

Paul Askew, Written Testimony Supporting HB 2050 and HB 2181

Hunting cougar with hounds should be legally permissible. The Supreme Court has found that the 14th Amendment's Equal Protection Clause "is essentially a direction that all persons similarly situated should be treated alike." Considering that hound hunting for bobcats and raccoons is perfectly legal, there has to be a legitimate state interest that is not motivated by moral disapproval or political unpopularity.

Moreover, commercial animal slaughter is arguably a more egregious form of animal harvest yet is completely protected. It is my belief that laws targeting hunting are driven by urban political organizations like the HSUS that have made it clear that they have a baseline moral objection to hunting and hunting with hounds in particular. According to the US Census, hunters comprise only 6% of Oregon's population. The anti-hunting lobby has targeted micro-populations of an already small minority group and marginalized them with laws like prohibitions against hunting bear and cougar with hounds.

Remember, moral disapproval is not a rational basis for a legitimate state interest and is a clear violation of the Equal Protection Clause. The Supreme Court has been unequivocal on this point. Justice O'Connor explained in *Lawrence v. Texas* (2003), "A law branding one class of persons as criminal based solely on the State's moral disapproval of that class and the conduct associated with that class runs contrary to the values of the Constitution and the Equal Protection Clause, under any standard of review." Justice O'Connor continues, "When a law exhibits such a desire to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike down such laws under the Equal Protection Clause."

The 14th Amendment requires that hunting cougar with hounds be given the same protections that other methods of harvest receive. This includes other forms of hunting and trapping, especially considering that other forms of hound hunting are protected. This also includes commercial animal slaughter. There is no meaningful legal distinction between these similarly situated methods of animal use and harvest. In fact, the only meaningful differences between the two are stereotype and method, which are not justifications to deny equal access and protection of the law.