

What Happened To Due Process For Elaine Priest And Her Horses

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"No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States: nor shall any state deprive any person of life, liberty, or property, without the due process of law; nor deny to any person within its jurisdiction the equal protection of laws."

It is appropriate that we re-evaluate this amendment, its wisdom and purpose in light of recent events surrounding the delicate situation of Elaine Priest and her 18 horses. The animals were confiscated December 3rd by the St. Louis Humane Society, who claimed they were malnourished.

It is a given fact that, under state and federal regulation, certain measures can be taken to ensure the proper care and treatment of animals and that anyone in conflict with these laws receive a just penalty. Hence organizations like the Humane Society abound to ensure the fair and appropriate treatment of all animals. But when situations like the one involving Priest surface, we see a different picture.

Butler County Circuit Court Judge John Bloodworth recently ordered, after studying evidence presented in a January 7th disposition trial, that Priest's horses be returned to her. The judge ruled there was insufficient evidence to support their confiscation by the St. Louis Humane Society.

Rather than return the horses immediately, the St. Louis Humane Society filed a lien against the animals for nearly \$12,000 for the cost of transporting them from Priest's farm and boarding them in another county.

The support for Humane Society's lien comes from a statute written in the early 1900s that is comparable, at best, to what we presently know as a "mechanics lien." The statute was written when people depended on horses and other animals for their day-to-day needs, as we presently do with cars.

Though they would argue the support for the case, the St. Louis Humane Society appears relatively unmoved by Priests plight, and could possibly file lien on her personal property if the debt is not met to their satisfaction.

Priest finds herself between the proverbial rock and a hard spot. She wants her horses back. The judge said she did nothing wrong and can have her horses back, but....the St. Louis Humane Society won't return them until she forks over \$12,000.

Priest didn't ask The St. Louis Humane Society to take or to care for her horses. They just did it because they "thought" they were right. Well, they weren't, but that doesn't help Priest any.

Now she must decide whether she will incur more legal expenses to fight the St. Louis Humane Society's Gestapo-style demand or allow a further violation of her natural rights.

We, as her fellow citizens must carefully evaluate this situation and realize the fact that this sets precedents for similar, if not more drastic, scenarios in the future. We need to look at the shape of our nation as well as our freedom and question how a private organization can wrongly take someone's property, accrue a debt, file a lien for that debt against someone with no legal interest in it and give unreasonable ultimatums for the absolvment of said debt.

Hiding behind an obscure statute that is not applicable to today's standards does not decry the actions of foul play. Words like theft, extortion and malfeasance come to mind and one can't help but wonder how long injustice will be tolerated and our rights violated. One can't help but wonder. " **Am I next?**"

These two articles appeared the same day in the same newspaper. The previous one was on the opinion page and the next one as a News Article.

Judge Rules Priest Can Have Horses

News story reprinted with permission from the Daily American Republic
of Poplar Bluff Missouri

This article appeared on Thursday, February 15, 2001

By: **Jonathon Dawe**, Daily American Republic Staff Writer

Elaine Priest will have her 18 horses returned to her, but only if she pays \$11,775.03 to the Humane Society.

This information came after Associate Judge John Bloodworth entered his ruling Friday on the disposition of the horses.

In his ruling, Bloodworth declared the horses be returned to the care of Priest when released by the Large Animal Rehabilitation Center in Union.

In his conclusions of law, Bloodworth said. "The State, by Deputy (Cecil) Winberry, acted appropriately under RSMO 578.018 in securing a search warrant to enable entry upon private property under section 578.018 RSMO. There is insufficient evidence, however, to permit the state to confiscate the animals.

As a result, the Humane Society in St. Louis has decided to file a lien on the 18 horses for \$11,775.03, which is the amount of the bill for the housing and care of the horses since being turned over to the Humane Society on December 8th.

Priest, whose horses were taken pursuant to a warrant based on Missouri statute 578.018, now faces a different decision concerning her animals.

"Its clear that there was no evidence to properly support the confiscation of these animals in the first place," said Priests attorney John Scott.

"The Humane Society is now just basically blackmailing my client by threatening her with lawsuits and trying to get this money out of her, " he said. The bottom line here, as far as the Humane Society is concerned, is money and not the horses."

When reached for comment about the situation, the Humane Society's attorney, Keith Henson of St. Louis, said, "We are filing a lien lawfully under Missouri Statutes for these horses."

Henson declined any further comment, stating that saying anything more would be considered legal counsel and he does not offer legal counsel to non-clients.

The statutes under which the Humane Society filed the lien define the regulations behind lien enforcement on the care of animals and are supported by case history going as far back as 1922.

When reached for comment, Priest was very emphatic in her feelings about the situation.

"I honestly don't know what I'm going to do because I don't have many options," she said. "If they didn't have sufficient evidence to take my horses, why should I have to pay such a large bill? Where are my rights? **They stole my horses and they stole my rights and left me without any options.**"

Tim Slayton testified on behalf of Priest at the disposition trial January 5th.

After hearing about Bloodworth's ruling and the Humane Society's lien, he said. "As a civics and history teacher, I can say that I've seen more civil rights violated in this case.

"This is just robbery. I think the taking of the horses was a complete violation of due process."

Slayton has helped care for Priests horses and has supplied hay for them for more than 10 years. He said there was no legitimate reason for the animals to be confiscated.

"The Humane Society does some good things, but they also do some really off-the-wall stuff and this is a prime example of that," said Slayton. "They're getting out of control and need to be reigned in by proper legislation."

Slayton said he feels Priest should fight the lien, ...but she has very limited resources."

Daily American Republic

Local News

3-4-2001

Local Group Responds To Confiscation Of Horses

By JONATHON DAWE ~ DAR Staff Writer

Many area residents have expressed concern over the St. Louis Humane Society's confiscation of Elaine Priest's 18 horses. One local group, in particular, is not happy with the actions taken by the St. Louis Humane Society.

That group is the Ozark Foothills Humane Society.

In a public statement released by the local chapter of the Humane Society, the group expresses its dissatisfaction with the situation. The statement reads:

"The Ozark Foothills Humane Society is a relatively new group that has formed in our area. We are working diligently to reduce the pain and suffering of animals in this region.

We were not consulted in the case of Mrs. Priest and her horses, and do not know what evidence they were using to base their case on. We do, however, feel that a more thorough investigation should have been conducted by the state humane society before taking action. The feed store bills should probably have been the first things checked in a case of alleged animal starvation. Also, the USDA has an excellent investigative team that could have been called in to assist.

We feel that all animal cruelty cases should be investigated, but one must have concrete evidence before taking action against any individual. The objective should not be to remove beloved animals from good homes, but to ensure that people who do mistreat animals pay the price for that abuse.

We take a tough stand on cases of animal cruelty but we take an equally tough stand on animals being wrongfully removed."

Daily American Republic

Local News

3-4-2001

Federation Of Animal Owners Start Fund For Elaine Priest

By JONATHON DAWE ~ DAR Staff Writer

Many people have expressed concern over the story of Elaine Priest and her 18 horses, which were confiscated early in December. That concern goes beyond the local level.

Anne Edwards, vice president of the Missouri Federation of Animal Owners, lives in Rolla and, after reading about Priest's plight, decided to help.

"This situation is exactly the kind of thing that our organization tries to prevent," said Edwards.

Edwards decided to present the story before the federation and the group determined to start a fund to cover the \$11, 775.03 cost of the horses, so Priest can have them returned. "We started the fund last week," said Edwards. "So far, we've collected over \$2,200."

Edwards said donations have not been limited to Missouri, as many donations have come from different states, including Texas, Illinois and Indiana.

"We're hoping to raise as much as we can within a two-week period," said Edwards.

Edwards said the main factor in the organization's decision to establish the fund was reading Butler County Circuit Court Judge John Bloodworth's ruling on the case.

"When you have a judge like that, make a ruling like that and have a group decide to not do the right thing, then you feel pressed to do something," said Edwards.

Edwards also said the federation applauds Bloodworth and his ejudication on the matter.

"So many different judges, as well as law enforcement officials tend to feel bullied by groups like the Humane Society. We are very happy that a judge has finally ruled against them and their bully tactics," said Edwards.

The Missouri Federation of Animal Owners is a group that focuses on owner's rights. The group's mission statement is; "Our goal has always been, and shall always be, to protect the rights of animal owners and enthusiasts against the devastating effects of the animal rights movement".

The federation started in 1992 as a counteraction to the animal rights movement's attempt to regulate animal breeders.

"They were trying to pass a bill to regulate intensive control over animal breeders, and we managed to get some amendments added to it to preserve certain rights," said Edwards.

"After we got that accomplished, we realized it was time to get organized," she

said.

Since that time, the organization has constructed a website dedicated to their mission and has been actively working to ensure the rights of animal owner in Missouri.

Edwards, as well as the organization's president, is a lobbyist for owner's rights.

"We mailed copies of the (Priest) story to every different legislator in Missouri so they could be made aware of what is going on," said Edwards.

Edwards feels there is no real need for groups like the Humane Society because of the laws that are already in place concerning the humane treatment of animals.

"We wouldn't own or breed animals if we didn't love them," said Edwards.

Anyone interested in making a contribution to the fund for Priest may do so by sending checks to MFAO, PO Box 554, Eldon, Missouri 65026. Edwards stressed the importance of writing "Emergency Fund" on the check to ensure it gets placed in the right account.

