

ESSAY

BEARING WITNESS: IS GIVING THIRSTY PIGS WATER CRIMINAL MISCHIEF OR A DUTY?

By
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Toronto Pig Save and the Save Movement gained worldwide attention with the Pig Trial. The defense, with the help of a coalition of animal rights groups, was able to put animal agriculture on trial by focusing on the ethics, animal suffering, environment, and health aspects of animal agriculture. Meanwhile, the Save Movement is growing exponentially with 166 groups in seventeen countries bearing witness to animals headed to a slaughterhouse in local communities.

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When the suffering of another creature causes you to feel pain, don't succumb to the initial desire to flee from the suffering one, but on the

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contrary, come closer, as close as you can to him who suffers, and try to help him.

—Leo Tolstoy, *A Calendar of Wisdom*¹

I. INTRODUCTION: THE JUNE 22, 2015, INCIDENT

I was organizing and participating in one of Toronto Pig Save's weekly vigils across the street from Fearmans Pork, Inc. slaughterhouse in Burlington, Ontario, on the morning of Thursday, June 22. Activists were holding signs and banners. It was a hot scorching day. When another transport truck approached, we crossed to the median to bear witness to the pigs headed for the slaughterhouse. As the truck stopped at a red light we could see the pigs panting and foaming at the mouth.

I said, "Let's give water to the pigs."

Jeff Veldjesgraaf, the truck driver, jumped out of his cab and shouted, "Don't give them water."

I replied with a reference to Matthew, chapter 25 of the Bible, "Jesus said if they are thirsty give them water." I was following my conscience and the Golden Rule.

The driver shouted back, "They aren't human, you dumb frickin' broad!"²

He called the police. I was subsequently put on trial in a Canadian court for criminal mischief.³

Our weekly vigils have a dual purpose. First, we are present for the desperate animals on-board slaughterhouse trucks—animals who have already suffered intense physical and psychological abuse since birth in filthy, crowded warehouses and are about to endure unimaginable, egregious violence at the slaughterhouse. Bearing witness to suffering animals at vigils brings the individuality of the animals into the foreground. Looking at the animals in the trucks helps shift the focus from human-centered to animal-centered views, where you can begin to appreciate the experience, subjective character, and individuality of the farmed animals.⁴ Our personal contact puts a 'face' to the nameless numbers, to borrow from Charles Dickens' *Hard Times*.⁵

¹ LEO TOLSTOY, *A CALENDAR OF WISDOM* 64 (Peter Sekirin trans., 1997).

² Amy B. Wang, *An Animal Activist Gave Water to Slaughterhouse-Bound Pigs. Now, She's on Trial for Mischief*, WASH. POST (Aug. 25, 2016), https://www.washingtonpost.com/news/animalia/wp/2016/08/25/an-animal-activist-gave-water-to-slaughterhouse-bound-pigs-now-shes-on-trial-for-mischief/?utm_term=.ae3dd3e346a5 [https://perma.cc/T4S7-8QXQ] (accessed Apr. 9, 2017).

³ Court Summons, *Regina v. Anita Krajnc*, No. 1211998163042 (June 22, 2015) (Can.).

⁴ Josephine Donovan, *Tolstoy's Animals*, 17 SOC'Y & ANIMALS 38–52 (2009).

⁵ CHARLES DICKENS, *HARD TIMES* 155 (Kate Flint ed., Penguin Books 2003) (1854) ("For the first time in her life [Louisa] was face to face with anything like individuality and connection with them. She knew of their existence by hundreds and by thousands. She knew the results a given number of them would produce in a given space of time.

Second, we take photos and videos of the pigs, cows, chickens, lambs, and goats as well as ourselves as activists at the vigils to record and share with the world what we see in order to raise consciousness of the billions of animals being slaughtered and to encourage others to adopt a vegan diet and engage in activism. As I explain later, we also want everyone to know about the extreme harm that the animal agriculture industry is doing to the environment, as well as the way meat, dairy, and eggs are destroying peoples' health along with their conscience.⁶ We want everyone to know there are things they can do to stop this.

Toronto Pig Save and The Save Movement believe particularly in the power of bearing witness.⁷ Since July 2011, Toronto Pig Save has held regular vigils—three a week—at slaughterhouses in the Toronto area.⁸ Our basic aim is to build a mass-based grassroots movement at the local and global levels.⁹ Toronto Pig Save and other Save groups have spawned the global The Save Movement with over 165 groups.¹⁰ Though bearing witness is difficult, we want to overcome the societal acceptance of people saying, "It's too hard. I don't want to see." Rather, we want everyone to see it as their duty to *not* look away from suffering creatures, but to *bear witness first hand* by coming as close as they can and trying to help, as urged by Leo Tolstoy.¹¹ We believe there ought to be vigils at every slaughterhouse. If everyone saw the horror and suffering, no one would participate in this evil. They would go vegan, and they would become activists and organizers who spend their time and resources on advancing animal justice. Slaughterhouses

She knew them in crowds passing to and from their nests like ants or beetles but she knew from her reading infinitely more of the way of toiling insects than of these toiling men and women.").

⁶ In addition to our websites, www.TorontoPigSave.org and www.TheSaveMovement.org, we set up a Climate Vegan website, www.ClimateVegan.org, and one for our Toronto subway ad campaign. CLIMATE VEGAN, <http://climatevegan.org/about/> [<https://perma.cc/MR8P-XXJJ>] (accessed Apr. 9, 2017); iVEGAN, <http://ivegan.ca/about-ivegan/> [<https://perma.cc/BB5A-ACZD>] (accessed Apr. 9, 2017); SAVE MOVEMENT, <http://thesavemovement.org/the-save-movement/> [<https://perma.cc/9GBJ-HE4S>] (accessed Apr. 9, 2017); "Why Love One, But Eat The Other?," TORONTO PIG SAVE, <http://www.torontopigsave.org/about-us/> [<https://perma.cc/U8BH-MAGH>] (accessed Apr. 9, 2017). We created a Save leaflet with information on health for a door-to-door campaign. We also have Facebook, Twitter, Instagram, and Tumblr accounts along with YouTube and Vimeo channels for these and other campaigns.

⁷ *About Us*, TORONTO PIG SAVE, <http://www.torontopigsave.org/pig-save/> [<https://perma.cc/THL5-7SUM>] (accessed June 20, 2017); *What Is Bearing Witness?*, SAVE MOVEMENT, <http://thesavemovement.org/bearing-witness/> [<https://perma.cc/DTS6-WA42>] (accessed Apr. 9, 2017).

⁸ TORONTO PIG SAVE, *supra* note 7.

⁹ *Id.*

¹⁰ *List of Save Groups*, SAVE MOVEMENT, <http://thesavemovement.org/list-of-save-groups/> [<https://perma.cc/THL5-7SUM>] (accessed June 19, 2017); *What Is the Save Movement?*, SAVE MOVEMENT, <http://thesavemovement.org/the-save-movement/> [<https://perma.cc/4GF5-E2PC>] (accessed Apr. 9, 2017).

¹¹ TOLSTOY, *supra* note 1, at 64; *What Is Bearing Witness?*, *supra* note 7.

would shut down. There would be new preserves for animals and we could arrest catastrophic climate change on a reforested planet.

My two vegan defense lawyers, James Silver and Gary Grill,¹² built their case around this dual purpose of (1) being present for the animals and doing what is right to the best of our ability (however limited) at the moment, a deontological approach, but (2) also considering the wider consequences of animal agriculture by documenting the animals' plight to raise awareness about the injustice of all animal slaughter and the environmental, health, and ethical impacts therein. The defense skipped over animal welfare concerns to concentrate on animal rights and personhood, climate change and water pollution, public health and issues of conscience—in short, the primary motivations for activists who stand in front of slaughterhouses in all weather. As John Robbins, author of *Diet for A New America*, stated:

To me it is deeply moving that the same food choices that give us the best chance to eliminate world hunger are also those that take the least toll on the environment, contribute the most to our long-term health, are the safest, and are also, far and away, the most compassionate towards our fellow creatures.¹³

Four expert witnesses testified on the following aspects of my defense: (1) how pigs in transport trucks during summer suffer from extreme heat stress and dehydration (veterinarian Dr. Armaiti May); (2) how pig sentience means pigs are persons and not property (Dr. Lori Marino, an animal cognitive behavioralist); (3) how the animal agriculture industry is a leading cause of climate change and other environmental destruction (Dr. Tony Weis, an associate geography professor at the University of Western Ontario) and (4) how animal agriculture is a leading threat to public health (Dr. David Jenkins, an Oxford trained professor and inventor of the glycemic index).¹⁴

My own testimony focused on moral obligations, such as the idea that everyone has a duty to bear witness. The charge of criminal mischief against me backfired in the courtroom and in the court of public opinion when my defense lawyers put animal agriculture on trial.¹⁵

¹² *Pig Trial: Anita Krajnc's Lawyers Hope to Use VR to Show Life in a Slaughterhouse*, CBC HAMILTON (Aug. 25, 2016), <http://www.cbc.ca/news/canada/hamilton/pig-trial-anita-krajnc-s-lawyers-hope-to-use-vr-to-show-life-in-a-slaughterhouse-1.3734736> [<https://perma.cc/6VKU-RSHA>] (accessed Apr. 9, 2017).

¹³ John Robbins, *Take Heart*, CHRISTIAN VEGETARIAN ASS'N, <http://christianveg.org/th-robbins-john.htm> [<https://perma.cc/QNX5-6XKJ>] (accessed Apr. 9, 2017).

¹⁴ Expert Witness Report of David Jenkins, Regina v. Anita Krajnc, No. 1211998163042 (Can.); Expert Witness Report of Lori Marino, Regina v. Anita Krajnc, No. 1211998163042 (Can.); Expert Witness Report of Armaiti May, Regina v. Anita Krajnc, No. 1211998163042 (Can.); Expert Witness Report of Anthony Weis, Regina v. Anita Krajnc, No. 1211998163042 (Can.).

¹⁵ Ann Hui, *Trial of Activist Who Gave Water to Pigs Puts Spotlight on Meat Industry Rules*, GLOBE & MAIL (Aug. 25, 2016), <http://www.theglobeandmail.com/news/national/trial-of-activist-who-gave-water-to-pigs-puts-spotlight-on-meat-industry-rules/article31569998/> [<https://perma.cc/ZD8R-7FJ6>] (accessed May 19, 2017); Anna Pippus, *#PigTrial Inadvertently Puts Meat Industry on Trial*, HUFFINGTON POST (Aug. 30,

This was aided in the courtroom through the cross-examination of the factory farmer and the truck driver, testimony of the expert witnesses, and all the exhibits accepted by Justice David Harris as part of the defense arguments. This case also addressed the larger legal issue of property versus personhood in regard to pigs and other animals trapped in the animal agriculture machine. The case demonstrated how animals were treated like property¹⁶ when truck driver Jeff Veldjesgraaf stated: “They are not human, you dumb frickin’ broad.”¹⁷ Subsequently, his boss, factory farmer Eric Van Boekel was quoted by the Canadian Press as saying, “I have no problem with them protesting; just leave my stuff alone.”¹⁸ Dr. Lori Marino countered the idea of pigs as property or “stuff” by testifying they are sentient beings with self-awareness and a complex set of emotions.¹⁹

II. THE PRE-TRIAL: A MINIMALIST DISCLOSURE, VIRAL SOCIAL MEDIA, AND MEDIA SCRUMS

A Toronto constable surprised me with a summons in September 2015 related to the June 22, 2015, incident described above.²⁰ The summons stated I was charged with “Mischief—interference with lawful use, enjoyment and operation of property.”²¹ My first court appearance was on October 14, 2015, at the Ontario Court of Justice courthouse in the city of Milton, Ontario.²²

Social media sprang into action with support. A care2 petition called “Compassion Isn’t a Crime: Giving Thirsty Pigs Water Isn’t a Crime” acquired over 100,000 signatures within a couple of months.²³

2016), http://www.huffingtonpost.com/anna-pippus/pigtrial-inadvertently-puts_b_11750840.html [<https://perma.cc/RA6N-6L3N>] (accessed May 19, 2017); Bite Size Vegan, *Pork Industry on Trial—Water for Pigs Charge Backfires* at 1:30, YouTube (Nov. 2, 2016), <https://www.youtube.com/watch?v=4DD-OmpfVAM> (accessed May 19, 2017).

¹⁶ Steven Wise, *Are You a Legal Person or a Legal Thing?*, NONHUMAN RTS. PROJECT, <http://webcache.googleusercontent.com/search?q=cache:1Qhn9lw5QwIJ:gunnelsqja-niece87.typepad.com/blog/2013/03/are-you-a-legal-person-or-a-legal-thing-the-nonhuman-rights.html+&cd=3&hl=en&ct=clnk&gl=us> [<https://perma.cc/X7FV-78CL>] (accessed Apr. 9, 2017).

¹⁷ Wang, *supra* note 2.

¹⁸ Liam Casey, *Unapologetic Ontario Woman to Appear in Court for Feeding Pigs Headed for Slaughter*, TORONTO STAR (Nov. 4, 2015), <https://www.thestar.com/news/crime/2015/11/04/unapologetic-ontario-woman-to-appear-in-court-for-feeding-pigs-headed-for-slaughter.html> [<https://perma.cc/TR8R-YJZ2>] (accessed Apr. 9, 2017).

¹⁹ 19 Expert Witness Report of Lori Marino, *supra* note 14, at 2.

²⁰ Court Summons, *supra* note 3.

²¹ *Id.*

²² *Id.*

²³ *Compassion Isn’t a Crime: Giving Thirsty Pigs Water Isn’t a Crime*, CARE2, <http://www.thepetitionsite.com/878/149/132/compassion-isnt-a-crime-giving-thirsty-pigs-water-isnt-a-crime/> [<https://perma.cc/7N9P-D9HW>] (accessed May 19, 2017); Jessica Murphy, *Canada Woman Faces 10 Years in Prison for Giving Pigs Water on Hot Day*, GUARDIAN (Nov. 30, 2015), <https://www.theguardian.com/world/2015/nov/30/canada-woman-10-years-prison-for-giving-pigs-water> [<https://perma.cc/5DEE-WJPU>] (accessed May 19, 2017).

By the end of 2016, it had almost 300,000 signatures.²⁴ A second petition, on change.org, directed to Canadian Prime Minister Justin Trudeau, asked that the charges be dropped.²⁵

At the first pre-trial date, on October 14, defense lawyer Gary Grill received the disclosure, confirming the charges against me. It reads:

Mischief under \$5000, Section 430(b) Criminal Code

On 22 June 2015 at approximately 10 am, Jeffrey Veldjesgraaf was working for Van Boekel Hog Farms driving a tractor-trailer carrying live hogs (sic) enroute to Fearman's Pork located at 821 Appleby Line, Burlington. He was stationary in the southbound left turn lane of Appleby Line at Harvester Road when two females, one of them accused Anita Krajnc, approached the driver's side of the trailer where the hogs were kept and began filming the animals.

The accused was observed by Veldjesgraaf to be spraying an unknown liquid into the trailer where the hogs were situated. A verbal argument ensued between the accused and Veldjesgraaf, and the accused refused numerous requests to stop feeding the hogs (sic). The hogs were the property of Eric Van Boekel, who owns Van Boekel Hog Farms.

After Veldjesgraaf returned to his truck to contact police, the accused continued to feed the hogs the unknown liquid, which she advised was water, until the truck made its left-hand turn onto Harvester Road.

Police were contacted by Eric Van Boekel on 23 June 2015, and through further investigation a charge of mischief under \$5000 was deemed appropriate.

The accused was served with a criminal summons to appear in the Ontario Court of Justice in Milton, Ontario on October 14, 2015.²⁶

My first pre-trial hearing, on October 14, and other subsequent pre-trials, attracted dozens of activists to courthouse vigils, organized by Toronto Pig Save activist Louise Jorgensen.²⁷ There was media coverage in local newspapers, on television stations, and talk radio.²⁸ The

²⁴ *Compassion Isn't a Crime*, *supra* note 23.

²⁵ #CompassionIsNotACrime, CHANGE.ORG, <https://www.change.org/p/justin-trudeau-compassionisnotacrime> [https://perma.cc/S2RP-75QH] (accessed Apr. 9, 2017).

²⁶ Defense Attorney Disclosure, *Regina v. Anita Krajnc*, No. 1211998163042 (Oct. 5, 2015) (Can.).

²⁷ Jacy Reese, *Woman Charged with Criminal Mischief for Giving Water to Thirsty Animals*, HUFFINGTON POST (Oct. 15, 2016), http://www.huffingtonpost.com/jacy-reese/woman-charged-with-crimin_b_8299694.html [https://perma.cc/URH2-AQSV] (accessed Apr. 9, 2017).

²⁸ There were more than a dozen live talk radio interviews, including several on the large Toronto stations. *Anita Krajnc to Oakley Show: "Pigs Have Souls, Too,"* NEWSTALK 640 (Oct. 6, 2016), <http://www.640toronto.com/2016/10/06/anita-krajnc/> (accessed May 19, 2017); *Search Results for: Anita Krajnc*, 1310 NEWS OTTAWA (Feb. 11, 2017), <http://www.1310news.com/?s=anita+krajnc> (accessed May 19, 2017); *Search Results for: Anita Krajnc*, AM900 CHML HAMILTON (Feb. 11, 2017), <http://www.900chml.com/?s=anita+krajnc&x=0&y=0> (accessed May 19, 2017); *Search Results for: Anita Krajnc*, ANIMAL VOICES (Feb. 11, 2017), <http://animalvoices.org/?s=anita+krajnc> [https://perma.cc/URH2-AQSV] (accessed Apr. 9, 2017).

story escalated, first going national, then international. Yahoo News picked up the story early on.²⁹

At the second pre-trial hearing, on November 4, a media scrum took place in front of the Milton courthouse. A Canadian Press story, by Liam Casey, propelled the case onto the national stage, when his article appeared in all major Canadian newspapers.³⁰ Casey set up the conflict as between factory farmer Van Boekel, referring to the pigs as property (“just leave my stuff alone”), and me, the defendant, raising moral arguments (“I think it’s an outrageous charge and goes against my deepest philosophical beliefs in terms of what all our obligations are, and to me the most important thing in life is to be of service to others and to someone or some animal who is suffering.”)³¹

By my third court appearance, on November 30, the story had entered the international arena in a big way. Coverage by David Millward in the U.K.’s *The Telegraph* on November 29, was followed by articles in all the major British newspapers including *The Independent*, *Express*, *Mirror*, and *The Guardian*. A live BBC radio interview

.cc/45WQ-H8JF] (accessed Apr. 9, 2017); Veronica Tang & Nick Westoll, *Ontario Activist on Trial for Giving Water to Pig Arrested at Slaughterhouse Protest*, CKNW VANCOUVER’S NEWSTALK (Oct. 5, 2016), <http://www.cknw.com/syn/60/171326/pigs-on-the-loose-in-burlington-after-truck-overturms-near-slaughterhouse> [https://perma.cc/763Z-BMP9] (accessed Apr. 9, 2017); *Woman Who Gave Water to Pigs Headed to Slaughter Testifies at Her Mischief Trial*, NEWSTALK 1010 (Oct. 4, 2016), <http://www.iheartradio.ca/newstalk-1010/news/woman-who-gave-water-to-pigs-headed-to-slaughter-testifies-at-her-mischief-trial-1.1990214> [https://perma.cc/9BJM-GGMV] (accessed Apr. 9, 2017). Local media coverage included a lot of surrounding local city and rural coverage. Tim Whitnell, *Animal Rights Activists Rally Outside Courthouse*, MILTON CAN. CHAMPION, Oct. 22, 2015, at 30; Liam Casey, *Burlington Woman Charged After Giving Water to Pig on Way to Slaughter*, HAMILTON SPECTATOR (Nov. 4, 2015), <http://www.thespec.com/news-story/6078968-burlington-woman-charged-after-giving-water-to-pig-on-way-to-slaughter/> [https://perma.cc/35XN-KV6N] (accessed Apr. 9, 2017); Jessica Smith Cross, *Video: Toronto Woman Charged for Giving Pigs Water Speaks Out*, OTTAWA METRO (Nov. 3, 2015), <http://www.metronews.ca/news/canada/2015/11/03/ontario-woman-faces-mischief-charge-for-giving-water-to-pig-on-way-to-slaughter.html> [https://perma.cc/WVF3-6WJ8] (accessed Apr. 9, 2017); Luisa D’Amato, *The Animal-Rights Protestors Are Gaining Ground*, WATERLOO REGION REC. (Nov. 6, 2015), <http://www.therecord.com/opinion-story/6084226-d-amato-the-animal-rights-protesters-are-gaining-ground/> [https://perma.cc/DZF7-3A4B] (accessed Apr. 9, 2017); Tim Whitnell, *Animal Rights Activists Rally Outside Courthouse*, BURLINGTON POST (Oct. 15, 2015), <http://www.insidehalton.com/news-story/5961966-animal-rights-activists-rally-in-support-of-peer-outside-milton-courthouse/> [https://perma.cc/VJU3-JEC2] (accessed Apr. 9, 2017).

²⁹ Lila MacLellan, *Toronto Woman Charged After Giving Water to Pigs Shares Her Side of the Story*, YAHOO NEWS (Nov. 2, 2015), <https://ca.news.yahoo.com/blogs/daily-brew/toronto-woman-charged-after-giving-water-to-pigs-shares-her-side-of-the-story-135427428.html> [https://perma.cc/PL2Z-PT7Y] (accessed Apr. 9, 2017); Olivia Waring, *Woman Charged with Criminal Mischief for Giving Water to Pigs Bound for Slaughter*, METRO U.K. (Oct. 21, 2015), <http://metro.co.uk/2015/10/21/woman-charged-with-criminal-mischief-for-giving-water-to-pigs-bound-for-slaughter-5454066/> [https://perma.cc/B9GR-VRBB] (accessed Apr. 9, 2017).

³⁰ See Casey, *supra* note 28.

³¹ *Id.*

on *5live Drive*, a daily news and sport program covering the U.K., aroused further mainstream interest.³² Once the story swept Britain, it easily spread to Hong Kong, *Russia Today*, Norwegian television, and many other international venues.³³

At the fourth pre-trial hearing, on December 15, local and talk radio provided continued coverage. On March 15, 2016, at the fifth and last pre-trial hearing, a snowstorm with sleet and ice resulted in a small turnout at the Milton courthouse; however, afterwards, a few activists decided to hold spontaneous vigils at Milton-area slaughterhouses. First, we went to the chicken slaughterhouse in downtown Milton. Next, we went to Milton Halal slaughterhouse in the countryside. When we arrived, we saw a white mother goat in a kill pen, peering at us from an opening in the barn, along with dozens of others doomed for next-day slaughter. She gently nuzzled activist Louise Jorgensen's hand as we persuaded the manager to release her to us. He finally agreed, but then, as we were loading her into the SUV, he asked for \$270, which we reluctantly paid. Though we returned to this slaughterhouse in an attempt to exchange vegan gifts for the money, on compassionate grounds, we were unsuccessful. The story of Lily, an incredibly calm and gentle goat saved from slaughter, received widespread coverage in *The Dodo*, *Metro*, *The Canadian Press*, *The Toronto Star*, and Global News TV.³⁴

³² Anna Dubuis, *Woman Who Gave Water to Thirsty Pigs Trapped in Slaughter Lorry Faces Jail for 'Criminal Mischief'*, MIRROR (Nov. 30, 2016), <http://www.mirror.co.uk/news/world-news/woman-who-gave-water-thirsty-6925293> [https://perma.cc/DT7K-8DNR] (accessed Apr. 9, 2017); David Millward, *Woman Who Watered Thirsty Pigs Faces Threat of 10 Years in Jail*, TELEGRAPH (Nov. 29, 2015), <http://www.telegraph.co.uk/news/worldnews/northamerica/canada/12022009/Woman-who-watered-thirsty-pigs-faces-threat-of-10-years-in-jail.html> [https://perma.cc/SX8P-3AK4] (accessed Apr. 9, 2017); Jessica Murphy, *Canada Woman Faces 10 Years in Prison for Giving Pigs Water on Hot Day*, GUARDIAN (Nov. 30, 2015), <https://www.theguardian.com/world/2015/nov/30/canada-woman-10-years-prison-for-giving-pigs-water> [https://perma.cc/5DEE-WJPU] (accessed Apr. 9, 2017); Kate Ng, *Anita Krajnc: Woman Who Gave Last Drink to Doomed Pigs Faces 10 Year Sentence*, INDEPENDENT (Nov. 30, 2015), <http://www.independent.co.uk/news/world/americas/anita-krajnc-toronto-woman-who-gave-desperate-thirsty-pigs-water-faces-up-to-10-years-in-jail-a6754011.html> [https://perma.cc/J238-ZP9G] (accessed Apr. 9, 2017); Selina Sykes, *Woman Who Gave Water to Dehydrated Pigs in Slaughter Lorry Faces 10 Years in Jail*, EXPRESS UK (Dec. 1, 2015), <http://www.express.co.uk/news/world/623243/Woman-gave-water-dehydrated-pigs-slaughter-lorry-faces-10-years-in-jail> [https://perma.cc/KMW3-XXZ5] (accessed Apr. 9, 2017).

³³ *Woman Faces 10 Years in Prison for Giving Thirsty Pigs Water*, RUSSIA TODAY (Dec. 1, 2015), <https://www.rt.com/news/324123-activist-ten-years-prison/> [https://perma.cc/87W9-Q6KH] (accessed Apr. 9, 2017).

³⁴ Liam Casey, *Ontario Woman Charged for Giving Pigs Water Saves Goat from Slaughter*, CANADIAN PRESS (Mar. 30, 2016), <http://globalnews.ca/news/2608325/ontario-woman-charged-for-giving-pigs-water-saves-goat-from-slaughter/> [https://perma.cc/XY2H-2KLA?type=image] (accessed Apr. 9, 2017); Christian Controneo, *Goat Enjoys Her Ride Home to Freedom*, DODO (Mar. 25, 2016), <https://www.thedodo.com/goat-rescue-slaughter-lily-1687331864.html> [https://perma.cc/2LUH-SPVA?type=image] (accessed Apr. 9, 2017); Gilbert Ngabo, *Lily the Goat Rescued from Ontario Slaughterhouse by Animal Rights Group*, METRO (Mar. 29, 2016), <http://www.metronews.ca/news/toronto/2016/03/29/goat-rescued-from-ontario-slaughterhouse.html> [https://perma.cc/2LUH-SPVA?type=image] (accessed Apr. 9, 2017).

Some early talk radio hosts and tabloid writers suggested that I, as well as others, tampered with the food chain by offering the pigs tainted water.³⁵ It is preposterous to believe we would harm pigs, those we were trying to show compassion in the last moments of their lives. These accusations were just scare tactics encouraged by factory farmers who want to protect their pocketbooks at the expense of the suffering and dying pigs. There is not a legitimate food safety issue here, other than the obvious ones—i.e., overusing pharmaceuticals in the raising of animals for slaughter, creating antibiotic-resistant bacteria, and subsequently damaging our water systems and environment through agriculture’s high level of greenhouse gas emissions.³⁶

III. THE #PIGTRIAL

On August 23, 2016, I pled not guilty to mischief charges for having given water to a hot and thirsty pig on a transport truck belonging to Eric Van Boekel.³⁷

On day one of the trial, defense lawyer James Silver cross-examined truck driver Jeff Veldjesgraaf. Silver was able to establish the true motivation for the charges. Veldjesgraaf admitted that he and his boss Van Boekel needed to stop animal activists from affecting their bottom line.³⁸ He was right to be concerned. As Paul McCartney declared, “If slaughterhouses had glass walls, everyone would be a vegetarian.”³⁹ We in The Save Movement update that to say, “everyone would be vegan and an animal activist!”

47Z6-8H4A] (accessed Apr. 9, 2017); Thomas Walkom, *Lily the Goat a Bright Spot in Canada’s Bleak Animal Rights Terrain*: Walkom, *TORONTO STAR* (Mar. 30, 2016), <https://www.thestar.com/news/canada/2016/03/31/lily-the-goat-a-bright-spot-in-canadas-bleak-animal-rights-terrain-walkom.html> [https://perma.cc/LLA5-5WDL] (accessed Apr. 9, 2017).

³⁵ For example, DJs on Q107 FM radio in Toronto talked of the sanctity of the food supply. Later, Keith Warriner wrote, “Animal rights activists threaten our food processing system” in a guest column for *The Toronto Sun* on October 2, 2016.

³⁶ Mary Gilchrist et al., *The Potential Role of Concentrated Animal Feeding Operations in Infectious Disease Epidemics and Antibiotic Resistance*, 115 *ENVTL. HEALTH PERSP.* 313 (2007); Christopher Matthews, *Livestock a Major Threat to Environment*, *FOOD & AGRIC. ORG. UNITED NATIONS NEWS ROOM* (Nov. 29, 2006), <http://www.fao.org/Newsroom/en/news/2006/1000448/index.html> [https://perma.cc/8M9H-5YBR] (accessed Apr. 9, 2017).

³⁷ Samantha Craggs, *Animal Activist Gives Water to Thirsty Pigs, Gets Charged with Mischief*, *CBC* (Nov. 4, 2015), <http://www.cbc.ca/news/canada/hamilton/news/animal-activist-gives-water-to-thirsty-pigs-gets-charged-with-mischief-1.3302624> [https://perma.cc/LN4M-MHVR] (accessed Apr. 9, 2017).

³⁸ See Nicole Thompson, *Pigs Given Water by Animal Activist Still Slaughtered, Court Hears*, *GLOBE & MAIL* (Aug. 24, 2016), <http://www.theglobeandmail.com/news/national/trial-begins-for-ontario-woman-who-gave-water-to-pigs-en-route-to-slaughter/article31529119/> [https://perma.cc/PXW8-UA9A] (accessed Apr. 9, 2017) (“[The] court heard that Veldjesgraaf told police that the activists ‘affect (his) livelihood’ and that ‘something needs to be done’ about them.”).

³⁹ PETA, *Official “Glass Walls” Video by Paul McCartney*, *YOUTUBE* (Apr. 12, 2013), <https://www.youtube.com/watch?v=ql8xkSYvwJs> (accessed Apr. 9, 2017).

On August 25, Dr. Armaiti May, a veterinary expert witness, testified that the pigs were likely suffering from what looked like agonizing dehydration and heat stress.⁴⁰ She observed that some of the pigs were foaming at the mouth and in “severe distress,” appearing to breathe as rapidly as 180 breaths per minute.⁴¹

I testified on October 3 with defense lawyer Gary Grill as examiner-in-chief (a summary of my testimony appears below).⁴² My lawyers introduced virtual reality videos from Animal Equality’s iAnimal 360° virtual reality experience, which was evidence accepted by Judge Harris as an exhibit, while outside the courtroom Toronto Pig Save organizer James O’Toole set up Animal Equality VR footage for the public and media to view.⁴³ At the following trial date on November 10, the defense lawyers gave Judge Harris a VR headset to experience the virtual reality video at his own convenience.⁴⁴

Two days after my testimony, a horrific pig truck rollover occurred right outside Fearmans Pork, Inc., further demonstrating animal cruelty.⁴⁵ Instead of giving the pigs medical assistance and handing them over to an animal sanctuary, all the surviving pigs were either shot in the head with bolt guns or marched to the slaughterhouse, where they would be electrically prodded to a carbon dioxide gas chamber.⁴⁶ I was charged again—this time for obstructing a peace officer—for crossing the police line in an attempt to take photos of the pig victims.⁴⁷

⁴⁰ Samantha Craggs, *Pigs Know Their Fate When They Enter a Slaughterhouse, Expert Says*, CBC NEWS (Nov. 1, 2016, 6:01 PM), <http://www.cbc.ca/news/canada/hamilton/pigs-know-their-fate-when-they-enter-a-slaughterhouse-expert-says-1.3829977> [https://perma.cc/G642-9FLA] (accessed Apr. 9, 2017).

⁴¹ *Id.*; Expert Witness Report of Armaiti May, *supra* note 14, at 3.

⁴² See *infra* pp. 19–21 (summarizing her testimony).

⁴³ See Kennedy, *Animal Rights Activist on Trial in Canada for Giving Water to Pigs*, NPR (Aug. 26, 2016, 7:17 PM), <http://www.npr.org/sections/thetwo-way/2016/08/26/491534419/animal-rights-activist-on-trial-in-canada-for-giving-water-to-pigs> [https://perma.cc/S2CZ-ZH48] (accessed Apr. 9, 2017) (discussing the defense’s tactic of giving Judge Harris a virtual reality headset).

⁴⁴ *Animal Equality Stands with Anita, Compassion, and Pigs*, ANIMAL EQUALITY (Oct. 3, 2016, 10:28 PM), <http://www.animalequality.net/node/912> [https://perma.cc/QNX5-6XKJ] (accessed Apr. 9, 2017); see also Merrit Kennedy, *supra* note 43.

⁴⁵ Liam Casey, *Pigs Marched to Slaughterhouse After Truck Overtakes in Burlington, Ont.*, GLOBE & MAIL (Oct. 5, 2017, 5:16 PM), <http://www.theglobeandmail.com/news/national/pigs-marched-to-slaughterhouse-after-truck-overtakes-police/article32258869/> [https://perma.cc/YTL4-TUNU] (accessed Apr. 9, 2017).

⁴⁶ *Id.*; *Animal Rights Activists Angered over Lack of Compassion Shown to Pigs Injured in Wednesday’s Rollover*, CHCH (Oct. 6, 2016, 12:24 PM), <http://www.chch.com/animal-rights-activists-angered-lack-compassion-shown-pigs-injured-wednesdays-rollover/> [https://perma.cc/6665-ZNX7] (accessed Apr. 9, 2017). Steve Jenkins, of Happily Ever Esther, was on-site with a wagon in place, pleading for the release of injured pigs to his sanctuary. Hannah Sentenac, *Pigs Injured in Canadian Pork Truck Accident Slaughtered, Then Thrown in Dumpsters Despite Offers for Sanctuary*, MIAMI NEW TIMES (Oct. 27, 2016, 11:00 AM), <http://www.miaminewtimes.com/restaurants/pigs-injured-in-pork-truck-accident-slaughtered-thrown-in-garbage-despite-offers-for-sanctuary-8840178> [https://perma.cc/4M5P-YJ6B] (accessed Apr. 9, 2017).

⁴⁷ Casey, *supra* note 45.

Fearmans's office workers were behind the police line holding cardboard paper up high to hide the crash victims.⁴⁸ Charges of obstructing police were subsequently dropped.⁴⁹

On November 1, 2016, David J.A. Jenkins, M.D., D.Sc., Ph.D., a professor in the Department of Nutritional Sciences at the University of Toronto and Canada Research Chair in Nutrition and Metabolism, testified as to the impact of meat consumption on humans.⁵⁰ Utilizing epidemiological and cohort studies, along with dietary guidelines, Dr. Jenkins stated:

The scientific data point to pig meat (red meat in general) and processed meat (ham, bacon and sausage) as being associated with adverse outcomes, including increased heart disease, diabetes and cancer, particularly exposure to red meat in adolescence for breast cancer Overall there is a considerable move away from animal foods with recommendations to increase the consumption of plant foods.⁵¹

Professor Jenkins's testimony was followed by that of Dr. Lori Marino, a neuroscientist internationally known for her work on animal behavior, brain function, and intelligence.⁵² She is also executive director of the Kimmela Center for Animal Advocacy.⁵³ In Dr. Marino's submission, she stated:

Perhaps more than any other psychological characteristic . . . self-awareness is most intimately tied in with the ability to suffer. Self-awareness is the property of having a sense of ["I,"] and to think about oneself and one's circumstances They have been observed making repetitive movements while appearing to watch themselves in front of a mirror. These movements, called ["contingency checking,"] are precursors to mirror self-recognition Second, pigs can use mirrors to find food hidden from direct sight but only observable in the mirror. . . . Pigs, like chimpanzees, understand that a joystick they control moves an on-screen cursor Pigs have the cognitive ability to play a video game.

⁴⁸ Adam Carter, *Woman Already on Trial for Giving Water to Pigs Arrested After Pig Truck Rollover*, CBC NEWS (updated Oct. 6, 2016, 4:45 PM), <http://www.cbc.ca/news/canada/hamilton/pig-rollover-1.3791972> [https://perma.cc/ZXB5-JBTG] (accessed Apr. 9, 2017).

⁴⁹ Samantha Craggs, *Charges Related to Slaughterhouse Crash Dropped Against Pig Save Activist*, CBC NEWS (May 18, 2017, 2:45 PM), <http://www.cbc.ca/news/canada/hamilton/krajnc-charges-dropped-1.4121933> [https://perma.cc/7GFQ-HBXY] (accessed June 9, 2017); Liam Casey, *Obstruction Charge Stayed Against Ontario Pig Activist Anita Krajnc*, CANADIAN PRESS (updated May 25, 2017, 4:11 PM), <http://globalnews.ca/news/3478021/obstruction-charge-stayed-against-ontario-pig-activist-anita-krajnc/> [https://perma.cc/ZGR3-36UG?type=image] (accessed June 9, 2017).

⁵⁰ Samantha Craggs, *Anita Krajnc Pig Trial: People Are Eating More and More Meat, Expert Says*, CBC NEWS (Nov. 10, 2016, 5:36 PM), <http://www.cbc.ca/news/canada/hamilton/anita-krajnc-pig-trial-people-are-eating-more-and-more-meat-expert-says-1.3845063> [https://perma.cc/J2V7-4QKM] (accessed Apr. 9, 2017).

⁵¹ Expert Witness Report of David Jenkins, *supra* note 14, at 20.

⁵² Craggs, *supra* note 50; Lori Marino, Ph.D., HUFFINGTON POST, <http://www.huffingtonpost.com/author/lori-marino-phd> [https://perma.cc/Y2AP-N3DZ] (accessed Apr. 9, 2017).

⁵³ Expert Witness Report of Lori Marino, *supra* note 14, at 2.

Taken together with the other capabilities described above, these findings are compelling evidence that pigs are self-aware beings who not only have a sense of self but understand their own body in relation to the environment and can even use that understanding to achieve goals. This kind of animal, with the capacity to not only feel pain, distress and hardship but also have the intelligence and wherewithal to know that one's life is not going well is particularly vulnerable to experiencing suffering during inhumane conditions like those depicted in the video of dehydrated, overheated, over-crowded and frightened pigs during transport to slaughter.⁵⁴

In his examination of Dr. Marino, defense lawyer Gary Grill asked, "Are pigs persons?" Marino replied: "Yes."⁵⁵ She then testified that they are autonomous beings; they are highly self-aware; they are sentient; and they possess complex emotions.⁵⁶

On November 10, 2016, Dr. Anthony Weis, an expert in ecology and agriculture and an associate geography professor at the University of Western Ontario, testified; he stated in his written submission:

In 1960, the average person on earth consumed around 23 kg of meat per year, and today, the average person consumes 43 kg of meat per year This shift in diets and the expansion of industrial livestock production uses large amounts of energy, land, water, and crops in very inefficient ways, and is widely understood among environmental scientists to be a leading cause of global warming and water pollution, as well as a major source of disease risks.⁵⁷

Since Judge Harris allowed tweeting in the courtroom, Toronto Pig Save organizer Robin Bryce from London, Ontario, posted hundreds of times from inside during the course of the trial.⁵⁸ The hashtag #PigTrial trended in Toronto at number 5 on August 24, 2016; number 3 on August 25; number 1 on October 2; number 4 on November 1; number 7 on November 10; and number 5 on May 4, 2017.⁵⁹

The vast majority of media coverage was very positive for Toronto Pig Save and The Save Movement, in that it showed what we do and explained the concept of bearing witness. The group's dramatic photos and videos of scared and sad pigs foaming at the mouth and of activists

⁵⁴ *Id.* at 6–7.

⁵⁵ See Tim Whitnell, *Pig Behavior, Human Nutrition Experts Take Stand at Trial of Animal Rights Advocate*, HAMILTON SPECTATOR (Nov. 2, 2016), <http://www.thespec.com/news-story/6944061-pig-behaviour-human-nutrition-experts-take-stand-at-trial-of-animal-rights-advocate/> [<https://perma.cc/D9TT-V47V>] (accessed Apr. 9, 2017) (describing Dr. Marino's testimony).

⁵⁶ See *id.* (affirming that pigs are persons).

⁵⁷ Expert Witness Report of Anthony Weis, *supra* note 14, at 10; Craggs, *supra* note 50.

⁵⁸ Anna Hui, *Once Snubbed, Pig Savior Anita Krajnc's Fight Goes Global*, GLOBE & MAIL (Mar. 9, 2017, 8:44 PM), <http://www.theglobeandmail.com/news/national/once-snubbed-pig-saviour-anita-krajncs-fight-goes-global/article34262041/> [<https://perma.cc/8TR5-QTY2>] (accessed Apr. 9, 2017).

⁵⁹ Tweets About #PigTrial, TWITTER, <https://twitter.com/search?f=tweets&vertical=default&q=%23pigtrial&src=typd> [<https://perma.cc/3DB2-RJ7R>] (accessed Apr. 9, 2017).

giving water to these poor creatures were widely circulated in the news media, allowing the public to see the animal victims in a way we activists see them on a regular basis. Many reporters joined our vigils, bearing witness firsthand.⁶⁰

On CBC radio show *The Sunday Edition*, Michael Enright introduced Karin Wells' documentary in this way:

"As long as man continues to be the ruthless destroyer of lower living beings, he will never know health or peace," so said Pythagoras, mathematician, philosopher and the world's first marquee vegetarian. George Bernard Shaw put it more simply, "Animals are my friends and I don't eat my friends."⁶¹

While capturing the street sounds of the vigil, Wells interviewed Lori Croonen about bearing witness to the pigs crowded on board a transport truck at a traffic median across from Fearnans slaughterhouse.⁶²

Karen Wells narrated:

Suddenly heads turn toward the highway. "Two trucks coming in. Two trucks with pigs." [You hear activists speaking and the truck breaking.] They come down the hill, catch the red light and stop. Two of the people on the traffic island reach into the truck through the open holes and stroke the pigs.

"Hi angels." The pigs move around, push their pink snouts towards the hands. "Hi sweetheart. Hi sweetheart. Yeah. I know. I know. You shouldn't be in here. You shouldn't be in there, sweeties. We're fighting for you okay? We're fighting for you. Yes, you're a good piggie." [says activist Lori Croonen]. Tears pour down the women's face.

It makes you sad. [says Karen Wells]. "It does all the time. But I haven't been able to face it until recently. Now I'm like, you just got to do it, right?" [responds Lori].

The driver watches in his rear-view mirror. The light changes and he turns left and drives the pigs into the slaughterhouse.⁶³

Zach Ruiter, a reporter for Toronto's *Now* magazine, wrote: "They approach a truck to talk to the pigs and apologize from human to pig for what is about to happen to them. They tell the animals they are

⁶⁰ Many television reporters joined us including the local Cogeco station and national media outlets, such as Global, CTV, and Breakfast TV (covering the truck rollover). Amanda Storey, *When Pigs Fly—Toronto Animal Rights Activists*, CITY LIFE MAG., Jan. 2017; *The Sunday Edition: Is It a Crime to Give a Pig Water on a Hot Day?* (CBC radio broadcast Mar. 20, 2016).

⁶¹ *The Sunday Edition: Is It a Crime to Give a Pig Water on a Hot Day?* (CBC radio broadcast Mar. 20, 2016).

⁶² *Id.* at 24:13.

⁶³ *Id.*

loved. Inevitably, the light turns green and the truck moves on; they wait for the next one.”⁶⁴

There was prominent coverage in several U.S. publications. Amy B. Wang of *The Washington Post* wrote, “Under questioning by Krajnc’s defense lawyer [James Silver], Veldjesgraaf said he told police that Krajnc and animal-activist groups had to be stopped because they were ‘messing with our livelihood.’”⁶⁵ Wang then quoted my explanation:

I did what I did because I was just following the golden rule, like you’d treat others as you’d like to be treated. If someone’s thirsty, you give them water When someone is suffering, it’s actually wrong to look away. We all have a duty to be present and try to help. In the history of the world, that’s how social movements progress.⁶⁶

A number of journalists made moral arguments about the case. Matthew Scully, former speech writer for President George H. W. Bush, wrote in the conservative *National Review* an article entitled, “Showing Mercy to Suffering Animals is not ‘Criminal Mischief,’” arguing that “The little acts of mercy will lead to great ones.”⁶⁷ In the *Pacific Standard*, James McWilliams offered legal insight involving the question of who reached out to whom? “One imagines that Krajnc’s case will—when heard—hinge on a technicality of trespass: That is, did she reach in the truck or did the pig reach out of the truck to get the water?”⁶⁸ It is so clear, bearing witness to the pigs on June 22, 2015, that pigs are individual beings—not things—making choices like coming up to the portholes to have a drink of water, even in the tense situation of Jeff arguing with me at the traffic island.

Celebrity endorsement added to the media reach of the #PigTrial. Ingrid Newkirk, founder of PETA, attended the court case on October 3, 2016.⁶⁹ As she told Eric Andrew-Gee of *The Globe and Mail*:

All eyes are on Burlington This trial is being watched in Germany, France, Australia, India—all over the world [This] case is a “great educational exercise.” I think this will contribute to the day when meat

⁶⁴ Zach Ruter, *On the Front Lines with Pig Save*, NOW (June 17, 2015), <https://nowtoronto.com/news/on-the-front-lines-with-pig-save/> [https://perma.cc/8E6F-BBEY] (accessed Apr. 9, 2017).

⁶⁵ Wang, *supra* note 2.

⁶⁶ *Id.*

⁶⁷ Matthew Scully, *Showing Mercy to Suffering Animals Is Not ‘Criminal Mischief,’* NAT’L REV. (Nov. 7, 2016), <https://www.nationalreview.com/magazine/2016-11-07-0000/anita-krajnc-toronto-pig-save-water> [https://perma.cc/2F4Q-N9UE] (accessed Apr. 9, 2017).

⁶⁸ James McWilliams, *The Case Against the Woman Who Dared to Give Water to Someone Else’s Pigs*, PAC. STANDARD (Dec. 15, 2015), <https://psmag.com/the-case-against-the-woman-who-dared-to-give-water-to-someone-else-s-pigs-1afd332ae25c#100dryoog> [https://perma.cc/8JDM-DMMA] (accessed Apr. 9, 2017).

⁶⁹ Eric Andrew-Gee, *PETA Head Says World Watching Trial of Woman Who Gave Water to Pigs*, GLOBE & MAIL (Oct. 3, 2016, 4:40 PM), <http://www.theglobeandmail.com/news/national/woman-who-gave-water-to-pigs-headed-to-slaughter-testifies-at-trial/article32207244/> [https://perma.cc/2VUU-22P9] (accessed Apr. 9, 2017).

production comes down, down, down. What Anita did wasn't a violent act; it was an act of compassion, and an act of compassion that made the slaughter industry tremble.⁷⁰

Eric Andrew-Gee also wrote: "Ms. Krajnc and her lawyer, Gary Grill, have attempted to turn the trial into an exposé of the pork industry, a tactic that has earned attention from the global animal-rights movement."⁷¹ Newkirk told Catherine McDonald of Global News television, "We think of kindness as a virtue, not as something to be punished. This is rather unique because no one can really understand how you can bring a charge like this. Jesus gave water to a slave at the well. Do you expect him to be locked up for that? It's just absurd."⁷²

Film star Maggie Q (*Mission Impossible III*; *Live Free or Die Hard*; and TV show *Designated Survivor*), held an early-morning media conference at Dark Horse Espresso on Spadina Avenue in Toronto on November 1, hours before the trial resumed: "When I first heard Anita's story, I thought it must be a joke. There's no way that someone could actually get arrested—let alone be facing jail time—simply for showing a little compassion to a suffering animal in the final agonizing moments of an unjust life."⁷³

Maggie Q, who also co-produced the classic animal rights film *Earthlings* in 2005, said the following in a PETA livestream report:

The most important thing we are promoting today, when it comes to Anita's case, is that compassion is not a crime . . . and we don't want to set a dangerous precedent and allow the courts to give Anita jail time or fine her for something that should just be. It should just be when you see an animal suffering, a person, anyone suffering, any kind of suffering, you should take a stand and you should make sure that that suffering doesn't happen on your watch.⁷⁴

IV. MY TESTIMONY AND CROSS-EXAMINATION AT THE #PIGTRIAL

As my examiner in chief, defense lawyer Gary Grill asked me what bearing witness is and about our dual purpose at vigils. First, our motivation is to be present for the pigs and to offer them whatever

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Catherine McDonald (Global News Television Broadcast, Oct. 3, 2016).

⁷³ Zachary Toliver, *Actor Maggie Q Voices Her Support as Trial Resumes for Activist Who Helped Suffering Pigs*, PETA (Nov. 1, 2016), <http://www.peta.org/blog/actor-maggie-q-voices-support-as-trial-resumes-for-activist/> [https://perma.cc/9ZX5-USFP] (accessed Apr. 9, 2017); see also Justin Skinner, *Anita Krajnc, Maggie Q Speak Out About the Treatment of Animals*, INSIDE TORONTO (Nov. 1, 2016), <http://www.insidetoronto.com/news-story/6940721-anita-krajnc-maggie-q-speak-out-about-the-treatment-of-animals/> [https://perma.cc/U3RT-NH6H] (accessed Apr. 9, 2017).

⁷⁴ PETA, *TORONTO: Actor & Activist #MaggieQ with Toronto Pig Save's Anita Krajnc, Who Is on Trial for Giving Thirsty Pigs Water on Their Way to Slaughter, #Pig-Trial* at 1:20, FACEBOOK (Nov. 1, 2016), <https://www.facebook.com/official.peta/videos/10154708437349586/> [https://perma.cc/558Z-L3DR] (accessed Apr. 9, 2017).

comfort we can. Secondly, we are at vigils—with camera in hand—to document the suffering of the animals for the world to see. By sharing footage and commentary, we are trying to help raise awareness and inspire action to save the billions of animals going to slaughter each year; to draw attention to the environmental catastrophes generated by the animal agriculture industry; to point out the devastating health effects of meat, dairy, and eggs; and to try to save people's consciences and souls. Our animal, environmental, and health experts were asked to testify based on these concerns. My role was to emphasize issues of duty and conscience.

V. GARY GRILL: WHAT IS TORONTO PIG SAVE AND THE SAVE MOVEMENT?

Gary Grill ask about our group's and movement's mission. I responded:

We have a three-fold mission. Our first mission is to promote a nonviolent vegan world, we want everyone all people to go vegan. Second part of our mission is to promote activism; we want everyone to be an activist and an organizer. And the third part of our mission is to promote a cultural shift so that everyone sees bearing witness as a duty when you see someone suffering; when you see an animal or a human animal, or any animal suffering you don't turn the other way but you come close and you try to help. You try to help animals, you try to help the planet, you try to help people's health and you try to save your conscience.⁷⁵

For me, a key part of my testimony was discussing who pigs are. In court, we showed a video I took with actress Lauren Maddox and Richard Hoyle, founder of The Pig Preserve in Tennessee, where 120 pigs roam freely on 100 acres of grassy hills and woodlands. Then we showed videos of pigs being brutally electrically prodded into the carbon dioxide gas chamber to be slaughtered. I made the case for the duty of all of us to bear witness—*not* to look away when an animal is suffering, but to come as close as possible and try to help.

In a brief cross-examination by Crown Attorney Harutyun Apel, I was asked how I would feel about a stranger offering water to my dog (assuming a dog could be viewed as property).⁷⁶ I pointed out that Mr. Bean (my dog) and I are co-decision-makers, and that if a stranger offered a thirsty Mr. Bean water he (and I) would gladly accept.⁷⁷

Crown Attorney Harutyun Apel's Cross-examination:

Apel: You testified that an officer had told you there is a directive before this incident happened, that you're not to give water to the pigs, correct?

Anita: Yes

⁷⁵ Regina v. Krajnc, No. 1211998163042 (Can.).

⁷⁶ Crown Attorney Harutyun Apel's Cross-Examination at 7:48, Regina v. Anita Krajnc, No. 1211998163042 (Can.).

⁷⁷ *Id.*

Apel: And that one officer said to you, according to you, that “I’m not going to enforce that.” So you knew that there was a directive, right?

Anita: It wasn’t clear to me because I said, “Show me.” I found it so implausible for there to be a directive against giving water to thirsty animals. It goes against the Golden Rule. It just seemed very cruel, very unbelievable, so I didn’t really believe it, so that’s why I said, “Show me.”

Apel: So in your mind, you can’t picture a scenario where someone would object to strangers, in essence, providing water—where they don’t know what’s in the water—to an animal that’s going to eventually end up in human consumption. In your mind you can’t fathom why that could be an issue.

Anita: Yes, because has anyone ever been charged for giving water to a thirsty animal? If this happened in China people would say, “Oh, look what the Chinese government is doing.” This is happening in Burlington, so it is shocking. It’s like people having been doing this for thousands of years. It’s in the Bible. “When I was thirsty, you gave me water.” I think when that statement was made, it doesn’t matter whether the person was a stranger or not who gave them water. In fact, you would welcome it from anyone.

Apel: So you did it because the Bible told you to do it.

Anita: I did it because it’s the Golden Rule. I believe it’s written in our hearts . . . It doesn’t have to be written in the Bible. It’s actually written in all of our hearts. When someone is thirsty, you give them water.

Apel: So, is that the Golden Rule? If someone is thirsty, you give them water?

Anita: You should treat others as you’d like to be treated. If I was thirsty, I would like you to give me water. I’d like a stranger to give me water.

Apel: And according to your Golden Rule, if you were walking your dog and your dog looked thirsty and a stranger came up and said: “Your dog looks thirsty.” And you say to the person, “You know what, that’s my dog. Don’t give it water. I don’t know what’s in there. Would you still want them to give them water?”

Anita: I wouldn’t say “it.” I would say, “Yes, please give Mr. Bean some water.”

Apel: So I take it your dog’s name is Mr. Bean?

Anita: That’s correct.

Apel: So, you’re saying that if your dog is thirsty and someone approaches, let’s say you decide, I don’t want that person to give water to Mr. Bean. If you tell that person, “Don’t give it water. I’m about to go home. I’m going to give him water.” And that person still gives water. Would you want that person to still give water?

Anita: I would wonder if Mr. Bean would want them to give him water and if he did, I would welcome the water for Mr. Bean.

Apel: Okay, so you would look at Mr. Bean and say, “You look like you need water from this person,” and you would let it (sic) have it?

Anita: Ya, he might decide whether he wants to drink the water.

...

Apel: . . . you make the decision that you don't want that person to give water to that dog, so for whatever reason you make that decision and you tell that person, "Don't give water to my dog." Would you still want that person to give water to your dog?

Anita: I don't really imagine that scenario. I don't find it believable and I don't think it's analogous to what we're doing on traffic islands when we're giving pigs water. We've been doing it for years. No one has ever brought it up. I mean we've been doing it in the presence of police.

Apel: So is the Golden Rule if you've been doing it and nothing's happened you can continue to do it.

Anita: Absolutely, so when people give sandwiches to homeless people, . . . it's a small act of charity. It's only charity. It's a small act.

Apel: Is there just one Golden Rule or are there lots of Golden Rules, slightly Golden or more Golden?

Anita: I think the Golden Rule is simply, do unto others as you'd like others to do unto you. That's all.

Apel: And you knew the truck driver did not want you to give water to the pigs, but you made the decision that people need to change and you still gave water and videotaped it, correct?

Anita: That's right.⁷⁸

VI. CONCLUSION: COMPASSION IS NOT A CRIME

When compassion is treated as a crime, it can create a historic moment in a social movement helping to further educate and mobilize people around issues of injustice. One historical example was the passage of the Fugitive Slave Act in 1850, which set a six-month prison term and a fine of \$1,000 for anyone giving food to a runaway slave.⁷⁹ Harriet Beecher Stowe was so incensed, she responded by writing her 1852 novel *Uncle Tom's Cabin*.⁸⁰ As the second best-selling book of the nineteenth century, following the Bible, it helped raise consciousness for the abolition of slavery.⁸¹

A second historic illustration to criminalize compassion was the Russian government's attempt to stop Tolstoy and his family from engaging in famine relief in Russia in 1892 by trying to make it illegal to set up soup kitchens for the hungry.⁸² Here was the response of Tolstoy, and that of his son Ilya, to this absurdity:

⁷⁸ Crown Attorney Harutyun Apel's Cross-Examination, *supra* note 76.

⁷⁹ Fugitive Slave Act of 1850, ch. 60, § 7, 9 Stat. 462, 464 (1850) (repealed 1864).

⁸⁰ *Uncle Tom's Cabin*, HARRIET BEECHER STOWE CTR. (2015), <https://www.harrietbeecherstowecenter.org/utc> [<https://perma.cc/H9E7-38AT>] (accessed Apr. 9, 2017).

⁸¹ *Id.*

⁸² ILYA TOLSTOY, TOLSTOY, MY FATHER: REMINISCENCES 229 (Ann Dunnigan trans., 1971); Andy Croll, *Starving Strikers and the Limits of the "Humanitarian Discovery of Hunger" in Late Victorian Britain*, 56 INT'L REV. SOC. HIST., 103, 112–13 (2011).

Ilya: I tried to convince him that there could be no law prohibiting charity. This, of course, was of no avail.

At that moment my father came in and he and the police officer had a friendly discussion, the one arguing that people cannot be prohibited from eating, and the other asking him to put himself in the position of a man who is under orders from his superiors. "What would you have me do, Your Excellency?" "It's very simple: don't work where you can be made to act against your conscience."⁸³

In the same way, pigs cannot be prohibited from drinking water. The Golden Rule applies to all living beings, as stated by Tolstoy in *A Calendar of Wisdom*: "We should take pity on animals in the same way as we do on each other. And we all know this, if we do not deaden the voice of our conscience inside us."⁸⁴

A current example of small beginnings is U.S. lawyer Steven Wise's continuing fight for the legal personhood of chimpanzees and other animals through legal challenges via the NonHuman Rights Project.⁸⁵ The Pig Trial—ostensibly about a small act of kindness—brought to the fore a number of similar ideas, including the status of pigs as property versus their personhood. When animals are legal 'things' in the law, their basic inalienable rights and fundamental interests—their pains, their lives, their freedom—are invisible to civil law. Since animals suffer the same as we human animals, they deserve equal consideration for their interests and needs. Animals require legal personhood to be recognized as a potential bearer of legal rights. Our aim is to change the injustice of the idea that pigs are mere 'stuff,' property, and commodities. Their equality and liberty require a recognition through legal personhood, based on their self-awareness and emotional complexity, as testified by expert witness Dr. Lori Marino.⁸⁶

We must never avoid or turn away from the truth. The Save Movement is working to promote a shift in societal norms and laws so that bearing witness is seen as a duty practiced by everyone. Every social justice movement in history has succeeded when enough people stand up. Seeing the pigs' suffering firsthand changes everything. By bearing witness to their suffering and helping to create a new cultural norm where people see it as their duty to not look away, we discover the unity of life. As Tolstoy prophetically said, "When [people] do harm to others, they really do evil to themselves."⁸⁷ The cruelty inflicted in factory farms, in transport, and at the slaughterhouse touches all of us.

⁸³ ILYA TOLSTOY, *supra* note 82, at 229.

⁸⁴ LEO TOLSTOY, *A CALENDAR OF WISDOM* 64 (Peter Sekirin trans., 1997).

⁸⁵ NONHUMAN RTS. PROJECT, <http://www.nonhumanrightsproject.org> [https://perma.cc/F4K7-4MYN] (accessed Apr. 9, 2017).

⁸⁶ Expert Witness Report of Lori Marino, *supra* note 14, at 4.

⁸⁷ See Anita Krajnc, *I'm on Trial for Giving Water to Thirsty Pigs. If They Were Dogs, I Would Be a Hero*, *GUARDIAN* (Oct. 27, 2016) (quoting LEO TOLSTOY, *WALK IN THE LIGHT & TWENTY-THREE TALES* 343 (Alymer Maude trans., 2003)), <https://www.theguardian.com/commentisfree/2016/oct/27/animal-welfare-water-thirsty-pigs-dogs> [https://perma.cc/UP8Z-6T2P] (accessed Apr. 9, 2017).

Bearing witness and helping animals in need as a daily practice will help save animals, our fragile environment, our health, and, ultimately, our conscience.

On May 4, Judge David Harris dismissed the mischief charge.⁸⁸ Harris rejected the defense's assertion that pigs are persons and not property, but said it was clear that Krajnc was giving the pigs water, not an "unknown liquid" as police initially alleged.⁸⁹ Because the pigs were slaughtered anyway, he held that Krajnc did not obstruct their "lawful use."⁹⁰

⁸⁸ Samantha Craggs, *Pig Trial: Anita Krajnc Found Not Guilty of Mischief Charge for Giving Water to Pigs*, CBC News (updated May 4, 2017, 2:43 PM), <http://www.cbc.ca/news/canada/hamilton/pig-trial-verdict-1.4098046> [<https://perma.cc/VW88-BL85>] (accessed June 11, 2017).

⁸⁹ *Id.*

⁹⁰ *Id.*