

## **Will Wisconsin Outlaw Dog Breeding? by Loretta Baughan**

*updated 12/23/2007 to reflect amendments to bill*

A well orchestrated effort is under way in Wisconsin which, if passed into law, would have dire consequences for everyone who breeds dogs... yes, *everyone*. It is a knee-jerk reaction to a carefully crafted media blitz over the past several months causing an uproar over supposed "puppy mills". Examples which these news reports focused on involved USDA regulated commercial breeders, but the bill succeeds at snaring every person in the state who sells even one pup.

SB308 and AB567 are twin bills currently under consideration by the Wisconsin state legislature which are being touted as "puppy mill" legislation - so unfortunately, they have gathered considerable support based on that alone. But if you actually read the text, it becomes apparent that they aren't just interested in achieving state oversight of large commercial breeders. These bills, introduced by Senators Jeffrey Plale (Dem), Alberta Darling (Rep) and Representative Thomas Lothian (Rep), seek to provide the state with commercial dog breeder licensure, the ability to set standards for humane care and authority to impose penalties for those who do not comply. The language of the bill directs these provisions at those selling 50 dogs in a year. The bill had set the threshold at 60, but the recent amendment lowered that number causing legitimate concern that they could whittle that number down further.

The bill also contains a lemon law that applies to everyone in the state of Wisconsin who sells even one puppy - whether they consider themselves a "breeder" or not. If a person sells a pup with a genetic defect or that is sick or injured, the buyer only needs the say so of a vet of their choosing and the seller is automatically guilty of a crime, owes the buyer and their vet three times the price of the pup in reimbursement and medical expenses and the state collects a \$3,000 fine. If there are two pups within a year, the fine skyrockets to \$10,000 for the second infraction plus prison time! Try to fight this in court and the seller could owe the buyer and their vet six times the price of the pup, plus lawyer fees. These penalties are outrageous and extreme.

The language of this poorly written legislation is vague and allows the breeder to be branded guilty if the illness or injury was *"likely to have been acquired before purchaser received dog"*. No proof required. No judge. No trial by jury. The breeder is not protected from false charges. Furthermore, the qualifying health conditions are not defined so could include virtually anything - even something as common and minor as puppy worms.

This unconstitutional bill strips anyone who breeds a dog of their 14th Amendment right of due process. So it is even more disturbing to see that it has the support of dozens state senators and representatives from both sides of the aisle.

Originally, humane societies, animal shelters and rescue groups would be held to these same provisions - and they were not supporting this legislation. I spoke to several shelters around the state, hearing their comments:

"It's ridiculous."

"It doesn't do a lot to protect the animals - it protects the consumer but does nothing to stop the breeders."

"I'm extremely concerned over that awful bill. Humane societies can't do genetic testing on puppies - we don't have the money."

However, now that these groups have been deemed "exempt", by virtue of the amendment, they have changed their tune and some shelters are now singing the praises of this bill.

### **Misguided bill attempts to legislate genetics**

The overwhelming majority of people who own and breed dogs love them, care for their needs and do their very best to provide healthy puppies. In most cases, the puppies are born in their homes where they receive plenty of love, attention and socialization. These people care deeply about each and every puppy. Many small breeders of purebred dogs test and certify breeding stock for breed specific genetic disorders. Their pups are sold by contract and with a written health guarantee. These breeders may have their puppies examined by a veterinarian and the puppies eyes tested by a canine ophthalmologist before sending them off to their new

homes. They encourage their buyers to keep in contact with them and are available to offer advice throughout the puppy's life. But even with taking these precautions, no one can guarantee that any pup, regardless of the health of its parents, will be free of genetic defects. And experts agree:

*"Genetic diseases in dogs have been with us for a long time. In fact, they probably started when dogs evolved many millennia ago. Because dogs are biologic mechanisms, as are people, and all living things, they are subject to mutations."* -- Dr. George A. Padgett DVM, professor and veterinary pathologist specializing in canine genetics at Michigan State University (1)

Presently, the canine genome is approximately 90% complete with 1800 genetic markers located. There are relatively few existing tests for genetic defects - or those thought to have a genetic basis. There is much about canine genetics that is not yet known.

The esteemed Dr. Padgett wrote in September of 1992: *"Since all dogs (or nearly all dogs) carry some genes for genetic defects, if you wish to control the defect in an effective manner, it is necessary to prioritize them because most dogs don't carry just one or two abnormal genes; they have 4 or 5 or more. For example, we know Cairn Terriers have about 5.6 and Newfoundlands 4.8 defective genes per dog on the average. We don't have as good information on most breeds of dogs because they have not conducted an effective survey like these two have."*

*"The domestic dog is second only to human beings in the number of reported naturally occurring hereditary disorders. More than 370 canine diseases are recognized as inherited or having major inherited components (Patterson, 2000a), with new defects identified each year."* -- Marjory Brooks of Cornell University, Ithaca New York and David R. Sargan from the Centre for Veterinary Science at the University of Cambridge in the UK. (2)

Once the gene mapping is complete, it is only the beginning of the work that needs to be done. With over 400 recognized breeds of dogs in the world, each with their own breed specific health issues, that which is presently known about canine genetic defects is just a scratch on the surface.

This legislation places an unrealistic burden on people who breed dogs. It won't result in healthier puppies because if it becomes law, it would serve as an effective vehicle to shut down all in state puppy sales and most small breeders of home-raised dogs would quit. Who would be foolish enough to risk the harsh penalties and a criminal record?

A second bill, SB38, attempts to regulate ex-felon's access to dogs. On the surface, that seems rather strange, but read the bill and it makes even less sense. For instance: a parent is released from serving a prison term for a felony crime - and the child's dog is taken away if it has been deemed to be "vicious" because it *chases cats*.

Crazy? Yes. Who would be so cruel as to take away a child's beloved dog?

If SB38 is enacted into law in Wisconsin, the State would be mandated to do so. The bill prohibits ex-felons as well as some former juvenile delinquents from residing or having any contact with dogs that are "vicious", intact or without an identification microchip implanted. Penalties prescribed in the bill for violations include a \$10,000 fine, imprisonment for up to six years and another felony on the offender's record. This outrageously punitive piece of legislation seeks to victimize people who have already paid their debt to society - as well as their families.

Senator Dave Hansen's (Dem) bill, co-sponsored by Representatives Scott Suder (Rep), Sheryl Albers (Rep), Mike Sheridan (Dem), Scott Gunderson (Rep), Alvin Ott (Rep) and Terry Musser (Rep), attempts to place the ownership or access to a dog on the same legal footing as that of a firearm. Why not knives, tire irons or baseball bats? And the question that begs an answer is why make it illegal for a past felon to own or have access to an intact dog? How could the possibility of breeding a litter of puppies be construed as a danger to society? It makes no sense. That is, unless you look at who is promoting this bill to advance their fanatical agenda.

It's none other than the Humane Society of the United States (HSUS).

HSUS is behind this and other anti-animal legislation in Wisconsin and across the nation. According to the Wisconsin Ethics Board, HSUS is also working to develop another "pet facilities licensing act" and a bill that would mandate non-hunters or non-fishers be allowed decision making powers in our DNR, which appears to be an effort for HSUS to gain a foothold. If you don't live in Wisconsin, you can expect to see clone bills headed your way in the near future... if not, already.

The desire to impose mandatory sterilization for pets, criminalize all pet breeding and end animal ownership is a cornerstone of the so-called "animal rights" movement. In an effort to appear less extreme, HSUS has recently began calling themselves an "animal protection organization" - but they are not. Regardless of what they deceptively label themselves, these radical groups' core beliefs are that people should not own, use, breed or eat any animal. In their version of utopia, we would all become vegans and have zero contact with animals. A "mainstream" view? I think not.

*"Pet ownership is slavery. Animals are not ours to eat, wear, experiment on, or be entertained by."* -- Ingrid Newkirk, Founder of People for the Ethical Treatment of Animals (PETA)

*"In a perfect world, we would not keep animals for our benefit, including pets,"* -- Tom Regan, emeritus professor of philosophy at North Carolina State University and author of *Empty Cages* - speaking at University of Wisconsin-Madison campus, March 3, 2004

*"Our goal: to convince people to rescue and adopt instead of buying or selling animals, to disavow the language and concept of animal ownership."* -- Eliot Katz, President In Defense of Animals, In Defense of Animals website, 2001

These people are not interested in the welfare of animals or even in animals per se - which undoubtedly seems quite strange and comes as a surprise to most people.

*"I don't have a hands-on fondness for animals... To this day I don't feel bonded to any non-human animal. I like them and I pet them and I'm kind to them, but there's no special bond between me and other animals."* -- Wayne Pacelle quoted in *Bloodties: Nature, Culture and the Hunt* by Ted Kerasote, 1993, p. 251.

When asked if he envisioned a future without pets, *"If I had my personal view, perhaps that might take hold. In fact, I don't want to see another dog or cat born."* -- Wayne Pacelle quoted in *Bloodties: Nature, Culture and the Hunt* by Ted Kerasote, 1993, p. 266.

### **Who is Wayne Pacelle?**

Wayne Pacelle became the president of the Humane Society of the United States in 2004, having been a member for a decade. In 1988, Pacelle began working for the Fund for Animals (FFA), a group determined to end all hunting, of which he was their executive and national director. While with FFA, he helped "pirate" Paul Watson raise money for ships for his Sea Shepherd Conservation Society, a violent group responsible for ramming and sinking fishing ships, according to the Center for Consumer Freedom.

Earlier this year, Pacelle testified before the House Committee on Agriculture in an effort to advance HSUS' livestock and anti-farm agenda. Wisely, the committee was not buying what he had to sell.

Congressman Charles W. Stenholm of Texas represented the interests of mainstream animal agriculture groups when he testified, "...many activist groups such as PETA, the Humane Society of the United States (HSUS) and Farm Sanctuary have used falsehoods and scare tactics to push their hidden agendas of fundraising and systematically abolishing all use of animals..." He went on to say, "These groups also fail to mention the millions of dollars in fundraising and assets that drive their misguided goals. HSUS has accumulated \$113 million in assets; has a budget three times the size of PETA's; and according to the ActivistCash website, has more than enough funding to finance animal shelters in all fifty states, yet only operates one animal sanctuary, Black Beauty Ranch in Texas, which is at full capacity. According to the Wall Street Journal, two offshoots of HSUS spent \$3.4 million on Congressional elections and ballot initiatives, which is more than Exxon Mobil Corp. And there is an ongoing investigation by the Louisiana attorney general to determine if the \$30 million in HSUS fundraising during the Hurricane Katrina crisis has been handled appropriately." (3)

"Animal rights are not synonymous with animal welfare," Stenholm noted, then accused the HSUS of using its massive war chest of donations to advance a political agenda, rather than using the money to actually care for animals. (4)

*"With regard to Humane USA, the Political Action Committee you started, you've been quoted as saying your ambition was to create "a National Rifle Association of the animal rights movement." What do you mean by this and how has it done so far?*

*The way things work in Washington and in state capitols across the country is that logic and humane sensibilities can only go so far. You need them in order to be effective and the merits of an argument do mean something in this culture, but you also need to amass political power and that comes from working the political system in a way that achieves results." -- Evolution From Within? New Directions for the Humane Society, interview with Wayne Pacelle, The Satya, June 2005*

The Humane Society of the United States operates by exploiting and taking advantage of people's love of animals. They employ emotion to deceive the media, legislators and the public - whether it be to support their anti-animal legislation or to fill their coffers with donations. It appears to me that these bills are indeed connected, when viewed from the standpoint of the animal extremist agenda. If the crime of selling a sick puppy should be determined to be a felony, the breeder would be banned from possessing an intact dog for ten years following their prison term. Can you think of a more effective way to outlaw dog breeding?

Sources:

(1) - *Control Of Genetic Diseases* by Dr. George A. Padgett DVM, chapter 1, Howell Book House, New York, 1998

(2) - *The Genetics of the Dog* by A. Ruvinsky and J. Sampson, *Genetic Aspects of Disease in Dog* chapter 9, pgs 191-192, CABI Publishing, 2001

(3) - *Testimony of Charles W. Stenholm to the House Committee on Agriculture, Subcommittee on Livestock, Dairy and Poultry*, May 8, 2007

(4) - Sportsmen's and Animal Owners' Voting Alliance (SAOVA) report

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