

# Humphreys College

## NEWSLETTER SUPPLEMENT

WINTER QUARTER

MARCH 2014

### OUR INTERVIEW

## "HOOFS, PAWS, AND CLAWS HAVEN"

SHERI TOMASELLO: "I BELIEVE THAT ANIMALS POSSESS THEIR OWN RIGHTS"

For the last four years, Sheri Tomasello has worked in Humphreys College's Fiscal Department as the Account Payable Clerk. Not everybody knows that she and her family operate an animal rescue center known as "Hoofs, Paws, and Claws Haven."

"We live on a five-acre farm, where we have ninety animals, including seven horses, a pony, four goats, a pot belly pig, chickens, ducks, over thirty cats, and thirty dogs. Almost all of them are rescued. Most are up for adoption; however, some will live out their lives in our rescue center."

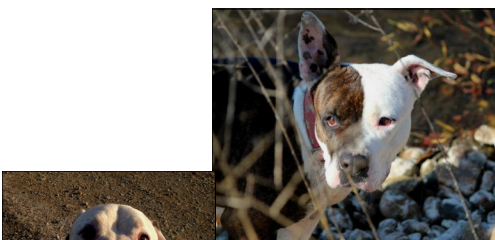
#### Where do the animals come from?

"There are different scenarios. I have taken four dogs from Humphreys College. They were roaming free. I did find the owner of two of the dogs, but she didn't want them back, even though she owned them for more than eight years. Some of the rescued animals have been severely abused. For example, my pony Thomas was having his feet roped and pulled from under him, and his previous owners were running into him with a car. Some were just lost pets; we were unable to locate their owners."



• **Leslie** the black cat was found at Humphreys and has since moved on to greener pastures.

• **Stormy**, the grey cat, is up for adoption. However, he needs to be an only cat in the house. Surprisingly, he gets along well with dogs.



• **Sammie** (above) was another dog from the Stockton pound. She had her head split open and her ear was permanently damaged, again no charges.... She is up for adoption.

• When **Raider** was pulled from the Stockton pound, he was literally all bone. It took six months to rehab him.

#### What kind of care do you and your family provide?

"We provide all necessary care: food, flea medicine or foot work for the horses, goats, and pig."

#### When did you start with the rescue center? What was your motivation?

"I have been rescuing animals as far back as I can remember. When I was little, I used to jump my neighbor's fence and give his dogs water and untie them from whatever they were chained to. I've jumped out of moving cars to stop abuse. I've done some crazy things to keep animals safe, but I really started having them live with us in mass numbers about ten years ago. And it has been a process from there. I just recently started to connect with people who can get my animal babies adopted."

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### How do you finance such a large animal rescue enterprise?

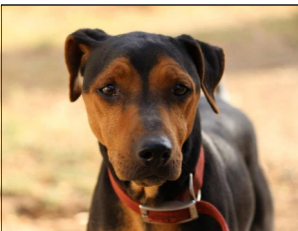
“We are funded by ourselves—my daughter Cassandra, my son Sean, and myself. Each of us has two jobs, and when we can, we pick up a third. We go through a forty-pound bag of dog food every two days, a forty-pound bag of cat food every four days, and a bale of hay daily. Right now, our dog food is mostly donated; cat food and hay are an out-of-pocket expense. With the lack of rain, I pay \$17, while in the past the cost was about \$7 a bale. All animal care is an “all of us deal.”

### Please describe your typical day—in light of the animal care, jobs, and family involvement.

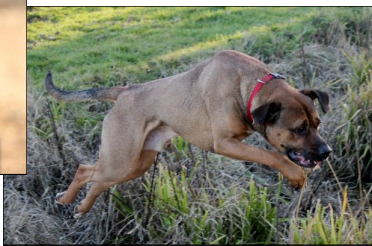
“A typical day starts at 5:00 a.m. Dogs and horses get fed and watered; dogs who do not interact with the other dogs are walked before we go to work. During the days, Sean sees to the cats along with watering and night-feedings for everybody. With so many animals, something is *always* happening, whether it is a fence down or a fight. Horses, dogs, and cats need to be groomed; half of the animals need grooming daily. Then there’s the best part: never-ending cleaning up after them; the garbage men love us! When Cassandra and I get off work, it’s off to walk dogs who need to go out, horses who need kisses, to have a dinner, and go to bed—with no less than at least five animals trying to accompany me! It never seems to fail that something is going to happen.... With the horses, it’s always the middle of the night.... Nothing like the sound of horse hooves and at least six thousand pounds running at you to get your heart beat started! “

### Can people buy or adopt your animals?

“People can adopt our animals; it includes an application process and a very intense screening.”



• **Winnie** (above, left) was found at Humphreys with another dog, Barkley. We did find his owner; however, she did not want him back. When we picked Winnie up, he used to sit on Barkley; it didn’t matter where they were. The previous owner used just one very small crate for both dogs. So, the only place for Winnie to sit was on Barkley.  
• **Boomer** (above, right) was living on the streets of Parlier. He was being shot with BB guns, kicked, and just generally abused. We drove to Fresno and picked him up. Boomer will probably be another “forever resident,” since he has incredible trust issues, but we love him.



• **DJ** (above, left) was a race horse who was no longer needed at the track.



• My favorite **Thomas the Pony** (above, right) belonged to my neighbors who would run into him with their car, rope his feet out from under him for “fun.” Huge grown men would ride him, and I would always intervene. I promised Thomas I would get him away from them.... Thomas will be a lifer in our place.



• Me and my horse **Trevor**—when I rescued him, he needed to gain seven hundred pounds. Cassandra hand fed him twice a day. He survived and each morning this is how we start the day!

### Do you cooperate with the local authorities, for example, the Animal Protection League of Stockton, Lodi Animal Services or Adopt-a-Pet.com/Humane America Animal Foundation? Do they provide any support to your family enterprise?

“At this time the Animal Protection League is not a support to us; actually, we are trying desperately to get the League and Pat Clarebout, Director of the Stockton Animal Shelter, out! The California Hayden Act of 1999 requires that animal be released to a nonprofit animal rescue or adoption organization in certain circumstances, subject to specified exceptions. I am very active on the Stockton Animal Services Commission to implement change.”

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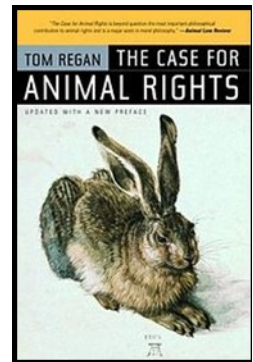
**What do you think about the overall animal protection in the state of California, for example, about the 2008 Prevention of Farm Animal Cruelty Act?**

“I think every living breathing species should be protected, We have some good laws, but we need tougher laws on animal cruelty and better enforcement.”

**Do you personally believe that animals possess their own rights?**

“I fully agree with Tom Regan and his book *The Case for Animal Rights*: ‘Animals are somebody, not something.’”

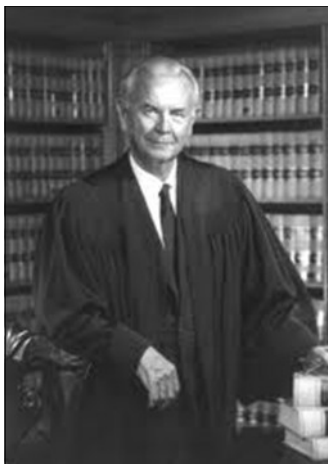
~Stanislav Perkner



**STUDENT VOICES**  
FROM DR. PERKNER'S HIST210  
THE SUPREME COURT IN AMERICAN LIFE: LANDMARK CASES

**THE LIFE AND LEGAL PHILOSOPHY OF  
JUSTICE WILLIAM J. BRENNAN, JR.  
BY SAMANTHA N. MOSS**

A former friend and colleague of the Supreme Court Justice William Joseph Brennan, Jr., once stated: “If Chief Justice John Marshall was the chief architect of a powerful national government, then Justice William Brennan was the principal architect of the nation’s system for *protecting individual rights*”(qtd. in Tribe).



This statement correctly summarizes Brennan’s judicial theory. Brennan’s influence and warm, charismatic personality filled the halls of the Supreme Court for over thirty-four years. His convincing nature was instrumental in enabling him to form alliances with the other justices. By his retirement in 1990, due to a stroke, Brennan had either written or been a significant player in over 1,350 Court decisions (Stern and Wermiel xiii). Brennan was the most influential and controversial justice of the modern Supreme Court.

Brennan was born in 1906, to two Irish-immigrant parents: William and Agnes Brennan. Agnes had completed more schooling than her husband, Bill; in fact, she was quite intelligent. She once told her children, including William, Jr., that she had scored so well on a school entrance exam that she was offered a scholarship. Her mother would not let her attend because she felt that it was not proper for a woman to have that much education (Stern and Wermiel 6). Brennan’s father, Bill, had worked his way up the union and had become its leader. He was also an advocate that his boys attend college and become successful. As a child, Brennan grew up caught between the upper-and lower-economic classes. His work for a butcher taught him to have a strong work ethic and exposed him to working-class employment conditions. Possibly these experiences helped form his future work as a labor law attorney and also his employee-favorable Court decisions.

In the fall of 1924, Brennan attended the University of Pennsylvania’s College of Arts and Sciences. In his second year of college, he transferred to his father’s first pick, Penn’s Wharton School of Finance. He was a very good student and received excellent grades, despite the fact that he joined the Delta Tau Delta Fraternity

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and lived in its house for three years (Stern and Wermiel 16). Brennan graduated in the spring of 1928, and he and his wife, Marjorie, decided to elope and get married. In September 1928, Brennan followed his father's advice and began his first semester at Harvard Law School (Stern and Wermiel 19). After surviving the rigorous school work and the attrition rate, Brennan graduated from Harvard in 1931. He spent the beginning of his legal career working as a labor law attorney and was later appointed as a state judge.

In order to understand fully Brennan's judicial theory, it is important to see not only how religion (specifically Catholicism) impacted both his personal and legal viewpoints but also how it influenced his nomination to the Supreme Court.

His father's political involvement (i.e., union activist and city commissioner) helped further Brennan's interest in the law, but it was while reading his Catholic church's writings when he developed his fundamental judicial philosophy. As discussed *supra*, Brennan practiced as a corporate labor law attorney and many of his progressive decisions involved protecting the rights of employees. In one of his early readings, Brennan was predisposed to this theory by an encyclical, a papal letter to the bishops, issued by Pope Leo XIII in May 1891. Pope Leo stated that justice demands that employers do not subject their employees to dangerous or corrupt conditions and that they respect their employees' religious views. Interestingly, the Pope's statement should be compared to Brennan's 1987 speech where he discussed that the Constitution exists to guarantee "the essential dignity and worth of each individual" (qtd. in Greenhouse). His political viewpoint to protect and "balance" individual rights with public interests presents itself throughout every decision he joined while serving on the Court.

In October 1956, Justice Sherman Minton retired and President Dwight D. Eisenhower appointed Brennan to the Supreme Court. This appointment was a political decision Eisenhower designed to gain more of the Catholic vote in the upcoming presidential election (Stern and Wermiel 74). The day after Brennan learned of his selection to the Supreme Court, he and his first wife, Marjorie, spent the morning in church (Stern and Wermiel 87). Additionally, Eisenhower was a member of the Republican Party and felt that an appointment of a Catholic Democrat would help demonstrate his ability to transcend political partisanship (Ariens). Thus, Eisenhower used the vacant seat on the Court to his political advantage.



Ironically, Brennan's liberal decisions over the years and his ability to persuade other justices to join his cause conflicted with Eisenhower's conservative views. Quoted by Peter Irons, Eisenhower regretted his decision to appoint Brennan to the bench and once stated that he made "two [mistakes as President] and they are both sitting on the Supreme Court" (403). However, Seth Stern and Stephen Wermiel stated during an interview with C-SPAN, that there is no direct evidence that Eisenhower regretted his decision to appoint Brennan ("Book Discussion"). Even if Eisenhower was disappointed that Brennan was more liberal in his opinions and less conservative than he had anticipated, Eisenhower's decision to appoint Brennan moved the United States to become more progressive. Eisenhower's choice to assign the first Catholic in years to the Court helped incorporate the Bill of Rights' protections into the 14<sup>th</sup> Amendment; therefore, Catholicism played an active role in Brennan's appointment to the Court.

Another significant viewpoint that shaped Brennan's Court decisions is shown in his 1983 argument, "The Constitution is not a static document whose meaning on every detail is fixed for all time by the life experience of the Framers" (qtd. in Stern and Wermiel 504). Unlike many other legal thinkers, such as Antonin Scalia, Brennan did not believe that the Constitution should be interpreted by looking at solely the original intent

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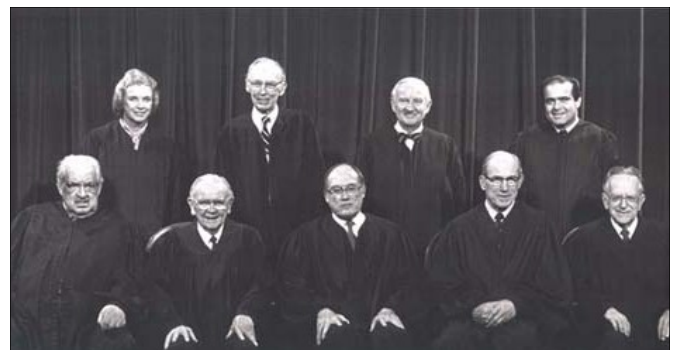
of the Framers. The Constitution is a living document which should adapt and change in its application along with the times. Brennan's passion for upholding the Constitution continued to shine throughout his tenure on the Court. In 1976, he celebrated his twentieth anniversary on the bench by calling for state courts to protect the constitutional rights of individuals: "State courts no less than federal are and ought to be the guardians of our liberties" (qtd. in Stern and Wermiel 435-436). Unlike his personal life, which he kept separate from his work, Brennan's judicial philosophy was years ahead of his era. He believed that the Constitution should adapt and change with the times and that it was both the state and federal courts' duty to protect the constitutional rights.

One landmark decision in which Brennan applied his "bedrock commitment to 'human dignity'" was *New York Times Co. v. Sullivan* (1964). This case was significant because the decision protected the individual's 1<sup>st</sup> Amendment rights (freedom of speech and freedom of press) and made enforcement of these rights applicable to states via the 14<sup>th</sup> Amendment. *The New York Times'* defense was that the statements were true and that the affirmative defense should allow for dismissal of the case; however, there were factual errors contained within the disputed text so the district court awarded damages to Sullivan for the alleged libel claim ("New York Times").

The Supreme Court and Justice Brennan found that there was a strong interest in protecting the 1<sup>st</sup> Amendment freedoms and that any ruling in favor of the officials would act as a future deterrent to individuals wanting to speak freely about a public official. Therefore, the Court added a requisite element (actual malice) to any libel claim against public officials. Since the *Times* did not print the article with a "knowing falsity" or a "reckless disregard for the truth," it was not to be liable for any injuries to the petitioner. This case shows the balancing test that Brennan advocated which weighs private rights against public interests. Again, Brennan used his "human dignity" platform to support the newspaper's freedom to print articles regarding public figures or officials. (i.e., L.B. Sullivan and the Montgomery city police).

Brennan was not a shy individual. In order to further his goal of protecting interests and the Constitution, Brennan used his charisma and intellect to develop working relationships with his fellow justices. Stern discusses the myth that society mistakenly believed that the Court engaged in politics, such as vote swapping, like the members of Congress. In truth, Brennan worked with his clerks and other justices to resolve conflicts professionally. Unlike some of his peers, Brennan did not focus as much on the actual wording of the rule of law or test, but on the *impact* that the decision would have. In essence, he would be willing to sacrifice one prong of a test, if it meant that the compromise would add another vote to the majority ("Book Discussion").

Justice Thurgood Marshall was Brennan's friend and closest ally on the Court. In the 1984-85 term, both he and Brennan voted together 100 percent of the time. Over the course of their tenure together, Brennan and Marshall voted the same in over 80 percent of the cases. After Brennan's wife, Marjorie, passed away in 1982, he changed and even became more outspoken. In the 1980s, with Marshall on his side, Brennan sought out three other allies to gain the majority five votes. To further his collaborative efforts, Brennan would write letters to the other justices and would have personal negotiations to resolve conflicts. Harry Blackmun and Brennan seemed to be in agreement during this time and voted together in 70 percent of the cases during the 1981-82 term. Also, the ever-independent Justice John Paul Stevens often aligned his vote with Brennan's

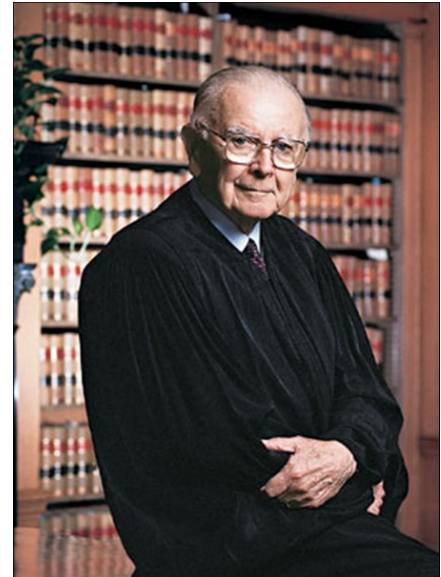


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opinions (Stern and Wermiel 495). Even the aggressive, conservative Justice Antonin Scalia got along with his liberal friend, Brennan, and they often joked together. During Scalia's first term in 1987, Brennan said, "I'm bold enough to say he [Scalia] regards me as a friend. I certainly regard him as one" (qtd. in Stern and Wermiel 516).

Unfortunately, Brennan was not loved by all of his peers. Justice Sandra Day O'Connor was wary of Brennan's advocating and often became defensive when Brennan approached her to compromise on some decisions. Justice Lewis F. Powell had warned O'Connor to be distrustful of Brennan because he planted "time bombs" in his decisions. Brennan tried to overcome O'Connor's distrust for him. In order to win her vote in the *Karcher v. Daggett* (1983) case, Brennan praised any suggestions that she presented in response to his opinion. As a consequence of Brennan's obliging and appreciative handling of the situation, O'Connor decided to support his opinion (instead of settling for a concurrence), giving Brennan the necessary fifth vote (Stern and Wermiel 493).



In the spring of 1990, Brennan assured the press that he still had no intention of retiring. However, he acknowledged that ailing justices should retire if they are no longer competent (Stern and Wermiel 530). Brennan also knew that his memory and health were failing; however, he continued to work on cases such as *Metro Broadcasting Inc. v. FCC* (1990), which established that intermediate scrutiny is the applicable test for equal protection claims relating to federal statutes using benign racial classifications (Stern and Wermiel 532). In July of 1990, Brennan's doctor warned him that if he didn't slow down, he was likely to have subsequent strokes. After several media leaks, Brennan had to speed up his announcement to retire. Finally, after over thirty-four years as a Supreme Court Justice, Brennan decided to take his doctor's advice and retired on July 20, 1990 (Stern and Wermiel 536).

In summary, Justice Brennan was small in stature, but he had a large, persuasive personality which he used to form alliances with his fellow peers. Brennan may have been reluctant to change his ways and hire his first female law clerk, but his progressive decisions were what opened the door for equal rights and women. He was able to set aside his personal and religious viewpoints while deciding cases before the Court. As a result of his many positive characteristics, Brennan was the best Supreme Court Justice of the modern Court.

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Stanislav Perkner, Editor, [sperkner@humphreys.edu](mailto:sperkner@humphreys.edu)

Cynthia Becerra, Co-Editor, [cbecerra@humphreys.edu](mailto:cbecerra@humphreys.edu)

Leslie Walton, Executive Editor, [lwalton@humphreys.edu](mailto:lwalton@humphreys.edu)