



American Rottweiler Club, Inc.  
16005 Pine Creek Way  
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March 8, 2010

Honorable Edward Meyer  
Honorable Richard Roy  
The Committee On Environment  
Room 3200, Legislative Office Building  
Hartford, CT 06106

**RE: Raised Bill 274 - Opposed**

Dear Chairman Meyer, Chairman Roy and Respected Members of the Committee on the Environment:

The American Rottweiler Club, Inc. (ARC), the parent club of the American Kennel Club (AKC) for the Rottweiler breed in the United States, representing thousands of dog owners, is writing to express our grave concern over **Connecticut Raised Bill 275, A Bill That Criminalizes The Ownership and the Humane Containment and Restraint of Dogs.**

Since its inception, the American Rottweiler Club has been deeply engaged in advancing animal welfare and the humane care and treatment of dogs. ARC members and supporters devote significant time, effort and resources in educating the public on responsible dog ownership, dog bite prevention and safety around dogs, especially where children and the elderly are concerned, and supporting to scores of animal rescue and sheltering organizations across the United States through direct donations and grants and volunteer support.

The American Rottweiler Club is adamantly opposed to the cruel and inhumane treatment of dogs, the exploitation of innocent animals, and illegal, sub-standard breeding operations.

We therefore respectfully submit our official and unequivocal opposition to Connecticut Raised Bill 275 and to any other bill which makes criminals out of law-abiding, tax-paying citizens and home and hobby breeders, or anyone owning intact dogs.

CT RAISED BILL 275 is not only irresponsible, and sets a dangerous precedent for the type and scope of legislation, and exceeds the legal and constitutional scope of state legislatures. In addition:

- **CT RAISED BILL 275 criminalizes dog ownership**
- **CT RAISED BILL 275 criminalizes the humane restraint & containment of dogs**
- **CT RAISED BILL 275 fails to improve upon existing animal cruelty statues**
- **CT RAISED BILL 275 deprives dog-owing citizens of Due Process & Equal Protection**
- **CT RAISED BILL 275 creates a proxy for warrantless searches and seizures**
- **CT RAISED BILL 275 threatens animal agriculture & food production**

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### **CT RAISED BILL 275 - Criminalizing Dog Ownership**

It is abundantly clear that the intent of this bill is to intentionally criminalize dog ownership by imposing over burdensome regulations.

CT RAISED BILL 275 seems to take aim at anyone engaged in the breeding of dogs, and makes criminals out of vast majority of breeders who are responsible, law-abiding and caring individuals or establishments, deeply dedicated to the welfare of dogs.

Most home and hobby breeders – as well as the vast majority of commercial kennels – operate under a set of standards set forth not just by the state, but by the very organizations to which we belong, concerning the care, treatment, feeding, and training of healthy dogs.

We would like to make very clear that any substandard and inhumane conditions at kennels – whether they be commercial operations or privately-owned home or hobby kennels – are still substandard and inhumane, and therefore subject to the strict enforcement of Connecticut's anti-cruelty statutes.

Sadly, it is the lack of enforcement, and the lack of state or municipal funding for enforcement, combined with a lacking of understanding of basic animal husbandry, that often is to blame for allowing such conditions to exist.

We therefore recommend to the Committee that strong enforcement of the State's animal cruelty laws are the correct remedy to such filthy and cruel establishments, but that criminalizing the ownership and breeding of dogs – or criminalizing the ownership or breeding of any animals for that matter – is not only a misguided approach, but may in fact constitute a serious violation of the 14th Amendment.

### **Imposing Commercial Facility Standards On Home & Hobby Breeders**

CT RAISED BILL 275 mandates the implementation of rigid engineering requirements for enclosures for anyone owning 2 or more dogs over 6 months of age without regard to the fiscal impact that such standards would have on targeted breeders or the enforceability of such requirements.

**American Rottweiler Club, Inc.****CT RAISED BILL 275's Arbitrary Enclosure Requirements Are Booby Trapped Backdoors To Anti-Dog, Anti-Breeding Legislation**

The enclosure requirements specified in CT RAISED BILL 275, may seem innocuous, however they are anything but. There are numerous issues for the Committee to consider:

1. **These arbitrary enclosure requirements are not in any way based in science concerning the humane treatment of dogs.**
2. **These arbitrary enclosure requirements are a back door to anti-tethering laws, the intent of which is to criminalize the safe and humane restraint and containment of dogs.**
3. **These arbitrary enclosure requirements are a backdoor to placing limits on the ownership, keeping, breeding of hunting dogs, sled dogs and ownership and keeping of American Pit Bull Terriers.**
4. **These arbitrary enclosure requirements leave open the issue of enforcement – what personnel will be responsible for the enforcement of this clause?**
5. **The arbitrary enclosure requirements are a backdoor to warrantless searches and seizures, as detailed below.**

**CT RAISED BILL 275: Criminalizes Humane Restraint & Containment of Dogs**

A primary flaw of CT RAISED BILL 275 is criminalization of the humane and responsible restraint of dogs by imposing "enclosure" requirements.

If addressing animal cruelty is the intent of the bill's sponsors, the American Rottweiler Club places itself at the disposal of the Committee to help facilitate the deeper understanding of animal husbandry, be it dogs or any other animal.

For thousands of years, the leashing or tethering of dogs has been a time-honored and humane means of safely containing or restraining dogs.

CT RAISED BILL 275 eliminates by statute the very method of safe and humane restraint or containment, thereby significantly reducing, if not eliminating entirely, the ownership, breeding and keeping of multiple, intact dogs, and in particular, sled dogs, hunting dogs and American Pit Bull Terriers.

**American Rottweiler Club, Inc.****CT RAISED BILL 275: Outlawing Hunting Dogs Via Criminalization Of Humane Restraint & Containment Of Hunting Dogs**

Thousands of hunting dogs and dog owners in Connecticut will fall under CT RAISED BILL 275 and its provisions will lead to the extermination of innocent dogs and heartbreak for Connecticut's dog-owning citizens.

It is important to point out to the Committee the types of hobby breeders and dog enthusiasts impacted by this clause, which includes:

- Hunting Dog Owners/Field Trial Enthusiasts** – Hunters and those participating in Field Trials own large numbers of dogs, such as Hounds or Sporting Dogs, such as German Shorthaired Pointers. These dogs are traditionally by "staked out" – that is to say tethered, a traditional and humane means of restraint or containment.

Connecticut Sportsmen's associations should be alerted to the impact of CT RAISED BILL 275 upon hunting and field trial activities throughout the state.

**CT RAISED BILL 275: Outlawing Sled Dog Via Criminalization Of Humane Restraint & Containment Of Sled Dogs**

Sled dogs are kept in teams, or packs, and the imposition of said arbitrary enclosure requirements thus criminalize the keeping of sled dogs.

- Sled Dog Enthusiasts/Mushers** - These dogs are traditionally by "staked out" – that is to say sled dogs, such as Alaskan Malamutes, Siberian Huskies and other Northern breeds are tethered, a traditional and humane means of restraint or containment.

Numerous sled dog and mushing organizations should be alerted to the threat that CT RAISED BILL 275 presents.

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### CT RAISED BILL 275: Outlawing American Pit Bull Terriers Via Criminalization Of Humane Restraint & Containment

Literally thousands of dogs, dog owners, breeders and fanciers of the American Pitbull Terrier will be impacted by CT RAISED BILL 275.

- American Pit Bull Terrier Owners/Breeders** - These dogs are traditionally by "staked out" – that is to say tethered, a traditional and humane means of restraint or containment

The American Pit Bull Terrier is the second most popular breed recorded by the country's second largest registry, the United Kennel Club, and the most popular breed registered by the American Dog Breeders Association, the country's third largest registry.

In addition, numerous specialty registries will be impacted by CT RAISED BILL 275, such as the All American Dog Registry and other single breed registry.

We question if is the desire to eliminate American Pit Bull Terriers from the State of Connecticut through backdoor legislation such as CT RAISED BILL 275?

### CT RAISED BILL 275: Criminalizing Humane Restraint & Containment Of Farm Animals

Whether it is the intention or not of the Committee to limit the ownership of farm animal via the criminalization of containment, it is clear that with just a minor change, CT RAISED BILL 275 quickly becomes a bill that **threatens ALL animal agriculture in the State of Connecticut.**

Similar bills have been introduced in recent months in state legislatures across the country, backed by, if not authored by, the Humane Society of the United States, an organization with a stated goal of eliminating all animal agriculture.

Anti-containment laws are the foundation upon which HSUS has built its state legislative strategy, from chickens in California to hogs in Iowa.

Sleepy state legislators may be unaware of the anti-animal agriculture activity happening in other states, however to quote the CEO of the Humane Society of the United States, Wayne Pacelle, who summarized his philosophy over ten years ago in *Animal People News*:

***"We have no ethical obligation to preserve the different breeds of livestock produced through selective breeding ... One generation and out. We have no problems with the extinction of domestic animals. They are creations of human selective breeding."***

- Wayne Pacelle, CEO, Humane Society of the United States

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It is of course the presumption that all animals raised for food production in Connecticut and in the United States be treated humanely,

Currently, the Humane Society of the United States is the subject of a federal racketeering lawsuit alleging fraudulent fundraising practices and using funds to lobby legislators.

However, it is quite clear that HSUS-backed legislation, such as CT RAISED BILL 275, is a backdoor attack upon ALL breeding of animals, food, livestock or pets.

### CT RAISED BILL 275: Eliminating of FARM Animals Though Criminal Statute

We respectfully request the Committee again consider the possible amendment OR substitution of the word "animal" in place of the word "dog".

Poultry farmers, hog farmers, cattle producers, egg producers – indeed any and all farmers or animal agriculture concerns should be alerted to the threat to animal agriculture and food production in the State of Connecticut via criminal statute.

### CT RAISED BILL 275: Enforcement Issues

We ask the Esteemed Members of the Committee to consider what personnel at the local or state level will be responsible for identifying violators?

CT RAISED BILL 275, left to the subjective interpretation of local animal control or police, or humane societies will **criminalize ordinary dogs and make criminals of dog owners** and send innocent dogs to their deaths.

It is the position of the ARC that that the liability incurred under CT RAISED BILL 275 is an unintended consequence of significant magnitude

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### CT RAISED BILL 275: Eliminating Presumption Of Innocence

CT RAISED BILL 275 **eliminates the presumption of innocence** making all dog owners who humanely leash, tether or stake their dog **guilty and without recourse**.

Under the rules of our judiciary, it is unimaginable to think that a state government would create a reverse onus – thus shifting the burden of proof from the state to the accused.

This bill is counter to the very principles upon which our democracy stands.

Our response is to respectfully remind the Committee Members that our judicial system operates upon the presumption that all citizens in the United States are **innocent until proven guilty**, not the reverse.

Furthermore, there is *no* hearing or an appeals process by which may defend themselves against charges.

### CT RAISED BILL 275: Proxy For Warrantless Search & Seizure

It should be noted that CT RAISED BILL 275 contains the proxy for warrantless searches and seizures, seriously compromises the constitutional protections to which all citizens are entitled under the guise of animal protection.

Civil liberties groups and criminal defense attorneys should be alerted to the fact that CT RAISED BILL 275 is a smokescreen to lower the threshold of evidence needed to support the issuance of search warrants.

We respectfully ask the Committee Members just what would constitutes "*probable cause*" under CT RAISED BILL 275 – just a law enforcement officer's word that pets may be tethered?

Surely the State's existing animal cruelty statutes more than adequately cover any acts of cruelty, such as the deprivation of food and water, or in cases of negligence.

**American Rottweiler Club, Inc.****CT RAISED BILL 275: Lowering Thresholds of Evidence For Probable Cause**

Furthermore, the issuance of any warrant under CT RAISED BILL 275 would be based on a visual ID that the alleged dogs are tethered with an alleged "illegal collar" OR would it then be a case of "probable cause" to demand inspection of the premises to check for evidence?

- A) **the basis for "probable cause" is nothing more than the subjective and arbitrary opinion** of alleged "illegal collar" by local animal control or police with no legal or rational basis
- B) is done so in the context of reverse onus clause, thereby **eliminating the presumption of innocence.**

**CT RAISED BILL 275: Lowering Thresholds of Evidence For Probable Cause – Cont'd.**

In contemplating the enforcement of CT RAISED BILL 275, there are any number of situations that would be the basis for bypassing Due Process:

**SENARIO A: Warrantless Search of Premise**

The mere possession of multiple "pitbulls", "sled dogs" or even hunting dogs – which are all traditionally staked - would now constitute a criminal act under CT RAISED BILL 275, thus allowing law enforcement officers ***access to the premises without a warrant.***

EX: A police officer drives by a home and sees a multiple dogs staked in the yard. The officer (subjectively) identifies the dogs as "tethered", the presence of which is "illegal". The dog owner is presumed guilty of a criminal act. The police officer now may access the premises and ***bypasses the need for a search warrant.***

**American Rottweiler Club, Inc.****CT RAISED BILL 275: Violations Of Equal Protection**

CT RAISED BILL 275 also sets the stage for issues with Equal Protection, in that owners of "tethered dogs" or "targeted breeds – ie. American Pit Bull Terriers" or owners of hunting dogs or sled dogs, are subject to a different and higher legal standard than other dog-owning citizens, which is then subjectively and/or arbitrarily applied.

The Equal Protection clause of the Fourteenth Amendment protects against arbitrary government action by requiring similar treatment of those who are similarly situated.

CT Raised Bill 274 clearly violates Equal Protection by singling out owners of multiple "tethered", and granting exemptions to those "similarly situated", such as in:

- (1) A PUBLICLY OPERATED ANIMAL CONTROL FACILITY OR ANIMAL SHELTER;
- (2) A PRIVATE, CHARITABLE, NONPROFIT HUMANE SOCIETY OR

ANIMAL ADOPTION ORGANIZATION;

- (3) A VETERINARY FACILITY;
- (4) A RETAIL PET STORE;
- (5) A RESEARCH INSTITUTION; OR
- (6) A BOARDING FACILITY.

The provisions of CT RAISED BILL 275 are completely without merit, as the State Of Connecticut has not proven nor cannot prove, a rational or legal basis upon which to base these provisions.

CT RAISED BILL 275 also begs the questions, "Are owners of tethered dogs (hunting dogs, sled dogs, American Pit Bull Terriers) entitled to any fewer Constitutional protections than owners of lap dogs"? AND,

"Are dogs in shelters, retail stores, veterinary or boarding facilities entitled to any fewer protections than privately-owned dogs"?

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### Selective Enforcement & Racial Bias

We urge the Committee to reconsider and reject this bill, since it is already quite clear that should CT RAISED BILL 275 become law, it could only be enforced selectively and subjectively.

However, there is an even greater risk in CT RAISED BILL 275 as it relates to Unequal Protection, which is where race or ethnicity comes into the equation, and the potential for the abuse of our justice system is great.

There is a pervasive myth, perpetuated throughout the media, that the majority of dog owners of alleged "pit bull dogs" are "gang members, criminals, and drug dealers". This notion is completely unsubstantiated and without merit.

However, this viewpoint is interpreted by most to mean that "pit bull dogs" are owned by those in the minority community.

It becomes a question of which dog owners will be selectively targeted for enforcement and prosecution by local authorities and to what extent will law enforcement engage in racial profiling.

CT RAISED BILL 275 leaves the door open to abuse of powers by local law enforcement officials and creates a number of questions. For instance:

- Will minority or poor dog owners be targeted for enforcement over non-minority or middle class dog owners?
- Will owners of hunting dogs or American Pit Bull Terriers be targeted for enforcement?
- Will CT RAISED BILL 275 be used to dispense with evidence thresholds necessary to establish probable cause and create a proxy to bypass Due Process?

### Civil Rights & Constitutional Issues

CT RAISED BILL 275 presents a multitude of civil rights issues and constitution challenges, including but not limited to unequal protection, violation of due process, removal of the presumption of innocence, selective enforcement, interference with lawful activities and

CT RAISED BILL 275 also sets the stage for unequal protection in that owners of subjectively targeted breeds or intact or dogs of breeding stock are thus arbitrarily and subjectively held to a different and higher legal standard than other dog-owning citizens, for which the State Of Connecticut has not proven nor cannot prove a rational or legal basis.

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And since dogs are considered private and valuable property, violations of the 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> amendments are of concern, as outlined in the attached report by the Centers for Disease Control and the AVMA.

### Expensive Legal Challenges

CT RAISED BILL 275, with its many issues and potential infringements of civil rights and constitutional protections, would place the State of Connecticut, and the counties and municipalities in the state in a position of defending against what could be a multitude of lawsuits brought on behalf of dog-owning citizens.

The American Rottweiler Club respectfully points out that CT RAISED BILL 275 is fraught with issues not only with regard to public safety, but issues that make CT RAISED BILL 275 a potential minefield of expense, legal issues, unintended consequences and a waste of valuable taxpayer dollars.

Legal challenges to the constitutionality of such legislation is now underway in other states, including Pennsylvania, where a large group of plaintiffs, including dog owners, breeders and enthusiasts has filed suit against lawmakers there.

### Closing Thoughts

In closing, the American Rottweiler Club rejects the criminalization of responsible dog ownership, the flawed concept of outlawing or eliminating though heavy-handed regulation the lawful ownership, and custody of dogs – or ANY animals.

We formally oppose the erosion by proxy laws of the civil rights and liberties guaranteed to all citizens of the United States under the guise of animal protection.

The American Rottweiler Club, having conducted a thorough analysis of this bill, concludes that Connecticut Raised Bill 275 would:

- **Criminalize dog ownership**
- **Fail to protect the welfare of ALL dogs**
- **Interfere with legal activities**
- **Create a proxy for warrant search & seizure under the guise of animal protection**
- **Deprive citizens of Equal Protection & Due Process**
- **Threaten animal agriculture and food production**
- **Violate 4<sup>th</sup>, 5<sup>th</sup> & 14<sup>th</sup> Amendments**
- **Incur liability for local, county and state governments**
- **Waste valuable tax-payer dollars**

**American Rottweiler Club, Inc.****CT RAISED BILL 275: In Summary**

The American Rottweiler Club urges the State Of Connecticut and the Esteemed Members of the Committee on the Environment to act appropriately and responsibly to protect the welfare of animals through the effective enforcement of existing animal cruelty and animal control laws.

We respectfully ask if the Committee not allow deep-pocketed special interest groups who back CT RAISED BILL 275 and similar bills to prevail over the safe and humane treatment animals while seriously eroding the constitutional protections of everyday citizens.

We urge the Committee Members to reject CT RAISED BILL 275 in its entirety, and not allow this dangerous and misguided piece of legislation, no matter how well- intentioned, to bring about the destruction of innocent dogs, eliminate the responsible and ethical ownership of dogs, discriminate against owners of intact dogs, and deprive people of their civil rights.

We thank you for your attention to this very important matter and remain committed to providing the State of Connecticut with expert advice in matters of animal husbandry and the humane care and treatment of dogs. We would be honored to be called upon to serve.

Very truly yours,



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