Fifty Ways to Lose Your Rover

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Remember the old Paul Simon song: "50 Ways To Lose Your Lover?" The Animal Rights movement, well funded and determined, has come up with almost that many different ways to make dog ownership expensive, inconvenient, and ultimately, impossible. When PETA first burst on to the public stage, they were very direct in stating their goals:

> Let us allow the dog to disappear from our brick and concrete jungles--from our firesides, from the leather nooses and chains by which we enslave it…The cat, like the dog, must disappear... We should cut the domestic cat free from our dominance by neutering, neutering, and more neutering, until our pathetic version of the cat ceases to exist. John Bryant, Fettered Kingdoms: An Examination of A
> Changing Ethic (Washington, DC: People for the Ethical Treatment
> Of Animals (PeTA), 1982), p. 15.

It didn't take them long, however, to see that their message wasn't playing in Peoria. Since the 80s, PETA and the rest of the AR organizations have evolved a more sophisticated arsenal of tactics. Instead of coming at us head on, they are nipping at our flanks, our heels, and our throats.

Breed-specific laws. The breed-specific dangerous dog law didn't originate in the AR community but it has been adopted by PETA. While oozing concern for the poor, abused "pit bulls"on its web site (http://www.peta.org/factsheet/files/FactsheetDisplay.asp?ID=29), PETA sadly proposes that we end the breed's exploitation. Their solution? Not an all-out assault on dog fighting. They propose that we use breed-specific laws to solve the problem—that is, we end the suffering of pit bulls by eliminating pit bulls. It's part of the plan to eliminate our dogs, one breed at a time.

Look at how this works in Ohio. State law defines vicious dogs as follows:

- A dog that, without provocation, has killed or caused serious injury to any person;
- A dog that, without provocation, has caused injury, other than death or serious injury, to any person, or has killed another dog; or
- A pit bull.

This law applies not only to purebred American Pit Bull dogs, but also to other pure bred and mixed breed dogs that have similar physical and behavioral characteristics. Animal Control Officers make the determination as to whether or not a dog is a "breed of dog commonly known as a Pit Bull." The maximum penalty for a violation of this section on a first offense is a $1,000 fine and up to six months imprisonment. If the dog seriously injures a person, or this is a second offense of this section, the charge may be filed as a felony.

This is the kind of law that PETA is endorsing. If the Animal Control Officer says your dog is a pit bull, it IS a pit bull and a vicious dog.

Dog limits. Kalamazoo County, the home of UKC, has only one township left where an individual may legally own more than 3 dogs. Dog limits have been found unconstitutional in two states, but cities and counties keep enacting them. Why? Proponents of dog limitation ordinances claim they want to reduce noise and nuisance problems. Since all jurisdictions already have laws prohibiting nuisances, dog limits are unnecessary. These laws are really designed to prevent the breeding of dogs. Again from the PETA web site: "No breeding can be considered responsible."

Mandatory spay neuter laws with breeder/litter permits. These laws are popping up like dandelions in jurisdictions all over the United States. In just the past few months, dog owners have fought these laws in VA, NC, Oklahoma, TX and Wisconsin. The Los Angeles city ordinance is pretty typical and was enacted after dog and cat fanciers fought the bill for almost two years. The law requires that all dogs and cats be spayed/neutered unless the owner buys a breeder's permit. The price for a permit is $100 per year per unaltered dog. Each breeder is limited to *one litter per year.* When the puppies are sold, the breeder must report the names and addresses of all purchasers to the Animal Services Department. *Noncompliance may result in a misdemeanor conviction and a fine of $500.*

In the past four months, NC dog owners have been fighting an even worse law in their state. It is impossible to speak too highly of the UKC coonhunters who were among the leaders in this battle. PETA hired an individual whose sole job was to walk this bill through the legislature. The most frightening aspect of this fight was the bias of nearly every newspaper in the state. Dog owners wrote numerous editorials and letters to the editor but most of the newspapers refused to print them. Because the bill also included a small tax on pet food, the newspapers and most other media outlets insisted that money-grubbing dog breeder and hunters were too cheap to pay a small price to help unwanted stray dogs. Once again, while the dog owners may have won this battle, they lost the "image" war.

State regulation of breeding. A few months ago, a Massachusetts lawmaker introduced a bill that redefined the term "commercial breeder." The original bill said that anyone who bred more than a single litter per year was a commercial breeder. Commercial breeders have to comply with some fairly expensive state regulations. For example, a commercial breeder must have a separate kitchen for the dogs. (Are you listening, Mark? Get ready for lots more renovations!) Fortunately, Massachusetts already had a strong federation of dog clubs. When they responded, the bill was first amended to three litters, and then withdrawn.

What is so frightening about the introduction of this bill? Well, first of all, Massachusetts does not have an overpopulation of unwanted dogs. In fact, Massachusetts shelter populations have dropped so much that *they are importing unwanted dogs from North Carolina and Puerto Rico.*

Secondly, this represents one of the sneakier tactics of the AR movement. They introduce a bill they know we will hate. When we object, they smile sweetly and say, "Well, how many litters do YOU think a breeder should have in a year?" They are counting on us to be non-confrontational at this point. They want us to give them a number, no matter how high. Why? *Because they just*

want to establish the principle that the state can tell you how many litters you may have each year. If we agree to 20 litters, next year they will be proposing an amendment to reduce the number of litters.

Massachusetts breeders were too smart for them this time. They objected to the bill and offered no compromise. The bill was ultimately withdrawn. NJ is now facing a similar bill, but because of strong opposition from the dog people, this bill appears to be headed for a similar fate.

Guardian v. owner. This AR-driven concept has a warm, fuzzy appeal to legislators and, in many cases, dog owners. Elliot Katz, the head of In Defense of Animals, has had lots of success in convincing lawmakers that this is just a way of forcing dog owners to feel more responsibility for their animals. Of course, the AR true believers know that this change would completely strip dog owners of their constitutional protections. As a *property owner,* your right to own your dog is protected by the Fifth Amendment to the Constitution that states that you may not be deprived of your property without due process of law. As a *guardian*, your relationship with your dog is defined by the state, subject to the whims of local lawmakers and supervising judges. In Michigan, for example, where guardians may not legally interfere with a ward's reproductive rights, a dog *guardian* could not legally spay or neuter his dog.

Cruelty as felony. Most of us at one time or another have read about some horrendous act of cruelty or neglect and thought, "That dirt bag should do hard time." So when a state proposes to make animal cruelty a felony, most of us think, "Why not?" This is another situation where the AR people expect us to agree with them, put the law in place, and then tighten the screws each year. The problem is in the definition of cruelty. Take a look at how this played out in a court in Washington State.

A couple was charged with second-degree animal cruelty for having two severely malnourished horses on their farm. The Washington state cruelty law states: An owner of an animal is guilty of second degree animal cruelty if he or she knowingly, recklessly, or with criminal negligence fails to provide the animal with necessary food, water, shelter, rest, sanitation, ventilation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure.

The court said:

> As "pain" is not defined by the statute, we must give it its ordinary, dictionary meaning. State v. Edwards, 84 Wn. App. 5, 10, 924 P.2d 397 (1996), review denied, 131 Wn.2d 1016 (1997). Webster's Third New International Dictionary 1621 (1969) defines "pain", in pertinent part, as "a state of physical or mental lack of well-being or physical or mental uneasiness that ranges from mild discomfort or dull distress to acute often unbearable agony." Webster's II New College Dictionary 539 (1999) defines "hunger" as "the discomfort, weakness, or pain caused by a lack of food."

The jury heard testimony from several neighbors, Humane Society officers, and a veterinarian, all of whom supported the State's theory that the horses were underweight and malnourished.

The court ruled:

> That Princess Tarzana and Silver felt extreme hunger is a reasonable inference from this evidence. And that extreme hunger is capable of causing at least "mild discomfort" is also a reasonable inference. Webster's Third New International Dictionary 1621. The nature of our sufficiency review requires that we accept these inferences. Therefore, sufficient evidence indicates that Princess Tarzana and Silver suffered unnecessary and unjustifiable "pain' under the governing definition of the term.

Think about it. Causing *mild discomfort* is sufficient to justify a felony conviction of animal cruelty. Is there anyone reading this who hasn't jerked a lead, pinched an ear, treated a wound, or otherwise caused *mild discomfort* to a dog? Activist courts, egged on by AR-influenced media can change the meaning of language until it unrecognizable.

Banning the use of dogs on public land. AR organizations have encouraged their true believers to take jobs in areas where they may influence the ability of hunters to use public lands. This tactic has started to pay dividends this past year when field trialers suddenly found themselves denied the use of public lands. The most common excuse for these bans is protection of the environment, but it's clear from reading AR web sites that they see this as a means of eliminating hunting. Fortunately, hunters are better organized and more politically aware than the average dog owner and they are successfully resisting these changes in most jurisdictions.

There are many, many more weapons in the AR arsenal than can be included in this article. However, while they have struck the first blows with success, dog owners everywhere are starting to win some victories. North Carolina, Massachusetts, and New Jersey dog owners have stood fast for their rights, and have some wins to show for it. But before we get too smug, know this: Last year, *72% of all people claiming to support animal rights contacted a legislator at least one about an animal-related issue.* Can you and your dog-owning friends match that? You had better.