

*Why Any Breed Specific Law
is Inherently Unjust*

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My name is John F. Richardson. I reside in Bordentown, New Jersey, just over the river from Pennsylvania. I grew up in the Southwest Suburbs of Philadelphia, where I still have family. I am a graduate of the University of Pennsylvania. What happens in Pennsylvania is of deep personal and work-a-day practical interest to me.

I am also one of the charter members of an internet-related group now forming out of the core members of the American Pit Bull Terrier Mailing List. We have adopted the name 'World Wide American Pit Bull Terrier Network'. Anyone interested in joining either the mailing list or our associated advocacy group can email me at jfrchrdn@aol.com. I am not an officer of the group, as we have no officers *per se*. We do, however, have a division of labor within the group, and one of my main tasks is to respond to ant-Pit-Bull hysteria in the media, on the internet and, most importantly, in legislative initiatives.

The World Wide American Pit Bull Terrier Network has three interlocking goals, which can be stated in positive or negative form. In this case, stating our goals in terms of what we oppose may be the more perspicacious way to state them. Briefly then: We oppose irresponsible ownership of American Pit Bull Terriers and related breeds; We oppose to promulgation of inaccurate information about any aspect of the breed; And we oppose any legislation against the breed that, though ostensibly aimed at solving problems related to irresponsible ownership, in fact is based on grievous misconceptions of the breed and the majority of the people who own it.

I myself am not an owner of an American Pit Bull Terrier. I do, however, own a dog often mistaken for one: a rescued Staffordshire Bull Terrier/Rat Terrier Cross who lives amicably with me, my wife, and our other five rescue dogs, as well as with our fellow citizens of Bordentown, several of whom have expressed a special fondness for her. The legislative proposals I have seen would place her in the same category as Pit Bulls, which is far more flattering than it is accurate. But I would NOT support any law of the sort envisioned that was modified only to reflect the real differences between Pit Bulls and dogs like mine. Although my "StaffyRat" (as she is known worldwide on the internet) is "innocent" of being a Pit Bull, being a Pit Bull is no crime, and should not be recognized as one.

However, there *is* an issue here that must be addressed. A tenet of our legal system is that ignorance of a law is no defense. This is a sound tenet when the laws are clear. When the laws involve inherently hazy criteria for compliance, however, this tenet can give rise to horrible injustices. Those who have tracked breed specific laws around the globe are familiar with many cases in which dogs of unknown and uncertain breeding have been seized by police or animal control agents who decide that the dogs are "close enough" to come under the law. But how can people with vaguely Pit-Bull-esque looking dogs be sure that their dog won't be seized, warehoused and quite possibly killed because some agent of the law decides they are "close enough"? Passing the buck to some judge won't help, as their powers of discernment are no better than anyone else's. If the proposed legislation passes, we *will* hear tales of short-haired, slightly muscular dogs being seized precisely *because* their owners had no reason to believe they belong even part way to any of the proscribed breeds. Breed specific laws inevitably become a nasty game of Russian Roulette with other people's beloved pets. Only the conscience-deficient could support breed specific laws in view of this.

Another sort of unconscionable vagueness in the law that arises frequently under breed specific regimes concerns the proscribed or prescribed handling of even the established members of the breed in question. Two particularly horrible cases from the United Kingdom illustrate this. In one case, a dog was seized because of a "violation" of the public muzzling law

when the owner removed a muzzle to allow the dog to vomit. In another, a dog was seized for being unmuzzled in the owner's moving and secured vehicle. By any reasonable standard, these owners were behaving in a perfectly responsible way. But the dogs and their owners paid dearly for thie owners' reliance on commonsense and common decency in handling these dogs. When a breed or type of dog is singled out for legally mandated persecution, which is, plain and simply, what breed specific laws do, it turns out that compassion, responsible handling and simple common sense are no defense. Once again, only the conscience-deficient can support such laws.

The cure for such miscarriages of justice is quite simple. Define offending dogs the same way criminals are defined; by their actions. Since neither dog mentioned above actually *harmed* any one, neither would have been seized under any reasonable regime in which dogs that bite maliciously and ferociously are declared dangerous and those that don't are not. That such insipidly obvious points need to be made before legislative bodies by people who can think of many better ways to be spending their time is an absurdity almost beyond imagining.

I have touched on the legal tenet of ignorance of the law being no defense, and mentioned two ways in which this tenet combined with ill-considered law can yield gross and horrifying injustice. Much more could be said on these issues. But let me now propose a new tenet: When a legislative body passes bad law, ignorance is no excuse. Let me expalin.

It is commonly said that awful crimes lead to awful law. The reason, of course, is that awful crimes strike us in a deeply emotional way, and our rationality therefore takes a vacation as we seethe in grief, anger and horror over the incident. This in turn leads the public to demand, and office holders to propose ill thought out laws, as some sort of expression of that grief, anger and horror. But expressions of extreme emotion, no matter how justified those emotions may well be, do little to solve anything, and often produce new evils of their own. That is precisely the history of breed specific laws in such places as Great Britain, Norway, Holland and several municipalities at home and abroad. A horrible attack takes place that is

(rightly or, often, wrongly) attributed to a Pit Bull. The body politic lashes out emotionally, and foolish law that protects no one and persecutes well-behaved dogs and their law-abiding owners is put in place.

Note that this process is in some sense "understandable", but it is only "understandable" in the same way that murderous revenge on adulterous spouses is "understandable". We can appreciate the feeling of hurt and outrage, and the felt need for a quick and dramatic response, but this does not make the act justifiable. Bad laws, like murderous rages, solve nothing and do real harm. Abdicating reason for raw emotion is tempting, but inexcusable. Those who attempt to justify the passage of bad laws simply by citing their sense of outrage and the felt need to "do something" are in effect pleading guilty to abandoning reason. There is no room for such people in responsible positions.

But ignorance is a curable condition, though the prescribed routine of therapy is often a difficult one. It is especially difficult in the case of Pit Bulls and other maligned breeds, since so much unadulterated hogwash has been written and spoken about them in what ought to be credible sources. Among the many myths are: (1) Pit Bulls were bred to fight to the death; (2) Because of this, Pit Bulls will attack with the intent to kill pretty much any dog; (3) This sort of aggression is easily and often generalized to include aggression towards humans. There are more, but these three are the most crucial.

As for (1), certain strains of Pit Bulls have indeed been bred to fight, but these fights traditionally were not to the death, but until one of the dogs quit. Death was not and is not unknown in dog fighting, as any reading of the old literature will prove. But the image of Pit Bulls as killing machines is erroneous, and passing legislation that presumes the validity of this erroneous image as an underlying rationale amounts to elevating hysterical propoganda to "Official Truth". That's the job of Orwellian Ministries of Truth, not of democratically elected legislators in a free society.

As for (2), dog aggression is, unsurprisingly, not unknown in Pit Bulls. Indeed, I would say it is fairly common. But the sort of fighting courage

in addressing, since they aren't "sexy" enough to make the six o'clock news).

So the real solution lies in the direction of getting these dogs, indeed, in getting ALL dogs, out of the hands of sociopaths. But since sociopaths are not known for heeding to the letter or the spirit of any law, few legislative alternatives exist that will do this quickly and reliably. One that would help, however, is to make the owners of any dogs, regardless of breed, that actually do attack severely liable for the act in both civil and criminal law for the attack. Making such laws breed specific would be perverse. The liability should be commensurate with the damage done and the negligence (or even intent) of the owner, not the breed of the dog. This is the only proposal tht makes any sense.

But a second, more cultural than legal pproach can be pursued at the sme time. This would be to take steps to shut off the constant drip, drip, drip of misinformation about the breed from reaching the ears of the sociopaths who find this nonsense more alluring than horrifying. The media should stop quoting those generally unnamed "experts" on the breed who have been the source of much of the nonsense. People who really know the breed should be consulted by the media, animal control and other officials for accurate information. People who run so-called "humane" shelters as Pit Bull Death Camps should be ignored as the breed genocidalists they obviously are (and shelter officials who run breed genocide programs should be charged and prosecuted under existing anti-cruelty laws, just as any other private citizen who went around killing off, say, all the Labrador Retrievers in town would be). These steps will lead to a better informed society, which will be a society safer from bad dogs, their bad owners and any bad law that might be inspired by the antics of either when legislators react emotionally rather than rationally to societal problems.

In closing, let me say a few words about Death Camp "shelters". My wife and I adopted three of our dogs from a particular shelter in South Jersey. My wife donated a lot of time to that shelter, and I donated a little time and quite a bit of cash. I was about to help this shelter with some internet related matters when I became aware that they too were surreptitiously

warehousing and killing Pit Bulls in the back rooms, unbeknownst to the public or even to most of the volunteers. My wife and I could not maintain relations with this shelter under those conditions, especially when a particular dog with fight scars, but also with a wonderful personality was killed out from under me as I was just putting together a rescue plan for him, which included an offer of free training from a world famous trainer. I have seen this breed genocide up close and personal. I am not reacting to vague rumor. If you want to stop some real animal cruelty, stop the breed genocide. Investigate and, where warranted, prosecute these shelters. And don't ever, ever pass any law that legitimizes their extermination policies in any way. For if you do, you too will be guilty of pbeing an accomplice to animal cruelty on grand scale.

Thank you for the opportunity to submit these thoughts to your committee for consideration. I hope one day that I and my StaffyRat can come to Harrisburg and "shake paws" with a group of brave, caring and rational legislators who will have voted the proposed law into the legislative trash can, which is where it so richly deserves to be.