

The new law that has been proposed putting a statewide spay/neuter requirement upon the citizens of Virginia is beyond the bounds of the original purpose of animal laws – to protect public health and safety. Such laws are being pushed by animal rights groups with an agenda to stop the breeding of all animals, the use of all animals in agriculture, sport, medicine, entertainment and service to man, including search and rescue, police work and guide dogs. To not recognize this means homework is not being done. Some animal rights groups, including PETA, are on the FBI list for supporting terrorist groups/people. The MO they mostly settle on is back door legislation that eats away at the rights of individuals that own, breed, train, or utilize animals. This law you are considering is a bite one could choke on. The agenda is control of personal rights and liberties, not public health and safety and NO GOVERNMENTAL body should be duped into walking that line of disservice.

1. A study of counties and cities that have enacted breeding bans and punitive spay and neuter laws (making criminals out of ordinary citizens and setting up “turn in your neighbor” watches) has proven the cost of enactment and enforcement creates greater costs than income. In Los Angeles County, for instance, the number of stray cats redeemed by their owners was reported to be down 32% following implementation of mandatory laws.¹
2. The “millions of animals” being euthanized front to get such laws passed is skewed. If you check the real numbers over the last 30 years, the figures have been dropping every year, mostly due to education, not legislation. (They also do not distinguish between un-owned and un-adoptable animals – sick, wild, vicious etc. in those numbers) In areas where punitive licensing for unaltered dogs/cats has been passed, administrative costs have risen and sales of licenses have dropped. Where reduced costs for spay and neutering have been promoted, more animals are altered. In the long run that cost is less than enforcement of punitive license fees (many of which are double taxation since animal owners pay into the general fund that supports animal control) and the increased expenses of enforcement. In fact, more people have to be added to enforce these laws because the wardens can’t handle complaint calls with the added burden.²
3. Conscientious breeders are the only ones who will comply or be forced to stop breeding. THEY are not the problem. How many of the puppies produced by such dogs wind up in shelters? VERY VERY FEW – and very seldom are they unredeemed (or allowed to run free) or unadoptable. Most breed clubs have rescue committees

that handle displaced purebred dogs. Most of us sell the majority of our dogs with spay and neuter contracts. For us breeding and showing or taking part in trials is a passion, certainly not a business (and we don't qualify as nonprofit even though we lose money – that's for the shelters – including those that import dogs for adoption) What we offer are pedigreed pets with characteristics, health and temperaments that can pretty much be counted on. We put our prospective buyers through adoption processes to help ensure our animals are wanted all of their lives. We teach responsibility of pet ownership, let them know what traits and issues come with the breed and give them contacts to help them be good owners.

4. Consider this – I am driving through VA with my top winning Irish Wolfhound, into which I have invested mightily. I am driving to a show, which brings 2.5 million dollars to the economy of the county in which it is held. Owning that animal and participating in the sport of show dogs is my RIGHT. I am involved in an accident and my dog gets lose from my van. A warden picks up my dog and the shelter neuters it – after all, it is a stray and I'm in a stupor in the hospital. VA has destroyed my animal for the sport and ended 12 generations of breeding for that dog's qualities. Because I don't breed a lot, intact dogs with those genes are in a very small gene pool. I'm going to sue for damage to my property.

Another show dog owner has his dog in his motor home at said show. A handler opens the door to borrow something, the dog gets out and won't come to the handler – in fact it runs from him. A massive search doesn't locate the dog. A week later someone catches the dog and turns it in. The shelter neuters the animal per the law you propose. Same monetary damage and loss. Someone breaks into another's back yard in Delaware and steals their unaltered show dog. It gets away from them in VA. It is altered. Same monetary damage and loss. By what stretch of the imagination should those owners be punished by someone's perception of the way things should be vs. public health and safety? How many dog shows (and local incomes) in VA will cease to be? How many lawsuits will VA face?

Those minimal points covered, I offer this basic premise of liberty and law, written far better than I could pen, in my plea for common sense and decency from people to whom the citizens have entrusted their rights. If you have little concern that what you propose doesn't concern them...PUT IT ON A BALLOT!

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A major purpose of the framers of our constitution was to establish a government strong enough to protect each person's right to use and enjoy his property (animals), and, at the same time, a government so limited that it could not encroach upon that right.

Perhaps the hardest parts of the constitution to understand are those clauses in the **fifth and fourteenth amendments** that forbid the national and state governments, respectively, to deny any person his life, liberty or property (animals) without due process of law. These due process clauses have resulted in more supreme court decisions than has any other clause in the constitution.

There are two types of due process: procedural and substantive.

Procedural embodies the ancient notion that no man should be deprived of his property (animals) unless he has violated the law and has had a fair trial.

Substantive due process has to do not with the procedures but the content of law, which it requires to be reasonable and fair. Substantive due process means that even if a law has been legally passed and is being properly applied none-the-less if the law itself is unreasonable it is unconstitutional.

Suppose that a state legislature should adopt a law requiring all property (dog/cat) owners to spay and neuter their animals. A citizen of the state being prosecuted for violating this law might well object that the law is unreasonable, that even though he is being given a fair trial, to make him comply with the law would be to deprive him of his property (dog/cat) without due process. He would be raising the substantive interpretation of due process.

Around 1880 - 1937 the Supreme Court vetoed laws adversely affecting property rights unless the judges could be persuaded that such laws were absolutely necessary to protect public health or safety.

In democracies, elected officials are supposed to be responsible for accommodating the clashing notions of reasonableness and for deciding what regulations of liberty and property are needed to promote the public welfare.

James Macgregor Burns
Jack Walter Peltason
Government by the people
Fifth edition 1963

1. Jurisdictions that have imposed high unaltered dog/cat licensing and breeder permits have found them to be costly and unenforceable with reduced licensing compliance. Canvassing, whether by an outside contractor or in-house, is always resented by the community as an invasion of privacy. Some examples of failures are:

- **The City of Los Angeles** - dog/cat breeder licensing on the books since 1977; LA Animal Services Report 12/16/98 - only 3 breeders with issued permits. The City passed an ordinance in 2000 raising unaltered dog licenses to \$100 and initiated dog/cat breeder permits of \$100. There is no current information available on the numbers of breeder permits. From the City Controller Follow-Up Licensing Audit, July 7, 2004 - "In-house canvasser revenue, however, is offset by approximately \$202,000 estimated annual expenses (excluding personnel benefits), that currently RESULTS IN A NET DEFICIT TO THE CITY FOR THE PROGRAM."

- **Pinellas County, Florida**, implemented breeder licensing in 1992. By 1998 the budget increased by 75% while revenue only increased by 13%. Through aggressive and expensive animal control officer enforcement to "catch" breeders, the county believes breeders have been reduced by 50%, yet the shelter impoundment and euthanasia figures continued to rise.

- **Montgomery County, Maryland**, Office of Legislative Oversight reviewed the ordinance passed in 1992, which included high unaltered license fees and breeding permits. This report led to a substantially changed ordinance in 1999:

- **"The significant drop in the number of unaltered licensed pets and the lack of a dramatic increase in the number of spay/neuter procedures suggests that higher fees for unaltered licenses created a disincentive for owners to license their animals."**

- **San Mateo County, California**, passed their "POP" ordinance in the early 90s, which was only enacted in the unincorporated county and 2 of 20 cities. Very few breeding permits have been issued. Dog licensing numbers have dropped county-wide. The County has had success in virtually eliminating shelter euthanasia three years ago because of promoting feral cat TNR programs, community involvement and improved shelter management. - *Joan Miller, December 2004, CFA Legislative Coordinator*

5. Please see http://www.naiaonline.org/body/articles/archives/humane_insane.htm for a full accounting of how inaccurate shelter numbers are and why – also the practice of importing dogs from other countries by SHELTERS to fill the NEED of pets in counties with low euthanasia numbers. They do this rather than import from shelters in the US with high figures – after all that would take away some of their propaganda against breeders. In part:

Long-term flooding of US cities with mixed-breed, foreign dogs have unavoidable implications for pet population dynamics in the US. The practice of importing dogs from developing countries not only prevents us from making further progress against 'pet overpopulation,' in time it could also diminish the responsible breeding and placement of well-bred, healthy dogs and cats. **Many conscientious dog breeders are so concerned about 'pet overpopulation' they have already accepted the idea that a good breeder is one who seldom breeds. The problem with this conclusion is that it does not recognize the basic marketplace reality that demand drives supply. When responsible breeders quit breeding, it means only that in the future someone else will supply the public with the dogs or cats they want. In this specific case, it also means that the public will have fewer reliable sources for healthy, well bred and socialized purebred dogs.**

In the two years since introducing the subject of stray importation, (see <http://www.naiaonline.org/body/articles/archives/redefining.htm>) the practice has taken off, with the result that some animal shelters are clearly operating as pet stores today. Whether they acquire their inventory from distant states or foreign countries or territories, they operate like commercial businesses, not charities formed to serve the public good.

They acquire their stock at little or no cost, advertise their product using time-tested campaigns against 'pet overpopulation,' rotate inventory quickly, restock immediately and bring in staggering amounts of money. Projecting from figures on the web site of one active shelter, gross revenues from imports that include a constant supply of satos, will total more than \$500,000 this year alone!

It is also disturbing to see the animal rights party line being used against breeders to justify importation. The following quote was taken from the web site of the Humane Society of Snohomish County, a Seattle-area importer of dogs from Taiwan.

"By saving Taiwan dogs, we do not feel this takes away from saving a dog at our own shelters. The majority of dogs from Taiwan are small and our own shelters do not have many small dogs. At this time we have over 38 people on our waiting list for small dogs. We feel it is better to bring small dogs in from another part of the world than to have these people going to a breeder. Many people, sadly, still do after they have been on our waiting list for an extended period."

The Buddy Dog Humane Society ⁸ in Massachusetts shares the anti-breeder sentiment and offers a similar rationale on their web site: "Many people ask why we are taking dogs from Puerto Rico. The answer for us is simple. Most of the dogs are small, usually under 30 pounds, thus enabling Buddy Dog to find many adopters looking for a

smaller dog, a new companion, without going to a pet store or breeder. At the same time, we are helping homeless dogs get off the streets and into a caring home.”

A certain picture begins to emerge when reviewing Buddy Dog’s statement of priorities: 1) to have the right product to fill consumer demands; 2) to prevent the public from getting a dog that was deliberately bred, whether from a pet store or a private breeder; and 3) to help a homeless dog from another country, increasing numbers of dogs taken in by shelters.