege and a highlight of my career to work with Phil. He has not only been a great mentor but [there is] no better example of somebody who has dedicated his life to making sure that justice is done for people and animals."

**Q. What do you do for fun?**

A. I enjoy reading, running, adventure racing, scuba diving, cooking, hiking, cycling, and golf.

**Q. What CD was most recently in your CD player?**

A. U2's *Greatest Hits*.

**Q. What is the last magazine you read?**

A. I think it was the monthly edition of *Harper's*.

**Q. What is your favorite TV show?**

A. *West Wing*, and I'm also a fan of classics like *All in the Family* and *The Honeymooners*.

Kerr said the most rewarding experiences of his legal career include his work

ON PETA'S investigation of animal abuse and the organization's involvement in the long-running Supreme Court case *NOW v. Scheidler*.

"That was a case in which there was an attempt to pull RICO statute against peaceful protestors," he said. "And we actually submitted amicus briefs for over a decade at the Supreme Court at the Seventh Circuit on behalf of the right to protest freely with the threat of a civil RICO action that would obviously kill free speech. And we were thrilled when [...] the Supreme Court finally ended the case in favor of the protestors and denying applicability of civil RICO against peaceful protestors very much along the lines of what we were arguing in our amicus briefs."

Kerr added that any time PETA has a victory in exposing animal abuse, it is an extremely rewarding experience and a career highlight.

"And the victories can be small steps along the path to ultimately being free to live in a world where they're not abused and exploited anymore," he said.

In addition to his work as the general counsel for PETA, Kerr has served on the board of the ACLU of Virginia since 2005; he's also the chair of its policy committee and a member of the legal panel, which determines which legal matters the ACLU of Virginia will take on.

Kerr had the following advice for law students:

"I think the most important thing is to follow your heart and follow your passion," he said. "Do what truly makes you happy and motivates you, and don't get sucked into the material aspects of law. It's not about money. Money is not



going to make you happy, and it's not going to nourish your soul.

He discussed some of the professional goals he'd like to accomplish in the next few years:

"I would certainly like to continue to improve the status of animals in the law and continue to have breakthroughs and victories where animals are given more and greater protection down the road to the day that they enjoy the same fundamental freedoms that you and I do, which is the right to live free from abuse and suffering," he said.

### **On the Net**

People for the Ethical Treatment of Animals

[www.peta.org](http://www.peta.org)

Cirque du Soleil

[www.cirquedusoleil.com](http://www.cirquedusoleil.com)

American Civil Liberties Union

[www.aclu.org](http://www.aclu.org)