

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

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Ownership, Licensing & Liability Regarding Dogs

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House Judiciary Subcommittee
on Crimes and Corrections

Capitol Annex
Room 22
Harrisburg, Pennsylvania

Thursday, October 3, 1996 - 10:00 a.m.

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BEFORE:

Honorable Jerry Birmelin, Majority Chairman
Honorable Thomas Caltagirone

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ALSO PRESENT:

Dan Fellin, Esquire
Majority Counsel to House Judiciary Committee

Judy Sedesse
Administrative Assistant

William Andring, Esquire
Minority Counsel for Committee

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1 CHAIRMAN BIRMELIN: We are having a
2 public hearing today. My name is Jerry
3 Birmelin. The subject of the hearing is
4 dangerous dogs. And along those lines we have
5 had legislation that was introduced by the
6 gentleman who sits to my right, Democratic
7 Chairman of the Judiciary Committee,
8 Representative Caltagirone.

9 It was not assigned to this committee.
10 However, the chairman, the Republican chairman
11 of the committee, Representative Gannon, felt
12 that it was a subject that could use some
13 discussion and public hearing information on and
14 so we have scheduled this today.

15 I am going to give you a few simple
16 ground rules if you are testifying today. The
17 first is that we do have an agenda, the copies
18 of which are on the table listing the
19 particulars of who is speaking when. I will not
20 allow those who are testifying to go very far
21 beyond their allotted time. We do have a full
22 schedule and we also, I understand, have someone
23 who is going to be added to the end of that
24 schedule. So we will be here at least through
25 1:00, if not later. I don't want to delay the

1 meeting. If we speed it up, that will be great.
2 I will do my best to do that. Since there are
3 only two members here now, I don't think we have
4 to worry about a whole lot of questions being
5 asked.

6 We can get underway. Our first
7 testifier is Rhonda Lancaster. Rhonda, are you
8 here?

9 Would you come forward please and have
10 a seat and share with us your testimony? Is
11 your testimony in print, by the way?

12 MS. LANCASTER: Yes. It is on the
13 back.

14 CHAIRMAN BIRMELIN: I have just a
15 quick message to our stenographer. If we are
16 going too fast for you, if someone is unclear,
17 don't hesitate to stop and ask us for a
18 clarification. You may begin.

19 MS. LANCASTER: I would like to start
20 by saying that what I have is in here. I was
21 told in the beginning it was 20 minutes I had to
22 speak. It is kind of like a 20-minute deal and
23 I will synopsize it and make it ten.

24 CHAIRMAN BIRMELIN: Do your best.

25 MS. LANCASTER: Thank you. My name is

1 Rhonda Lancaster. I am from Philadelphia and I
2 am here because the peril that fell upon me
3 started September 21st of 1993 when my cat
4 disappeared. This was a cat that I had for many
5 years and he never came back home. And then
6 upon talking to the neighbors in the community,
7 I was there led to the Women's Humane Society
8 where I had to go to identify his body. It had
9 been mauled to bits and shreds. This was in a
10 sparring ground and this was my first contact or
11 any knowledge of pit bull fighting.

12 So upon that I began to get my
13 neighbors together in the community and we
14 started watching the park where these fights
15 were taking place and we began to find masses of
16 body pieces of animals in the park and stench
17 and the whole nine yards, which you see is
18 depicted in the report that I have submitted.

19 So one of my neighbors, Barry Burton,
20 who is depicted in the article of the
21 Philadelphia Inquirer, he and I kind of got
22 together and led the investigation that
23 eventually led to the, led to the hearing and
24 the conviction of Alexander Thomas, who was also
25 employed by the SPCA and upon his dismissal had

1 stolen property from the SPCA to be used for
2 dogfighting and petnapping.

3 So when all of this came out of court,
4 the Judge decided that because he violated the
5 code of ethics of the SPCA that he would have to
6 serve, I think it was six years' probation,
7 until 2,001, community service and restitution
8 of the euthanasia of the dogs that they found in
9 his basement upon his arrest which had been used
10 in the dogfighting and had been dehydrated and
11 emaciated.

12 So we began to unravel that this
13 21-year old was in this very heavy. He was also
14 involved in narcotics, which is in the police
15 report submitted by the 14th Police District
16 which arrested him.

17 So I guess my synopsis at the end is
18 that it is not so much the dog; it is the person
19 that owns the dog. This man, he brought dogs
20 home and he taught them to train, he baited them
21 with cats and other animals. This is what he
22 did for a living. We found out in the police
23 report that his mother actually allowed him to
24 have the fights in the house. She would clear
25 the living room furniture out of the house and

1 allow him to have the fights in the home. It
2 was just a real, real heavy thing.

3 So we eradicated most of the problem
4 in my immediate area. However, it still goes on
5 and I think that with education and letting
6 people know the dangers of getting involved in
7 dogfighting, we might be able to eradicate it,
8 maybe not completely but eradicate a majority of
9 it.

10 So that is my testimony.

11 CHAIRMAN BIRMELIN: You did an
12 excellent job of keeping it under 20 minutes;
13 probably too good a job. As I said, we will
14 give an opportunity for additional comments or
15 questions by our many members, of which there is
16 only one other one here today.

17 And Representative Caltagirone, do you
18 have any questions?

19 REPRESENTATIVE CALTAGIRONE: No.

20 CHAIRMAN BIRMELIN: Thank you.

21 Is Dr. William Whittaker here? I take
22 it by that you are Dr. Whittaker?

23 DOCTOR WHITTAKER: Yes, sir. If it
24 matters, my name is not William. It is Billy.

25 CHAIRMAN BIRMELIN: Billy.

1 DOCTOR WHITTAKER: Right. My name has
2 two T's. I don't know if that ever counts for
3 anything.

4 CHAIRMAN BIRMELIN: Not a whole lot
5 around here. Do you have any written testimony
6 with you today?

7 DOCTOR WHITTAKER: No, I don't.

8 CHAIRMAN BIRMELIN: It is pronounced
9 Whittaker?

10 DOCTOR WHITTAKER: Right.

11 CHAIRMAN BIRMELIN: You may begin.

12 DOCTOR WHITTAKER: I am a veterinarian
13 outside of Lancaster, Pennsylvania, in Lititz.
14 I see rots and pits on a weekly and lots of
15 times on a daily basis. We are a surgical
16 referral hospital, so we see a lot of rots and
17 pits that come to us from outside the Lititz
18 area, too.

19 I would have to say that overall I
20 don't see any that concern me as being
21 dangerous, but the people who bring their
22 animals to me are conscientious pet owners. I
23 will bet you that most of these people who are
24 fighting these animals don't even have
25 veterinarians or seek veterinary care. And I

1 would hate to see all those clients I have who
2 have good pets and are good citizens be
3 penalized by a breed specific dog law. The
4 problem I feel is usually at the other end of
5 the leash.

6 The other thing I am concerned with
7 is, if you have a breed specific dog law, there
8 is a number of people that have had a rot or a
9 pit that is eight or nine years and has always
10 been a good dog, the economic implications of
11 these people. They may not be able to afford to
12 keep this pet if there is an increase, a
13 mandatory increase in insurance liability or a
14 structure outside so when they are not
15 immediately with the dog they would have to have
16 a real aggressive structure outside the dog to
17 prevent the dog from doing something that the
18 dog has never done before.

19 The other thing I am concerned with is
20 our police department situation. If suddenly we
21 have new laws on Rottweilers that might indicate
22 that we need an increase in insurance liability
23 or the animal has to be on a muzzle when it is
24 out in public, I think this is going to have a
25 negative effect on the police department because

1 the police departments everywhere are strapped
2 for cash. They are going to have to live up to
3 the law, which means increased liability
4 insurance, which may decrease the number of
5 canine patrol animals we have out there. A lot
6 of these dogs and all the ones I know personally
7 that work with police departments go home with
8 that family at night, in which case when they
9 are off duty, they are just a pet. So somebody
10 would have to pick up the increase in finances
11 for the insurance and maybe a structure outside.
12 Police departments can't afford to do it. Most
13 patrolmen can't afford to do it. I think this
14 would have negative implications on our police
15 capability.

16 I don't know how this would affect the
17 guard dogs at the prisons. Well, some are rots,
18 some are shepherd types, so we have to think of
19 that also.

20 Basically all I have to say is that I
21 would hate to see breed specific legislation.
22 Most of the dogs that have taken shots at me
23 have not been rots or pits; in fact, none of
24 them.

25 CHAIRMAN BIRMELIN: Rots being

1 Rottweilers?

2 DOCTOR WHITTAKER: Yes.

3 REPRESENTATIVE CALTAGIRONE: I want to
4 clear the air on this issue about breed
5 specific.

6 We met with the kennel association
7 people last night in Berks County and had a
8 thorough, frank discussion about this particular
9 issue. What we do need to define, we need a
10 starting point. Let's be very honest about the
11 timing of this legislation. We probably won't
12 see anything really done with the legislation
13 because there are so few days left in this
14 session. That is not to say that the
15 legislation will not be reissued and redrawn
16 again in the next session. It probably will be.
17 But what we need to get a handle on and be very
18 specific about is that the dangerous or vicious
19 type dog, be it Rottweiler, pit bull, German
20 shepherds, Doberman or whatever, so that the
21 local police departments, humane society and
22 other officers, dog wardens can enforce the law
23 on aggressive or overly aggressive type animals.

24 I think we are going to hear some
25 testimony today and from hopefully the

1 Harrisburg Police Department as I have had with
2 some of the other police departments about the
3 number of incidences of attacks.

4 Let me give you some figures at
5 Reading. We had 180 pit bulls, or the Humane
6 Society's records told us, 180 put down from
7 January to June. Eighty were involved in some
8 type of attacks on people or other animals. We
9 have had a rash of incidents this past summer of
10 a number of a children that have been mauled or
11 severely bitten by these dogs; basically pit
12 bulls. That is not to say there weren't some
13 Rottweilers; there were, but basically the pit
14 bull.

15 And we have got to literally put some
16 teeth in the law because the law enforcement
17 people are telling us their hands are tied that
18 until somebody is attacked or bitten, then they
19 can respond. But until then, there is really
20 nothing in the law that can force them to do
21 anything. Sure you can say, well, when they are
22 walking, they are supposed to be on a leash;
23 granted. But what has been happening in some of
24 the areas around the state, and it is not
25 restricted to Reading -- they have had serious

1 problems here in Harrisburg, York, Lancaster,
2 Philly, Pittsburgh, Erie -- I mean, we have seen
3 some incidences occurring outside in the rural
4 areas so they are not immune. They are not
5 immune.

6 I agree with you. It is the owner
7 that really is the responsible party, should be
8 the person that should be held accountable. And
9 that is one of the other things that this
10 legislation is aiming to do, is to make it a
11 serious offense, maybe a year to five years in
12 jail. I think that is pretty serious when these
13 people get caught doing these kinds of things.
14 That is the intent.

15 What we are looking to do is to define
16 the verbiage for dangerous or vicious. And
17 well, everybody is saying what does that mean.
18 Does that mean that a dog isn't penned up
19 properly, starts to chew the wood away and can
20 get out and runs over a 78-year old woman,
21 corners her and scares the devil out of her; or
22 kids playing on the playground where one of the
23 dogs happens to run over and mauls a kid. These
24 kinds of things have been happening.

25 DOCTOR WHITTAKER: I don't think there

1 is anybody here that is going to disagree that
2 we need a real aggressive vicious dog law. I
3 would like to see a law that really punishes
4 these offenders that have these animals and
5 encourage them to be dangerous and these people
6 who breed dogs that are dangerous.

7 The biggest problem we have besides
8 people encouraging these capable dogs of being
9 so aggressive is people who, well, the
10 Rottweiler or the pit bull have become popular
11 so they see just a way of making money. So they
12 breed without regard to temperament or even
13 physical disability. They breed dogs with bad
14 hips just because Rottweilers are popular. So
15 they are not going to take the least bit of care
16 about what temperament they are breeding. I
17 would love to see a real good vicious dog law
18 and I would love to see enough finances somehow
19 that the police would be able to really enforce
20 it aggressively, as was found that a lot of
21 these people are involved in more than one thing
22 besides dogfighting.

23 REPRESENTATIVE CALTAGIRONE: Thank
24 you.

25 DOCTOR WHITTAKER: Thank you.

1 CHAIRMAN BIRMELIN: Thank you.

2 I am going to add an additional
3 speaker at this point. Sergeant Mike Henry,
4 since we are running ahead of schedule at this
5 point in time, if you want to give your
6 testimony, please. Sergeant Mike Henry is with
7 the Harrisburg City Police. He has asked for
8 the opportunity to speak so he will not show up
9 on the agenda that you have. We are running
10 along here rapidly so we will give him the
11 opportunity. I am sure he has the microphone in
12 front of him.

13 SERGEANT HENRY: Let me just very
14 briefly give you a little bit of background.

15 I have been employed as a police
16 officer for the past 24, nearly 25 years. I
17 have been a canine officer for the past 16 and
18 have been in charge of the animal control
19 section for the City of Harrisburg since its
20 inception.

21 We view the pit bull problem as a
22 serious one and, in fact, we are probably one of
23 the only agencies that specifically track pit
24 bull and pit bull problems. This, gentlemen, is
25 a pit bull problem for a year and a half. We

1 know what it is. We are out there day in and
2 day out taking on pit bull problems within the
3 city. We feel that basically the bulk of the
4 problem is an inner city problem, although there
5 are occasions where the surrounding
6 municipalities will get involved with pit bulls.
7 But we see it day in and day out, several times
8 a day.

9 My general impression of the pit bull
10 is that not all pit bulls are bad. There are a
11 lot of very good pit bulls out there. I would
12 hate to see all the pit bulls sort of get lumped
13 into one classification as a dangerous animal.

14 Now, we do look at the owners as being
15 the responsible parties involved. Now, from a
16 law enforcement standpoint, the difficulty in
17 trying to enforce anything with the pit bulls is
18 trying to establish the owner, a specific dog to
19 the owner, an individual. What we encounter in
20 the field is when we approach a group or several
21 that have the pit bulls, they will simply just
22 drop the leash and take off, leaving us with the
23 dogs, knowing one of the dogs is probably
24 stolen. He is not licensed. He is not rabid.
25 They know automatically we will now have to stop

1 what we are doing, take charge of the dog that
2 is out here running around in somebody's
3 neighborhood. The difficulty for us, since they
4 fail to comply even with the standard Dauphin
5 County license or any of the licensing, they
6 don't do any rabies. Then they take to the
7 fighting.

8 And generally speaking, the pit bull
9 again loses all the way around. The loser, it
10 costs the guy money or drugs. If he is lucky,
11 he will be destroyed or killed by the other
12 dogs. If he is unlucky, he will be tied to some
13 trailer or tree in some lot or in the basement
14 of some vacant house where he is left to die
15 with injuries. Even the ones that win may or
16 may not receive veterinary care because they are
17 afraid if they take the dog that has been
18 damaged in a dogfight to a veterinarian, they
19 are really not sure whether or not that
20 veterinarian will call the police and notify us
21 they have a dog and a client that has been
22 involved in dogfighting.

23 So the biggest problem for law
24 enforcement, as I see it, in the city is to be
25 able to identify a dog with an owner that we can

1 bring to a successful prosecution. That is it
2 in a nutshell. It is very difficult to do and
3 these are all cases involving pit bulls and pit
4 bull problems. I couldn't agree with you more.
5 I am very afraid for a lot of the children in
6 the inner city that have to deal with the dogs
7 that are running around out here now.

8 CHAIRMAN BIRMELIN: Have you seen the
9 legislation that Representative Caltagirone has
10 introduced?

11 SERGEANT HENRY: I just picked up a
12 copy this morning.

13 CHAIRMAN BIRMELIN: So you haven't had
14 time to review it?

15 SERGEANT HENRY: No, sir. Like I
16 said, the only thing I am very concerned about
17 is we don't want -- I am more in line with going
18 along with what we are doing in Harrisburg now.
19 We can take anybody's dog, it can be any breed
20 of dog, and if that dog has, in fact, bitten
21 someone, we then will go after the prosecution
22 under 502-A, 1 through 4, if in fact, the
23 circumstances of that bite -- and that here
24 again, it is incumbent upon the police to do a
25 good investigation because somebody is going to

1 pay a very high price if, in fact, that dog has
2 been declared dangerous as a result of what
3 happens there. So what we do is go in there,
4 try to do a good investigation; why did that dog
5 bite somebody. And if the bite was that severe,
6 we automatically go with a letter determination
7 to a district justice. We have got the due
8 process already built into it. The district
9 justice will have a hearing based on what
10 happened with the particular incident. They
11 then send a letter through the state and we have
12 the dog declared a dangerous dog.

13 Again, we are going after, we are
14 going after the individual. We are going after
15 the irresponsible pet owner. It is not that
16 sort of shotgun discipline that we have to go
17 out here and create a problem that we are
18 already struggling with. We need help.

19 I am a believer in microchipping these
20 dogs where the microchip is inserted into the
21 dog, which gives us a means of tracking a dog to
22 an owner, regardless of whether the dog is
23 wearing a tag. You can't avoid a microchip. We
24 scan the dog. The chip is there. It comes back
25 to an owner. Then we can do something. Right

1 now they don't comply with the standard
2 licensing. They don't go after rabies. We are
3 stuck with a big problem.

4 CHAIRMAN BIRMELIN: Are you talking
5 about implanting a chip in an already declared
6 dangerous dog?

7 SERGEANT HENRY: No. No, in specific
8 dogs, yes, I am. Pit bulls are a problem. I
9 have the documentation here; but Rottweilers,
10 pits, chows. Now, if a dog has been declared
11 dangerous, yes, then he should be chipped. He
12 should be chipped.

13 CHAIRMAN BIRMELIN: The legislation
14 that Representative Caltagirone has introduced,
15 I would concur with his opinion that it is not
16 going to become law in 1996. It is an issue
17 that won't go away either, defines dangerous
18 dogs, per se, breed specific, if you will, and
19 you are telling us that you have documented
20 proof there are many, many problems with pit
21 bulls and similar breeds which would probably be
22 defined as dangerous per se under this
23 legislation.

24 Do you have any idea -- and this is
25 probably not a fair question to ask you. But do

1 you have any idea of the percentage of these
2 types of dogs that are problems that you run
3 into as a law enforcement agent as a whole of
4 the population? What percentage of pit bulls do
5 you think are dangerous dogs and bite people or
6 create problems that we are talking about today?

7 SERGEANT HENRY: We look at our animal
8 population in the city as being somewhere in the
9 neighborhood of 10,000.

10 CHAIRMAN BIRMELIN: Let me back up;
11 animal population?

12 SERGEANT HENRY: The entire animal
13 population.

14 CHAIRMAN BIRMELIN: Not just dogs?

15 SERGEANT HENRY: Not just dogs, could
16 possibly be cats and dogs. I will narrow it
17 down to that. We have a very high percentage of
18 pit bulls; very, very high. We just did a dog
19 scan for license and rabies one month ago. We
20 were reviewing the 170-some citations and
21 probably three-quarters of those were for pit
22 bulls and Rottweilers.

23 CHAIRMAN BIRMELIN: As a percentage of
24 the breed, you don't know how many are
25 dangerous?

1 SERGEANT HENRY: It is very difficult
2 because a lot of this is taking place in vacant
3 houses. They have their own breeding. We are
4 not always told and we don't always see
5 everything that is taking place in vacant
6 houses. The inner breeding that goes on in the
7 inner city, you have no idea for true numbers.
8 Generally speaking, what we end up with out on
9 the street is where something has gone wrong.
10 They have trained the dog to the point where he
11 has become so vicious they can't even control
12 him. They kick him out the back gate and into
13 the neighborhood where we are forced to deal
14 with the dog.

15 So numbers are difficult, although we
16 are working on this. This is what we are doing
17 here, tracking with our computers and getting
18 the number of pit bulls and we are starting to
19 get a better feel as the year goes on as to what
20 we really are dealing with in terms of numbers.

21 CHAIRMAN BIRMELIN: Do you know
22 anywhere where the insertion of microchips has
23 been done on that basis with dangerous dogs?

24 SERGEANT HENRY: No, but it offers an
25 interesting promise as far as what I can see.

1 The Doctor and I were talking just before you
2 began here and he agrees that that is one
3 possible way of being able to track a dog.
4 Otherwise again, if I were, as a policeman, if I
5 were to stop a gentleman on the street, scan his
6 dog with a chip scanner and he doesn't have his
7 chip in, there would be a specific fine. Those
8 that would steal a dog and get caught with it,
9 the chip would solve a lot of problems as far as
10 being able to establish the identity of the
11 owner. The legislation could be directed at
12 being able to tie down those loose ends where we
13 are able to better deal with these people.

14 CHAIRMAN BIRMELIN: I have to confess
15 that this is the first time I ever heard of this
16 concept of microchipping a dog. I am not sure
17 what to think about it, although in my earlier
18 legislative years I was on the game and fish
19 commission and spent some time chasing bears and
20 putting collars on them and using that to track
21 them for quite a bit different reason.

22 SERGEANT HENRY: Like I said,
23 interestingly we are getting into this over the
24 last year. I only had 25 minutes to prepare to
25 come up here to talk with you. I just found

1 this out.

2 We have a scanner. We have a chip.
3 We could have brought it up to show you how it
4 basically all works. It is maybe something you
5 want to look at.

6 CHAIRMAN BIRMELIN: If we continue on
7 this course that we are on, I think
8 Representative Caltagirone is going to generate
9 a lot more public debate. We may give you that
10 opportunity to show us how it works.

11 REPRESENTATIVE CALTAGIRONE: Sure.

12 CHAIRMAN BIRMELIN: We are certainly
13 interested in that.

14 Doctor Whittaker, you had your hand
15 up. I assume you had something to add to this.

16 DOCTOR WHITTAKER: There is a number
17 of veterinarians that are doing this now. It
18 has been out on the market for a number of
19 years. I am waiting to see which system is
20 going to be used so it can be used universally,
21 so I don't end up buying beta when I should have
22 bought an eight track.

23 But it is not a big deal to implant.
24 I guess the biggest deal is to get somebody in
25 there to have it done. But it is accepted by

1 the medical community as very easy and feasible.

2 CHAIRMAN BIRMELIN: Who is it being
3 done with now?

4 DOCTOR WHITTAKER: If you wanted to
5 have your dog so you didn't have to worry about
6 it getting lost or stolen, ends up down at the
7 humane league, they have the scanner. They can
8 scan it back to the animal hospital or to the
9 owner.

10 CHAIRMAN BIRMELIN: So it is primarily
11 owners that want it for their own protection?

12 DOCTOR WHITTAKER: If we have someone
13 that wants it, we have a Pet Friend down the
14 street, he would do it for us. That way if the
15 animal disappeared without a collar and it
16 didn't have a tattoo -- that is another thing.
17 You can have dogs tattooed. That is a lot more
18 involved and requires anesthesia.

19 CHAIRMAN BIRMELIN: I think if you
20 could include in that chip that the dog would be
21 trained, it would be a really big seller.

22 SERGEANT HENRY: In closing here, the
23 difficulty in the field with working with
24 animals is even when they are wearing their
25 license tag, we don't have a consistent policy

1 across the state where we computerize the
2 licensing information. So I may end up in the
3 field with a dog that has a license that was
4 sold from one of the satellite places. If I
5 have just the number alone, I am going to have
6 to hand search 16,000 to 18,000 slips of paper
7 at the Dauphin County Courthouse. It is a
8 problem and this is something that maybe we need
9 to look at.

10 CHAIRMAN BIRMELIN: Counsel for
11 Representative Caltagirone, Mr. Andring, has a
12 question.

13 MR. ANDRING: I have just one
14 question, if you could. It seems to me that
15 this problem could be a result of either
16 irresponsible dog owners who buy a dog and
17 simply don't train it, don't take care of it,
18 don't handle it properly. But it seems like
19 there is also a distinct outlaw or criminal
20 element here. People are simply breeding dogs
21 and fighting them.

22 Could you quantify this in terms of
23 where the problem is really at? Is it criminal
24 or irresponsibility?

25 SERGEANT HENRY: Well, I have to say

1 both. You have those out here who certainly
2 don't care about their dogs, allow them to run
3 at large. The dogs themselves become victims to
4 cars and whatever. But we also know that we
5 have a large percentage of the criminal element
6 and we can directly associate a lot of the pit
7 bull activity to those that are heavily involved
8 in drugs and other criminal activity.

9 In fact, that is their sport of
10 choice. And what they will do is they will
11 wager money and drugs or sometimes other dogs on
12 the outcome of these dogfights. Like I said,
13 this is something that we run into. When you
14 have heard one of these dogfights go down, it is
15 something that you will never, ever forget what
16 it is, because the dogs are literally being torn
17 to pieces in these fights. They are
18 spontaneous. They generally take place in about
19 five to ten minutes. They could be on
20 playgrounds, vacant lots, vacant structures.

21 But it is their preferred sport. We
22 know that they are using them to protect the
23 drug stashes and they are also using pit bulls
24 as a preference to also enforce the drug trade.
25 We know that a lot of times that drug dealers

1 will stash their drugs in the vicinity of a pit
2 bull because they know when we come to the
3 house, we are less likely to want to check a
4 house or a room where we know there is a pit
5 bull. And they say, well, we can confine the
6 dog so you can go ahead and search. And we also
7 have evidence that they are hiding drugs on the
8 collars of pit bulls, so it is a problem.

9 CHAIRMAN BIRMELIN: Thank you. We
10 appreciate your coming and testifying and as I
11 indicated, Representative Caltagirone, he ought
12 to be in touch with you to get some more
13 information in the future that we may need.

14 SERGEANT HENRY: Thank you.

15 CHAIRMAN BIRMELIN: We will get back
16 to those scheduled on the agenda. The next
17 scheduled witness I have is Mr. Jonathan James.
18 Is he here? Would you come forward, please?

19 Mr. James, would you tell the
20 committee who you are and give us your
21 testimony?

22 MR. JAMES: Certainly. My name is
23 Jonathan James and I am a Harrisburg resident.
24 I own a house on Penn Street and I own a
25 two-year old male pit bull. I have owned him

1 for six months and I got him from the West Shore
2 Humane Society through their adoption program.
3 And I am here just to tell you about my
4 experience in owning the dog.

5 I have to say when I first adopted the
6 dog, it was adopted with my fiance and myself.
7 I wanted something more along the lines of a
8 golden retriever or a Labrador because I bought
9 into the hype that pit bulls were inherently
10 dangerous. So I was a little dismayed when she
11 got, she decided she wanted to get this dog.

12 But in the last six months I have
13 something to base my opinions on, having cared
14 for this dog and run with him and played with
15 him. It is a dog. I haven't found anything to
16 distinguish my dog from other dogs. I don't see
17 anything particularly inherently vicious about
18 my dog. I have been with him for the last six
19 months. And I am really dismayed that this
20 legislature would seek to impose muzzle
21 requirements on my dog if I want to walk him on
22 the river front.

23 I am a responsible dog owner. I care
24 for the dog. I clean up after the dog. My dog
25 is registered, has his shots. It seems that

1 people will conform to the new set of laws. The
2 people who will conform, who will be forced to
3 adapt to this proposed legislation are your
4 basic work-a-day folks like me; go home, go to
5 work, care for my dog. I don't want to treat my
6 dog in a cruel fashion putting a muzzle on him
7 just to walk him in public. I don't think
8 responsible dog owners are the problem. It is
9 problem owners creating problem dogs.

10 CHAIRMAN BIRMELIN: Have you had the
11 opportunity to review the legislation?

12 MR. JAMES: I did. I read -- I didn't
13 bring my copy with me. I read, I believe I read
14 pertinent parts of it. As I understand that if
15 the dog is declared per se that is by definition
16 vicious, the muzzle requirement would be imposed
17 on the dog. And that is, that really grates on
18 me, not only the fact that it would be treating
19 my dog cruelly, but if I may, I think there is a
20 personal freedom issue here at stake.

21 I am an adult citizen, a taxpayer, a
22 voter. I treat my dog in a responsible fashion.
23 I don't wager against my dog. I don't deal
24 drugs. I have demonstrated a capacity to own
25 this dog, care for him in a responsible fashion.

1 I think the legislature by, they are not exactly
2 taking the dog from me but they are making it so
3 difficult for me to own my dog that I would be
4 forced to get rid of my dog. It is a de facto
5 method of precluding ownership on my part. I
6 think that prevents me from exercising adult
7 responsibilities in an adult fashion.

8 I have demonstrated no inability to be
9 responsible with my dog and I think part and
10 parcel of personal freedom is the ability to be
11 an adult and exercise responsibilities. I am
12 owning this animal, caring for him with no
13 difficulty whatsoever. He is not vicious. No
14 one has any reason to fear him. Why should the
15 legislature see fit to interfere, really butting
16 into my business when I am conducting myself in
17 an entirely reasonable fashion?

18 CHAIRMAN BIRMELIN: Well, I will ask
19 Representative Caltagirone if he would like to
20 respond.

21 REPRESENTATIVE CALTAGIRONE: I would
22 like to respond to the 80 people that have been
23 mauled or bitten in the City of Reading or
24 people that have been attacked by these dogs.
25 And let me just say another thing. It is not

1 just the drug dealers that have these dogs.
2 There are responsible people that have these
3 dogs, supposedly responsible people that will
4 walk down the street just to clear the sidewalk.

5 MR. JAMES: That is not responsible.

6 REPRESENTATIVE CALTAGIRONE: It
7 happens. It happens. It is not that they are
8 just using these dogs for fights or transporting
9 drugs. They are not involved in that activity.
10 We have seen it in Reading. We have seen it in
11 other areas around the state.

12 MR. JAMES: What is your source? What
13 is your source of the 80 attacks?

14 REPRESENTATIVE CALTAGIRONE: Denise
15 Golar, who has the identification of all the
16 cases that we have documentation. As a matter
17 of fact, we had a press conference. She brought
18 all of her stuff with her. We even had an
19 undercover informant who had filmed one of the
20 fights that had taken place. And she records
21 everything up there. She is the executive
22 director of the Berks County Humane Society.
23 She handles all these complaints. One of her
24 workers had a finger bitten off by one of these
25 dogs.

1 MR. JAMES: And your point?

2 REPRESENTATIVE CALTAGIRONE: Pardon?

3 MR. JAMES: Your point?

4 REPRESENTATIVE CALTAGIRONE: My point
5 is we have to protect society, too. It is just
6 not everybody that abides by the laws. I mean,
7 we make laws all the time up here on all kinds
8 of issues, trying to protect society, many times
9 from itself. It is not that we want to jump
10 into these issues and say, well, you know, there
11 is no problem here. There is a problem here and
12 the problem has to be addressed.

13 MR. JAMES: And you think -- so I
14 agree that you have identified the issue of
15 problem dogs, dangerous dogs. I have absolutely
16 no quarrel with the destruction of a
17 demonstrably dangerous animal.

18 REPRESENTATIVE CALTAGIRONE: You don't
19 necessarily have to destroy a dangerous dog as
20 long as that dangerous dog is controlled,
21 because you have guard dogs. You have police
22 dogs. You have home protection dogs. People
23 have dogs for whatever reasons. I have had
24 German sheps. I have had boxers. I have had
25 poodles. I have had all sorts of dogs.

1 MR. JAMES: Do you want to muzzle your
2 German shepherd?

3 REPRESENTATIVE CALTAGIRONE: No,
4 absolutely not.

5 MR. JAMES: Well, German shepherds
6 aren't the flavor of the month for drug dealers.
7 But I remember when I was a kid and it was
8 German shepherds and Dobermans that had the
9 nasty reputation. This isn't the kind of law
10 which is breed specific. There would be many
11 dogs that are --

12 REPRESENTATIVE CALTAGIRONE: You
13 weren't here when I opened up with my comment.
14 I said that what we are attempting to do is to
15 define dangerous or vicious dogs. We had to
16 start with the legislation at some point and
17 what we do, as any of us in life realize, nobody
18 is perfect and we don't make perfect law here.
19 Times change and we have to change the laws that
20 reflect those times.

21 MR. JAMES: Would you consider not
22 making it breed specific?

23 REPRESENTATIVE CALTAGIRONE: Yes. I
24 said that from the beginning. I said what we
25 need to do is define the very nature of dogs,

1 period. If they are showing a propensity for
2 either being vicious or dangerous, then we ought
3 to be able to have the laws that protect society
4 from those types of dogs, whether they are
5 Rottweilers or pit bulls or German sheps.

6 MR. JAMES: Is it your contention that
7 there is not already laws on the books to
8 protect society from dangerous dogs?

9 REPRESENTATIVE CALTAGIRONE: The
10 police that have come to us, not only in Reading
11 but the police officer that was here earlier
12 that left, the way the law reads now because of
13 revision that was made in 1990, humane society
14 people and we have a law enforcement officer
15 here with us now, and the local police cannot
16 respond until there is an attack. It is almost
17 like you get the first bite and then we come in.
18 I think that is just stupid.

19 WOMAN IN AUDIENCE: What about the
20 children who trespass?

21 CHAIRMAN BIRMELIN: Excuse me. You
22 are not testifying at this point. You may be on
23 the agenda. I am not sure, but you are not
24 testifying now. If you would like to speak, you
25 may have the opportunity. But right now Mr.

1 James and Representative Caltagirone have the
2 microphone.

3 MR. JAMES: Representative, I
4 appreciate your efforts to identify a dangerous
5 dog to the issue. My contention is that your
6 law does not adequately address the issue.

7 REPRESENTATIVE CALTAGIRONE: Then help
8 us with some verbiage.

9 MR. JAMES: Pardon me?

10 REPRESENTATIVE CALTAGIRONE: Help us
11 with the verbiage that is going to be needed to
12 help protect society. You are trying to say
13 that we don't need a law?

14 MR. JAMES: I am trying to say you do
15 not need a breed specific law.

16 REPRESENTATIVE CALTAGIRONE: I said
17 that. That is a given.

18 MR. JAMES: Well, I came here to say
19 my piece and I want you to know that -- and I am
20 not alone. I want you to know that I am against
21 breed specific legislation and arguing --

22 REPRESENTATIVE CALTAGIRONE: Would you
23 agree that dangerous dogs and vicious dogs
24 should be defined before somebody is bitten,
25 that enforcement authorities should have the

1 right to confiscate that dog before somebody is
2 attacked?

3 MR. JAMES: Well, that is a compound
4 question; maybe one at a time. Do I agree that
5 dangerous dogs should be defined; if you could
6 find a way to adequately define a dangerous dog
7 before it has demonstrated a dangerous
8 propensity, have at it.

9 REPRESENTATIVE CALTAGIRONE: Read the
10 legislation. Some of the verbiage is in there.

11 MR. JAMES: I think it is very
12 difficult to do that and the efforts would
13 probably fall more heavily on those people who
14 own pit bulls, like myself, precisely because
15 there is the outlaw element that has taken this
16 breed and given them a terrible reputation.

17 I work in a nursing home. I take my
18 dog to work. He interacts with frail, elderly
19 people. He is not a dangerous dog.

20 Anyway, the issue is dangerous dogs.
21 You are trying to address that issue. I
22 appreciate the effort. I think demonstrably
23 dangerous dogs should be curtailed or removed.
24 I do not think that laws that would fall heavily
25 on responsible dog owners are needed, if you put

1 the \$50,000 bond, the muzzle requirement.

2 I think the effort should be directed
3 at curbing bad people. The dogs aren't
4 organizing themselves. The dogs don't jump into
5 dumpsters and fight one another. Someone puts
6 them there. I know this happens because when I
7 walk on Front Street, I am approached. This has
8 happened on a dozen occasions over the last six
9 months, approximately every other week, if you
10 want to average it out, typically on the weekend
11 when I have time to meander below Division
12 Street.

13 I can't be the only person that knows
14 this. The authorities must know. Yet I never
15 read about this in the newspapers, about
16 dogfights being broken up. I think there is
17 inadequate enforcement of the present laws on
18 the books. And I am skeptical that you can
19 define ahead of time a dog that is dangerous
20 without it being overbroad or vague.

21 REPRESENTATIVE CALTAGIRONE: Let me
22 just read some things to you. Give me your
23 instinctive, your reaction.

24 MR. JAMES: Yes, sir.

25 REPRESENTATIVE CALTAGIRONE: If there

1 is a strong fighting instinct and a low level of
2 fighting which makes a certain type of dog
3 propensity for wanting to fight, would you say
4 that that would be a concern?

5 MR. JAMES: A concern?

6 REPRESENTATIVE CALTAGIRONE: That
7 should be put into the law. We are saying let's
8 define the breed. How about those that have a
9 tendency who want to attack people when you are
10 walking along a yard or along the sidewalk and
11 the dog starts to be very aggressive, snarling
12 and wanting to lunge at somebody? Would you say
13 that that would be aggressive behavior on the
14 part of the dog, any kind of dog?

15 MR. JAMES: That could be any dog.
16 How could you --

17 REPRESENTATIVE CALTAGIRONE: That is
18 what we are saying, any dog.

19 MR. JAMES: Then when I walk my dog on
20 the river front, he is placid. But there are
21 some dogs that come to the fence to bark at him.
22 He is generally confident. Staffies and pit
23 bulls are generally confident animals. He is
24 not prone to barking. But they lunge at him. I
25 seek to protect my dog and I am skeptical that

1 you can, by using those extremely broad phrases
2 that are probably subject to multiple
3 interpretations, clear up this issue.

4 REPRESENTATIVE CALTAGIRONE: What you
5 are saying is, let society continue to be
6 mauled; do nothing, is what you are saying.

7 MR. JAMES: No. What I am saying is
8 enforce your leash laws. Enforce your
9 registration laws. Go to the river front, walk
10 on the grass and you will see that there is
11 another set of laws not being enforced. I would
12 like people to enforce those laws. In fact, as
13 long as you have taken a moment to read
14 something to me, I would like to read something
15 to you, if I could find it; should have marked
16 it.

17 It is unfortunate that such great
18 emphasis has been placed on the fighting
19 abilities of these splendid dogs as there is so
20 much favorable to be said of them and in so many
21 other ways and as far back as pioneer days they
22 were found to be trustworthy, reliable guardians
23 of children, livestock and one's own home.

24 This is an AKC book on the American
25 Staffordshire Terriers. They are loyal.

1 REPRESENTATIVE CALTAGIRONE: I wish
2 you would refrain from doing that because you
3 are not going to change a single thing here. We
4 are here to get testimony for the official
5 record and that is all we are here for at this
6 point.

7 Go ahead.

8 MR. JAMES: This is a book written by
9 breeders who describe the dog as loyal, as
10 friendly, as tenacious, as sturdy. And now I
11 don't understand it. If you want to come up
12 with a list of traits, you could shoehorn those
13 traits into virtually any animal, any dog. But
14 I am with you with the idea that people should
15 be protected from dangerous dogs.

16 Typically the dangerous dog is owned
17 by an irresponsible owner and you should perhaps
18 see fit to allow people who have been mauled by
19 dogs to get triple damages or have them held in
20 strict liability standards or something along
21 those lines. But this legislation is both
22 overbroad and vague. It is hard to define, what
23 is not dangerous.

24 REPRESENTATIVE CALTAGIRONE: Counsel
25 Andring has some questions.

1 MR. ANDRING: Maybe not a question so
2 much as a comment.

3 I can understand and sympathize with
4 what you are saying, in particular because my
5 wife and I own a Rottweiler. He is part of our
6 family. He is tremendous with our granddaughter
7 and he is just a super dog. But I think there
8 is a certain amount of conscious denial of the
9 situation here. The dog we own weighs 130
10 pounds. That dog is capable of severely
11 injuring someone. A Yorkie or poodle is not
12 capable of doing that. And I don't care how
13 vicious that dog is.

14 MR. JAMES: Granted.

15 MR. ANDRING: It is the same with a
16 pit bull. Part of the problem isn't so much
17 temperament but pure size and power. There are
18 dogs, there are breeds of dogs, breed specific
19 that are capable of inflicting tremendous damage
20 on a person, that are capable of injuring
21 children; Rottweilers. The dog I own happens to
22 be one of those breeds. A pit bull happens to
23 be one of those breeds.

24 MR. JAMES: So how are you going to
25 feel when they come for your dog, counsel?

1 MR. ANDRING: I don't expect anyone to
2 come for my dog. I recognize that because I
3 have chosen to own a dog with those kinds of
4 capabilites that I may be required to either,
5 through my own choice or through law to protect
6 the public, to take measures to protect the
7 public that somebody who owns a Yorkie or owns a
8 poodle isn't required to take. That is the
9 reality of the situation. I think that maybe
10 the pit bull owners and the Rottie owners have
11 to accept this reality, have to accept the fact
12 that the dogs they have chosen to own have that
13 potential, have that capability and that maybe
14 there are going to have to be some requirements
15 imposed on those owners that maybe other dog
16 owners don't have.

17 MR. JAMES: Money and additional leash
18 law, fine. Don't, please don't muzzle my dog
19 before he has demonstrated. He has done nothing
20 to deserve having that. That is cruel to him
21 and I am just, I am very upset with that
22 particular requirement, that you will put this
23 on his face just to take him in public. I never
24 run him off the leash. We have got a farm up in
25 Bradford. He is off the leash there, acreage.

1 On Front Street he is on the leash all the time.
2 I don't take him off. That is a courtesy. That
3 is just being polite to folks around me. Not
4 everyone wants to be -- my dog is friendly. He
5 likes attention. He is a baby at heart. He
6 likes to walk up to people, say hi, get petted.
7 Not everyone is interested in his attention and
8 many people have bought into the hype. They are
9 frightened. He can feel it. He can't
10 understand why they don't grab him around the
11 neck and pet him. So I leash him.

12 But walk along the river. You will
13 see that many people don't obey the elementary
14 courtesy of leash laws and curbing your dog.
15 Counsel, if you can show me -- some dogs are
16 dominant breed dogs, Rottie, chows, pits, German
17 shepherds, and require a higher degree of
18 responsible ownership. I agree with that. What
19 I do think is that the way this law, the way I
20 read the law, the copy of the legislation that
21 was sent to me, its impact would impact me
22 unfairly and not adequately address the issue of
23 dangerous dogs.

24 MR. ANDRING: Well, I think the point
25 and certainly what Chairman Caltagirone is

1 is Ron Tucker, who is a dog breeder. Are you
2 here?

3 Mr. Tucker, is your testimony in
4 writing?

5 MR. TUCKER: Yes, it is. It is on the
6 table in the back.

7 CHAIRMAN BIRMELIN: You may begin.

8 MR. TUCKER: My name is Ron Tucker. I
9 am from Pennsburg, Pennsylvania. I raise one of
10 the breeds specifically named in this bill as a
11 dangerous dog per se, which is the American
12 Staffordshire Terrier. And I have been raising
13 these dogs, been petting the dogs, living with
14 the dogs, loving with the American Staffordshire
15 Terrier for over 15 years now.

16 And that is what I want to talk about.
17 I want to talk about a breed of which I have
18 about as much knowledge as anybody else that is
19 involved in this legislation, the legislation
20 which I think is well intentioned but
21 inappropriate as it stands now in naming the
22 specific breeds.

23 I have read the bill quite thoroughly.
24 The foundation of this bill, this proposed bill
25 lies in a page and a half of what is titled

1 Legislative Findings. They propose to list
2 characteristics of certain breeds, certain
3 dangerous breeds defined as being so. My
4 personal favorite in reading that listing is the
5 genetic predisposition to aggressiveness that
6 makes them uniquely dangerous even to their
7 owners. Well, I can tell you that fortunately
8 my dogs can't read because they have, certainly
9 the 30-some Staffs that we live with, would have
10 done us in by now if they knew how bad they
11 were.

12 If you are in my house, you know they
13 are there, the dogs. I don't know what
14 empirical data was used to get these legislative
15 findings. I know my findings are based on 15
16 years of interacting with my dogs, other
17 breeders' dogs, the public. I am deeply
18 involved with the breed.

19 When someone calls me to inquire about
20 a Staff because they like the dog's appearance
21 but they no little or nothing about the dog, the
22 first word I use is "affectionate." This is the
23 most loving, kiss your face, do anything to
24 please you 60-pound lap dog that I have ever run
25 across. And I am involved with all breeds.

1 The people that know me have come to
2 accept over the years that if there is a dog
3 face in front of me, I am going to kiss it.
4 Fortunately those dogs don't read either because
5 I haven't been bit in doing that. Over the
6 years I have taken food, toys, shoes, anything
7 out of my dogs' mouths. I have not been bit. I
8 have two dogs that have a disagreement, I have
9 broken them up by putting my arm between their
10 mouths; not real intelligent, but I have never
11 been bit.

12 I am also a professional groomer and I
13 see all breeds. If you groom long enough, you
14 will get bit. I have been bit in dog grooming.
15 If I wanted to compile a list, there are
16 certainly a few breeds that have done the major
17 share of the biting. And I don't like getting
18 bit and I get angry with the dogs that bite me.
19 But never in all these years ever, has it ever
20 entered my mind to label that entire breed as
21 dangerous because of the ones that bit me. They
22 are just the ones that bit me and there are many
23 more that are just perfectly well-behaved dogs.

24 I would like to conclude by relating
25 an incident that occurred about nine years ago,

1 to kind of show the temperament of a Staff, to
2 show you the temperament of the Staff.

3 Dogfighting was on the rise in Pennsylvania back
4 around that time, specifically in the urban
5 areas. There were some municipalities that were
6 introducing breed specific legislation at that
7 time. Fortunately, back then our legislative
8 leaders enacted a dangerous dog law statewide as
9 well as making dogfighting a felony in this
10 state.

11 Concerning the issue of dangerous
12 dogs, I was invited to appear on a morning
13 television show in Philadelphia with one of my
14 dogs. We were sitting back stage being prepped
15 about the format of the show when the host,
16 Wally Kennedy, walked over to see us, to say
17 something to us. My dog, John Henry, who I can
18 describe as 70 pounds of muscle, was lying on
19 the floor by my feet and Wally inadvertently
20 stepped on his tail when he came over to see me.
21 John sprang up, got his paws on Wally, and you
22 had to be there to see the expression on Wally's
23 face at this point in time. And then John did
24 the, what I will call the classic genetic
25 predisposition of the American Staffordshire

1 Terrier; out came his tongue going a mile a
2 minute as if to say to Wally, I know you didn't
3 mean that; I am not going to hurt you. And of
4 course, it was funny at the time. Wally didn't
5 want his makeup smeared so there was no tongue
6 contact that day.

7 But that one spontaneous act, that
8 shows the temperament of this breed. A bad dog
9 could have bit. He didn't. He knows the
10 difference. And from what I hear, and I know
11 what goes on with the dogs that are being talked
12 about, any dog can be trained to be dangerous.
13 They are not born that way.

14 That is my testimony.

15 CHAIRMAN BIRMELIN: Thank you, Mr.
16 Tucker.

17 Do you have any questions?

18 REPRESENTATIVE CALTAGIRONE: No.

19 Thank you for testifying.

20 MR. TUCKER: Thank you.

21 CHAIRMAN BIRMELIN: Thank you very
22 much.

23 MR. TUCKER: Thank you.

24 CHAIRMAN BIRMELIN: Our next
25 testifiers are Joseph and Salvatore Aquila. Are

1 they here?

2 Would you come forward, please?

3 MR. J. AQUILA: My name is Joseph

4 Aquila.

5 MR. S. AQUILA: My name is Salvatore

6 Aquila from Reading, Pennsylvania; actually

7 Shillington. It is right outside of Reading.

8 On April 22nd, 1996 my granddaughter
9 got bit by a dog; actually she was mauled by the

10 dog, was a Rottweiler, which is the next door

11 neighbor. And the person that takes care of

12 this dog, according to some standards he was

13 doing what he was supposed to do with the dog.

14 He kept him clean. He had the shots, whatever.

15 But to my opinion he was not a responsible

16 person because he never kept the dog on a leash.

17 He never kept the dog confined to where he

18 wouldn't be able to harm anyone else.

19 In fact, one afternoon at 5:00 this

20 dog jumped the fence and came into my yard. The

21 fence is only about three feet tall and this is

22 no problem for a Rottweiler to jump that fence.

23 He got my little granddaughter, five years old

24 by the head and drug her about 56 feet and

25 ripped her skull apart. The scalp was torn

1 apart. She had to go under surgery for about
2 three hours and she went up to get about 150
3 staples in her head. Three days later she still
4 had to go under surgery again because the fever
5 was high. And if that is what we have to state
6 for the dogs, there is no such thing that a dog
7 would have any more rights than a little girl or
8 any human being.

9 I like animals. That is fine. I am
10 not saying that all the animals should be dead
11 or should be killed or should be whatever. But
12 if you want an animal, you must be responsible
13 for it and there should be a law to protect
14 human beings and protect the neighbors and the
15 people walking on the street. If you have been
16 walking on the street, you have to be afraid to
17 walk in my own house, around my own neighborhood
18 because there is a dog that I am afraid might
19 get loose and come after me, you know. I better
20 move out of this country. There is no such a
21 thing as should be.

22 This dog law is fine. Be responsible
23 for your dog. I don't want to be moved where
24 you got to walk around the dog because the dog
25 is over there. Let the dog walk around me. I

1 am walking my street. That is fine. I don't
2 have to step off the sidewalk because there is a
3 dog coming toward me. They should step off the
4 street because they have the dog and the muzzle.
5 They should have a muzzle on the dog when they
6 walk the street. Just because the dog has not
7 bitten anybody at any time, nobody knows what
8 the dog has in his mind. We don't know what it
9 is. We don't know what snips they do; jump on
10 anybody.

11 I am afraid of dogs, but I don't want
12 to deprive anybody to have a dog as long as the
13 dog won't harm me. So to do that we should have
14 some kind of legislation, some kind of law,
15 whatever to stop the dogs to harming people.
16 And this, as far as we have, like the man said
17 he is a responsible person, fine. The man's dog
18 who attacked my little granddaughter was a
19 responsible people, too, according to his
20 standards; not to mine.

21 I have pictures of her here that have
22 been taken, not for this purpose. These
23 pictures were taken by the kids playing in my
24 yard, dancing. Somebody will pass these,
25 please. This happened by accident that they --

1 this is my little granddaughter there. That was
2 about three months after this Rottweiler
3 attacked the little girl. For a while we didn't
4 know whether the little girl was going to live
5 or die. And I got to listen to somebody say
6 that the dog is a good thing. No, I don't think
7 that the dog is a good thing. The dog is a good
8 thing if the owner is a good thing. If the
9 owner doesn't have to get the dog, then let the
10 owner go to jail instead of the dog. If that is
11 the way they think the dog is supposed to be,
12 fine. They can have the dog they want, but be
13 responsible for what you have.

14 I drive a car. I got to be
15 responsible for what I do with my car. You want
16 a dog, you be responsible what the dog is going
17 to do for you. That is all I am asking. Try to
18 put some kind of law that protects all the
19 people, especially the little kids. And you get
20 these big dogs, you get a Rottweiler, 130, 140
21 pounds jump on me, I have had it. I don't care
22 how strong I am. That dog is going to get me.
23 That is it, period. It could be a pit bull. It
24 could be a German shepherd. It could be
25 anything that is heavy, heavy dog is only thing

1 that has the strength. If they want to attack
2 you, you have had it, period.

3 That is all I have to say. I am
4 sorry. I hope that the legislature is going to
5 make some kind of changes or enforce some kind
6 of law that we do have, but the muzzle is one
7 thing they should have.

8 CHAIRMAN BIRMELIN: Joseph, did you
9 have anything?

10 MR. J. AQUILA: Yes.

11 CHAIRMAN BIRMELIN: Would you take the
12 microphone?

13 MR. J. AQUILA: Yes. I have one thing
14 to ask. The amount of time in between when my
15 daughter was attacked and until the state
16 actually contacted him to tell him his dog was
17 dangerous was three months. Is there a reason
18 why it takes so long for the laws to go through
19 or is it just red tape, paper work that has to
20 be filed?

21 CHAIRMAN BIRMELIN: Who did you report
22 the attack to?

23 MR. J. AQUILA: The attack was
24 reported through the police officer and
25 supposedly was trying to contact the dog warden

1 of the area and was nowhere to be found.

2 CHAIRMAN BIRMELIN: The police
3 officer?

4 MR. J. AQUILA: So the dog was left in
5 the custody of the owner for the ten-day
6 quarantine. I was always under the impression
7 that the dog was taken away.

8 REPRESENTATIVE CALTAGIRONE: Part of
9 the problem that I uncovered here was that we
10 used to have about 65 dog law enforcement
11 officers statewide. We are now down to 42. And
12 you know, I agree with you. We need more dog
13 law enforcement officers if we are going to
14 enforce the law.

15 Now, I do know we have somebody here
16 from the Harrisburg area. Hopefully at some
17 point we will be able to get him squeezed in to
18 offer some light on this problem. But I think,
19 as I understand, you work for the county, not
20 the state. Or do you work for the state?

21 OFFICER LAMKE: City of Harrisburg.

22 REPRESENTATIVE CALTAGIRONE: You work
23 for the City of Harrisburg.

24 OFFICER LAMKE: I am the only warden
25 for the entire City of Harrisburg, population of

1 50,000. I would like time today if possible.

2 MR. S. AQUILA: Also as this was
3 happening, I couldn't get any response as far as
4 the dog is being there, the dog was loose in the
5 yard as was normal. He was taken on a leash in
6 the yard but taken outside without the muzzle,
7 that kind of stuff.

8 Then I had to go through myself as a
9 victim. I saw my granddaughter in this dog's
10 mouth, ripping the kid apart. There was nothing
11 I could do. Finally I had to call around to see
12 who I could speak to. Finally I got a hold of
13 Mr. Rick Byrd. He is in charge of the dogs here
14 in Harrisburg somewhere; anyways, in law
15 enforcement here in Harrisburg. And he told me
16 that he was going to take care of it himself
17 personally. In about ten days to two weeks, the
18 dog was destroyed.

19 If I have to do that as a victim, that
20 is wrong. That is something I shouldn't be
21 doing. There should be a law that somebody
22 locally or whoever, even the police force
23 themselves, they should have some kind of rights
24 or some kind of power to act in certain things.
25 But they have no power. They can't do anything

1 about it. So who are we going to go to? There
2 should be some kind of law that provides the
3 poor people that are the victim instead of
4 becoming whatever you want to call it, and have
5 somebody take care of this stuff, not wait until
6 everything cools off and say, well, let's forget
7 about this.

8 I can't forget. When I see my
9 granddaughter in that dog's mouth, that I can
10 never forget. Well, people say as time goes.
11 No, I don't think so, not with me. I hope that
12 is going to go by for my granddaughter. I don't
13 know how she will react in a year or so. You
14 see the picture. You see the damage the dog did
15 and this is three months after. If I could
16 have, I would have got some pictures from the
17 surgeon that took at the hospital. Then you
18 would have seen what the damage that was done.
19 Then you would see the stitches and you would
20 see the damage. This is nothing compared to
21 what it was. But you can tell by those scars.
22 Okay. That is all I have to say.

23 MR. J. AQUILA: Thank you.

24 CHAIRMAN BIRMELIN: Thank you.

25 Mr. Fred Lamke is unofficially

1 questioned here already and has asked for an
2 opportunity to be recognized and testify. I
3 will ask him to come forward. He is the animal
4 control officer for the City of Harrisburg.

5 Mr. Lamke, would you care to give us
6 some insight on the issue? Please put the
7 microphone in front of you.

8 OFFICER LAMKE: Good morning. I thank
9 the committee for allowing me a few moments.

10 My name is Fred Lamke. I am the
11 animal control officer for the Harrisburg Police
12 Department. I have been employed as the animal
13 control officer for the Harrisburg Police
14 Department since 1991. Once again, we are only,
15 my sergeant and I only became aware of this
16 meeting this morning about an hour and a half
17 ago.

18 The animal control have a dog
19 population of roughly 10,000 of cats and dogs
20 within the City of Harrisburg. The population
21 of pits is astronomical, as Sergeant Henry
22 alluded to earlier. The week of August 19th I
23 transported 24 dogs to the Humane Society East
24 Shore for the city. Nineteen of the
25 twenty-three dogs were pit bulls, or mixed pit

1 bulls.

2 CHAIRMAN BIRMELIN: For what purpose
3 did you transport them?

4 OFFICER LAMKE: These were pit bulls
5 that were either abandoned, strays or involved
6 in dogfighting. It is an astronomic number.
7 The percentage is very high in terms of what is
8 normally taken by other dog wardens. I am
9 probably an authority on the number of pit bulls
10 that I have taken to the humane society in the
11 last year; roughly over 200 pit bulls.

12 I attended a dogfighting seminar last
13 summer. There was a, we had a man in
14 Washington, D.C. who was raising pit bulls. He
15 had a catalogue. You could buy a face biting
16 pit bull, a thigh biting pit bull. There was
17 over 90 pit bulls seized. All the dogs were
18 eventually destroyed except for ten pit bull
19 puppies, which were taken into custody by the
20 American Humane Society. They were under the
21 age of six months of age and they were raised in
22 the homes by, quote, responsible pet owners and
23 as the dogs matured, became adults, they started
24 to find problems with the dogs. The dogs, of
25 course, had genetically aggressive tendencies.

1 This was, of course, a result of many years of
2 breeding by breeders, either responsible
3 breeders or non-responsible breeders. So if you
4 have a genetically aggressive pit bull, of
5 course, you can have problems at a later date.
6 Those were findings by the American Humane
7 Society in the Washington, D.C. area. Those are
8 not my findings.

9 The dog attack problem that took so
10 long for your gentleman from Reading to respond,
11 there is not enough dog wardens for the state.
12 Attempts were made by the commonwealth now to
13 even get rid of dog wardens. We are actually
14 going in the wrong direction with the program
15 rather than in the right direction. Mr. Byrd,
16 the administrative assistant of the state dog
17 law, he was so happy when Mayor Reed did hire an
18 animal control officer because the work load was
19 so tremendous.

20 I currently investigate 10 to 15
21 dogfights per month. I currently handle a case
22 load of 250 animal calls per month. Almost 40
23 percent of the calls are pit bull, Rottweiler
24 related. We have children that walk pit bulls
25 down the streets, turn the pit bulls loose on

1 other people. They don't have a gun, can't get
2 a gun but they certainly can use a pit bull to
3 intimidate a neighborhood. Neighborhoods are
4 being victimized by the breed specifically. So
5 it is not always just that it is a criminal
6 element. We have a juvenile population that is
7 doing the same thing.

8 Sergeant Henry and I also do seminars.
9 We can take a pit bull into the seminar area and
10 all the children in the room know what a pit
11 bull is, which was quite alarming to me. Until
12 1991 I didn't know what a pit bull was. I knew
13 what a German shepherd was. I wouldn't be
14 carrying a nine-millimeter pistol on my belt
15 today or mace or a stun gun if I hadn't come
16 under attack on a number of occasions by
17 multiple groups of pit bulls or Rottweilers
18 within the City of Harrisburg. The case hasn't
19 been so much against the Labs.

20 But the picture that I may be painting
21 may be that I am breed specific and against a
22 breed. We have in our custody currently a pit
23 bull, an American Staffordshire Terrier, that
24 was used in the City of Harrisburg for
25 dogfighting over the course of four years, was

1 eventually seized, held for court and is now
2 kept in our custody after the disposition of the
3 case when the 180-day rule had expired. The
4 name of the dog is Dobbs. He is an eight-year
5 old pit bull. He is seen by Dr. Martin at the
6 Capital Area Animal Clinic. He also sits on the
7 board of the Humane Society. Dr. Martin's
8 opinion is that Dobbs is not, quote, a
9 genetically aggressive animal.

10 The problem we encounter is how do you
11 determine if the dog is genetically aggressive,
12 or somebody in the neighborhood buys a puppy
13 from someone else. We have so many back yard
14 breeders, not so much the breeders that are
15 responsible. We have many breeders, pit bull
16 breeders who won't even sell a dog within the
17 city to anyone because they are afraid the dog
18 might be used for dogfighting at a later date.
19 Reports are that they are now breeding pit bulls
20 or an American Bullshire Terrier to a bull
21 terrier and they are calling them hogs. They
22 have very massive heads, very massive jaws, the
23 ability to generate a lot of stamina, can throw
24 a tire up into the air 10, 12 feet up into the
25 air. That is tremendous jaw pressure that has

1 developed, of course, by training techniques.
2 The pit bull terrier, of course, doesn't have a
3 jaw any stronger than any other dog but because
4 we have certain individuals that are using that
5 type of training method, they are able to
6 develop that strength.

7 I have an awful lot of pit bulls -- I
8 investigate an awful lot of pit bull dog bites
9 where children are playing on the floor in the
10 kitchens with their mothers and what we have
11 found is that the dog mistakes the child as
12 another animal and they begin the playing
13 technique and end up with many multiple face
14 bites. These are not dogs that are being raised
15 by quote, ill responsible pet owners but it is
16 still a breed specific problem that we are
17 encountering in the field.

18 With the dalmatians, the dalmatian is
19 coming up on our list with the Rotties and the
20 chows. Those four breeds are the bulk of our
21 dog bites in the city. It is very disturbing
22 that so many of these owners, so many of these
23 children are bitten with face bites.

24 The microchipping that Sergeant Henry
25 was alluding to is a very promising tool for us

1 to use in the war. Muzzling is something that
2 has been mentioned here. The chipping would
3 help an awful lot. If the dog is found to be
4 unchipped, the dog could be seized right on the
5 street. Due process, of course, we are all
6 entitled to due process. Dogfighting cases
7 present a tremendous amount of straining of the
8 resources by the commonwealth in the prosecution
9 of dogfighting. A dog held for dogfighting --
10 first off, will we get back. Let me roll it
11 back a little bit.

12 When we have a dog bite, like I get a
13 call: Officer Lamke, this dog might jump the
14 fence and bite my child. I have to tell the
15 complainant well, until the dog jumps the fence
16 and bites the child, we can't do anything at
17 this point. I can go out and check for license,
18 check for rabies. I can go out and check for
19 cruelty in the back yard. That is about as far
20 as I can go with my investigation until that
21 child is actually bitten, until the child is
22 bitten or until the dog jumps the fence. That
23 is a hardship to us.

24 So that is the first start. That is
25 the starting point for us. Then we go off to

1 the actual investigation, not the investigation
2 but when we have the bite. First bite is free,
3 of course, here in Pennsylvania. Then you must
4 bring a dangerous dog complaint to a district
5 justice. Meanwhile, the dog is being held for
6 quarantine for ten days, either in house or at a
7 humane society. That is if you have a place to
8 take the dog to.

9 This is a problem that I encountered
10 back on August 16th when I siezed nine pit bulls
11 in a home in Harrisburg. It was a pit bull
12 dogfighting camp. Those neighbors had called
13 and said there is nine pit bulls in the house.
14 Fortunately, the City of Harrisburg has an
15 animal law whichs allows you to have only five
16 animals. We found that out after the fact.

17 So dangerous dogs must first -- so you
18 must declare a dog to be a dangerous dog. It
19 may take months to get the state to come out and
20 declare the dog a dangerous dog. Meantime the
21 dog can still stay in the neighborhood. If you
22 sieze an animal, you have to have a good reason
23 to take the dog out of a setting. You have to
24 house the animal. Someone has to pay for the
25 housing of the animal. Most municipalities

1 don't have the financial resources. The state
2 doesn't have any regional shelters to take these
3 animals to. It is all called dollars and cents.
4 It is very hard for us to deal with, some of
5 these dangerous dogs, because we have nowhere to
6 go with the dog. Meanwhile the dog may still be
7 sitting in a neighborhood and it is a real
8 challenge to us to finally get a case to the
9 district justice.

10 We just had a case, took five months
11 to have a preliminary hearing on a dangerous dog
12 where we had some men fighting some pit bulls.
13 We had a videotape. I can't really say anything
14 more about that; five months to get a
15 preliminary hearing. Meantime these pit bulls
16 are being housed at the East Shore Humane
17 Society at a cost and a burden to the Humane
18 Society of Harrisburg.

19 So Dobbs is -- getting back to Dobbs
20 and the pit bull at the Carriage House, he
21 doesn't come in contact with other pit bulls or
22 any other animals because of his past. He never
23 will be. He is also in a very secluded
24 environment and rightfully so.

25 The cruelty, the dogfights that I

1 finally respond to, the pit bulls' craniums are
2 torn apart, ears are torn off, dog neck wounds,
3 neck lacerations, dogs tied to telephone poles,
4 dogs tied to die in the parks, Reservoir Park.
5 Of course, there is no collars on these dogs, no
6 tags. So we need something else to try to get
7 some inroad into this problem. Yes, and I have
8 the sweet little old ladies that have a pit bull
9 in their back yard and I never have a problem
10 from them.

11 If this legislation passes, I will be
12 happy to make a surety bond for Dobbs, the pit
13 bull at the Carriage House and the requirements
14 under the legislation that is proposed. It is
15 necessary. I don't investigate too many Lassie
16 dogs, collies with dog bites, or poodles, and I
17 probably never will. My days are spent,
18 unfortunately, with the pit bulls and the
19 Rottweilers and the chows and it is an unfair
20 amount of time for an animal control officer to
21 be just dealing with these three specific
22 breeds.

23 I am open for questions at this point
24 and I wandered quite a bit and digressed.

25 CHAIRMAN BIRMELIN: Any questions?

1 REPRESENTATIVE CALTAGIRONE: No.

2 CHAIRMAN BIRMELIN: Thank you very
3 much. We appreciate your time.

4 Next testifier on the agenda is Dotsie
5 Keith, Pennsylvania Federation of Dog Clubs. Is
6 Dotsie a nickname?

7 MS. KEITH: It is a nickname but it
8 goes with my dogs. My mother didn't intend it.
9 It just happened that way. I do have testimony
10 with me.

11 I have put in front of you a chart
12 which is put out by the Heinz Corporation that
13 makes dog food. It represents the AKC
14 recognized breeds. It was done in 1991. More
15 breeds have been added. As you can see we
16 have --

17 CHAIRMAN BIRMELIN: We can't see
18 actually.

19 MS. KEITH: Oh, I am sorry. I should
20 turn it around.

21 CHAIRMAN BIRMELIN: If you do it sort
22 of halfway, Dan, so that members of the audience
23 could see it. Turn it a little more to the
24 audience. That is good. Thank you.

25 MS. KEITH: As you can see, we have

1 breeds of all shapes and sizes. I have
2 underlined in red the specific breeds that would
3 in some way come under the descriptions of the
4 legislation that you have before us, either by
5 their phenotype, which is how they look, or the
6 activity that that particular breed of dog does
7 because it was bred for that, or because that is
8 a natural instinct of most dogs. We eliminate
9 approximately 80 percent of the dogs we have in
10 our over 100 dog shows in the State of
11 Pennsylvania. We would not be able to show them
12 should this legislation take effect.

13 My name is Dotsie Keith. I am the
14 legislative chairman of the Pennsylvania
15 Federation of Dog Clubs representing 108 clubs
16 across the state. I am also a member of the
17 State Dog Law Advisory Board and the State
18 Committee on Ethics in Animal Exhibitions.

19 Thank you for this opportunity to
20 speak to you today about our mutual concern for
21 the need to control dogs that are a danger to
22 people and other animals.

23 In the late 1980's our federation and
24 other animal groups began work with the
25 legislature on revisions, both to the animal

1 cruelty laws and to Act 225, the dog law, to
2 address the growing problem of dog attacks. The
3 results of these efforts was a new law making
4 training and fighting any animal a third degree
5 felony and under the dog law, adding a new
6 section, Article V-5, that deals specifically
7 with dogs that cause injuries or death.

8 Both of these types of laws were
9 designed to help remove these kinds of dogs from
10 society by punishing the owners and restricting
11 the dogs, regardless of the type of dog
12 involved. They were done in this manner, unlike
13 bills that have been recently introduced, to
14 curtail offending dogs and irresponsible owners,
15 while protecting well-mannered, innocent dogs
16 owned by responsible citizens.

17 The law making dogfighting a felony
18 offense was directed at both the old, organized,
19 back woods, clandestine blood sport fighting and
20 the new, macho street fighting which you heard
21 about today, which posed more of a threat to the
22 average person as it is usually done in urban
23 areas. The old fighting dogs were people
24 friendly due to the owners having to be in the
25 pit with the dog during the fight. Unfriendly

1 ones were quickly disposed of. Since the
2 purpose of the street dog is to prove that my
3 dog is tougher and meaner than yours, being
4 people friendly is considered a fault.

5 These street dogs are, in most
6 instances, mixed breeds of any kind of dog that
7 seems to have the qualities that they want. The
8 young pups are then trained with exercise to
9 build up their muscle strength, including
10 treadmill work and holding on to tires with
11 their teeth, and given small animals, again we
12 have heard of kittens and small dogs, which they
13 are encouraged to tear apart.

14 From these the dogs graduate to
15 gentle, larger dogs that do not know how to
16 fight this way. Often these dogs are pets that
17 have been stolen for this part of their dog's
18 education. Philadelphians had to cope with this
19 several years ago when the bodies of missing
20 pets were found in a nearby park. These dogs
21 are abused and brutalized by their owners to the
22 point that they will attack anything or anyone.
23 They are often used as guard dogs by those
24 persons who are also involved in other types of
25 illegal activities, such as drugs and illegal

1 firearms. When one of these dogs get loose in
2 the community, they truly are a danger.

3 The primary reason that we worked to
4 have dogfighting made a felony offense was to
5 give our police sufficient authority and reason
6 to stop it. Prior to that it was only a summary
7 offense, which meant that it was pretty far down
8 on their priority list. This also brought the
9 district attorneys into the cases, rather than
10 having only nonprofit SPCA's prosecute them. We
11 are dealing too often with people, as well as
12 dogs, that are a threat to society. Unarmed
13 state dog wardens and humane society personnel
14 cannot be expected to cope with these situations
15 without the assistance of our police force.

16 When this law is strictly enforced,
17 the numbers of these dogs will undoubtedly
18 diminish also. When it is not, we are teaching
19 our young people that cruel behavior is
20 perfectly acceptable. In Chester, and you have
21 that article in your packet, juveniles hang
22 their dogs that lose a fight, cut out their
23 tongues and set them on fire. After these
24 children become immune to the suffering of
25 animals, it is easy to torture and kill fellow

1 humans, as has been proven in many studies.
2 This law must be taken seriously and enforced by
3 government officials, if the proliferation of
4 these dogs is to be stopped.

5 As for the dog law revisions and
6 improvements to the dangerous dog section are
7 being included in House Bill 2702, which has
8 passed the House Agricultural and Rural Affairs
9 Committee. This amendment would make anyone
10 guilty of a summary offense if a district
11 justice declares that their dog is a dangerous
12 dog under the law's provisions. The owner would
13 have to keep the dog confined during the appeal
14 process, which current law does not, and the
15 owner could not dispose of the dog except by
16 having it destroyed. Sometimes they give them
17 away. Again, this law applies to any dog and is
18 non-breed specific to protect the innocent.

19 The recently proposed bills try to
20 describe certain types of dogs that would
21 automatically be considered dangerous. They are
22 based on phenotype, the way a dog looks, and
23 activities that many dogs do. The American
24 Kennel Club recognizes 141 breeds of dogs for
25 registration and participation in its shows,

1 field trials and other events. Many of these
2 breeds fit one or more of the descriptions in
3 this bill. As I said, approximately 80 percent
4 of the purebred dogs owned by Pennsylvanians
5 would automatically be declared dangerous. It
6 would include most of our working breeds, dogs
7 that are used as seeing eye dogs, dogs that aid
8 the handicapped, police dogs, military dogs,
9 search and rescue dogs, many hunting dogs and
10 sight hounds, many dogs used in herding and
11 protecting livestock, a number of those in the
12 non-sporting group, companion dog group and even
13 some toy breeds. And who can tell by looking
14 exactly what breeds make up a Heinz 57 variety?

15 Many owners of loving family pets
16 would either then hide their innocent pets,
17 meaning not licensing them or having them
18 inoculated against rabies or have to have them
19 killed or give them up or turn them loose on the
20 streets due to the cost. This would fill up our
21 shelters, which would then have to kill most of
22 them do to the lack of kennel space and because
23 no one would adopt them. Is this what the
24 legislators have in mind?

25 Representative Caltagirone has said

1 that he wants to stop a dog from biting before
2 it bites. How can anyone know what a dog's
3 intentions are? Children and adults need to be
4 educated on the proper care, training and
5 treatment of a dog. Each breed was created by
6 man to serve a purpose in our lives. Buyers
7 have to educate themselves as to which breed
8 suits their own life style and family. In
9 regard to bites, we need education on
10 prevention. The solution is not arbitrary
11 discrimination. Can the authorities come into
12 this room today and arrest and sentence someone
13 just because they think that their appearance or
14 type causes them to look dangerous?

15 Enclosed in the information given you
16 are national and international studies done on
17 dog bites. The first study was published in the
18 Journal of Pediatrics in June of 1996. Its
19 conclusion states, quote, "The dog bite problem
20 should be reconceptualized as a largely
21 preventable epidemic. Breed specific approaches
22 to the control of dog bites do not address the
23 issue that many breeds are involved in the
24 problem and that most of the factors
25 contributing to dog bites are related to the

1 level of responsibility exercised by dog owners.
2 To prevent dog bite related deaths and injuries,
3 we recommend public education about responsible
4 dog ownership and dog bite prevention, stronger
5 animal control laws, better resources for
6 enforcement of those laws and better reporting
7 of bites."

8 The second article published in Great
9 Britain states, "In the United States at least
10 50,000 dogs are produced each year in puppy
11 mills for the mass pet trade. Usually the most
12 popular breeds are represented in these
13 intensive breeding operations and any animals of
14 the desired breeds capable of producing young
15 are likely to be bred and sold, regardless of
16 temperament," and gentlemen, temperament is
17 hereditary.

18 "The result has been the proliferation
19 of physically and behaviorally unsound animals
20 from among the most popular breeds, including
21 those not traditionally associated with
22 aggression to people, such as cocker spaniels,
23 golden retrievers, malamutes and Siberian
24 huskies. This problem has been widely
25 documented in the American media." And I might

1 add that it is continuing as of last week. In
2 other words, poorly bred dogs that have little
3 early socialization, bred only for the money
4 with no concern for quality, are contributing to
5 our country's dog bite problem.

6 I heard, today was the first time I
7 heard my breed mentioned. It is really sad for
8 me. I have been breeding these dogs for 35
9 years. We see this in my breed made popular by
10 Walt Disney, the dalmatian, with uncontrollable
11 deaf ones and those with unstable temperaments
12 coming from our puppy mills. The parents of
13 these dalmatians probably had the same inherited
14 traits but were bred anyway, with the puppies
15 sold to the unsuspecting public.

16 We get two and three calls a day to
17 our rescue people with dogs that have bitten
18 somebody. We never had this before and 90
19 percent of those dogs have come from the puppy
20 mills.

21 I hope that you will read the enclosed
22 articles to gain a better understanding of the
23 problems that we are trying to address. We
24 definitely do need to enforce the laws that we
25 already have, including the licensing law,

1 rabies law, the law requiring that dogs be kept
2 under control and the fighting law and improve
3 our non-breed specific law.

4 Please remember that 38 percent of
5 your constituent families own a dog. That dog
6 is a beloved member of their family. Most are
7 responsible owners. To declare their pets
8 dangerous would be a tragedy.

9 I have brought with me a chart. I
10 will show you my next chart, showing most of the
11 dogs that would be affected by the current bills
12 and also pictures of dogs that I would like for
13 you to identify as to their breed. Do not feel
14 badly if you can't identify them. It takes a
15 great deal of training and a written and a
16 hands-on test to judge any one breed of dog
17 according to the AKC standards.

18 This is the book of AKC standards.
19 There are only about two dozen people in this
20 whole country that are considered qualified by
21 the American Kennel Club to judge all breeds of
22 dogs. We cannot and should not expect our state
23 dog wardens to be able to have this kind of
24 expertise.

25 I would like to show you my next

1 chart. That is my next chart. These are
2 informal type pictures taken of breeds of dogs
3 right out of the American Kennel Club Gazette.
4 I would like for you all to be able to identify
5 them. The names are tucked underneath from the
6 AKC Gazette and what activities these particular
7 breeds of dog were bred to do. This is what we
8 will be asking our officials to do.

9 CHAIRMAN BIRMELIN: Well, I can't see
10 that far. I appreciate what you have done. We
11 won't take the time to try to fail your quiz,
12 although I am sure I would.

13 MS. KEITH: I would too, as a matter
14 of fact.

15 CHAIRMAN BIRMELIN: If you leave that
16 there, I am sure not only us up here but people
17 in the audience could take an opportunity to
18 look at that.

19 Representative Caltagirone, any
20 questions?

21 REPRESENTATIVE CALTAGIRONE: No.

22 CHAIRMAN BIRMELIN: Thank you very
23 much for your testimony. If you would leave
24 that there, we will take a look at it later.

25 Our next testifier is Johanna Seeton

1 from the Pennsylvania Legislative Animal
2 Network.

3 MS. SEETON: Good morning, Mr.
4 Chairman, Representative and Counsel.

5 My name is Johanna Seeton and I am the
6 chairperson for the Pennsylvania Legislative
7 Animal Network, a statewide volunteer lobbying
8 group. Thank you for the opportunity to testify
9 today on the dangerous dog legislation. As you
10 know, P.L.A.N. has been lobbying in Harrisburg
11 for the past ten years and we appreciate your
12 consideration of our views.

13 When a dog bites, everybody gets hurt.
14 And in your packet you will see and I would like
15 to read some of the statistics. I think they
16 are very important. They come from the U.S.
17 Postal Service. They come from the American
18 Veterinary Association, State Farm Insurance,
19 Centers for Disease Control, Humane Societies of
20 the United States.

21 Number of letter carriers bitten in
22 the past year, 2,851; number of dogs owned in
23 the United States, 52 million; estimated amount
24 paid out by the U.S. insurance companies in 1994
25 for dog bite claims, \$1 billion; average amount

1 of a dog bite insurance claim, 12,000; chances
2 that a bodily injury homeowner's insurance claim
3 will involve a dog bite, one in three; chances
4 that an American will be bitten by a dog this
5 year, 1 in 50; likelihood that the biting dog
6 will be male, eight in ten; likelihood that the
7 biting dog will not have been neutered, six in
8 ten; chances that the bite will require medical
9 attention, one in five; chances that the bite
10 victim requiring medical attention will be a
11 child, 3.2 to 1; average number of fatal dog
12 bites every year, 9 to 12; ratio of households
13 keeping a dog due to fear of crime 1981 compared
14 to 1993, two to one; chances that the victim of
15 a fatal dog attack will be a burglar, 1 in 177;
16 chances that the victim of a fatal attack would
17 be a child, seven in ten; the likelihood that a
18 dog which has bitten will be destroyed, very
19 high. Yes, when a dog bites, everyone gets
20 hurt.

21 Everyone is trying to find a solution
22 to the problem. In the legislative arena alone,
23 many bills have been passed affecting dogs.
24 Pennsylvania has an excellent dogfighting law
25 passed in 1986, making animal fighting a third

1 degree felony. How often is this law enforced?
2 I don't know, but from what I am told, not often
3 enough. Dogfighting, is it on the rise in our
4 state? You bet. How many busts have been made?
5 Where do these fights take place? What animals
6 are involved? Some of us have heard some
7 testimony. Someone recently told me in this
8 past week that people were gathered in a
9 basement, apparently betting money on how many
10 rats it would take to kill the dog; yes, rats.
11 People kept throwing rats into the ring, and
12 this is in Pennsylvania. It seems that the dog
13 killed about 75 rats before -- he never did tell
14 me the rest of the story, only that the dog
15 involved was a pit bull. And I use that in
16 quotes.

17 Another important bill, the dangerous
18 dog law, was amended to the dog law in 1990.
19 This law, thought by many as the solution to the
20 problem of horrific attacks by dogs, set
21 stringent restrictions for dogs that were
22 declared dangerous. According to a recent
23 newspaper article, the state registry for
24 dangerous dogs, for which the law provides,
25 shows that since 1990 the state has declared

1 about 240 dogs as legally dangerous. Among them
2 are: Akitas, ten; dalmatians, four; Dobermans
3 three; German shepherds, 30; Great Danes, six;
4 Malamutes, four; pit bulls, 30; Rottweilers, 48.

5 I just checked my spelling as I was
6 doing this testimony on Rottweiler because my
7 computer didn't recognize that name. And I was
8 amused to find Webster's definition of the
9 Rottweiler, a noun, and I quote, any of a breed
10 of large, strong dogs with a short tail and
11 short, black hair with tan markings, end quote;
12 sounds like a lot of other dogs besides
13 Rottweilers. I plan to find out more
14 information concerning the state dog registry.

15 My point is this. The dangerous dog
16 law has been used a mere 240 times, give or take
17 a few, in the past six years for a total dog
18 population in Pennsylvania that is estimated to
19 be nearly three million. The total three
20 million is derived by extrapolating figures of
21 selling dog food within the state. Also there
22 are approximately 800,000 to one million
23 licensed dogs per year in the state. Where is
24 the enforcement? Do we have enough law
25 enforcement officers out there? Are complaints,

1 investigations and convictions proportionate to
2 the tragedies that are occurring? Perhaps we
3 should concentrate on enforcing the laws that
4 are in existence.

5 P.L.A.N. opposes the three new pieces
6 of dangerous dog legislation recently introduced
7 in the senate and the house. We recognize the
8 tremendous problem. No one wants to see humans
9 or animals injured. P.L.A.N. urges strict
10 enforcement of the dog law and the animal
11 cruelty statutes, not more laws. We support the
12 Humane Society of the United States' new
13 development of a task force to study and train
14 police and humane society police officers within
15 the State of Pennsylvania and other states for
16 the specific crime of dogfighting. We would
17 like to see Pennsylvania's puppy mills, which
18 continue to engage in widespread breeding
19 without concern for the dog's inborn
20 temperament, cleaned up and out.

21 We agree with Dr. Randall Lockwood of
22 the Humane Society of the United States when he
23 says, "Perhaps the main reason why progress has
24 been limited is that animal control agencies and
25 local humane societies," and I might add dog

1 wardens, "with sparse and often diminishing
2 resources, are attempting to deal with dangerous
3 dog problems that have very deep human roots.
4 The underlying causes are the way people breed,
5 raise, train, socialize and supervise their
6 animals. It is time to look at what individuals
7 rather than what governments can do to end the
8 dog bite epidemic." And I end that quote.

9 The dangerous dog law incidents are
10 not limited to cities. Here is an article that
11 appeared in a rural newspaper last month. They
12 say a picture is worth a thousand words. I am
13 sorry I didn't have the time to have this blown
14 up and distributed.

15 This is about a cow who was destroyed
16 after a dog attack. Let me just read a little
17 bit of it. This happened in Bradford County,
18 Pennsylvania and I would like to, I know they
19 are specific about their credits, so it comes
20 from The Daily Review out of Towanda, PA.

21 Poor baby. Baby was a two-year old
22 black and white Hereford cow that fought the
23 battle over life and ended up losing the war.
24 Baby is owned by Henry Campbell and his son,
25 Andy. The Campbells own a farm about four miles

1 from New Albany. The battle Baby faced just a
2 week ago was with two vicious dogs, one a
3 Rottweiler. The Campbells didn't find out about
4 the attack on Baby until neighbors called the
5 family and told them, a couple of dogs are after
6 one of your cows. After is an understatement.
7 Father and son stopped transport of combine to
8 respond to the scene. What Henry found was a
9 shock. I came over the rise and looked right
10 down on her and I couldn't believe what I saw.
11 The cow was trying to protect her month-old
12 calf, according to Henry, and we were able to
13 walk right up. The dogs were so intent on her
14 they never knew we were there. She had one dog
15 latched right on her nose and the other one had
16 a hold of her leg. The dog warden and the vet
17 were called. When asked where the dogs were, he
18 said, lying right there where Andy shot them.
19 The dog warden said to leave them there. The
20 dog warden wanted to know who the dogs belonged
21 to. They are local dogs but neither had a
22 collar on. I wouldn't tell him who owned them
23 because I wouldn't want to get my neighbors in
24 trouble. There is nothing they can do now. I
25 take care of my neighbors.

1 And the story goes on but it is very
2 prevalent in the rural areas that, I mean, this
3 is a definite violation of the law right here,
4 not reporting a dog bite. The picture, and I am
5 sorry the audience can't see it, is of the
6 bloodied cow without her ears, her nose, can't
7 even breathe, standing protecting her calf.

8 P.L.A.N. will continue to be involved
9 with animal legislation. We would be glad to
10 listen to any additional concerns from anyone in
11 this room.

12 I will close with another quote from
13 Randall Lockwood, the Humane Society of the
14 United States. And the reason I use them and
15 there are additional, there is additional
16 information in the back of your packet from the
17 Humane Society of the United States, they have
18 what is called a legislative circle. I am lucky
19 enough to be the one chosen from Pennsylvania to
20 represent Pennsylvania in the legislative
21 circle. All 50 states are represented.

22 I quote from Randall Lockwood, "At a
23 time when stories of dog attacks continue to
24 fill the media, it is often easy to forget that
25 most of our more than 50 million dogs never bite

1 anyone. However, the problems caused by the
2 highly visible minority of animals and their
3 owners have far-reaching consequences for all of
4 us who care about the special relationships
5 between people and dogs. Each of us must renew
6 his or her commitment to seeing that safe and
7 healthy animals share their lives with
8 understanding and responsible owners."

9 And we are willing to work with the
10 committee and with all the legislators to reach
11 solutions. Yes, when a dog bites everybody gets
12 hurt. We need everybody to work together to
13 find solutions.

14 Thank you.

15 CHAIRMAN BIRMELIN: Thank you for your
16 testimony. I would point out to you, you
17 earlier in your testimony, you read from the
18 statistical charts.

19 MS. SEETON: Yes. That is from the
20 Humane Society of the United States.

21 CHAIRMAN BIRMELIN: You omitted the
22 category, number of politicians that have been
23 bitten by dogs.

24 MS. SEETON: Okay.

25 CHAIRMAN BIRMELIN: I am speaking from

1 experience, by the way. I have done extensive
2 door to door campaigning in a rural area and I
3 got bit three times and all three times the
4 owner said, oh, he won't bite.

5 MS. SEETON: Interestingly enough, in
6 the dog law with the dangerous dogs, and I know
7 that you gentlemen are well aware of the dog
8 law, the people that are exempt -- I shouldn't
9 necessarily say exempt but they have different
10 regulations -- are the rural people. Some
11 people call them the farmers. They are not
12 necessarily all farmers. But when you are out
13 in a rural area, you don't have to have your
14 muzzle on your dog. Your dog just cannot leave
15 your property to attack and you must have your
16 farm or your area well posted. Anyone going in
17 or out can see dangerous dog signs. But
18 according to the testimony that is given, for a
19 rural person to be able to control his or her
20 dog without a leash on the property, not let
21 them go off, is pretty hard.

22 CHAIRMAN BIRMELIN: Well, probably
23 most people would say biting a politician is a
24 good thing.

25 MS. SEETON: I have been bitten as

1 well, sir.

2 CHAIRMAN BIRMELIN: I do know in rural
3 areas, and I represent a very rural area, it is
4 not uncommon for dogs to just roam wherever.
5 Occasionally they will have a dog collar or the
6 license is a year or two outdated and the people
7 don't get too excited about it. It is very
8 difficult. We have one dog law enforcement
9 officer for two counties. His job was in
10 jeopardy earlier this year. Fortunately they
11 kept him on, but he had been given furlough
12 notice. If we didn't have him, we have no
13 humane societies or SPCA or anything, and the
14 people would be really on their own, I guess is
15 the best way of saying it.

16 MS. SEETON: That is true. I lived 17
17 years in the district next to you, Bradford
18 County. I know the same thing happens.
19 Unfortunately many of the dogs that are taken to
20 the shelters have to be put down.

21 CHAIRMAN BIRMELIN: As I read your
22 testimony, Ms. Seeton, I see that essentially
23 you are opposed to the legislation of
24 Representative Caltagirone and his counterpart
25 in the senate but you are advocating, as I

1 understand it, some stiffer law enforcement
2 penalties, et cetera. You obviously feel that
3 is the direction that should be taken as opposed
4 to the breed specific legislation.

5 MS. SEETON: Yes. We don't believe in
6 any breed specific legislation. We think, too,
7 that the laws that are on the books are quite
8 good. I think it is interesting that this new
9 development in the Humane Society of the United
10 States, that they are, they have taken the
11 initiative and from what I understand, the
12 Federated Humane Societies of Pennsylvania is
13 taking the lead in this to have them come to
14 Pennsylvania to train, not only humane society
15 police officers but also police officers. I
16 don't think I could -- well, I know they are
17 trained and they are well trained, but I think
18 it is a very specific crime. To go into a
19 dogfighting ring with hundreds of people there,
20 I think takes special training. The Humane
21 Society of the United States has recognized the
22 need for this and I look forward to working with
23 all of them as well as they enter the state.

24 CHAIRMAN BIRMELIN: Thank you.

25 Representative Caltagirone, any more

1 questions?

2 REPRESENTATIVE CALTAGIRONE: No.

3 CHAIRMAN BIRMELIN: Thank you for your
4 testimony.

5 MS. SEETON: Thank you.

6 CHAIRMAN BIRMELIN: The last person on
7 our agenda this afternoon is Kathy Genuardi.
8 She is from the Independence Club. I am not
9 familiar with what that is. Is your testimony
10 in writing today?

11 MS. GENUARDI: Yes. My testimony is
12 in writing. It was put back on the table and
13 you should have it.

14 CHAIRMAN BIRMELIN: We all have a copy
15 of that now if you would like to make your
16 statement.

17 MS. GENUARDI: Thank you. As you
18 stated, my name is Kathy Genuardi. I have been
19 involved with the American Pit Bull Terrier for
20 13 years as a pet owner, breeder, show
21 enthusiast and a weight pull competitor. I am
22 the co-owner of AlleyKat American Pit Bull
23 Terriers based in Vally Forge in Philadelphia
24 and I am also the treasurer and rescue
25 coordinator of the Independence Allied

1 Performance Breeders and Training Club which is
2 based in Bridgeport, PA and an American Dog
3 Breeders Association sanctioned club.

4 As most of my experience involves the
5 American Pit Bull Terrier, or bulldog as they
6 are referred to, I speak on behalf of this breed
7 and as a representative of the Independence
8 Club. However, you can feel free to substitute
9 the name of any of the listed breeds; American
10 Staffordshire Terrier, Staffordshire Bull
11 Terrier, etc.

12 The first bulldog I ever owned was
13 Belle, the greatest dog that anyone could ever
14 hope to have. She was a veritable Lassie, or I
15 should say Petie of "Our Gang" as he was also a
16 bulldog. She would allow children to crawl over
17 her, climb on her back and ride her, dress her
18 up, pull her ears or her tail, and would only
19 respond with a lick on their face and a wag of
20 her tail. She lived agreeably in my home for 13
21 years with an assortment of dogs, cats, birds
22 and small animals and she was a friend to every
23 human she met. I could talk for hours on the
24 dogs I have owned and that I have known but I
25 know that you would rather hear facts.

1 Fact: The American Temperament
2 Testing Society based in St. Louis has stated
3 that as of December '95 with 2700 total dogs
4 participating in their certification process,
5 and this is a ten-part test, the overall passing
6 rate for all breeds is 78 percent. The American
7 Pit Bull Terrier has an 81 percent success rate.
8 The American Staffordshire Terrier has an 80
9 percent success, and the Rottweiler stands at 79
10 percent.

11 Fact: The first three breeds that you
12 wish to target in your legislation fall slightly
13 higher than the average. The ATTS has stated
14 that they are adamantly opposed to any breed
15 specific legislation, instead favoring a, quote,
16 punish the deed not the breed type of law.

17 Fact: The American Kennel Club's
18 Canine Good Citizen program, developed in
19 response to growing anti-dog sentiment, does not
20 currently keep breed numbers. They will as of
21 1997. However, in the CGC tests that
22 Independence has handled, the American Pit Bull
23 has a 100 percent passing rate with an average
24 for all breeds at 83 percent.

25 CHAIRMAN BIRMELIN: Excuse me for a

1 second.

2 MS. GENUARDI: Yes.

3 CHAIRMAN BIRMELIN: You are using
4 language you are very familiar with. I am not
5 sure if other people are. What does it mean to
6 be certified in this? What do these percents
7 mean?

8 MS. GENUARDI: Well, all of the
9 American Pit Bull Terriers that have
10 participated in the Canine Good Citizenship
11 testing, the testing involves meeting a
12 stranger, meeting a stranger with a dog, being
13 able to sit or lie down upon command, being able
14 to be left alone without their owner quietly;
15 all things that the average dog living in a
16 human environment as a companion animal would
17 come across.

18 CHAIRMAN BIRMELIN: Thank you.

19 MS. GENUARDI: Fact: The Delta
20 Society, which handles Pet Therapy programs,
21 Assistance Dogs programs and educational
22 programs nationwide has two American
23 Staffordshire Terriers and one American Pit Bull
24 Terrier and one, quote, pit bull, actively
25 participating in their programs.

1 Fact: Therapy Dogs International,
2 which sends animals and their owners to
3 hospitals, nursing homes and rehabilitation
4 facilities, lists seven American Staffordshire
5 Terriers, two Staffordshire Bull Terriers and
6 two American Pit Bull Terriers in their current
7 active files.

8 Now, understand that there are already
9 many local chapters and organizations nationwide
10 that are doing the same thing and they have
11 bulldogs listed but they are just too numerous
12 to mention. These are the national
13 organizations.

14 Fact: In December of '95 an American
15 Pit Bull Terrier was out walking with his owner,
16 who was an off-duty Philadelphia police officer.
17 This particular dog was given up by his owner
18 and was due to be put to sleep as the shelters
19 in Philadelphia do not adopt out pit bull types.
20 While he was walking he found an abandoned baby
21 in the garbage with just enough time to save the
22 baby's life according to the Philadelphia Daily
23 News.

24 Fact: In 1994 an American Pit Bull
25 Terrier located an autistic boy lost in Ridley

1 Park, Delaware County. That was a Philadelphia
2 Inquirer article.

3 Fact: In 1994, Wela, an American Pit
4 Bull Terrier was named Ken-L Ration's Dog Hero
5 of the Year, for helping to locate and
6 subsequently bring food and water to 42 domestic
7 animals stranded by flooding.

8 Fact: Could any of these dogs
9 accomplish these tasks while muzzled?

10 Of course not, and we are all
11 intelligent enough to realize that these are not
12 the dogs and the owners that are causing the
13 problems. However, it is a very good overview
14 of the breed's personality and capabilities when
15 in a particular responsible owner's hands.

16 It has been stated by the legislators
17 drafting these restrictions that the bulldog
18 breeds are bred for dogfighting and therefore
19 are a danger to the general public. The history
20 of the breed does include ratting, dogfighting
21 and bull and bear baiting. But gentlemen, this
22 is the history. It is past. This is not the
23 present. These are companion animals. The
24 American Pit Bull Terrier is registered with the
25 United Kennel Club and the American Dog Breeders

1 Association and the American Staffordshire and
2 the Staffordshire Bull Terrier are registered
3 with the American Kennel Club. These are
4 internationally recognized registries and
5 authorities that do not promote or condone
6 fighting and cruelty to animals. The ADBA, or
7 the American Dog Breeders Association, and the
8 United Kennel Club have definite policies
9 against dogfighting.

10 As an ADBA sanctioned club, the
11 Independence Club has a section in its bylaws
12 which states, Section 12, if a club member is
13 charged with dogfighting, that member will be
14 suspended pending the outcome of the charges.
15 The club officers will decide the degree of
16 suspension. If a conviction of dogfighting
17 occurs, unquestionably said club member will
18 experience immediate expulsion from the club.

19 The United Kennel Club's policy which
20 is routinely published in the Bloodlines
21 magazine, regarding the fighting of dogs states
22 in part: "The UKC and Bloodlines magazine are
23 against the pitting of one dog against another,"
24 and 2, "will not knowingly accept an
25 advertisement or article pertaining to the

1 fighting ability of a dog."

2 Regarding the persons associated with
3 dogfighting, the club says, "All dog
4 registration privileges will be revoked for
5 life," and, 2, "The person or persons will be
6 barred for life from participating in or
7 entering any UKC licensed events."

8 Again, we see the owner being made
9 responsible for the dog's actions, as it should
10 be. These figures and policies are stated so
11 that you have a general idea of what the breeds
12 are that you are talking about.

13 In fact, the American Pit Bull Terrier
14 and the related breeds are first and foremost
15 companion animals which also compete in
16 conformation shows or weight pull events. They
17 may be obedience titleists, agility competitors
18 or tracking dogs. Their capabilities and
19 accomplishments are limited only by the time and
20 energy constraints of their owners.

21 In a September 25th edition of the
22 Philadelphia Northeast Times a senator's aide
23 was quoted. In this article he discounts the
24 figures that show of the 240 dogs that have been
25 declared dangerous since the 1990 law went into

1 effect, 48 are Rottweilers and just 30 are pit
2 bulls. He says that the figures are misleading
3 because according to the AKC's registration
4 numbers, there are more Rottweilers than, quote,
5 unquote, pit bulls; therefore, the pit bull has
6 a higher percentage of bites because there are
7 less dogs as a whole.

8 First, the American Kennel Club does
9 not register pit bulls. They register two
10 breeds with the uninformed label of the generic
11 name of pit bull. Second, he is not including
12 the American Pit Bull Terriers registered with
13 the American Dog Breeders Association and the
14 United Kennel Club across the country. The ADBA
15 alone currently registers over 330,000 American
16 Pit Bull Terriers. This figure along with the
17 UKC registration figure, which was not available
18 at the time that I had to get this together,
19 will greatly reduce the percentage of the bite
20 statistics, thereby diluting the bite ratio even
21 further.

22 Third, we have to ask, who is
23 identifying these animals; the owners, the
24 humane societies or the distraught victims? And
25 as Dotsie attempted to show you and you will

1 look at later and this has been done at various
2 places, even those persons knowledgeable in the
3 various dog breeds cannot always pinpoint a pit
4 bull. Actually, there is no such breed as a pit
5 bull. This is a generic name for a type of dog,
6 similar to the nouns shepherd, collie or
7 terrier.

8 In Philadelphia County where I
9 currently reside, the number of bites attributed
10 to the generic name pit bull account for only
11 six percent of the total number of bites. In
12 Montgomery County where I grew up and where the
13 county seat of Norristown has claimed in the
14 past few years to have a problem with the breed,
15 as Reading and Harrisburg have, the pit bulls
16 are attributed with only three percent of the
17 bites for 1995.

18 Again, the problem with these figures
19 is the identification of the animals. Are these
20 animals registered with a nationally recognized
21 authority? Or most likely, are they mostly
22 mixed breeds whose owners want to hang a macho
23 name tag on their dogs because the papers and
24 television tell them what a tough dog the pit
25 bull is? It is a status symbol to own one. So

1 therefore, any short-haired, muscular dog is
2 referred to as a pit bull by their owner.

3 In my travels with my dogs I talk to
4 owners of many kinds of dogs, but more times
5 than I would like the conversation goes
6 something like this: The person will walk
7 towards me and say, "Hey, I have a pit bull,
8 too." When I ask them who is it registered with
9 or do they show it, their response is, "No, I
10 bought it from a guy," or "I bought it from my
11 cousin; its dad was a pit but its mom was a
12 boxer." When I explain that it is a mixed dog,
13 they say, "No. No; it is a pit bull because the
14 guy that sold it to me, he said it is a pit;
15 besides, I paid \$150 for it." Well, that is no
16 guarantee.

17 Let's face facts. Who owns the dogs
18 that we see in the headlines? Are they
19 responsible pet owners that obey the leash laws
20 and socialize their animals? My opinion is no,
21 because if you look further into these bite
22 cases, it is my opinion that these people and
23 animals have been a nuisance in the past but
24 either have not been reported until a serious
25 attack occurs or it is not followed through by

1 the authorities because of the time and budget
2 restrictions so often cited as the reason for
3 the low numbers of available dog wardens.

4 Let's talk about dangerous dogs. What
5 exactly is a dangerous dog? Is it a dog that
6 has inflicted serious injury on a human, or is
7 it a dog that has been given the one free bite
8 advantage, then goes back for a second or third?
9 One of the state representatives has complained
10 to the press of this, the dog gets one free bite
11 advantage.

12 According to the current Pennsylvania
13 Dog Law Article V-A, Section 502-A and it has
14 been quoted in the past, but the determination
15 of a dangerous dog, one of the ways we determine
16 that is either through infliction of severe
17 injury on a human or a domestic animal, or part
18 3, attacked a human without provocation.
19 Section 501-A of the current law defines an
20 attack as "The deliberate action of a dog,
21 whether or not in response to a command from its
22 owner, to bite, to sieze with its teeth or,"
23 this is important, "to pursue any human, animate
24 or inanimate objet, with the obvious intent to
25 destroy, kill, wound, injure or otherwise harm

1 the object of its action." Therefore, in the
2 short form, a dog does not have to bite to be
3 determined dangerous in our system. They just
4 have to attack, by your definition, but they are
5 not followed through. If a dog doesn't bite,
6 people think it is not serious. Through public
7 education you have to let people know a bite is
8 not the only serious thing.

9 One of your senator's proposals is to
10 have the owners of these unfairly labeled
11 dangerous dogs carry a mandatory liability
12 insurance in the amount of \$50,000. As a
13 responsible dog owner, will I be able to comply
14 with this requirement? Will I be able to find
15 an insurance carrier that will cover my dogs?
16 It is a well-known fact that major insurance
17 carriers across the country are canceling or
18 imposing riders on those homeowners that own
19 so-called dangerous breeds and it has been
20 reported that some will cancel if you ever admit
21 you have any dogs.

22 How can you pass a law I cannot comply
23 with? Can you guarantee me the availability of
24 insurance? And if it is not readily available
25 through the normal channels, will you establish

1 a state high risk program as you did for
2 mandatory auto insurance laws? If the state and
3 counties do not have the funds to adequately
4 enforce the dog law as it currently stands, how
5 will you fund such a program?

6 And in a telephone call with a state
7 representative I commented that as representatives
8 of our state government I believe the
9 legislators involved in drafting these
10 restrictions are promoting racism and
11 discrimination in our commonwealth. He answered
12 by stating that I was being ridiculous and
13 taking this to the extreme, as they are talking
14 about animals. Am I being ridiculous or are
15 you? Webster's Ninth Edition New Collegiate
16 Dictionary defines race as a class or kind of
17 people unified by habits, community interests or
18 characteristics.

19 As fanciers of the American Pit Bull
20 Terrier, the American Staffordshire Terrier and
21 the Staffordshire Bull Terrier we fit the
22 definition of a race. According to Webster's,
23 discrimination is defined, part 2, as the act,
24 practice or instance of discriminating
25 categorically rather than individually. As the

1 owner of an American Pit Bull Terrier I am being
2 told I should muzzle my dog, thereby identifying
3 me to the public as a pariah, because as I was
4 told on the telephone by this state
5 representative, "...if you want to own that kind
6 of dog, you can expect to be thought of as a
7 dogfighter." Is this an example of the equality
8 on which our Bill of Rights was founded?

9 Each day as I play with my dogs and
10 work with them, I am reminded of what it means
11 to make the most of each moment. Of all the
12 breeds, the bulldog takes hold of life and lives
13 each minute to the fullest, whether chasing a
14 ball or playing with the neighbor's kids. They
15 are perpetually happy. Even when reprimanded,
16 they will come to you, lay their head in your
17 lap and say they are sorry and then give that
18 bulldog grin that says, all is forgiven; let's
19 play.

20 Thank you for allowing me to appear
21 here today.

22 CHAIRMAN BIRMELIN: Thank you, Ms.
23 Genuardi.

24 What I would suggest to you is if you
25 have any concerns on this issue, either the

1 legislation specific in front of you, or if you
2 have any input or suggestions, you may want to
3 contact Representative Caltagirone. Don't
4 contact me, please. I am not going to get real
5 involved in this issue. I am just chairing this
6 meeting.

7 But Representative Caltagirone has the
8 real interest in it. I am sure in the next
9 session he will be working again towards some
10 legislative proposals. I know he has to leave
11 quickly. He has another meeting to go to.
12 Representative Caltagirone's counsel, Mr.
13 Andring, would be available to give you his
14 phone number and address. So if you wish to
15 contact Representative Caltagirone, you may do
16 that in the future.

17 With that, we stand adjourned.

18 (Whereupon, the hearing concluded at
19 12:10 p.m.)

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C E R T I F I C A T E

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I, Marsha Hunter-Breen, Reporter,
Notary Public, duly commissioned and qualified
in and for the County of Montgomery,
Commonwealth of Pennsylvania, hereby certify
that the foregoing is a true and accurate
transcript of my stenotype notes taken by me and
subsequently reduced to computer printout under
my supervision, and that this copy is a correct
record of the same.

This certification does not apply to
any reproduction of the same by any means unless
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Dated this 29th day of October, 1996.

Marsha Hunter-Breen

Marsha Hunter-Breen, Reporter
Notary Public

My Commission Expires:
May 17, 1999